






Education Commission  
of the States

# *StateNotes* Collection

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## Accountability

 **Report Cards**  MS Word  PDF - The No Child Left Behind Act (NCLB) requires states to prepare and disseminate an annual state report card. This requirement became effective at the beginning of the 2002-03 school year. This *ECS StateNote* describes which of the NCLB indicators are included in state, district and school reports to the public. (Kathy Christie, Education Commission of the States, November 2004)...




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## Accountability--Sanctions

 **State Policies for School Restructuring**  MS Word  PDF - This document gives a detailed look at state policies for school restructuring, as defined by the No Child Left Behind Act. It pays particular attention to the option of closing low-performing schools and reopening them as charter schools, as well as provides brief summaries of the state policies that are in place in these areas. (Todd Ziebarth, Education Commission of the States, December 2004)...

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## Adult Learning/Continuing Education

 **Adult Education Governance Structures and Description**  MS Word  PDF - Adult education in the United States not only takes various forms, but it also functions under various governance structures. In many states, divisions within the department of education administer their education programs. This *StateNote* contains information on the state's governing department for and state statutes on adult education. (Justin Bathon, Education Commission of the States, July 2004)...




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## Attendance

 **Compulsory School Age Requirements**  MS Word  PDF - This *ECS StateNote* lists compulsory school attendance ages for each state. (Jeffrey Tomlinson, Education Commission of the States, May 2004)...



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## Charter Schools

 **State Policies for School Restructuring**  MS Word  PDF - This document gives a detailed look at state policies for school restructuring, as defined by the No Child Left Behind Act. It pays particular attention to the option of closing low-performing schools and reopening them as charter schools, as well as provides brief summaries of the state policies that are in place in these areas. (Todd Ziebarth, Education Commission of the States, December 2004)...




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## Citizenship Education

 **State Citizenship Education Policies**  MS Word - This *ECS StateNote* shows which states address citizenship education through state statute – course or exit exam requirements, and the assessment or accountability system inclusions. (Jeffery Miller and Jennifer Piscatelli, Education Commission of the States, updated 2004)...




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## Distance Learning/Virtual University




 **Cyber Schools**  MS Word  PDF - Also called virtual schools, online schools or Internet schools, cyber schools deliver the majority of their instruction to students through a Web site posted on the Internet instead of in a school building. This *ECS StateNote* includes information on the number and types of cyber schools currently operating in each state. (Arika Long, Education Commission of the States, April 2004)...




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## Finance

 **Administrative and Instructional Spending Mandates**  MS Word  PDF - This *StateNote* gives examples of state policies dealing with attempts by lawmakers to maximize limited resources by requiring more funding go directly to the instruction of students and less be expended on administrative and other costs. (Michael Griffith, Education Commission of the States, November 2004)...

 **Changes in Per-pupil Education Spending (1981-2001)**  MS Word  PDF - The *StateNote* compares per-student expenditures in 1981, 1991 and 2001, both in unadjusted and adjusted dollars. (Michael Griffith, Education Commission of the States, August 2004) ...



 **International School Finance**  MS Word  PDF - This *StateNote* shows how America's school funding system compares with other developed countries' systems from around the world. This information was collected and published by the Organisation for Economic Co-Operation and Development and the United Nations Educational, Scientific and Cultural Organization. (Michael Griffith, Education Commission of the States, November 2004)...




 **School Finance and Full-Day Kindergarten: Taxation and Spending Caps**  MS Word  PDF - According to this *StateNote*, funding for local school districts comes primarily from property taxes. Local district taxation, as well as state limits on spending, play a critical role in whether or not local school districts have the ability to support programs such as full-day kindergarten. This *StateNote* lists the local taxes used to fund education and the taxation and spending caps in each state. (Michael Griffith, Education Commission of the States, June 2004)...

 **State Aid to Nonpublic Schools**  MS Word  PDF - This chart describes what kind of state aid, if any, each state provides to private schools. (Education Commission of the States, January 2004)...

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## Finance (continued)

 **State Lotteries**  MS Word - 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, May 2004)...

 **Taxation and Spending Caps**  MS Word  PDF - School district budget and tax rate procedures vary among the states. This *ECS StateNote* lists the local taxes used to fund education and the taxation and spending caps in each state. (Michael Griffith, Education Commission of the States, June 2004)...

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## Gifted and Talented

 **State Gifted and Talented Definitions**  MS Word  PDF - This ECS StateNote presents the legislative or regulation language defining "gifted and talented" students for all 50 states. These definitions are important as a guide to the state department in formulating programs, for identification of gifted students in local districts and upon judicial review of gifted determinations. (Justin Bathon, ECS StateNote, June 2004)...




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## Governance

 **Models of State Education Governance**  MS Word  PDF - This *ECS StateNote* describes four state education governance models that 36 states use, and provides notes about 14 states that do not conform to any of the four models. (Todd Ziebarth, Education Commission of the States, April 2004)...



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## International Comparisons

 **International School Finance**  MS Word  PDF - This *StateNote* shows how America's school funding system compares with other developed countries' systems from around the world. This information was collected and published by the Organisation for Economic Co-Operation and Development and the United Nations Educational, Scientific and Cultural Organization. (Michael Griffith, Education Commission of the States, November 2004)...

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## Kindergarten

 **How States Fund Full-Day Kindergarten**  MS Word  PDF - 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 2004)...

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## Leadership




 **Administrator License Requirements, Portability, Waivers and Alternative Certification**  MS Word  PDF - This *ECS StateNote* contains information on license requirements, portability, waivers and alternative certification for administrators and allows for comparing across states. (Education Commission of the States, April 2004) ...




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## No Child Left Behind

 **Initial Findings and Major Questions About HOUSSE**  MS Word - ...




 **Persistently Dangerous School Criteria**  MS Word  PDF - This *StateNote* provides information on the national response to the federal requirement that allows students attending a "persistently dangerous school" to transfer to a safe school within the local education agency (LEA). Included in this document are brief descriptions of the requirement, state responses, notes of interest and state-by-state summaries. (Gloria Zradicka, Education Commission of the States, September 2004)...

 **Report Cards**  MS Word  PDF - The No Child Left Behind Act (NCLB) requires states to prepare and disseminate an annual state report card. This requirement became effective at the beginning of the 2002-03 school year. This *ECS StateNote* describes which of the NCLB indicators are included in state, district and school reports to the public. (Kathy Christie, Education Commission of the States, November 2004)...

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## Private Schools

 [State Aid to Nonpublic Schools](#)  MS Word  PDF - This chart describes what kind of state aid, if any, each state provides to private schools. (Education Commission of the States, January 2004)...

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## Safety/Student Discipline

 [Pagers and Cellular Phones on School Property](#)  MS Word  PDF - Policies restricting student possession of pagers and cellular phones on school property were first enacted by state legislatures in the late 1980s and early 1990s. These policies responded to concerns that students carried these devices to participate in gang activity or drug sales, served as a distraction in the classroom setting, etc. Here are multistate compilations of statutes prohibiting pagers and/or cellular phones and statutes granting policymaking authority to local boards. (Jennifer Dounay, Education Commission of the States, Updated September 2004)...

 [Persistently Dangerous School Criteria](#)  MS Word  PDF - This *StateNote* provides information on the national response to the federal requirement that allows students attending a "persistently dangerous school" to transfer to a safe school within the local education agency (LEA). Included in this document are brief descriptions of the requirement, state responses, notes of interest and state-by-state summaries. (Gloria Zradicka, Education Commission of the States, September 2004)...


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## Scheduling/School Calendar

 [Number of Instructional Days/Hours in the School Year](#)  MS Word  PDF - This *StateNote* examines the minimum number of instructional days required in each state. While states vary widely on this, a majority of states (30) set the bar at 180, two mandate 181 days and above, three range from 179 to 176 days, five set it at 175 days, two from 174 to 171 days and one is under 170 days. (Jeffrey Tomlinson, Education Commission of the States, July 2004)...




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## School Boards

 [Local School Boards](#) - For each state, this document provides information on the numbers and types of local school boards, as well as whether local school board members are elected or appointed. (Education Commission of the States, 2004)...

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## Special Education

 **Special Education Teacher Certification/Licensure and Endorsement Categories in the States**   - This *StateNote* focuses on the different types of certification systems and the endorsement areas for special education teachers in the states. The certification systems have been divided into three categories: generalist, mild/moderate-severe/profound and categorical. [Please allow time for the tables and charts in this publication to load.] (Justin Bathon, Education Commission of the States, July 2004)...

 **State Special Education Definitions, Ages Served**   - This *ECS StateNote* provides information on how each state defines who is eligible to receive special education and related services. (Justin Bathon, Education Commission of the States, June 2004)...

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## State Boards/Chiefs/Agencies




 **Models of State Education Governance**   - This *ECS StateNote* describes four state education governance models that 36 states use, and provides notes about 14 states that do not conform to any of the four models. (Todd Ziebarth, Education Commission of the States, April 2004)...




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## Teaching Quality

 **Initial Findings and Major Questions About HOUSSE**  - ...

 **Professional Standards Boards – State Policies**   - Forty-six states have some type of professional standards board. Fifteen states have autonomous boards; six states have semi-autonomous boards; and 25 states have advisory boards. Four states and the District of Columbia do not have professional standards board. This *ECS StateNote* provides information on each state's board. (Education Commission of the States, December 2004)...




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 **State and Federal Teacher Data Collection**   - Several states have taken teacher quality data collection to a new level by requiring information above and beyond data requirements in Title II, NCLB, and national or state accreditation programs. Added state data-collection measures include tracking: teacher impact on student achievement, beginning teacher classroom performance, career path data, employer satisfaction data and teacher preparation program graduate satisfaction. (Education Commission of the States, February 2004)...

 **Statewide Teacher Salary Schedules**   - Twenty-two 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, March 2004)...

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## Uniforms/Dress Codes

 **School Uniforms and Dress Codes: State Policies**  MS Word  PDF - This *StateNote* lists state policies on school uniforms and dress codes. No states mandate the use of school uniforms. Twenty-one states and the District of Columbia give local districts the authority to require students to wear uniforms. Maryland authorizes one district in the state to require uniforms and Indiana, Iowa, Kansas and New Hampshire authorize local districts to establish dress codes, but do not mention uniforms in the state statute. Massachusetts' law prohibits dress codes. (Molly Burke, Education Commission of the States, September 2004)...



## No Child Left Behind/Report Cards

Education Commission of the States • 700 Broadway, Suite 1200 • Denver, CO 80203-3460 • 303.299.3600 • Fax: 303.296.8332 • [www.ecs.org](http://www.ecs.org)

### Report Cards

Kathy Christie

Updated November 2004

#### Background on Report Cards

States have been creating, refining and producing report cards on public education since the 1980s. The movement began with 1984 U.S. Secretary of Education Terrel Bell's "wall chart," which gauged state performance on test results, enrollment characteristics, teacher data and expenditure information. The report card movement fizzled somewhat after critics charged that SAT and ACT scores were inappropriate for interstate comparison. Moreover, people doubted that comparable data were available on the dropout issue; others questioned whether the wall chart would itself cause school districts and states to direct their efforts toward short-term gains rather than long-range growth. Swept into the performance indicator movement, however, districts and states soon began to release their own data under titles such as "stockholders report" or "report card."

Since that time, states have refined the indicators on which they report, attempting to help communities and parents better understand the quality of their schools. More recently, an increasing number of states have taken public reporting to another level.

The No Child Left Behind Act (NCLB) requires states to prepare and disseminate an annual state report card. This requirement became effective at the beginning of the 2002-03 school year. The state agency also must ensure each local district collects appropriate data and includes this data at the district level and for each school in its annual report. Information to be reported includes:

- Aggregated achievement information on state assessments in reading/language arts and mathematics
- Disaggregated student group (race/ethnicity, disability, socioeconomic level, gender, migrant status, Limited English Proficient) achievement data on state-wide assessments
- Most recent two-year trend data reported by subject area and grade level in areas where assessments are required
- Comparison data between actual achievement levels of each group of students to annual student achievement goals
- Aggregated information on state indicators used to determine adequate yearly progress (AYP)
- Percentage of students not tested, disaggregated by student subgroups listed above
- High school graduation rates (by subgroup), one elementary school indicator and one middle school indicator

- Performance of Local Education Agencies (LEAs) towards making AYP, including identifying numbers, names and percentages of schools in need of improvement
- Data on teacher qualifications, including number of teachers with emergency certification and percentages of classes not taught by “highly qualified” teachers.

### **State Trends and Highlights**

Many states reported on some or all of the above indicators in the past, as well as others of their choosing (see ECS *StateNote* on State Performance Indicators, January 2002, at <http://www.ecs.org/clearinghouse/32/12/3212.doc>). In response to NCLB, some states have followed explicit directives from their legislatures or the state board of education. Others have produced reports without being required to do so by a state mandate, but simply because federal law requires them to do so. Still others have enacted policies requiring compliance with NCLB without stating the particulars of the law. And a few have passed policies to meet the federal requirements but have not yet produced the reports to match.

Since the Education Commission of the States began tracking where states are in meeting the components of NCLB, the number of states reporting on all the required elements has grown dramatically. By September 2004, approximately half of the states appeared to report on all indicators at the state, district and school levels.

### **Notes of Interest**

Nevada’s new policy is notable in its level of specificity. A link to Section 8 of Senate Bill 1, passed in special session in June 2003 appears at the end of this document (see \*). Note that Nevada requires the reports to include information on a longer list of performance indicators than does NCLB.

## NCLB indicators included in reports to the public

**KEY**

S=At State level  
D=District level  
L=Local school level

R/E = Race/Ethnicity  
DIS = Disability  
SES = Socioeconomic Status  
GEN = Gender  
MIG = Migrant  
ELL = English Language Learners  
(Limited English Proficient)

### Report Cards

State	Aggregate Reading/ Language Arts and Math Achievement	Disaggregate by six groups	Two years data in each subject/ grade level	Comparison between actual and achievement targets - by group	Aggregated information on state indicators used to determine AYP	Percent of students not tested - by student groups	Graduation rate	At least one other indicator middle and elementary	Numbers, names, and percentages of schools needing improvement	Teacher Quality - Percent with emergency certification or waivers	Teacher Quality - percentages not taught by "highly qualified" teachers or assigned out of field	Citation
AL	S/D/L	SD//L	S	S/D/L	S/D/L	S/D/L	S/D/L (4-yr. drop-out rate) Not by group	S/D/L	S/D/L Status reports by assmt/ indicator, perf. level + designations		S/D/L	ALA. CODE § 16-6B-7
AK	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L Accreditation information and level if designated	S/D/L	S/D/L	ALASKA STAT. § 14.03.120 4AAC 06.730

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AZ	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L Part of calculation of perf. level, but only drop-out reported sep., and not by group	S/D/L Reports whether met target but not actual data	S/D/L			ARIZ. REV. STAT. § 15-743  ARIZ. REV. STAT. § 15-746
AR By Nov. 15	S/D/L	S/D/L Missing gender and migrant	S/D/L				S/D/L	S/D/L	State ranks districts	S/D/L "percent completely certified for their assignment's"	S/D/L "percent completely certified for their assignments"	ARK. CODE ANN. § 6-15-1401; 6-15-404, 420, 429 (H.B. 2697, 2003) [Sch. Perf. Report Act, 02] 34 CFR 300.138 [repealed] 6-15-806 [repealed]
CA	S/D/L	S/D/L	S/D/L System appears to support this data; data just not available yet	S/D/L	S/D/L	S/D/L	S/D/L Not by group. Part of API but not spec. provided.	S/D/L	S/D/L	S/D/L Reports full, emergency and waivers	S System appears to accommodate data but data not yet available.	CAL. EDUC. CODE § 33126 CAL. EDUC. CODE § 52052 Calif. Constitution, Art. XVI, Public Finance, Sec. 8.5(e)
CO By Dec. 1	S/D/L	S/D/L	S/D/L	S/D/L	D/L	S/L % no scores	S/D/L D/L are not by group	D/L	S/D/L	S Number and percent of HQ teachers	S/D/L	COLO. REV. STAT. § 22-7-605 1 CCR 301-1

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CT (NCLB reports and Strategic School Profiles)	S/D/L	S/D/L	S/D/L	S/L		S/D/L				D/L	S/D/L	CONN. GEN. STAT. § 10-220 (C,D)  CONN. GEN. STAT. § 10-239 (J) [Disclose accreditation reports]
DE By Aug. 1	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L Performance ratings	S/D/L	S/D/L	DEL. CODE ANN. tit. 14 § 124A (S.B. 76) Del. Admin. Code Title 14 104 [7 DE Reg. 57 (7/1/03)]
DC S = citywide D = division L = school	S/D/L	S/D/L	L	L Percent proficient = percent that met target	S/D/L	S/D/L	Only whether target met; no data	S/D/L	S/D/L Although targets on separate reports			D.C. CODE ANN. § 38-154 (e)
FL	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	D/L	S/D/L State grades schools	S/D/L Structure in place, although data not yet appearing	S/D/L Structure in place, although data not yet appearing	FLA. STAT. ch. 1008.31 to .345  FLA. ADMIN. CODE ANN. r. 6A-1.09982

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GA N = 10	S/D/L	S/D/L	L	S/D/L	S/D/L	S/D/L	L  S/D - rate and whether met target but not data and not by group	S/D/L	S/D/L			GA. CODE ANN. § 20-14-27 GA. CODE ANN. § 20-14-33 AND 34
HI (NOTE: single district)	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L Not by sub-group	S/D/L	S/D/L	S/D/L	S/D/L	HAW. REV. STAT. § 302A-1004 HAW. REV. STAT. § 160-5-1-07
ID	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D  L Not by group	S/D/L	S/D/L	S/D Some L	S/D/L	IDAHO CODE § 33-4501
IL N=10	S/D/L	S/D/L Does report, but inconsistent reporting on ELL and MIG	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	105 ILL. COMP. STAT. 5/10-17a

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IN N=10	S/D/L	S/D/L GEN, R/E, DIS, ELL, SES In practice but not evident in policy	S/D/L	S/D/L	S/D/L	S/D/L "Percent undeter- mined" for scores and raw number tested	S/D/L	S/D/L	S Separate report on accredita- tion status  L Includes school ac- creditation status and any recog- nition	S/D/L number of certificated teachers	S/D/L number of teachers teaching in field of licensure	IND. CODE § 20- 1-21-4 and 8 IND. CODE § 20- 1-21-9 IND. CODE § 20- 1-21-9.5 IND. ADMIN. CODE tit. 511, r. 6.2-2-2
IA	S/D/L	S/D/L	S/D/L	S/D/L	S/L	S/D/L By four groups	S By GEN, R/E, DIS  D By R/E, GEN  L Not by group	S/D/L	S/D Lists schools and districts	N/A Iowa does not issue waivers or emergency certificates	S Separate reports for D/L (letters to parents)	IOWA CODE § 256.7 (21); 281-12.8 (3); 256.9.53 (new subsection)
KS	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/DL	S/D/L	S/D/L	S/D/L	KAN. ADMIN. REGS. 91-31-17 KAN. ADMIN. REGS. 91-31-28

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KY	S/D/L	S/D/L	S/D/L	S/D/L Index is based on improvement and performance; 2014 target dates	S/D/L	S/D/L Gap between participation and non-participation; percent tested with accommodation; number exemptions	Dropouts only S/D/L	S/D /L	D/L Accountability index score and designation	D/L percent taught by teacher certified for subject and grade	On previous reports S/D/L	St Bd 168 KY. REV. STAT. ANN. § 158.6453 (7)
LA	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	D/L "Non-dropout rate" is by group  S Dropouts only – but by group	S/D/L	S/D/L	S/D/L	S/D/L	LA. REV. STAT. ANN § 17:3912 LA. REV. STAT. ANN § 17:10.2 LAC 28:1.901 (Bulletin 741)
ME	S/D/L	S	S/D/L	S	S	S	S/D/L Not by group	S/D/L	S/D/L Districts, schools identified	S Reports percent highly qualified, (highly qualified requires preliminary, initial or prof. license)	S	ME. REV. STAT. ANN. tit. 20A, § 255 ME. REV. STAT. ANN. tit. 20A, § 4502.5



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MD Prior to school year	S/D/L	S/D/L	S/D/L		S/D/L		S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	Report of Department MD. REGS. CODE tit. 5 § 5-402  Amended rules (2003): 13A.01.04 and .06 and .09
MA	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L Cumulative 9-12 dropout rate - not by group at D/L D Annual dropout rates by R/E S Annual dropout rate by group	S/D/L	S/D/L	S/D/L	S/D/L	Report to Department MA. GEN. LAWS ch. 69 § 11

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MI (Some of this info. reflects Standard and Poors reports; others reflect Education YES)	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L Grades + accreditation status	S/D/L	S/D/L	Mich. Stat. 380.1280 and 380.1204a  S.B. 393  Exec order ERO 200-6 (388.996) [Standard & Poors; Center for Education Performance and Reform CEP]  Education YES <a href="http://www.michigan.gov/documents/EdYES-Rev_53733_7.pdf">http://www.michigan.gov/documents/EdYES-Rev_53733_7.pdf</a>
MN Recent revisions require reporting at student, school, district and state levels	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L Number tested	S/D/L	S/D/L	S/D/L	S/L Percent with variances	Beginning 2006	MN. STAT. § 120B.30

### Report Cards

State	Aggregate Reading/ Language Arts and Math Achievement	Disaggregate by six groups	Two years data in each subject/ grade level	Comparison between actual and achievement targets - by group	Aggregated information on state indicators used to determine AYP	Percent of students not tested - by student groups	Graduation rate	At least one other indicator middle and elementary	Numbers, names, and percentages of schools needing improvement	Teacher Quality - Percent with emergency certification or waivers	Teacher Quality - percentages not taught by "highly qualified" teachers or assigned out of field	Citation
MS	S/D/L	S/D/L In practice; not in policy	S/D/L	L	S/D/L	D/L Not by group	S/D/L New re- quirement per HB 859 - (2003)	D/L	S/D/L Met or did not meet AYP and classif.	On previous but not on 2003 D/L	On previous but not on 2003 D/L	MISS. CODE ANN. § 37-3-53  H.B. 859 (2003)
MO  <i>N = any group with more than 30 students and which exceeds 5% of attendance center enrollment. Prior to Dec. 1</i>	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L  Report "level not determined" (LND) by group	S/D/L Graduation rates not by group; drop- out rates are by group	S/D/L	S/D/L	S/D/L	S/D/L	MO. CODE REGS. ANN. Tit. 5 Sec. 50- 340.200  160.522 RSMo
MT N = 10	S/D/L	S/D/L			S/D/L	S/D/L	S/D/L For '04, system in place but data not yet available	S/D/L For '04, system in place but data not yet available	S/D/L	S/D/L	S/D/L	No policy evi- dent – but in practice

### Report Cards

State	Aggregate Reading/ Language Arts and Math Achievement	Disaggregate by six groups	Two years data in each subject/ grade level	Comparison between actual and achievement targets - by group	Aggregated information on state indicators used to determine AYP	Percent of students not tested - by student groups	Graduation rate	At least one other indicator middle and elementary	Numbers, names, and percentages of schools needing improvement	Teacher Quality - Percent with emergency certification or waivers	Teacher Quality - percentages not taught by "highly qualified" teachers or assigned out of field	Citation
NE	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L Not by group	S/D/L	S/D/L Overall percentages but not names at state, district		S/D/L	NEB. REV. STAT. § 79-760 NEB. REV. STAT. § 79-318 NEB. REV. STAT. § 79-305 NEB. REV. STAT. § 79-703
NV	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L L = number	S/D/L	S/D/L	S/D/L By name	S/D/L	S/D/L	NEV. REV. STAT. 385 SECTION 8 (S.B. 1 - 2003) NEV. ADMIN. CODE ch. 385 § 347 (NRS 385 Sec. 8)
NH By Dec. 01	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L In policy; not yet in practice	S/D/L In policy; not yet in practice	N.H. REV. STAT. ANN. § 193-E:3 (WAS REPEALED AND RE-ENACTED) N.H. REV. STAT. ANN. § 189.28 N.H. REV. STAT. ANN. § 189.28A H.B. 139 (CHAPTER 314) NEW CHAPTER N.H. REV. STAT. ANN. § 193-H

### Report Cards

State	Aggregate Reading/ Language Arts and Math Achievement	Disaggregate by six groups	Two years data in each subject/ grade level	Comparison between actual and achievement targets - by group	Aggregated information on state indicators used to determine AYP	Percent of students not tested - by student groups	Graduation rate	At least one other indicator middle and elementary	Numbers, names, and percentages of schools needing improvement	Teacher Quality - Percent with emergency certification or waivers	Teacher Quality - percentages not taught by "highly qualified" teachers or assigned out of field	Citation
NJ N = 10	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	Dropouts only  + some graduation data, but not by group S/L	S/D/L	L Marked as whether met AYP	Not on latest reports  On older reports: S/D/L Structure in place but no school-level data yet	S/D/L	N.J. STAT. ANN. § 18A:7A-11 N.J. STAT. ANN. § 18A:7E-3 N.J. ADMIN. CODE tit. 6A, § 8-4.5
NM	/L	/L	/L	/L	S/D/L	Reports number tested by group but not percentage - and whether met target rate, but not by group	D/L Whether target met is by group; specific rate is overall - not by group	D/L	S/D/L			H.B. 212 (2003) N.M. STAT. ANN. § 22-1-6 AND 22-2A-11 GRAD. RATES: S.B. 394 (2003)
NY	S/D/L	S/D/L	S/D/L	S/D/L	L	S/D/L Raw numbers only, not percent	S/D/L	S/D/L	L	S/D/L	S/D/L	N.Y. EDUC. LAW § 215-a Regs 100.2 and 119.3
NC	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	N.C. ADMIN. CODE tit. 16, r. 6G: 0306

### Report Cards

State	Aggregate Reading/ Language Arts and Math Achievement	Disaggregate by six groups	Two years data in each subject/ grade level	Comparison between actual and achievement targets - by group	Aggregated information on state indicators used to determine AYP	Percent of students not tested - by student groups	Graduation rate	At least one other indicator middle and elementary	Numbers, names, and percentages of schools needing improvement	Teacher Quality - Percent with emergency certification or waivers	Teacher Quality - percentages not taught by "highly qualified" teachers or assigned out of field	Citation
ND N=10	S/D/L	S/D/L	SD/L	S/D/L	S/D/L	S/D/L	S  D/L Not by group	S/D/L	D/L  S Numbers but not names		S	N.D. CENT. § 15.1-21.08 AND .09 N.D. CENT. § 15.1-21.10
OH N = 10	S/D/L	S/D/L GEN, DIS, R/E, SES, ELL by 2005	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L Ratings and numbers	S/D/L	S/D/L	OHIO REV. CODE ANN. § 3301.0714
OK	S/D/L	S/D/L	S	S	S/D/L	*State says yes - ECS cannot verify	S	S	SD/L Names only			OKLA. ADMIN. CODE § 3-151 AND 150 OKLA. STAT. tit. 70 § 1210.508 70 Sec. 3-150 and 3-151 SB 1621

### Report Cards

State	Aggregate Reading/ Language Arts and Math Achievement	Disaggregate by six groups	Two years data in each subject/ grade level	Comparison between actual and achievement targets - by group	Aggregated information on state indicators used to determine AYP	Percent of students not tested - by student groups	Graduation rate	At least one other indicator middle and elementary	Numbers, names, and percentages of schools needing improvement	Teacher Quality - Percent with emergency certification or waivers	Teacher Quality - percentages not taught by "highly qualified" teachers or assigned out of field	Citation
OR Avail. By Jan. 30; parents sent copies by Mar. 31  New district profiles not yet available - 02/03 only	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	OR. REV. STAT. § 329.105 OR. REV. STAT. § 329.115 OAR 581-022-1060
PA	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L In law, but not yet in practice	H.B. 204 (2003) (Public Law 30 #14)
RI	S/D/L	S/D/L All but SES, MIG	S/D/L		S/D/L	S/D/L Not by group  Percent with no score	S/D/L Not by group	S/D/L	S/D/L			R.I. CODE R. 16-60-4 (22) R.I. CODE R. 16-7.1-4

### Report Cards

State	Aggregate Reading/ Language Arts and Math Achievement	Disaggregate by six groups	Two years data in each subject/ grade level	Comparison between actual and achievement targets - by group	Aggregated information on state indicators used to determine AYP	Percent of students not tested - by student groups	Graduation rate	At least one other indicator middle and elementary	Numbers, names, and percentages of schools needing improvement	Teacher Quality - Percent with emergency certification or waivers	Teacher Quality - percentages not taught by "highly qualified" teachers or assigned out of field	Citation
SC (publish no later than Nov. 1)	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	Structure in place - no data yet	Structure in place - no data yet	S.C. CODE ANN. § 59-18-370 S.C. CODE ANN. § 59-18-900, art. 9
SD	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S.D. CODIFIED LAWS § 59-18-370 S.D. CODIFIED LAWS § 59-18-900
TN N=45	S/D/L	S/D/L	S/D/L	S/D/L Not by group	S/D/L	S/D/L	S/D/L Grad. Rate and cohort dropout rate	S/D/L	S/D/L Ratings groups	S/D/L number of waivers, permits	S/D/L Number of waivers, permits (necessary to teach out of field)	TENN. CODE ANN. § 49-1-211
TX	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L Ratings	S/D/L Reports percent w/emergency certification or temporary assignment or exemption  Not on main reports	Reports on some indicators, but not out of field	TEX. EDUC. CODE ANN. § 39.051 TEX. EDUC. CODE ANN. § 39.053 19TAC CHAP.101 19TAC CHAP. 61.1021



### Report Cards

State	Aggregate Reading/ Language Arts and Math Achievement	Disaggregate by six groups	Two years data in each subject/ grade level	Comparison between actual and achievement targets - by group	Aggregated information on state indicators used to determine AYP	Percent of students not tested - by student groups	Graduation rate	At least one other indicator middle and elementary	Numbers, names, and percentages of schools needing improvement	Teacher Quality - Percent with emergency certification or waivers	Teacher Quality - percentages not taught by "highly qualified" teachers or assigned out of field	Citation
UT	S/D/L	S/D/L	S/D/L	D	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L Ratings	Reports on some indicators, but not certification/ quality	S Percent with degree or endorsement in assigned area	UTAH CODE ANN. § 53A-3-602.5 Utah Code Ann. § 53A-1-603
VT	S/D/L	S/D/L	S/L	S/L In policy - not yet in practice	S/D/L	S/D/L	S/L In policy - not yet in practice by group	S/L				VT. STAT. ANN. tit. 16, § 165
VA	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L by R/E, GEN only	S/L	S/D/L Both accreditation rating and AYP status	S/D/L	S/D/L	8 VAC 20-131-270 8 VAC 20-131-10
WA	S/D/L	S/D/L	S/D/L	S/D/L Not by group	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L All but percentage	S/D/L Law requires, but no data yet	S/D/L Law requires, but no data yet on out of field	WASH. REV. CODE § 28A.655.110

### Report Cards

State	Aggregate Reading/ Language Arts and Math Achievement	Disaggregate by six groups	Two years data in each subject/ grade level	Comparison between actual and achievement targets - by group	Aggregated information on state indicators used to determine AYP	Percent of students not tested - by student groups	Graduation rate	At least one other indicator middle and elementary	Numbers, names, and percentages of schools needing improvement	Teacher Quality - Percent with emergency certification or waivers	Teacher Quality - percentages not taught by "highly qualified" teachers or assigned out of field	Citation
WV NOTE: 03-04 reports do not include all indicators marked here	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L Not by group except for those under "safe harbor" provision	S/D/L	S/D/L	S/D Number of teachers on permits		W. VA. CODE § 18-2E-4  W. VA. CODE ST. R. tit. 126 13-4 Policy 2320) and 126-14-6
WI	S/D/L	S/D/L	S/D/L	S/D/L On separate reports	S/D/L	S/D/L Awkward to find but available - percent no WSAS	S/D/L By R/E, GEN only	S/D/L	S/D/L	S/D/L	S/D/L	Wis. STAT. §115.38
WY	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L	S/D/L Percent with transitional certificates	S/D/L Percent highly qualified	WYO. STAT. ANN. § 21-2-203 and 21-2-202(a)(xxi)

**\*Notable Language – Nevada**

From Senate Bill 1 (2003)

Go to Section 8 of Senate Bill 1: [http://www.leg.state.nv.us/19thSpecial/bills/SB/SB1\\_EN.pdf](http://www.leg.state.nv.us/19thSpecial/bills/SB/SB1_EN.pdf).

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## Accountability

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### State Policies for School Restructuring

Compiled by Todd Ziebarth

December 2004

#### Overview

Some of the thorniest requirements of the No Child Left Behind Act (NCLB) concern the consequences for chronically low-performing schools. A particularly challenging provision requires that if a school fails to meet its state's adequate yearly progress (AYP) requirements for five consecutive years, the school's district must create a plan to restructure the school in one of the following ways:

- Reopen the school as a public charter school
- Replace all or most of the school staff, which may include the principal, who are relevant to the school's failure to make AYP
- Enter into a contract with an entity, such as a private management company with a demonstrated record of effectiveness, to operate the school as a public school
- Turn the operation of the school over to the state education agency, if permitted under state law and agreed to by the state
- Any other major restructuring of a school's governance arrangement.

If the school fails to make AYP again, the district must implement the restructuring plan at the beginning of the school year following the creation of the plan.

While these provisions actually require districts to create and implement the plans, several states have enacted policies that either provide guidance on school restructuring to districts and schools or propel the state to implement the school restructuring policies themselves. In some cases, these policies were enacted because of NCLB and are directly related to NCLB's AYP timeline. In other cases, these policies were enacted as part of a state accountability system that was in place prior to the enactment of NCLB and appear to be unrelated to NCLB's AYP timeline.

According to the research for this *ECS StateNote*:

- Twelve states have enacted policies addressing the closing and reopening of low-performing schools as charter schools.
- Twenty-seven states have enacted policies concerning the reconstitution of a low-performing school's staff.
- Fourteen states have enacted policies dealing with contracting with an entity to operate a low-performing school.
- Twenty-three states have enacted policies regarding turning over the operation of a low-performing school to the state education agency.
- Twelve states have enacted policies addressing other major restructuring of a low-performing school's governance arrangement.
- Seven states have policies that were enacted because of NCLB and are directly related to NCLB's AYP timeline. Twenty-four states have policies that were enacted as part of a state accountability system that was in place prior to the enactment of NCLB and appear to be unrelated to NCLB's AYP timeline. Two states have both types of policies. Seventeen states don't have any such policies in place.

**Table 1**  
**State Policies for School Restructuring**

Table 1 provides a look at states that have enacted school restructuring policies. In the last column, it also addresses whether these policies were enacted because of NCLB and are directly related to NCLB's AYP timeline or whether these policies were enacted as part of a state accountability system that was in place prior to the enactment of NCLB and appear to be unrelated to NCLB's AYP timeline.

State	Charter	Reconstitute	Contract	State Takeover	Other	Origin of Policies
Alabama	N	N	N	Y	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Alaska	Y	Y	Y	Y	Y	Post-NCLB policy; related to NCLB's AYP timeline.
Arizona	N	N	Y	Y	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Arkansas	N	Y	N	N	Y	Post-NCLB policy; related to NCLB's AYP timeline.
California	Y	Y	Y	Y	Y	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Colorado	Y	N	N	N	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Connecticut	N	Y	N	N	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Delaware	Y	Y	Y	Y	Y	Post-NCLB policy; related to NCLB's AYP timeline.
Florida	N	Y	Y	N	N	Pre-NCLB policy; unrelated to

State	Charter	Reconstitute	Contract	State Takeover	Other	Origin of Policies
						NCLB's AYP timeline.
Georgia	Y	Y	N	Y	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Hawaii	N	N	N	N	N	N/A
Idaho	N	N	N	Y	N	Post-NCLB policy; related to NCLB's AYP timeline.
Illinois	N	Y	N	Y	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Indiana	N	Y	Y	Y	Y	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Iowa	N	N	N	N	N	N/A
Kansas	N	Y	N	N	Y	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Kentucky	N	Y	N	N	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Louisiana	Y	N	Y	Y	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Maine	N	N	N	N	N	N/A
Maryland	Y	Y	Y	Y	Y	Post-NCLB policy; related to NCLB's AYP timeline.
Massachusetts	N	Y	N	N	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Michigan	N	N	N	Y	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Minnesota	N	N	N	N	N	N/A
Mississippi	N	Y	N	N	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Missouri	N	N	N	N	N	N/A
Montana	N	N	N	N	N	N/A
Nebraska	N	N	N	N	N	N/A
Nevada	N	Y	Y	Y	Y	Post-NCLB policy; related to NCLB's AYP timeline.
New Hampshire	N	N	N	N	N	N/A
New Jersey	N	N	N	N	N	N/A
New Mexico	Y	Y	Y	Y	Y	Some policies are pre-NCLB and

State	Charter	Reconstitute	Contract	State Takeover	Other	Origin of Policies
						are unrelated to NCLB's AYP timeline. Others are post-NCLB and are related to NCLB's timeline.
New York	Y	Y	Y	Y	Y	Some policies are pre-NCLB and are unrelated to NCLB's AYP timeline. Others are post-NCLB and are related to NCLB's timeline.
North Carolina	N	Y	N	N	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
North Dakota	N	N	N	N	N	N/A
Ohio	Y	Y	Y	Y	Y	Post-NCLB policy; related to NCLB's AYP timeline.
Oklahoma	N	Y	N	Y	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Oregon	N	N	N	N	N	N/A
Pennsylvania	Y	Y	Y	N	Y	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Rhode Island	N	Y	N	Y	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
South Carolina	N	Y	N	Y	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
South Dakota	N	N	N	N	N	N/A
Tennessee	Y	Y	Y	Y	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Texas	N	Y	N	Y	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Utah	N	N	N	N	N	N/A
Vermont	N	N	N	Y	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Virginia	N	N	N	N	N	N/A
Washington	N	N	N	N	N	N/A
West Virginia	N	Y	N	Y	N	Pre-NCLB policy; unrelated to NCLB's AYP timeline.
Wisconsin	N	N	N	N	N	N/A
Wyoming	N	N	N	N	N	N/A

## A Closer Look at the Close and Reopen Option

Because this document is being completed within the scope of a project that is examining the option of closing low-performing schools and reopening them as charter schools, the intent of this compilation is to drill deeper into the variation among the close and reopen policies, or lack of policies, across the country. Based upon the research for this *ECS StateNote*, states are grouped into four categories:

- Six states have policies that were enacted because of NCLB and are directly related to NCLB's AYP timeline. These policies essentially restate the language from NCLB regarding the close and reopen option, without providing any more detail about how it will work. [Alaska, Delaware, Maryland, New Mexico, New York, Ohio]
- Six states have policies that were enacted as part of a state accountability system that was in place prior to the enactment of NCLB and appear to be unrelated to NCLB's AYP timeline. These policies vary from the language in NCLB regarding this option in different ways – from requiring a state entity, instead of a school district, to implement the close and reopen option to elaborating the processes, such as a request for proposals, which must be used to implement the close and reopen option. [California, Colorado, Georgia, Louisiana, Pennsylvania, Tennessee]
- In 27 states, while the policies are silent on this option, an innovative school district can still implement it within the parameters of the state's charter school law. [Arizona, Arkansas, Connecticut, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Utah, Virginia, Wisconsin, Wyoming]
- In 11 states, the close and reopen option cannot be implemented. In 10 of these cases, it is because the state has not enacted a charter school law. In the other case (Nevada), while the state has enacted a charter school law, the state also enacted school restructuring law that doesn't include the close and reopen option. [Alabama, Kentucky, Maine, Montana, Nebraska, Nevada, North Dakota, South Dakota, Vermont, Washington, West Virginia]

### Table 2 State Policies for the Close and Reopen Option

Table 2 examines five key elements of state policies regarding the close and reopen option:

- Was the policy enacted because of NCLB and is directly related to NCLB's AYP timeline? Or, was the policy enacted as part of a state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline?
- Is the close and reopen option the only restructuring approach that may be implemented? Or, is it one option among several that may be implemented?
- When must/may the close and reopen option be implemented?
- Who oversees the closing and reopening of the school?
- Does the policy include a request for proposals process?

<b>State</b>	<b>Origin of Policy</b>	<b>Only or One Option?</b>	<b>When Must/May the Option Happen?</b>	<b>Who Oversees the Option?</b>	<b>Request for Proposals?</b>
Alaska	Post-NCLB policy; related to NCLB's AYP timeline.	One option	Must create a plan after five years of failing to make AYP; must implement the plan after six years of failing to make AYP.	District	No
California	Pre-NCLB policy; unrelated to NCLB's AYP timeline.	One option	If a school that receives funding through a state grant program for low-performing schools fails to improve its performance after two years of funding, it becomes a state-monitored school and may be converted.	State board of education. Parents at the school may apply directly to the state board of education for conversion of the school.	No
Colorado	Pre-NCLB policy; unrelated to NCLB's AYP timeline.	Only option	If a school is rated "unsatisfactory" for three years in a row, it must become a charter school.	The state board of education selects an applicant to recommend to the local school board, and the state superintendent (or his or her designee) assists the selected applicant in negotiating a charter with the local school board.	Yes
Delaware	Post-NCLB policy; related to NCLB's	One option	Must create a plan after five years of failing to make AYP; must implement	District	No



<b>State</b>	<b>Origin of Policy</b>	<b>Only or One Option?</b>	<b>When Must/May the Option Happen?</b>	<b>Who Oversees the Option?</b>	<b>Request for Proposals?</b>
	AYP timeline.		the plan after six years of failing to make AYP.		
Georgia	Pre-NCLB policy; unrelated to NCLB's AYP timeline.	One option	If a school has received a grade of D or F for a period of three consecutive years or more, it may become a state charter school.	State board of education	No
Louisiana	Pre-NCLB policy; unrelated to NCLB's AYP timeline.	One option	When a city, parish, or other local school board or other public entity fails to present a plan to reconstitute the failed school to the state board of education, presents a reconstitution plan that is unacceptable to the state board, fails at any time to comply with the terms of the reconstitution plan approved by the state board or the school has been labeled an academically unacceptable school for four consecutive years, the school shall be removed from the jurisdiction of the city, parish, or other local school board or other public entity and transferred to the jurisdiction of the recovery school district, provided the state board approves the transfer. Once it is part of the recovery school district, it may be closed and reopened as a charter school.	State board of education	No
Maryland	Post-NCLB policy; related to NCLB's AYP timeline.	One option	Must create a plan after five years of failing to make AYP; must implement the plan after six years of failing to make AYP.	District	No
New Mexico	Post-NCLB policy; related to NCLB's AYP timeline.	One option	Must create a plan after five years of failing to make AYP; must implement the plan after six years of failing to	District, in conjunction with the state public	No

<b>State</b>	<b>Origin of Policy</b>	<b>Only or One Option?</b>	<b>When Must/May the Option Happen?</b>	<b>Who Oversees the Option?</b>	<b>Request for Proposals?</b>
			make AYP.	education department	
New York	Post-NCLB policy; related to NCLB's AYP timeline.	One option	Must create a plan after five years of failing to make AYP; must implement the plan after six years of failing to make AYP.	District	No
Ohio	Post-NCLB policy; related to NCLB's AYP timeline.	One option	Must create a plan after five years of failing to make AYP; must implement the plan after six years of failing to make AYP.	District	No
Pennsylvania	Pre-NCLB policy; unrelated to NCLB's AYP timeline.	One option	Has designated certain districts with a high number of low-performing schools as "education empowerment districts." In these districts, the local school board may close and reopen schools as charter schools.	Has designated certain districts with a high number of low-performing schools as "education empowerment districts." In these districts, the local school board may close and reopen schools as charter schools.	No
Tennessee	Pre-NCLB policy; unrelated to NCLB's AYP timeline.	One option	If the state commissioner of education places a school on probation, it may be converted to a charter school.	State commissioner of education	No

## State Snapshots

This section provides brief summaries of the state policies for school restructuring that are in place on a state-by-state basis.

### Alabama

Alabama has enacted a policy that requires the state superintendent of education to intervene and to appoint a person or persons to run the day-to-day operation of a low-performing school. This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [16-6B-3]

### Alaska

Alaska has enacted a policy that requires that if a school fails to meet the state's AYP requirements for five consecutive years, its district must create a plan to restructure the school in one of the five ways outlined in NCLB. If the school fails to make AYP again, the district must implement the restructuring plan at the beginning of the school year following the creation of the plan. This policy was enacted because of NCLB and is directly related to NCLB's AYP timeline. [4 AAC 06.870]

### Arizona

Arizona has enacted a policy that gives the state board of education the discretion to determine whether governmental, nonprofit and private organizations may submit applications to the state board to fully or partially manage a low-performing school as well as if and to what extent the state board of education shall participate in the operation of the school. This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [15-241]

### Arkansas

Arkansas has enacted a policy that requires that if a school fails to make AYP for a fifth consecutive year, the state board of education shall advance that school into restructuring. In restructuring, the state department of education may require the school to dismiss staff and administrators, annex the school to another school that is not in need of improvement, and/or take other such action as deemed necessary by the state department and the state board. This policy was enacted because of NCLB and is directly related to NCLB's AYP timeline. [ADE 188]

### California

California has enacted a policy that permits the state superintendent to allow parents at certain low-performing schools – called “state-monitored schools” – to apply directly to the state board of education to establish a charter school at the existing school site. This policy also allows the state superintendent to reassign principals and other certificated employees at “state-monitored schools.” Before the state superintendent takes any

action against a principal, the policy provides for informal and formal hearing processes. The policy also forbids the state superintendent from taking any action against a principal if he or she has been at the school for one academic year or less.

The policy allows the state superintendent to assign the management of a “state-monitored school” to a college, university, county office of education or other appropriate educational institution, excluding for-profit organizations. The policy details the qualifications that such entities must possess and details certain kinds of school district involvement that must be specified in the contract. It requires that the costs of the entity to manage the school be established in the contract and be paid by the school district. The policy requires the state department of education to allocate \$150 per pupil for purposes of improving the academic performance of these schools. School districts that receive such funds must provide an in-kind match of services or a match of school district funds in an amount equal to the amount received from the state.

While the policy forbids the state superintendent from assuming management of a “state-monitored school,” it does allow three other major restructuring efforts:

- It allows the state superintendent to renegotiate a new collective-bargaining agreement at the expiration of the existing collective-bargaining agreement for a “state-monitored school.”
- It allows the state superintendent to “reorganize” a “state-monitored school.”
- It allows the state superintendent to place a trustee at a “state-monitored school” for a period not to exceed three years. The trustee shall monitor and review the operation of the school and shall possess the qualifications specified in statute. The trustee may stay or rescind those actions of the governing board of the school district or school site principal that, in the judgment of the trustee, may detrimentally affect the conditions of the “state-monitored school.”

In addition, the policy allows the state superintendent, in consultation with the state board of education, to take any other action considered necessary or desirable against the school district or the local school board, including appointment of a new superintendent or suspension of the authority of the local school board with respect to the “state-monitored school(s).”

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB’s AYP timeline. [52055.5, 52055.54]

## **Colorado**

Colorado has enacted a policy that requires that if a school is rated “unsatisfactory” for three years in a row, it must become a charter school. The policy requires the state board of education to issue a request for proposals pursuant to a specific process, which includes the formation of a proposal review committee (with its membership defined) as well as the information that a charter school proposal must include to be eligible for consideration. The policy requires that the proposal include a description of the criteria for enrollment decisions, which shall include offering enrollment to students already enrolled in the school and students who would be assigned to the school under school district policy.

An applicant for a charter school may include an individual, a group of individuals, a nonprofit or for-profit company, an existing public school, a school district, or an institution of higher education. The state board of education selects an applicant to recommend to the local school board, and the state superintendent (or his or her designee) assists the selected applicant in negotiating a charter with the local school board.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [22-30.5-301 to 22-30.5-308]

## **Connecticut**

Connecticut has enacted a policy that mandates a local school board must develop a plan for a low-performing school that requires the board to take one or more of the following actions:

- Close and reconstitute the school
- Restructure the school in terms of the grades included or the programs offered or both
- Provide for site-based management of the school
- Allow students in the school's attendance area to attend other public schools in the school district.

The board may include in the plan a provision for the transfer of employees in conjunction with any such action.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [Public Act 99-288 -1999 Session]

## **Delaware**

Delaware has enacted a policy that requires that if a school fails to meet the state's AYP requirements for five consecutive years, its district must create a plan to restructure the school in one of the five ways outlined in NCLB. If the school fails to make AYP again, the district must implement the restructuring plan at the beginning of the school year following the creation of the plan. This policy was enacted because of NCLB and is directly related to NCLB's AYP timeline. [DE ADC 103 6.0]

## **Florida**

Florida has enacted a policy that allows the state board of education to recommend that a local school board reorganize a low-performing school under a new principal who is authorized to hire new staff and implement a plan that addresses the causes of inadequate progress. This policy also permits the state board of education to recommend that a local school board contract for the educational services at a low-performing school.

In recommending either of the above actions, the state board of education must specify the length of time available to implement the recommended action. The state board of education may require the state department of education or the state comptroller to withhold any transfer of state funds to the school district if, within the timeframe specified in state board action, the school district has failed to comply with the action ordered to improve the district's low-performing schools. Withholding the transfer of funds shall occur only after all other recommended actions for school improvement have failed to improve performance.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [1008.33]

## **Georgia**

Georgia has enacted a policy that requires that if a school receives a grade of D or F for a period of two consecutive years or more, the state board of education may appoint a school master or management team to oversee and direct the duties of the principal until the school's performance improves and the school is released from intervention, with the cost of the master or management team to be paid by the state.

If a school has received a grade of D or F for a period of three consecutive years or more, the state board of education shall implement one or more of the following interventions or sanctions, in order of severity:

- Removal of school personnel on recommendation of the master or the school improvement team, including the principal and personnel whose performance has continued not to produce student achievement gains over a three-year period as a condition for continued receipt of state funds for administration
- Allow for the implementation of a state charter school through the designation by the state board of education
- Mandate the complete reconstitution of the school, removing all personnel, appointing a new principal and hiring all new staff. Existing staff may reapply for employment at the newly reconstituted school but shall not be rehired if their performance regarding student achievement has been negative for the past three years
- Mandate that parents have the option to relocate their student to other public schools in the local school system to be chosen by the parents of the student with transportation costs borne by the system
- Mandate a monitor, master or management team in the school that shall be paid by the district.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [20-14-41]

## **Idaho**

Idaho has enacted a policy that allows schools that fail to meet AYP for five consecutive years to become governed by the state. This policy was enacted because of NCLB and is directly related to NCLB's AYP timeline. [IDAPA 08.02.03]

## **Illinois**

Illinois has enacted a policy that allows the state board of education to direct the state superintendent of education to appoint an independent authority to exercise such powers and duties as may be necessary to operate a low-performing school for purposes of improving pupil performance and student achievement. This policy also allows the state board of education to authorize the state superintendent of education to direct the reassignment of pupils and administrative staff.

Illinois has also enacted a policy that allows the Chicago Public Schools superintendent and the board of trustees to remove and replace the principal, replace faculty members, reconstitute the attendance center, and replace and reassign all employees of the attendance center of a low-performing school.

These policies were enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appear to be unrelated to NCLB's AYP timeline. [105 ILCS 5/2-3.25f, 105 ILCS 5/34-8.3, 105 ILCS 5/34-8.4, 23 IAC § 1.80]

## **Indiana**

Indiana has enacted a policy that allows, during the first year that a school is placed in the lowest category of school improvement, a school's improvement planning committee to change personnel and/or make a request to the local school board to appoint an outside team to manage the school or assist in the development of a new plan. This policy also allows, if a school still remains in the lowest category of school improvement in the fifth year after initial placement there, a local school board to: merge the school with a nearby school that is in a higher category; assign a special management team to operate all or part of the school; implement state department of education recommendations; implement other options, including closing the school; and/or, revise the school's plan.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [Ind. Code Ann. § 20-10.2]

## **Kansas**

Kansas has enacted a policy that allows the state board of education to apply one or more of the following sanctions to a school denied accreditation:

- The state board may direct that district personnel or resources be reassigned or reallocated within the district by the local board of education.
- The state board may direct that the local board of education hire one or more designated persons to assist the school in making the changes necessary to improve student performance.

- The state board may recommend to the Legislature that it approve a reduction in state funding to the local school district by an amount which shall be added to the local property tax imposed by the local board of education.
- The state board may recommend that the Legislature abolish or restructure the local district.
- The state board may recommend other action as deemed appropriate.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [K.A.R. 91-31-28]

## **Kentucky**

Kentucky has enacted a policy that allows the state commissioner of education to recommend to a local superintendent that the principal at a low-performing school that is identified by an audit as in need of additional evaluation but who does not respond to an identified professional growth plan be dismissed, demoted or transferred. It also allows the state commissioner of education to recommend to a local superintendent that teachers at a low-performing school that are identified by an audit as in need of additional evaluation but who do not respond to an identified professional growth plan be dismissed or transferred.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [KAR 5:120]

## **Louisiana**

Louisiana has enacted a policy that creates a statewide recovery school district. According to this policy, when a city, parish or other local school board or other public entity fails to present a plan to reconstitute the failed school to the state board of education, presents a reconstitution plan that is unacceptable to the state board, fails at any time to comply with the terms of the reconstitution plan approved by the state board or the school has been labeled an academically unacceptable school for four consecutive years, the school shall be removed from the jurisdiction of the city, parish or other local school board or other public entity and transferred to the jurisdiction of the recovery school district, provided the state board of education approves the transfer. A failed school shall be reorganized, as necessary, and operated by the recovery school district pursuant to its authority in whatever manner is determined by the administering agency of the recovery school district to be most likely to bring the school to an acceptable level of performance. Such reorganization may include closing and reopening the school as a charter school or contracting with an entity to operate the school.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [17:10.5]



## **Maryland**

Maryland has enacted a policy that requires one of the following alternative governance arrangements to be implemented at a school identified for restructuring consistent with state law and as approved by the state superintendent of schools and the state board of education:

- Reopening the school as a public charter school consistent with the requirements of state law and regulation
- Replacing all or most of the school staff, including the principal, who are relevant to the failure to make AYP
- Entering into a contract with an entity, such as a private management company with a demonstrated record of effectiveness, to operate the public school
- Any other major restructuring of the school's governance arrangement that makes fundamental reform, such as significant changes in the school's staffing and governance, to improve academic achievement in the school and that has substantial promise of enabling the school to make AYP.

This policy was enacted because of NCLB and is directly related to NCLB's AYP timeline. [13A.01.04.07, 9-101 to 9-110]

## **Massachusetts**

Massachusetts has enacted a policy that states that if a school fails to demonstrate significant improvement as dictated by its remedial plan within 24 months after the approval of its remedial plan, the state board of education may declare the school to be chronically underperforming. Upon such a determination, the principal of the school shall be immediately removed and shall not be assigned to the school for the following school year unless the board finds that the principal did not play a significant role in the underperformance of the school. In that case, the superintendent may designate a new principal for the school. Any principal of a chronically underperforming school shall have such extraordinary powers, including the power to dismiss any teacher or other employee assigned to the school without regard to the procedures set forth in state law or the provisions of any collective-bargaining agreement.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [69-1J, 603 CMR 2.03]

## **Michigan**

Michigan has enacted a policy that states that a school that has been unaccredited for three consecutive years is subject to one or more of the following measures, as determined by the superintendent of public instruction:

- The superintendent of public instruction or his or her designee shall appoint at the expense of the affected school district an administrator of the school until the school becomes accredited.

- A parent, legal guardian or person in loco parentis of a child who attends the school may send his or her child to any accredited public school with an appropriate grade level within the school district.
- The school, with the approval of the superintendent of public instruction, shall align itself with an existing research-based school improvement model or establish an affiliation for providing assistance to the school with a college or university located in this state.
- The school shall be closed.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [380.1280]

## **Mississippi**

Mississippi has enacted a policy that requires the local superintendent and the local school board to remove the principal and the teachers at low-performing schools in certain situations. This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [37-8-7]

## **Nevada**

Nevada has enacted a policy that states that if restructuring for a Title I school is required pursuant to NCLB, the local school board or the state department of education shall carry out a plan for restructuring that includes one or more of the following:

- Replacing those employees at the school who contributed to the failure of the school to make adequate yearly progress
- Entering into a contract with an entity, including, without limitation, a private management company with a demonstrated record of effectiveness, to operate the public school
- Requesting that the state department oversee the operation of the public school if the local school board is responsible for restructuring
- Designating the state department as responsible for overseeing the operation of the school if the state department is responsible for restructuring
- Taking any other action to restructure the governance of the school if the action is designed to improve the academic achievement of pupils enrolled in the school and has substantial promise of ensuring the school makes adequate yearly progress.

This policy was enacted because of NCLB and is directly related to NCLB's AYP timeline. [S.B. 1, Section 32 – 2003 Regular Session]

## **New Mexico**

New Mexico has enacted policies that allow the state public education department to suspend the authority and responsibility of a local school board over a "corrective-action" school. In its place, the state public education department may use any or all of the following groups or individuals in managing or operating the "corrective action" school:

- The state public education department
- Contracted consultants
- Contracted management (e.g., another school district, individual, group, private company, university)
- Contracted individuals from other school districts, educational cooperatives, educational organizations or the state's colleges and universities
- Any combination of the above.

These policies also allow the state secretary of education to terminate or discharge district administrators or employees at the “corrective-action” school in accordance with state law. These policies were enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appear to be unrelated to NCLB’s AYP timeline. [NMAC 6.19.2]

Separately, New Mexico has enacted a policy that states that if a public school fails to make adequate yearly progress for five consecutive years, the school district, in conjunction with the state public education department, shall take one or more of the following actions in addition to other improvements:

- Reopen the school as a charter school
- Replace all or most of the staff as allowed by law
- Turn over the management of the public school to the department
- Make other governance changes.

This policy was enacted because of NCLB and is directly related to NCLB’s AYP timeline. [NMSA 22-2C-7]

## **New York**

New York has enacted a policy that requires that if a school fails to meet the state’s AYP requirements for five consecutive years, its district must create a plan to restructure the school in one of the five ways outlined in NCLB. If the school fails to make AYP again, the district must implement the restructuring plan at the beginning of the school year following the creation of the plan. This policy was enacted because of NCLB and is directly related to NCLB’s AYP timeline. [8 NYCRR 100.2 (p)]

Separately, New York has enacted a policy that allows the New York City Schools chancellor to transfer or remove principals for persistent educational failure. This policy also allows the chancellor to assume joint or direct control of a low-performing school. This policy was enacted prior to the enactment of NCLB and appears to be unrelated to NCLB’s AYP timeline. [N.Y. Educ. Law § 2590-h]

## **North Carolina**

North Carolina has enacted a policy that requires a local superintendent to take one of the following actions concerning the principal at a low-performing school:

- Recommend to the local school board that the principal be retained in the same position
- Recommend to the local school board that the principal be retained in the same position and a plan of remediation be developed
- Recommend to the local school board that the principal be transferred
- Proceed under state law to dismiss or demote the principal.

This policy also allows the state board of education to proceed under state law for the dismissal of teachers, assistant principals, directors and supervisors assigned to a low-performing school. This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [N.C. Gen. Stat. § 115C-105.38, 115C-105.39]

## **Ohio**

Ohio has enacted a policy that requires that if a school building fails to make adequate yearly progress for five consecutive school years, its district must develop a plan during the next succeeding school year to improve the academic performance of the building, which shall include at least one of the following options:

- Reopen the school as a charter school
- Replace personnel
- Contract with a nonprofit or for-profit entity to operate the building
- Turn operation of the building over to the state department of education
- Other significant restructuring of the building's governance.

For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall implement the plan. This policy was enacted because of NCLB and is directly related to NCLB's AYP timeline. [3302.04]

## **Oklahoma**

Oklahoma has enacted a policy that allows the state board of education to intervene in low-performing schools in one of the following ways:

- Special funding
- Reassignment of district personnel
- Transfer of students
- Operation of the school by personnel employed by the state department of education
- Mandatory annexation of all or part of the local school district
- Placing operation of the school with an institution of higher education as a developmental research school pursuant to state law if the low-performing school is within 10 miles of a college of education within an institution of The Oklahoma State System of Higher Education.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [70 Okl. St. § 1210.541]

## **Pennsylvania**

Pennsylvania has enacted a policy that designates certain districts with a high number of low-performing schools as “education empowerment districts.” In these districts, the local school board may do any of the following consistent with the school district improvement plan:

- Establish any school as a charter school
- Designate any school as an independent school operating under an agreement with the local school board, granting operational control to the governing body of the independent school. The governing body of the independent school, including its membership and selection process, shall be established by the board of school directors and shall include representatives of parents and teachers. A school designated as independent shall have the authority to decide all matters related to the operation of the school. The agreement between the local school board and the independent school shall do the following, consistent with the school district improvement plan:
  - Describe the governance structure of the independent school, including the method for the selection of members to the governing body
  - Prescribe the educational goals and mission of the independent school and the curriculum to be offered
  - Describe the academic, fiscal and other goals and objectives for which the independent school will be held accountable and the evaluation criteria and procedures that will be employed to determine whether the school is meeting its goals and objectives
  - Determine the independent school's funding
  - Grant the independent school allocation of and control over its funding and budget
  - Grant the independent school control of the educational program and curriculum
  - Prescribe the authority of the independent school to establish working conditions, select and assign professional and nonprofessional employees, establish nonteaching duties, extend the length of the school year and schedule of the school day, including holding class after regular hours
  - Define the terms under which the agreement may be terminated, extended or renewed
- Employ professional staff in accordance with state law as it pertains to certification
- Enter into contracts with an individual or a for-profit or nonprofit organization, which shall be authorized to operate a school and employ its own staff to provide educational services
- Reconstitute a school
- Reassign, suspend or dismiss a professional employee
- Supervise and direct principals, teachers and administrators
- Rescind without penalty the contract of the superintendent and other administrative personnel entered into after the effective date of this article
- Reallocate resources, amend school procedures, develop achievement plans and implement testing or other evaluation procedures for educational purposes.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [17-1701-B to 17-1716-B]

## **Rhode Island**

Rhode Island has enacted a policy that allows the state department of education to exert progressive levels of control over a low-performing school's budget, program and/or personnel. This control may be exercised in collaboration with the school district and the municipality. This policy also allows the state board of education to reconstitute a low-performing school. Such reconstitution may include restructuring the school's governance, budget, program, personnel and/or may include decisions regarding the continued operation of the school.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [16-7.1-5]

## **South Carolina**

South Carolina has enacted a policy that allows the state superintendent, after consulting with an external review committee and with the approval of the state board of education, to take any of the following actions with regard to a low-performing school:

- Furnish continuing advice and technical assistance in implementing the recommendations of the state board of education
- Declare a state of emergency in the school and replace the school's principal
- Declare a state of emergency in the school and assume management of the school.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [59-18-1520]

## **Tennessee**

Tennessee has enacted a policy that allows the state commissioner of education to take any of the following actions against a school on probation for low performance:

- Approve a school or system's allocation of financial resources to schools on probation
- Approve a school or system's allocation of personnel resources to the schools placed on probation
- Present options for a school or system to plan for alternative governance, which may include:
  - Contracting with an institution of higher education for operation of the school
  - Removing the school from the jurisdiction of the school system and placing the school under the jurisdiction of the department of education

- Restructuring the school as a public charter school should the general assembly enact separate legislation outside the parameters of this section that authorizes the establishment of public charter schools.

According to this policy, the director of each local education agency serving schools placed on probation has the responsibility for the preparation of a plan for alternative governance from the options provided by the state commissioner of education. If after two consecutive years on probation, a school does not make progress to meet the standards for adequate yearly progress, this policy allows the state commissioner of education to assume any or all powers of governance for the school.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [49-1-602]

## **Texas**

Texas has enacted a policy that allows, if a school has been low performing for a period of one year or more, the state commissioner of education to appoint a board of managers composed of residents of the district to exercise the powers and duties of the local school board in relation to the school. If a school has been low performing for a period of two consecutive years or more, the commissioner shall order the closure of the school or reconstitute the school. In reconstituting the school, a special school intervention team shall be assembled for the purpose of deciding which educators may be retained at that school. If an educator is not retained, the educator may be assigned to another position in the district.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [39.132]

## **Vermont**

Vermont has enacted a policy that allows the state commissioner of education to recommend to the state board of education one or more of the following actions with regard to a low-performing school:

- Continue technical assistance
- Adjust supervisory union boundaries or responsibilities of the superintendency
- Assume administrative control only to the extent necessary to correct deficiencies
- Close the school and require the school district pay tuition to another public school or an approved independent school.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [16 V.S.A. § 165]

## West Virginia

West Virginia has enacted a policy that allows the state board of education to intervene in the operation of a low-performing school to cause improvements to be made. This intervention may include, but is not limited to, establishing instructional programs, taking such direct action as may be necessary to correct the impairments, declaring the position of principal is vacant and assigning a principal for the school who shall serve at the will and pleasure of and, under the sole supervision of, the state board.

This policy was enacted as part of the state accountability system that was in place prior to the enactment of NCLB and appears to be unrelated to NCLB's AYP timeline. [18-2E-5]

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## Helping State Leaders Shape Education Policy





# StateNotes

## Adult Learning/Continuing Education

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### Adult Education Governance Structures and Descriptions

July 2004

The United States has a large population of adults who are undereducated. Therefore, the U.S. Congress established grant programs to provide adult education in the states. The states have taken advantage of the grant dollars, and all states have established an adult education program that is partially or wholly funded by the Department of Education Office of Vocational and Adult Education.

Adult education is provided through various programs to serve various undereducated populations. Adult basic education, for instance, is provided only for adults over a certain age and without a diploma. English education is also provided for adults, but in such programs, the services are often only offered to nonnative residents. A summary of many of the most frequently provided programs is provided below:

**Adult Basic Education:** Every state provides this program. It is meant to provide basic skills to adult learners who did not learn them as a child. Basic English, grammar, writing and mathematics are frequently the curriculum for these programs. Typical requirements for these programs include a minimum of 16 to 20 years of age depending on the state, cessation of high school and the absence of a high school diploma. Most adult basic education programs do not lead to a high school diploma.

**GED Preparation:** While every state has a program and administers the General Educational Development (GED) examination, not all states provide GED preparation services. Most states do provide these services, however, with the intent to have adults within the state pass the GED test and obtain an equivalent to a high school diploma to improve their access to jobs within the state.

**English Education:** English adult education programs are provided by most states for non-English-speaking residents. Typically, a test is administered and the student is provided with the level of services that are required for familiarization with an elementary English vocabulary, including training in writing and grammar usage.

**Adult Secondary Education/High School Completion:** In these programs adults take a series of classes in which they can obtain their diploma at the end of the program. These programs have similar requirements to adult basic education programs in that there is a minimum age limit and the student must not be enrolled in high school.

**Workforce Training:** In these programs classes are designed with particular job categories in mind. Students are expected to learn skills that can transfer into real-world application in the workplace setting.

**Other Adult Education Programs:** Civics Education, Family Literacy, Adult Literacy

Adult education in the United States not only takes various forms, but it also functions under various governance structures. In many states, divisions within the department of education administer their education programs. Sixty-two percent of states function this way. Other states choose to house their adult education programs within other departments. Two states and the District of Columbia allow the department of higher education or a university to administer their adult education programs. Similarly, eight states allow the department of community or technical colleges to provide adult education. Finally, eight states have chosen to take an even more novel approach by housing their adult education services in non-education-related departments. The department of labor and the department of workforce development are typically the departments that have the adult education responsibility in these circumstances.

In recent years, states have tended to administer adult education in departments other than the department whose primary responsibility is the education of children. States such as Illinois have given the responsibility to the community colleges. This approach is based on the idea that colleges have more experience educating adults and thus would better serve the adult population that does not have a high school diploma. Further, by using the community college system the states have a ready-made regional education center to provide adult education. Moreover, other states such as South Dakota and Tennessee transferred adult education to the department of labor or workforce development. Because much of the population living without a high school diploma is unemployed or underemployed, education that is geared toward job skills has the potential to be most beneficial to the adult education population. Further, because federal grant money also is available for workforce education and job training, grant dollars can be merged into a single department and a single streamlined system.

### **Chart 1: Distribution of State Adult Education Among Different Departments**

The following chart is a quick reference chart indicating the state's governing department. Totals are provided in the bottom of the right side of the cart.

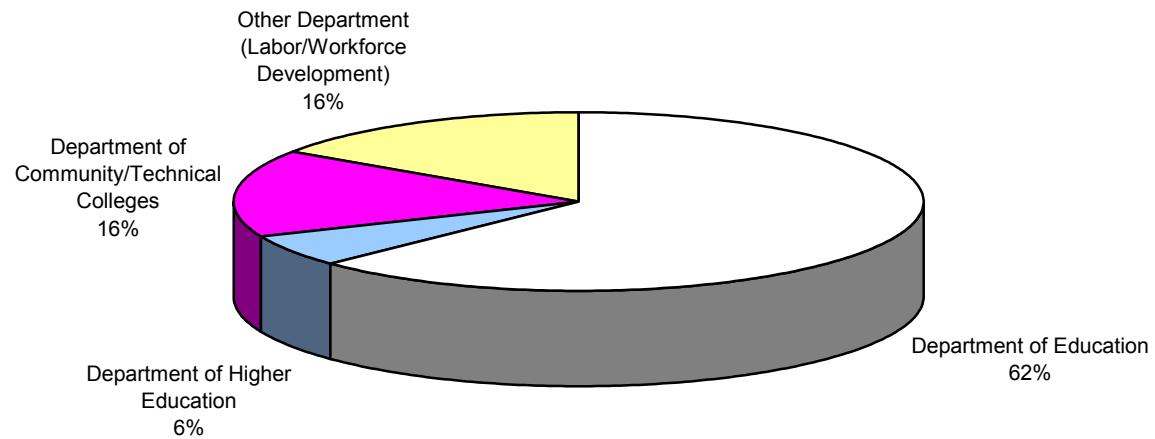
State	Department of Education	Department of Higher Education	Department of Community/ Technical Colleges	Other Department (Labor/ Workforce Development)
Alabama	✓			
Alaska				✓
Arizona	✓			
Arkansas				✓
California	✓			
Colorado	✓			
Connecticut	✓			
Delaware	✓			
D.C.		✓		
Florida			✓	
Georgia				✓
Hawaii	✓			
Idaho	✓			
Illinois			✓	
Indiana	✓			
Iowa			✓	
Kansas		✓		
Kentucky				✓
Louisiana	✓			
Maine	✓			
Maryland	✓			
Massachusetts	✓			
Michigan				✓
Minnesota	✓			
Mississippi			✓	
Missouri	✓			

State	Department of Education	Department of Higher Education	Department of Community/ Technical Colleges	Other Department (Labor/ Workforce Development)
Montana	✓			
Nebraska	✓			
Nevada	✓			
New Hampshire	✓			
New Jersey	✓			
New Mexico		✓		
New York	✓			
North Carolina			✓	
North Dakota	✓			
Ohio	✓			
Oklahoma	✓			
Oregon			✓	
Pennsylvania	✓			
Rhode Island	✓			
South Carolina	✓			
South Dakota				✓
Tennessee				✓
Texas	✓			
Utah	✓			
Vermont	✓			
Virginia	✓			
Washington			✓	
West Virginia	✓			
Wisconsin			✓	
Wyoming				✓
Total	32	3	8	8

## Chart 2: State Adult Education Governance Percentages

The following pie chart provides a visual summary of how adult education is allotted to different departments within the United States. Percentages are based on a value of 51 entities – the 50 states and the District of Columbia.

### State Adult Education Governance Percentages



**Chart 3: Adult Education Statutes in the States**

The following chart contains information on state adult education programs. The responsible department is indicated first. This indicator also is illustrated with colors. States where the department of education is responsible for adult education are unshaded. States where the higher education department is responsible are indicated in blue or the medium shaded areas. States where the department of community or technical colleges controls adult education are indicated in red or the darkly shaded areas. Where the community colleges control adult education but the community college remains under the control of the larger department of education, such as in Florida or Iowa, the state was shaded red and included in the totals for the Department of Community/ Technical Colleges. Finally, where a non-education department controls adult education the cells are shaded yellow. Consult the “Key” for a summary of the shading system.

Also presented in the following chart is the statutory citation for the adult education program. In four states – Idaho, Nevada, South Dakota and Tennessee – an adult education statute could not be located, but these states do provide adult education services. Also listed is the address of the most relevant adult education Web site in the state. Finally, a brief description of the adult education program provides information on some, but not all, of the programs offered and information related to governance changes in the past few years.

Adult Education Statutes in the States				
State	General Responsibility for Adult Education	Statutory Citations	Adult Education Web Site	Description of the Adult Education Program
Alabama	Department of Education – Career/ Technical Education Section	ALA. CODE § 16-34-1 et. seq.	<a href="#">Alabama Department of Education</a>	The Career/Technical Education Section of the Alabama Department of Education is responsible for the implementation and monitoring of federal grant dollars under the Adult Education and Family Literacy Act. Further, Alabama statutes require the state to have a Council on Adult Education.

**KEY**

Department of Education – 32  Department of Higher Education – 3   
 Department of Community/Technical Colleges – 8  Other Department (Labor/Workforce Development) – 8

## Adult Education Statutes in the States

State	General Responsibility for Adult Education	Statutory Citations	Adult Education Web Site	Description of the Adult Education Program
<b>Alaska</b>	Department of Labor and Workforce Development	ALASKA STAT. § 23.15.580	<a href="#">Alaska Workforce Investment Board</a>	Alaska does not have a specific adult education program under the department of education. The Department of Labor and Workforce Development, specifically the Alaska Workforce Investment Board, administers “state and federally funded job training and vocational education programs.”
<b>Arizona</b>	Arizona Department of Education - Division of Adult Education	ARIZ. REV. STAT. § 15-232  ARIZ. REV. STAT. § 15-234	<a href="#">Arizona Department of Education Adult Education Services</a>	The Division of Adult Education is responsible for both Adult Basic Education and GED preparation. The division also has established adult education standards.
<b>Arkansas</b>	Arkansas Department of Workforce Education	ARK. CODE ANN. § 6-51-201	<a href="#">Arkansas Department of Workforce Education</a>	The Arkansas Department of Workforce Education runs the adult education facilities in the state. The Board of Workforce Education has the authority to implement and collect fees for GED testing. There also is a statute (ARK. CODE ANN. § 6-16-301) that allows local districts to make expenditures on adult education programs.
<b>California</b>	Department of Education – Adult Education Office	CAL. EDUC. CODE § 8500 et. seq.  CAL. EDUC. CODE § 52500 et. seq.	<a href="#">California Department of Education - Adult Education</a>	Through a broad range of service providers, California adult education serves over 2 million students. Adult basic education is offered as well as career and technical education and citizenship education. The Adult Education Office approves programs, administers adult education personnel and controls the adult education budget.

### KEY

Department of Education – 32 □    Department of Higher Education – 3 ■  
 Department of Community/Technical Colleges – 8 ■    Other Department (Labor/Workforce Development) – 8 ■

## Adult Education Statutes in the States

State	General Responsibility for Adult Education	Statutory Citations	Adult Education Web Site	Description of the Adult Education Program
<b>Colorado</b>	Department of Education – Center for At-Risk Education	COLO REV. STAT. § 22-2-124	<a href="#">Colorado Department of Education - Adult Education and Family Literacy</a>	The Adult Education and Family Literacy Program under the Department of Education implements and monitors the Federal Adult Education and Family Literacy Act. In 2002, the Colorado Legislature passed the Family Literacy Act, which provides grants for adult and family literacy education to local education providers.
<b>Connecticut</b>	Department of Education – Bureau of Early Childhood, Career and Adult Education	CONN. GEN. STAT. § 10-69  CONN. GEN. STAT. § 10-4	<a href="#">Connecticut State Department of Education - Division of Teaching and Learning Programs and Services</a>	Adult education in Connecticut has undergone organizational changes within the past few years. As of publication, the Bureau of Early Childhood, Career and Adult Education presently controls adult education and GED programs, as well as providing professional development opportunities to Connecticut adult education teachers.
<b>Delaware</b>	Department of Education – Adult Education and Workforce Development Branch	DEL. CODE ANN. tit. 14, § 122(17)  DEL. CODE ANN. tit. 14, § 1720	<a href="#">State of Delaware - Adult Education &amp; Workforce Development</a>	The Adult Education and Workforce Development Branch of the Delaware Department of Education is responsible for adult basic education, GED programs, as well as prison education. The adult basic education programs in Delaware communities serve over 10,000 adult learners. The branch also operates the James H. Groves High School, which is devoted entirely to adult education.

### KEY

Department of Education – 32 
 Department of Higher Education – 3   
 Department of Community/Technical Colleges – 8 
 Other Department (Labor/Workforce Development) – 8

## Adult Education Statutes in the States

State	General Responsibility for Adult Education	Statutory Citations	Adult Education Web Site	Description of the Adult Education Program
<b>District of Columbia</b>	University of the District of Columbia	D.C. CODE ANN. § 38-1202.12	<a href="#">University of the District of Columbia - State Education Agency, Adult Education</a>	The trustees of the University of the District of Columbia are responsible for “all functions, powers, duties, and funding.” Also, the University is responsible for the supervision of the adult education system. As of this report the University maintained 11 adult education programs within the district. The University of the District of Columbia also is responsible for GED programs.
<b>Florida</b>	State Department of Education – Community Colleges and Workforce Education Division	FLA. STAT. ch. 1004.93	<a href="#">Florida Department of Education - Division of Community Colleges and Workforce Education</a>	As of January 1, 2003, adult basic education and GED preparation have been transferred to the Community Colleges and Workforce Education Division. As of publication of this report, adult basic education and GED preparation services were offered at 14 of the state’s 28 community colleges.
<b>Georgia</b>	Department of Technical and Adult Education	GA. CODE ANN. § 20-4-11  GA. CODE ANN. § 20-4-15	<a href="#">Georgia Department of Technical and Adult Education</a>	The Office of Adult Literacy within the Department of Technical and Adult Education oversees all the basic adult education within the state, as well as the GED testing.
<b>Hawaii</b>	Department of Education – Community Education Section	HAW. REV. STAT. § 26-12	<a href="#">Hawaii Department of Education - Community Schools for Adults</a>	Hawaii employs a community school model for adult education programs. At present there are 11 community schools offering adult education opportunities.

### KEY

Department of Education – 32 
 Department of Higher Education – 3   
 Department of Community/Technical Colleges – 8 
 Other Department (Labor/Workforce Development) – 8



## Adult Education Statutes in the States

State	General Responsibility for Adult Education	Statutory Citations	Adult Education Web Site	Description of the Adult Education Program
<b>Idaho</b>	Department of Education – Adult Education Office	N/A	<a href="#">Idaho State Department of Education</a>  <i>See also,</i> <a href="#">Idaho Adult Basic Education</a>	Idaho does not have a separate statute specifically addressing adult education. Idaho, however, does receive federal aid under the Adult Education and Family Literacy Act. Idaho offers adult basic education services at six colleges throughout the state.
<b>Illinois</b>	Illinois Community College Board	105 ILL. COMP. STAT. 405/1-1 et. seq.	<a href="#">Illinois Community College Board</a>	On July 1, 2001, the Illinois Community College Board took control of adult education that had previously been vested in the Illinois State Board of Education. Adult education classes are offered mostly at Illinois Community Colleges. The Adult Education and Family Literacy section of the Illinois Community College Board serves nearly 50,000 adult basic education and GED learners.
<b>Indiana</b>	Department of Education – Division of Adult Education	IND. CODE § 20-10.1-7-1	<a href="#">Indiana Department of Education - Division of Adult Education</a>	The Indiana Department of Education Division of Adult Education administers the adult basic education, GED programs, as well as other adult training programs and family literacy. Indiana has 43 school districts or education centers that offer adult education programs.
<b>Iowa</b>	Department of Education – Iowa Community Colleges	IOWA CODE § 260C.1 et. seq.	<a href="#">Iowa Department of Education - Adult Basic Education</a>	Iowa provides adult basic education through the Iowa Community College System, which is managed by the Iowa Department of Education. The community colleges offer adult basic education, high school completion programs and high school equivalency diplomas.

### KEY

Department of Education – 32 
 Department of Higher Education – 3   
 Department of Community/Technical Colleges – 8 
 Other Department (Labor/Workforce Development) – 8

## Adult Education Statutes in the States

State	General Responsibility for Adult Education	Statutory Citations	Adult Education Web Site	Description of the Adult Education Program
<b>Kansas</b>	Kansas Board of Regents – Adult Education Office	KAN. STAT. ANN. § 72-4517 et. seq.	<a href="#">Kansas Board of Regents - Adult, Career and Tech Ed</a>	The Adult Education Office of the Kansas Board of Regents implements and monitors adult education and adult literacy programs in the state. Kansas has over 30 adult education centers within the state.
<b>Kentucky</b>	Kentucky Adult Education Department	KY. REV. STAT. ANN. § 151B.023	<a href="#">Kentucky Adult Education</a>	Kentucky has a separate department strictly for the education of adults. The department administers adult basic education, GED programs, workforce education and other adult programs. The department as a whole services over 100,000 Kentucky students.
<b>Louisiana</b>	Department of Education – Division of Family Career and Technical Education	LA. REV. STAT. ANN. § 17:14	<a href="#">Louisiana Department of Education - Family, Career and Technical Education</a>	The Adult and Family Services Office in the Division of Family, Career and Technical Education provides grants and monitors the 80 programs statewide. In 2002-03 Louisiana estimates that over 45,000 undereducated adults were served.
<b>Maine</b>	Department of Education – Adult and Community Education Program	ME. REV. STAT. ANN. tit. 20-A, § 8601 et. seq.	<a href="#">Maine Adult Education</a>	The Department of Education runs the adult education programs, the literacy programs and the high school completion programs. In 2002, 125,518 students enrolled in adult education programs according to the 2003 Maine Education Annual Report.
<b>Maryland</b>	Department of Education – Division of Career Technology and Adult Learning	MD. CODE ANN., EDUC. § 4-110	<a href="#">Maryland State Department of Education</a>	The Adult Education and Literacy Services Branch of the Division of Career Technology and Adult Learning is responsible for working with local schools and centers to provide basic and secondary adult education. In Maryland the main adult education provider is the local education agency.

### KEY

Department of Education – 32 □    Department of Higher Education – 3 □  
 Department of Community/Technical Colleges – 8 □    Other Department (Labor/Workforce Development) – 8 □

## Adult Education Statutes in the States

State	General Responsibility for Adult Education	Statutory Citations	Adult Education Web Site	Description of the Adult Education Program
<b>Massachusetts</b>	Department of Education – Adult and Community Learning Services Unit	MASS. GEN. LAWS ch. 69, § 1H	<a href="#">Massachusetts Department of Education - Adult Basic Education</a>	Adult Education is provided in Massachusetts in three general areas: Adult and Community Learning Services, Family Literacy and GED programs. The Adult and Community Services Unit is responsible for the oversight and improvement of adult education in the state.
<b>Michigan</b>	Michigan Department of Career Development	MICH. COMP. LAWS § 388.995 (II)(A)	<a href="#">Michigan Division of Labor and Economic Growth - Adult Education</a>	In 1999, Michigan formed the Department of Career Development, which took over the adult education services from the Department of Education. The department offers programs on adult education, high school completion and GED test preparation. School districts, community colleges and nonprofit organizations operate over 250 adult education programs that serve over 80,000 students.
<b>Minnesota</b>	Department of Education	MINN. STAT. § 124D.51 et. seq.	<a href="#">Minnesota Department of Education - Adult &amp; Career Education &amp; Service Learning</a>	Minnesota's adult education program is linked with the career education programs of the state. Adult basic education is provided through the Minnesota public schools. Also, GED test preparation is offered.
<b>Mississippi</b>	State Board for Community and Junior Colleges	MISS. CODE ANN. § 37-35-1 et. seq.	<a href="#">Mississippi Community and Junior Colleges Board</a>	The Community and Junior Colleges Board administers the adult basic education programs in Mississippi. The board also administers the GED training.

### KEY

Department of Education – 32 □    Department of Higher Education – 3 ■  
 Department of Community/Technical Colleges – 8 □    Other Department (Labor/Workforce Development) – 8 ■

## Adult Education Statutes in the States

State	General Responsibility for Adult Education	Statutory Citations	Adult Education Web Site	Description of the Adult Education Program
<b>Missouri</b>	Department of Elementary and Secondary Education – Division of Career Services	MO. REV. STAT. § 171.091	<a href="#">Missouri Department of Elementary and Secondary Education - Division of Career Education</a>	The Division of Career Services administers the adult education and GED preparation services in Missouri. Currently there are 43 adult education programs in the state.
<b>Montana</b>	Office of Public Instruction	MONT. CODE ANN. § 20-7-701 et. seq.	<a href="#">Montana Office of Public Instruction</a>  (Go to the “Adult Basic and Literacy Education” program page)	The Office of Public Instruction manages the funding and oversight of the adult education programs in the state. A local district or community college may establish an adult education program. GED preparation services as well as workplace and family literacy programs are offered throughout the state.
<b>Nebraska</b>	Department of Education – Adult Education Program	NEB. REV. STAT. § 79-11,133	<a href="#">Nebraska Department of Education - Adult Education</a>	The Adult Education section of the Nebraska Department of Education is responsible for the planning, evaluation and improvement of the adult education programs throughout the state. The section also administers the GED programs. The section also authors a bimonthly electronic newsletter for adult basic education staff in Nebraska.
<b>Nevada</b>	Department of Education – Office of Adult Education	N/A	<a href="#">Nevada Department of Education</a>  <a href="#">Nevada Adult Education</a>	Nevada’s Office of Adult Education provides adult basic education, adult high school diploma programs and GED programs. Nevada has seven adult education centers receiving federal assistance through the Adult Education and Family Literacy Act.

### KEY

Department of Education – 32 □    Department of Higher Education – 3 □  
 Department of Community/Technical Colleges – 8 □    Other Department (Labor/Workforce Development) – 8 □

## Adult Education Statutes in the States

State	General Responsibility for Adult Education	Statutory Citations	Adult Education Web Site	Description of the Adult Education Program
<b>New Hampshire</b>	Department of Education – Bureau of Adult Education	N.H. REV. STAT. ANN. § 186:61 et. seq.	<a href="#">New Hampshire Bureau of Adult Education</a>  <a href="#">New Hampshire Council on Literacy</a>	The Bureau of Adult Education offers adult basic education, adult tutorial programs, workplace training, GED preparation and volunteer literacy programs. The bureau provides grants to local school districts and nonprofit organizations to maintain adult education programs in the state.
<b>New Jersey</b>	Department of Education – Office of Vocational-Technical, Career and Adult Education	N.J. STAT. ANN. § 18A:50-1 et. seq.	<a href="#">New Jersey Department of Education - Vocational, Technical, Career and Adult Education</a>	New Jersey provides adult basic education, volunteer-based adult literacy programs, GED test centers and adult high schools. As of 2000, New Jersey had over 100 adult education centers located throughout the state.
<b>New Mexico</b>	Commission on Higher Education	N.M. STAT. ANN. § 21-1-26.11	<a href="#">New Mexico Commission on Higher Education</a>	The Commission on Higher Education is assigned by statute to plan and budget for adult basic education programs. Much of the responsibility for adult education however lies with the New Mexico Coalition for Literacy. Adult basic education grants in New Mexico can be used for adult literacy, family literacy and GED programs.
<b>New York</b>	State Education Department – Office of Curriculum and Instructional Support	N.Y. EDUC. LAW § 4604	<a href="#">University of the State of New York - Curriculum and Instructional Support</a>	The Office of Curriculum and Instructional Support maintains a variety of programs, including adult and family literacy, career development and GED services. Grant money for adult education is distributed through the Regional Adult Education Networks.

### KEY

Department of Education – 32 □    Department of Higher Education – 3 □  
 Department of Community/Technical Colleges – 8 □    Other Department (Labor/Workforce Development) – 8 □

## Adult Education Statutes in the States

State	General Responsibility for Adult Education	Statutory Citations	Adult Education Web Site	Description of the Adult Education Program
<b>North Carolina</b>	Community College System – Basic Skills Program  Local Educational Agencies (LEA)	N.C. GEN. STAT. § 115D-1.1 (COMMUNITY COLLEGE PURPOSE SECTION)  N.C. GEN. STAT. § 115C-231 (LEA Adult Education Programs)	<a href="#"><u>North Carolina Community College System - Basic Skills</u></a>	The main adult education program, and the one receiving federal grant dollars, is maintained through the North Carolina Community College System. The Basic Skills program offer adult basic education, GED training, adult high school, and compensatory education for adults with disabilities. Also, North Carolina statutes provide that local education agencies may establish adult education programs, but those programs must be funded through local dollars.
<b>North Dakota</b>	Office of Public Instruction – Adult Education Division	N.D. CENT. CODE § 15.1-26 et. seq.	<a href="#"><u>North Dakota Department of Public Instruction</u></a>	The Adult Education and Literacy division oversees and improves both adult education programs and GED testing. North Dakota has over 15 adult learning centers.
<b>Ohio</b>	Department of Education – Adult Basic and Literacy Education Unit	OHIO REV. CODE ANN. § 3313.52	<a href="#"><u>Ohio Department of Education - Adult Basic and Literacy Education</u></a>	The Adult Basic and Literacy Education Unit concentrates in adult basic education. The unit is part of the larger Office of Career-Technical and Adult Education. The unit also maintains a high school continuation program. In 2002, over 60,000 adults enrolled in Ohio's adult education programs.
<b>Oklahoma</b>	Department of Education – Lifelong Learning Section	OKLA. STAT. tit. 70, § 3-110 (Adult Education Fund)	<a href="#"><u>Oklahoma Adult Basic Education</u></a>	The Oklahoma Lifelong Learning Section provides adult basic education as well as family learning, workplace education, and GED preparation. In addition, the section works with the Oklahoma Department of Human Services to provide adult education classes to welfare recipients. There are over 40 adult learning centers in Oklahoma.

### KEY

Department of Education – 32 □    Department of Higher Education – 3 □  
 Department of Community/Technical Colleges – 8 □    Other Department (Labor/Workforce Development) – 8 □

## Adult Education Statutes in the States

State	General Responsibility for Adult Education	Statutory Citations	Adult Education Web Site	Description of the Adult Education Program
<b>Oregon</b>	Department of Community Colleges and Workforce Development	OR. REV. STAT. § 344.760  OR. REV. STAT. § 336.145 (Local School District Adult Education)	<a href="#">Department of Community Colleges and Workforce Development</a>	The Department of Community Colleges and Workforce Development provides adult education in the state, including adult basic education and literacy programs, workforce training and GED programs. The adult education programs served over 25,000 adult education students in 2002. Oregon's education statutes also allow local school districts to establish adult education programs and allow local districts to collect fees to support the schools.
<b>Pennsylvania</b>	Department of Education – Bureau of Adult Basic and Literacy Education	PA. STAT. ANN. tit. 24, § 6401 et. seq.	<a href="#">Pennsylvania Department of Education - Adult Basic and Literacy Education</a>	The Bureau of Adult Basic and Literacy Education (ABLE) provides adult basic education, adult literacy, family literacy, civic education, workforce development and GED preparation. In the 2002-03 school year, ABLE served over 50,000 students.
<b>Rhode Island</b>	Department of Elementary and Secondary Education	R.I. GEN. LAWS § 16-58-1 et. seq.	<a href="#">Rhode Island Department of Elementary and Secondary Education - Adult Education and GED</a>	The department offers adult education in the form of adult basic education and GED preparation. In 1999-2000, adult basic education in Rhode Island served over 4,000 students. In that same year, over 5,000 students attempted the GED.
<b>South Carolina</b>	Department of Education – Office of Adult and Community Education	S.C. CODE ANN. § 59-43-10 et. seq.	<a href="#">South Carolina Office of Adult and Community Education</a>  <a href="#">South Carolina Adult Education</a>	The Office of Adult and Community Education provides a variety of adult education programs such as adult basic education, adult secondary education and workplace training. The office also offers GED preparation. There are over 80 adult education programs in operation in South Carolina.

### KEY

Department of Education – 32 
 Department of Higher Education – 3   
 Department of Community/Technical Colleges – 8 
 Other Department (Labor/Workforce Development) – 8

## Adult Education Statutes in the States

State	General Responsibility for Adult Education	Statutory Citations	Adult Education Web Site	Description of the Adult Education Program
<b>South Dakota</b>	South Dakota Department of Labor – Adult Education and Literacy Program and the GED Testing Program	N/A	<a href="#"><u>South Dakota Adult Education and Literacy</u></a>	In 2001, the adult education programs were transferred from the Department of Education to the Department of Labor. The Department of Labor offers adult basic education, adult secondary education, literacy and GED examiner training.
<b>Tennessee</b>	Department of Labor and Workforce Development – Office of Adult Education	N/A	<a href="#"><u>Tennessee Department of Labor and Workforce Development - Adult Education</u></a>	Tennessee changed from the Department of Education to the Department of Labor in the 1999-2000 school year. The Office of Adult Education provides adult education and literacy services through various programs, including adult secondary education, family education programs and GED preparation. There are nearly 100 adult education centers in the state.
<b>Texas</b>	Texas Education Agency – Division of Adult and Community Education  Harris County Department of Education	TEX. EDUC. CODE ANN. § 29.251 et. seq.	<a href="#"><u>Texas Education Agency - Adult and Community Education</u></a> (Texas Education Agency)  <a href="#"><u>Harris County Department of Education</u></a> (Harris County)	As of August 1, 2003, the Texas Education Agency transferred much of the everyday management of the adult education programs in Texas to the Harris County Department of Education (Houston). The Texas Education Agency retained the policy-making and monitoring functions for adult education.
<b>Utah</b>	Office of Education – Adult Education Services	UTAH CODE ANN. § 53A-15-401 et. seq.	<a href="#"><u>Utah State Office of Education - Adult Education</u></a>	The Adult Education Services unit of the Office of Education provides adult basic education, high school completion, civics education and a GED program. The Adult Education Advisory Committee supervises the programs.

### KEY

Department of Education – 32 □    Department of Higher Education – 3 □  
 Department of Community/Technical Colleges – 8 □    Other Department (Labor/Workforce Development) – 8 □



## Adult Education Statutes in the States

State	General Responsibility for Adult Education	Statutory Citations	Adult Education Web Site	Description of the Adult Education Program
<b>Vermont</b>	Department of Education – Adult Education and Literacy Program Career and Technical Education Program	VT. STAT. ANN. tit.16, § 1571 et. seq.	<a href="#"><u>Vermont Department of Education - Adult Education and Literacy</u></a>  <a href="#"><u>Vermont Department of Education - Career and Technical Education</u></a>	Vermont provides adult education from the perspective of occupational and job training. The Adult Education and Literacy Program offers essential skills instruction, GED testing, an adult diploma program and occupational training. The Career and Technical Education Program also offers adult education at high schools throughout the state.
<b>Virginia</b>	Department of Education – Office of Adult Education and Literacy	VA. CODE ANN. § 22.1-223	<a href="#"><u>Virginia Department of Education - Office of Adult Education and Literacy</u></a>	The Virginia Office of Adult Education and Literacy provides adult basic education, adult secondary education, English training, as well as an alternative school program for students aged 16-22 who are unlikely to finish high school. This office also oversees the GED testing in the state.
<b>Washington</b>	Washington State Board for Community and Technical Colleges – Office of Adult Literacy	WASH. REV. CODE § 28B.50.090  WASH. REV. CODE § 28B.50.250	<a href="#"><u>Washington State Board for Community and Technical Colleges - Office of Adult Literacy</u></a>	The Office of Adult Literacy of the State Board for Community and Technical Colleges administers adult education in adult basic education, English education, GED preparation, family and volunteer literacy and high school completion. There are over 50 adult education providers in the state.
<b>West Virginia</b>	Department of Education – West Virginia Adult Basic Education	W. VA. CODE § 18-5-19b	<a href="#"><u>West Virginia Adult Basic Education</u></a>	West Virginia Adult Basic Education offers adult basic education, job preparation, GED preparation, as well as English, emotional and computer education. The Adult Basic Education Office also coordinates with the West Virginia Department of Health and Human Resources in implementation of needy family and food stamp programs.

### KEY

Department of Education – 32 
 Department of Higher Education – 3   
 Department of Community/Technical Colleges – 8 
 Other Department (Labor/Workforce Development) – 8

Adult Education Statutes in the States				
State	General Responsibility for Adult Education	Statutory Citations	Adult Education Web Site	Description of the Adult Education Program
<b>Wisconsin</b>	Wisconsin Technical College System Board	WIS. STAT. § 38.001	<u>Wisconsin Technical College System</u>	The Wisconsin Technical College System Board provides and monitors grants for adult education in Wisconsin. Programs offered include adult basic education, adult secondary education, GED development and workforce development.
<b>Wyoming</b>	Department of Workforce Services – Adult Basic Education Program	WYO. STAT. ANN. § 9-2-2018	<u>Wyoming Department of Workforce Services - Adult Basic Education</u>	The Department of Workforce Services administers the GED test. The Department of Workforce Services also administers 10 adult basic education centers across the state.

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**KEY**

Department of Education – 32  Department of Higher Education – 3   
 Department of Community/Technical Colleges – 8  Other Department (Labor/Workforce Development) – 8



## Attendance

Education Commission of the States • 700 Broadway, Suite 1200 • Denver, CO 80203-3460 • 303.299.3600 • Fax: 303.296.8332 • www.ecs.org

### Compulsory School Age Requirements

May 2004

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 10<sup>th</sup> 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 8<sup>th</sup> 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: 29
- Age 17: 8
- Age 18: 17

<b>State/Territory</b>	<b>Requirement</b>	<b>Citation</b>
Alabama	7-16	Ala. Code § 16-28-3
Alaska	7-16	Alaska Stat. § 14-30-010
Arizona	6-16	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 <sup>1</sup>	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	7-16	105 Ill. Comp. Stat. Ann. 5/26-1
Indiana <sup>2</sup>	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 <sup>3</sup>	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 <sup>4</sup>	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 <sup>5</sup>	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 <sup>6</sup>	5-17	S.C. Code Ann. § 59-65-10
South Dakota	6-16	S.D. Codified Laws § 13-27-1
Tennessee <sup>7</sup>	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	Vt. Stat. Ann. § 1121
Virginia <sup>8</sup>	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	Wyo. Stat. Ann. § 21-4-102
Am. Samoa	6-18	ASCA 16-3-16.0302
Puerto Rico	5-18	3 P.R. Laws Ann. § 143b

State/Territory	Requirement	Citation
Virgin Islands	5-16	V.I. Code Ann. Tit. 17, § 82

*Notes:*

<sup>1</sup> 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."

<sup>2</sup> 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.

<sup>3</sup> 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"

<sup>4</sup> 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

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

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

<sup>7</sup> 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."

<sup>8</sup> 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 . . . ."

**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 **16** 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 **6**th birthday and has not passed his **16**th 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 **16**th 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 **16**th 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 . . . ."

**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 . . . ."

*Jeffrey Tomlinson compiled this StateNote.*

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***Helping State Leaders Shape Education Policy***

## Cyber Schools

Compiled by Arika Long

April 2004

### What are Cyber Schools?

Also called virtual schools, online schools or Internet schools, cyber schools deliver the majority of their instruction to students through a Web site posted on the Internet instead of in a school building. A “learning management system” (LMS), which is usually purchased by the school from a private vendor, provides the software that creates the “portal” through which courses are delivered on one Web site. The LMS contains space for course syllabi, assignments, notice boards, chat rooms and the mechanisms by which students submit assignments and teachers provide feedback.

Most cyber schools supply students with a computer and any additional instructional materials. Depending on the structure of the school, students work at their own pace and primarily meet with their fellow students and teachers online, spending anywhere from 20-80% of their time on the Internet. Parents are typically expected to supervise their child’s work, but teachers also spend as much as one-third of their time interacting one-on-one with students – either by phone or e-mail. Cyber schools sometimes offer opportunities for their students to meet in person through field trips or extracurricular activities. Assessment usually occurs through portfolio submissions and a combination of online and offline tests.<sup>1</sup>

### How Do Cyber Schools Differ from Regular Schools?

Cyber schools differ from regular schools in the following ways:

- Cyber schools are not limited by the geographic boundaries or daily schedules found in regular schools; students attending cyber schools may live across the state, the country or even the world and, depending on the structure of the school, may complete coursework at any time of day or night.
- Cyber schools can provide additional options and innovations and thereby serve more kinds of students, including students who live in remote areas, students who are incarcerated, students who are professional athletes and entertainers, homebound students, students who wish to accelerate or enrich their education or who need to make up credits, and other students who find it difficult to complete their education in traditional ways. Cyber schools also can accommodate unique learning styles, multiple curriculum choices and one-on-one instruction. Cyber schools open up scheduling flexibility and creative options for teachers who, in some cases, do not even need to reside in the same state as the cyber school in which they teach.
- Cyber schools blur the boundary between home and school in that they must rely heavily on parents to monitor students’ activities, certify their child’s attendance and provide instructional support. For this reason, cyber schools offer a particularly attractive option to homeschoolers and many cyber schools focus their student recruitment efforts on these students.

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<sup>1</sup> Bogden, James (2003, Autumn). “Cyber Charter Schools: A New Breed in the Education Corral.” *Online Autonomy*. National Association of State Boards of Education



- Cyber schools introduce new governance and finance issues. Obviously, cyber schools have the capacity to enroll students beyond a district's, a state's, or even the nation's borders. This makes it difficult to determine everything from appropriate per-pupil allocation to accountability oversight.

### What Types of Cyber Schools Exist?

The term "Cyber School" and its synonyms are applied to a myriad of K-12 learning activities and programs. In this document, cyber schools are defined according to the following categories: cyber schools operated by public school districts and other local education agencies; cyber schools operated by state education agencies; cyber schools operated by colleges and universities; cyber charter schools<sup>2</sup> and cyber schools operated by regional agencies and consortia of educational entities, nonprofit and for-profit organizations. Other categories of cyber schools exist, including private and for-profit schools, but these are not addressed in this document.

### How Many Cyber Schools are Operating in the States?

While the exact number of cyber schools that are open across the country is unknown, the following statistics indicate the extent of their presence:

- The Southern Regional Education Board estimates that over 100,000 students were enrolled in online courses during the 2002-03 school year and over half of the states had created state "virtual schools."<sup>3</sup>
- According to the Education Commission of the States,<sup>4</sup> some 57 cyber charter schools also were operating during the 2002-03 school year.
- The Washington State Office of Public Instruction found that 25% of Washington secondary schools had students enrolled in online courses during the 2001-02 school year and expected that number to triple over the next four years.

Because virtual learning and cyber schools are growing at such a rapid rate, it is difficult to determine exactly how many cyber schools exist. The following table presents an attempt to capture the number and types of cyber schools currently operating in each state. Please note that private and for-profit schools are not included. Additions and corrections to the table are welcome.

State	Local Education Agencies/ Public School Districts	State Level/State Education Agencies	Colleges/ Universities	Charter Schools	Regional Agency/ Consortia
Alaska	-- Juneau Cyber School (Juneau Public Schools) <sup>1</sup> -- SeeUOnline (Matanuska-Susitna Schools, Palmer) <sup>2</sup>			-- Delta Cyber School <sup>3</sup> -- PACE Charter School (Craig City Schools, Craig) <sup>4</sup>	
Alabama		-- Alabama Online High School <sup>5</sup>			
Arizona	-- eCampus			-- Arizona	

<sup>2</sup> Anderson, Amy Berk (2003, May). "Charter Schools: Cyber Charter Schools." *ECS Policy Brief*. Denver, CO: Education Commission of the States. Retrieved March 15, 2004, from the World Wide Web <http://www.ecs.org/clearinghouse/44/13/4413.htm>.

<sup>3</sup> Thomas, William R. (2002, August). "Virtual Learning and Charter Schools: Issues and Potential Impact." Atlanta, GA: Southern Regional Education Board. Retrieved March 15, 2004, from the World Wide Web: [http://www.sreb.org/programs/EdTech/pubs/PDF/Virtual\\_Learn\\_Charter\\_School.pdf](http://www.sreb.org/programs/EdTech/pubs/PDF/Virtual_Learn_Charter_School.pdf).

<sup>4</sup> Berk.

State	Local Education Agencies/ Public School Districts	State Level/State Education Agencies	Colleges/ Universities	Charter Schools	Regional Agency/ Consortia
	(Peoria Unified School District) <sup>6</sup>			Virtual Academy <sup>7</sup> -- PPEP TEC High School <sup>8</sup> -- Sequoia School (Arizona Distance Learning) <sup>9</sup> -- Chancellor Arizona Connections Academy (Chancellor Charter School at Sierra Vista) <sup>10</sup> -- Pinnacle Education <sup>11</sup> -- Primavera Technical Learning Center <sup>12</sup>	
Arkansas		-- Arkansas Virtual High School <sup>13</sup> -- Arkansas Virtual School <sup>14</sup>			
California	-- CAL Online (Clovis Unified Schools, Clovis) <sup>15</sup>		-- Stanford University, Education Program for Gifted Youth <sup>16</sup> -- University of California UC College Prep Initiative (California Virtual High School) <sup>17</sup>	-- Choice 2000 On-Line School <sup>18</sup> -- California Virtual Academies <sup>19</sup> -- Southern California Connections Academy and Capistrano Connections Academy <sup>20</sup>	-- Futures International High School <sup>21</sup>
Colorado	-- JeffcoNet Academy (Jefferson County Public Schools) <sup>22</sup> -- Monte Vista On-line Academy (Monte Vista Schools) <sup>23</sup> -- VILAS (Vilas Interactive			-- Colorado Virtual Academy <sup>25</sup> -- Connections Academy Colorado <sup>26</sup>	-- Colorado Online Learning <sup>27</sup>

State	Local Education Agencies/ Public School Districts	State Level/State Education Agencies	Colleges/ Universities	Charter Schools	Regional Agency/ Consortia
	Long Distance Alternative School <sup>24</sup>				
Connecticut					
Delaware					
Florida		-- Florida Virtual School <sup>28</sup>		-- Florida Virtual Academy <sup>29</sup> --Florida Connections Academy <sup>30</sup>	
Georgia	-- Gwinnett County Online Campus (Gwinnett City Schools, Lawrenceville) <sup>31</sup> -- eHigh School (Cobb County School District) <sup>32</sup>				
Hawaii		-- E-School <sup>33</sup>			
Idaho				-- Idaho Virtual Academy <sup>34</sup> -- Idaho Virtual High School <sup>35</sup>	
Illinois		-- Illinois Virtual High School <sup>36</sup>			
Indiana	-- Indiana Online Academy <sup>37</sup> -- IPS ONLine Virtual School <sup>38</sup>		-- Indiana University High School <sup>39</sup>		
Iowa		-- Iowa Learning Online <sup>40</sup>		-- Iowa Virtual School Program <sup>41</sup>	
Kansas	-- Wichita eSchool <sup>42</sup>			-- Basehor-Linwood Virtual Charter School (Basehor-Linwood Schools, Linwood) <sup>43</sup> -- Electronic Charter School (Elkhart Cyber School) <sup>44</sup>	-- Virtual Greenbush (Southeast Kansas Education Service Center) <sup>45</sup>
Kentucky		-- Kentucky Virtual High School <sup>46</sup>			

State	Local Education Agencies/ Public School Districts	State Level/State Education Agencies	Colleges/ Universities	Charter Schools	Regional Agency/ Consortia
Louisiana		-- Louisiana Virtual School <sup>47</sup>			
Maine					-- ECO 2000 <sup>48</sup>
Maryland		-- Maryland Virtual High School of Science and Mathematics <sup>49</sup>  -- Maryland Virtual Learning Opportunities <sup>50</sup>			
Massachusetts					-- Virtual High School (Hudson Public Schools and the Concord Consortium) <sup>51</sup>
Michigan	-- Clintondale Virtual High School (Clinton Township) <sup>52</sup> -- Oakland Virtual Connection (OK Connect, Oakland Public Schools) <sup>53</sup>	-- Michigan Virtual High School <sup>54</sup>			
Minnesota	-- Mindquest (Bloomington Public Schools) <sup>55</sup>			-- Minnesota Virtual Academy (Houston School District) <sup>56</sup>	-- Minnesota Distance Learning Academy <sup>57</sup>
Mississippi					
Missouri			-- Missouri Virtual School <sup>58</sup> -- University of Missouri-Columbia MU High School <sup>59</sup>		
Montana					
Nebraska			-- University of Nebraska Independent Study High School <sup>60</sup>		
Nevada	-- Nevada Virtual High School (White			-- Clark County Cyber Schoolhouse <sup>62</sup>	

State	Local Education Agencies/ Public School Districts	State Level/State Education Agencies	Colleges/ Universities	Charter Schools	Regional Agency/ Consortia
	Pine County) <sup>61</sup>			-- Odyssey Charter School <sup>63</sup>	
New Hampshire					
New Jersey					
New Mexico		-- New Mexico Virtual School <sup>64</sup>			
New York	-- Babbage Net School (Eastern Suffolk BOCES, Port Jefferson) <sup>65</sup> -- Virtual School at Liverpool™ (Liverpool Central School District) <sup>66</sup>				
North Carolina	-- CCS Web Academy (Cumberland City Schools, Fayetteville) <sup>67</sup>				
North Dakota		-- North Dakota Division of Independent Study <sup>68</sup>			
Ohio				-- ECOT Electronic Classroom of Tomorrow (Columbus) <sup>69</sup> -- TRECA Digital Academy <sup>70</sup> -- Ohio Virtual Academy <sup>71</sup> -- Virtual Community School of Ohio <sup>72</sup> --Ohio Connections Academy <sup>73</sup>	
Oklahoma			-- Oklahoma State University Extension, K-12 Distance Learning		

State	Local Education Agencies/ Public School Districts	State Level/State Education Agencies	Colleges/ Universities	Charter Schools	Regional Agency/ Consortia
			Academy <sup>74</sup>		
Oregon	-- NetSchool (Hillsboro Schools) <sup>75</sup> -- SK Online (Salem-Keizer Public Schools) <sup>76</sup> -- Southern Oregon Online School <sup>77</sup> --COOLSchool <sup>78</sup>				COOLSchool <sup>79</sup>
Pennsylvania				-- Western Pennsylvania Cyber Charter School <sup>80</sup> -- Pennsylvania Virtual Charter School <sup>81</sup> -- 21 <sup>st</sup> Century Cyber Charter School <sup>82</sup> -- Midwestern Regional Virtual Charter School <sup>83</sup> -- Pennsylvania Learners Online: Regional Cyber Charter School <sup>84</sup> -- SusQ-Cyber Charter School <sup>85</sup> -- Commonwealth Connections Academy Charter School <sup>86</sup>	
Puerto Rico					
Rhode Island					
South Carolina	-- Rock Hill School District #3 Virtual High School <sup>87</sup>				
South Dakota					
Tennessee					
Texas	-- Birdville Virtual School (Birdville ISD) <sup>88</sup>		-- University of Texas Distance		-- Texas Virtual School <sup>93</sup>

State	Local Education Agencies/ Public School Districts	State Level/State Education Agencies	Colleges/ Universities	Charter Schools	Regional Agency/ Consortia
	-- eBranch (Spring Branch ISD) <sup>89</sup> -- eSchool (Plano ISD) <sup>90</sup> -- HISD Virtual School (Houston ISD) <sup>91</sup>		Education Center (High School Courses) <sup>92</sup>		
Utah		-- Electronic High School <sup>94</sup>	-- Brigham Young University Independent Study <sup>95</sup>		
Vermont					
Virginia	-- FCPS Online Campus <sup>96</sup> -- Virtual High School @ PWCS (Prince William County Schools, Manassas) <sup>97</sup>	-- York County Virtual High School <sup>98</sup>			
Washington	-- Evergreen Internet Academy, Evergreen HS (Vancouver) <sup>99</sup> -- Internet Academy (Federal Way) <sup>100</sup>				
West Virginia		-- West Virginia Virtual School <sup>101</sup>			
Wisconsin	-- Wisconsin Virtual Academy (Northern Ozaukee School District) <sup>102</sup>			-- Wisconsin Connections Academy <sup>103</sup>	
Wyoming					

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## ***Helping State Leaders Shape Education Policy***

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### **ENDNOTES**

The cyber schools' Web sites provided the following descriptions:

<sup>1</sup> <http://jcs.jsd.k12.ak.us/>

<sup>2</sup> The SeeUonline program is a full-time school primarily for Matanuska-Susitna Borough School District students in K-12 grade. The program is free to all full-time students residing within the Mat-Su Borough. Students who wish to complement their courses at a traditional school or students who reside outside of the Mat-Su Borough also are eligible to enroll in courses for a fee. (<http://seeuonline.org/>)

<sup>3</sup> The Delta Cyber School maintains the same rights, privileges and support of the Delta/Greely School District as all district programs, schools, students and employees. The Delta/Greely School District maintains the authority to resolve questions regarding the Cyber program. The Delta Cyber School has the support and necessary authority to determine and develop a course of study for students that is different from the adopted curriculum for students enrolled in the Delta/Greely School District. Instructional materials, grading procedures and student attendance policies are determined by the Delta Cyber School Academic Policy Committee. Methods for selections, assignment, supervision and evaluation of personnel for the Delta Cyber School are responsibilities of the Academic Policy Committee. The Delta Cyber School is funded as per the guidelines specified in Alaska Charter School Regulations. The Delta/Greely School District assumes 6.32% of state funding for the program for indirect costs. These costs include but are not limited to facilities usage, insurance, accounting, legal fees, equipment usage and general support. (<http://www.dcs.k12.ak.us>)



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<sup>4</sup> PACE stands for Personal Alternative Choices in Education. The program was developed by the Craig City School District in response to the growing demand for alternative educational settings within the district and the State of Alaska. (<http://www.paceschool.net/>)

<sup>5</sup> In collaboration with the Alabama State Department of Education, high school teachers who are certified in the content area develop the Alabama Online High School (AOHS) courses for high school students. AOHS does not currently offer a full degree program, and it is the responsibility of the residential school to provide counseling regarding graduation requirements. AOHS charges per student per credit to cover infrastructure costs and teacher payment. Alabama Online High School is accredited as a Distance Education School by the Commission on International and Trans-Regional Accreditation and the Southern Association of Colleges and Schools. (<http://aohs.state.al.us/>)

<sup>6</sup> <http://ecampus.peoriaud.k12.az.us/>

<sup>7</sup> The Arizona Virtual Academy (AZVA) is a program of the PPEP TEC Charter School and part of Arizona's Technology Assisted Project Based Instructional Program. This pilot program has a number of enrollment restrictions. AZVA is publicly funded, so there is no tuition. (<http://www.azva.org/>)

<sup>8</sup> PPEP TEC High School was chartered by the Arizona State Board for Charter Schools in May 1995 as a public school whose purpose is to provide an alternative educational program for students ages 15-21, in grades 9-12. PPEP TEC High School provides a computer-based curriculum that is aligned with the Arizona Academic Standards and is individualized to meet the unique learning needs of its students. (<http://www.ppeptechns.org/index1.html>)

<sup>9</sup> Sequoia Schools helped draft Arizona Statute §15-808, which instituted distance learning in Arizona. (<http://scazdl.org>)

<sup>10</sup> <http://www.connectionsacademy.com/state/home.asp?sid=az>

<sup>11</sup> <http://www.pin-ed.com/virtual.asp>

<sup>12</sup> <http://primaveratech.org>

<sup>13</sup> The Arkansas Virtual High School is a pilot project funded by the Arkansas Department of Education. The purpose of the Arkansas Virtual High School is to provide an online alternative learning environment for the students of Arkansas' public schools who need assistance in completing coursework that is difficult to receive due to factors such as schedule conflicts, homebound due to extenuating circumstances, and other factors that might impede a student's progress through grades 9-12. ([http://arkansashigh.k12.ar.us/avhs\\_main.htm](http://arkansashigh.k12.ar.us/avhs_main.htm))

<sup>14</sup> <http://www.arvs.org/>

<sup>15</sup> Clovis Anytime Learning (CAL Online) is Clovis Unified School District's online high school program, which began in June 2001. The online courses are asynchronous (not occurring at the same time). The content of most courses is leased from the Florida Virtual School. Teachers from Clovis teach the online courses as part of their normal teaching day. The online course platform used is Jones Knowledge. The program began as a summer pilot in July 2001. (<http://www.cusd.com/calonline/programinfo.htm>)

<sup>16</sup> The Education Program for Gifted Youth (EPGY) offers computer-based distance learning courses in mathematics, physics and expository writing to elementary, middle and high school students of high ability. These courses grew out of over 40 years of research at Stanford University. Since 1993 EPGY has made its course software available to schools and school districts. EPGY software can be used at school to supplement existing classroom instruction or to provide courses that a school does not presently offer. Schools can use their own instructors or they can take advantage of a full range of instructional services provided by EPGY using the latest developments in distance learning technology. EPGY courses allow gifted students to take courses suitable to the level of their ability, regardless of the availability of such courses locally, and in a way that is minimally disruptive to the rest of a student's school experience. With these courses, schools can meet the educational needs of their most advanced students without having to send those students to local high schools or colleges and without having to hire special instructors to teach courses to small numbers of students. EPGY offers special programs for schools that receive Title I funding. (<http://www-epgy.stanford.edu/overview/index.html>)

<sup>17</sup> <http://www.uccp.org/>

<sup>18</sup> Choice 2000 is one of the original charter schools in California. It is a fully accredited secondary school covering grades 7-12. As a public school, it is free for students living in Riverside, San Bernardino, San Diego, Imperial and Orange counties. California residents who live in other counties are prohibited from attending Choice. There is a tuition charge for students living outside of California. Students must provide their own computer. Choice 2000 is a completely online school. The instructional platform used by Choice is interactive. Students attend classes daily at set times. Lessons are presented both visually and verbally. The average class size at Choice is 20 students per class. The program leads to a high school diploma and preparation for advanced schooling. Choice 2000 is ending its ninth year of operation. The school is fully accredited by the Western Association of Schools and Colleges. (<http://www.choice2000.org/default.htm>)

<sup>19</sup> <http://www.caliva.org/>

<sup>20</sup> A number of boards of education in Southern California recently approved a petition by Connections Academy to establish the Southern California Connections Academy charter school and Capistrano Connections Academy. (<http://www.connectionsacademy.com/ca>)

<sup>21</sup> <http://www.internationalhigh.org/index.asp>

<sup>22</sup> JeffcoNet Online Academy is Colorado's Jefferson County School district's online education provider. JeffcoNet provides opportunities for full-time online education as well as part-time educational opportunities. JeffcoNet provides services to a wide variety of student populations in a variety of formats, such as hybrid courses/schedules that combine online with face-to-face

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learning opportunities. Online coursework meets the needs of those students that may have nontraditional daily schedules. (<http://jeffcoweb.jeffco.k12.co.us/high/mclain/youth/online/>)

<sup>23</sup> <http://monte.k12.co.us/ola/>

<sup>24</sup> The purpose of VILAS (Viable Interactive Long-distance Alternate Schooling) is to be able to educate Colorado youth who, for one reason or another, are not now being served by public education. (<http://www.vilas.k12.co.us/vilas/vilas.htm>)

<sup>25</sup> <http://www.covcs.org/>

<sup>26</sup> Connections Academy operates schools in Colorado under contracts with participating school districts, including Denver Public Schools and Pueblo School District 60. (<http://www.connectionsacademy.com/co>)

<sup>27</sup> A 14-district consortium founded Colorado Online Learning (COL) through grants from the Colorado Department of Education. COL provides coursework for Colorado students desiring to learn from Master Teachers via an online format. Districts provide a site coordinator who also may act as a student mentor or other mentors may be assigned. COL staff maintain personal contact with site coordinators, mentors and teachers. COL teachers maintain contact with students and parents. COL provides any textbooks needed. Students taking courses at home are responsible for Internet-access fees and provide their own computers. COL is the sole statewide provider of online courses. (<http://www.col.k12.co.us/index.html>)

<sup>28</sup> Florida Virtual School (FLVS) is an established leader in developing and providing virtual K-12 education solutions. A nationally recognized e-Learning model, FLVS was initially funded by the Florida Legislature as a pilot project in 1997. At that time, FLVS began course development with limited student enrollment, pioneering Florida's first Internet-based, public high school. In 2000, the Florida Legislature established FLVS in state law as an independent education entity with a gubernatorial-appointed governing board. Today, FLVS serves the state of Florida and beyond, offering virtual education options for grades 7-12 as well as adults seeking GED alternatives. (<http://www.flvs.net/>)

<sup>29</sup> <http://www.flva.org/>

<sup>30</sup> Florida Connections Academy is a pilot program funded by the Florida Department of Education; the program is being evaluated by the Department and the legislature. Connections Academy operates the program under contract to the Florida Department of Education. (<http://www.connectionsacademy.com/fl>)

<sup>31</sup> <http://www.gwinnettk12online.net/>

<sup>32</sup> eHigh School is a component of eLearning@Cobb (<http://www.cobb.k12.ga.us/~elearning/>), an online initiative to enhance the educational experience of students, teachers and staff members of the Cobb County School District. As part of this initiative, eHigh School offers students flexibility with scheduling by offering year-round online courses that can be taken anytime, any place and at any pace. (<http://www.cobb.k12.ga.us/~elearning/eHighSchool/ehighclass.htm>)

<sup>33</sup> E-School is a supplementary education program run by the Hawaii Department of Education's Advanced Technology Research Branch. It offers Online Distance Education credit classes using digital technologies such as Web pages, e-mail, threaded discussion, chat, streaming video and online textbooks. E-School typically serves 200-400 students per semester from 30-48 secondary schools in Hawaii's statewide school system. At present students may only take one or two courses per term. During the regular school year, only registered Hawaii secondary education students -- including those in Hawaii public charter schools -- may take classes. Like their regular classes, there is no tuition charged for these classes. Classes in the summer session are open to the public secondary school students, as well as homeschool and private school students, and there is a tuition charged. (<http://www.eschool.k12.hi.us/>)

<sup>34</sup> <http://www.idahova.org/>

<sup>35</sup> <http://www.idvhs.org/Welcome.htm>

<sup>36</sup> The mission of the Illinois Virtual High School (IVHS) is to use new and emerging technologies that expand the boundaries of space and time to provide Illinois students and their teachers with increased equity and access to the highest-quality educational opportunities. The IVHS courses are aligned with the Illinois Learning Standards. (<http://www.ivhs.org/index.learn?action=other>)

<sup>37</sup> <http://www.wayne.k12.in.us/indacademy/>

<sup>38</sup> <http://virtual.ips.k12.in.us/>

<sup>39</sup> [http://www.indiana.edu/~iuh/homeroom\\_frame.html](http://www.indiana.edu/~iuh/homeroom_frame.html)

<sup>40</sup> The State Board of Education serves as the policy board for high school courses offered through Iowa Learning Online. Iowa Learning Online works with Iowa school districts to provide teachers and curriculum for Iowa Learning Online high school courses. (<http://www.virtualacademy.k12.ia.us>)

<sup>41</sup> <http://www.iavsp.org/>

<sup>42</sup> This school's local program is designed for students in Wichita and surrounding districts to enroll as full-time Wichita eSchool students. This school's state and national program is designed for school districts in Kansas and across the nation to use as supplemental online courses. (<http://www.usd259.com/eschool/index.htm>)

<sup>43</sup> The Basehor-Linwood Virtual School (BLVS) is accredited by the Kansas State Board of Education. The BLVS is an alternative Internet-based public elementary, middle and senior high program that operates online through the Internet. BLVS' mission is to

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create and develop alternative approaches to delivering educational processes that use current and emerging technologies. (<http://vcs.usd458.k12.ks.us/>)

<sup>44</sup> <http://www.onlineecs.org/>

<sup>45</sup> <http://www.virtualgreenbush.org/>

<sup>46</sup> The Kentucky Virtual High School (KVHS) is an educational service managed by the Kentucky Department of Education to expand student access to challenging high school curriculum. Through the KVHS, Kentucky schools can provide students with access to a wider range of coursework, with more flexibility in scheduling, with the opportunity to develop their capacities as independent learners, and with increased time and opportunity to achieve because learning online is neither time nor place dependent. Thanks to recent action by the Kentucky Board of Education, students registered in a KVHS course may be able to earn credit and when taking courses outside the normal school day and from a location other than the school. KVHS courses are open 24 hours a day, seven days a week. Students enter KVHS courses only after approval is secured from their local public high school. No student may enter or drop a KVHS course without approval of their local public high school. (<http://kvhs.org/>)

<sup>47</sup> The Louisiana Department of Education in partnership with The Louisiana School for Math, Science and the Arts provides Louisiana high school students access to standards-based high school courses delivered by Louisiana teachers through The Louisiana Virtual School (LVS). Students in LVS courses use the Web, e-mail, and other online and offline resources to complete a rich course of study in a multitude of courses. The LVS affords schools the opportunity to expand learning opportunities to students through courses that would not otherwise be available to them. The 2003-04 school year marks the beginning of the fourth year of program implementation for the Louisiana Virtual School. Most LVS courses are offered as full-year courses following a traditional time schedule. Some courses, however, are offered as full-credit block courses or as half-credit semester courses. (<http://lvs.doe.state.la.us/portal/>)

<sup>48</sup> <http://www.eco2000.org>

<sup>49</sup> <http://mvhs1.mbhs.edu/>

<sup>50</sup> Maryland Virtual Learning Opportunities (MVLO) offers online courses for high school credit in collaboration with local school systems. The teaching is conducted online with the teacher physically separated from the student. The teacher communicates with the student online and via the telephone and a school-site coordinator provides site-based support. MVLO is not a school and does not offer a complete high school diploma program online. The credit earned by taking an MVLO course is entered into the student's record by the local public high school or school system. Students may take a course through MVLO only with the permission of their local school principal. (<http://www.mdk12online.org/>)

<sup>51</sup> <http://www.govhs.org/website.nsf>

<sup>52</sup> <http://www.clintondalevhs.org/admission.htm>

<sup>53</sup><sup>53</sup> Oakland Schools, through the Oakland Virtual Connection (OVC), has created an initiative to bring online courses to high school students in Oakland County and beyond. These courses are presented to students through the Internet, and all assignments are completed and submitted to the teacher electronically. Communication with the teacher is through e-mail and the student can learn anytime, anywhere. Courses for the 2003-04 school year are available for high school students within Oakland County. Most students take the course at home on a computer with Internet access, while some students opt to take the course at school or at a nearby library where there is access to a computer. (<http://www.oakland.k12.mi.us/ovconnect/index.html>)

<sup>54</sup> The Michigan Virtual High School (MVHS) is an online resource that enables Michigan high schools to provide courses (all taught by certified teachers) and other learning tools, such as test reviews and career development, to students who wouldn't otherwise have access to these opportunities. The Michigan Legislature funded the program in July 2000 for a three-year period to be operated by the Michigan Virtual University (MVU), a private, not-for-profit Michigan corporation. MVHS does not independently grant diplomas or course credit but, instead, works in cooperation with individual school districts. (<http://www.mivhs.org>)

<sup>55</sup> Mindquest is a convenient and flexible way for adults and young adults to complete a diploma from home, anytime of the day or night, through the Internet. This award-winning program is a part of the Bloomington (Minnesota) Public Schools, ISD #271. It is free to Minnesota residents and available to out-of-state students for a fee. (<http://www.mindquest.org/about.htm>)

<sup>56</sup> <http://www.mnva.org/>

<sup>57</sup> <http://www.swsc.org/mdla/>

<sup>58</sup> <http://mvs.smsu.edu/>

<sup>59</sup> The University of Missouri-Columbia High School (MU High School) is a part of the University of Missouri Center for Distance and Independent Study, and is accredited by the North Central Association Commission on Accreditation and School Improvement. The mission of the University of Missouri-Columbia High School is to provide courses through a variety of delivery methods that will complement traditional high school curricula and provide an accredited diploma program for independent learners of all ages seeking an alternative to traditional high school attendance. (<http://cdis.missouri.edu/MUHighSchool/HHome.htm>)

<sup>60</sup> <http://dcs.unl.edu/ishs/index.html>

<sup>61</sup> <http://www.nvhs.org/>

<sup>62</sup> Developed by the Secondary Education and Curriculum Division, the Clark County Cyber Schoolhouse officially began in 2000 for the purpose of creating high school curriculum online. To ensure high-quality instruction, all courses are aligned with the Nevada State Standards and the Clark County School District's syllabi. The school's mission is to provide interactive, online educational

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opportunities that encourage students to acquire the skills to succeed in a technological world. (<http://www.ccsd.net/its/cccs/index.html>)

<sup>63</sup> Odyssey Charter School is a technology-based public school (K-12th grade) sponsored by the Clark County School District and funded by the State of Nevada. Odyssey Charter School does not charge tuition and enrollment is open to all students residing in Clark County. (<http://www.odysseyk12.org>)

<sup>64</sup> The New Mexico Legislature recently granted the State Board of Education's request for funds specifically to create the New Mexico Virtual School that provides curriculum and instruction statewide through a variety of interactive technologies. A 20-member design and implementation team is developing a plan to launch the Virtual School.

<sup>65</sup> <http://www.babbagenetschool.com/mainoffice.html>

<sup>66</sup> <http://www.liverpool.k12.ny.us/virtualschool/index.html>

<sup>67</sup> <http://www.ccswebacademy.net/>

<sup>68</sup> <http://www.dis.dpi.state.nd.us/>

<sup>69</sup> Electronic Classroom of Tomorrow (ECOT) educates over 5,000 students between the ages of 5 and 21 from every county in Ohio. ECOT is a public community (charter) school. In order to operate, ECOT relies solely on a fixed per-student state tax allocation, without the addition of property tax, private funds or donations from special interests. ECOT therefore charges no tuition. (<http://www.ecotohio.org/>)

<sup>70</sup> TRECA Digital Academy (TDA) is an online public community (charter) school working in partnership with local school districts throughout Ohio. TRECA Digital Academy is managed by Tri-Rivers Educational Computer Association, a not-for-profit Data Acquisition Site that has been providing services to Ohio schools for 22 years. Tuition is free to students who are Ohio residents. (<http://tda.treca.org/index.shtml>)

<sup>71</sup> <http://www.ohva.org/>

<sup>72</sup> <http://www.vcslearn.com>

<sup>73</sup> Ohio Connections Academy (OCA) is a community (charter) school sponsored by the Ohio Council of Community Schools. The school accepts students from anywhere in the state. (<http://www.connectionsacademy.com/oh>)

<sup>74</sup> Now in its 20th year, the K-12 Distance Learning Academy from Oklahoma State University provides instruction and support for students, teachers and administrators of grades 3-12. (<http://extension.okstate.edu/k12.htm>)

<sup>75</sup> Net School is an online alternative serving the needs of a variety of students age 7-20, including homeschooled, talented and gifted, expelled, drop outs, attention deficit, adjudicated, private schooled, etc. Students learn at home with the support of a Web-based curriculum and an online teacher employed by the Hillsboro (Oregon) School District. Within the district, teachers from other schools may link into the resource created by colleagues. ([http://www.hprtec.org/core/virtual\\_schools/netschool.shtml](http://www.hprtec.org/core/virtual_schools/netschool.shtml))

<sup>76</sup> <http://skonline.org/>

<sup>77</sup> Southern Oregon Online School (SOOS) is currently a consortium of 10 high schools. SOOS currently offers core curriculum courses built around skills and objectives outlined in Oregon's performance standards and delivered using a combination of Internet and video technologies. (<http://www.jacksonesd.k12.or.us/it/soos/index.html>)

<sup>78</sup> COOLSchool is an online school resource that connects to the World Wide Web. COOLSchool is available to any student enrolled at a middle school or high school certified by the State of Oregon. It is also available to homeschooled students and students from other states and countries. (<http://www.coolschool.k12.or.us/>)

<sup>79</sup> <http://coolschool.k12.or.us/>

<sup>80</sup> The Western Pennsylvania Cyber Charter School is a Pennsylvania public charter school whose doors are open to any qualified resident student in Pennsylvania. (<http://www.wpccs.com/index.htm>)

<sup>81</sup> <http://www.pavcs.org/>

<sup>82</sup> The 21st Century Cyber Charter School is a public, tuition-free cyber charter school. The school was established through the cooperative efforts of the Intermediate units of Bucks, Chester, Delaware and Montgomery counties and chartered by the West Chester Area School District. (<http://www.21stcenturycyber.org/>)

<sup>83</sup> <http://www.miu4.k12.pa.us/virtualweb/charterframe.html>

<sup>84</sup> <http://www.palearnersonline.com/index.asp>

<sup>85</sup> <http://www.susqcyber.org/>

<sup>86</sup> Commonwealth Connections Academy Charter School was approved by the Pennsylvania Department of Education in May of 2003. It is operated under contract by Connections Academy. (<http://www.connectionsacademy.com/pa>)

<sup>87</sup> <http://www.rock-hill.k12.sc.us/departments/vhs/>

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<sup>88</sup> The courses provided by the Birdville Virtual School have been evaluated and aligned to meet the standards of Birdville Independent School District (BISD) as well as those of the state of Texas (i.e., Texas Essential Knowledge and Skills). BISD personnel facilitate each online course. (<http://www.birdville.k12.tx.us/cf/Virtual/VirtSchl.htm>)

<sup>89</sup> Only offers two online courses. (<http://www.springbranchisd.com/>)

<sup>90</sup> Plano Independent School District eSchool courses have been developed with the same requirements as traditional high school courses. The courses have been developed to ensure the curriculum maps to state and national standards. Students have the opportunity to interact with a group of recognized, experienced and well-trained teachers as they work through the curriculum independently. Students encounter increasing levels of complexity and sophistication within the course content so they acquire an ever-widening understanding of the concepts being presented. (<http://www.planoisdeshool.net/pages/about.html> )

<sup>91</sup> The Houston Independent School District (HISD) established the HISD Virtual School in 2000 when HISD personnel began writing an online curriculum for students in grades 6-8. HISD's pioneer virtual school provides a full academic year of online core courses, advanced placement courses and test, and college prep classes. The HISD Virtual School was initiated with the help of U.S. Secretary of Education Rod Paige who was then HISD superintendent. A major goal was to decrease the number of students who drop out at the middle school level. Now funded by the state, the total cost of the project is expected to range between \$1 million and \$2 million. Course offerings for the three grades (6th-8th) include the core curriculum of language arts, math, science and social studies. Many assessments are graded by computer, while other written assignments are sent to the online teacher for grading. Currently the HISD Virtual School is partnering with The University of Texas and Apex Learning to create a high school curriculum and advanced placement courses that will be suitable for use in different areas of the country. (<http://virtualschool.houstonisd.org>)

<sup>92</sup> All courses are Texas Essential Knowledge and Skills (TEKS) aligned and based on state-adopted textbooks. The credit earned in courses may be applied toward high school graduation from Texas high schools in accordance with the Texas Education Agency graduation plan recommendations. The University of Texas-Austin High School Diploma Program was authorized by the Texas State Board of Education in November 1998. The program is fully accredited by the Texas Education Agency. (<http://www.utexas.edu/cee/dec/index.html>)

<sup>93</sup> <http://www.texasvirtualschool.org/>

<sup>94</sup> The Electronic High School (EHS) has been in operation since 1994 and provides a wide variety of courses to students across the world. Additional courses are added each year as resources and funding permit. EHS courses have been developed by master teachers and are correlated to the Utah State Core standards and objectives. Students are able to enroll any day of the year and work at their own pace until the course is completed, although the school expects students to complete courses within twelve months. Students who wish to earn only partial credit are able to do so. (<http://ehs.uen.org/>)

<sup>95</sup> Independent Study offers paper-based and online courses ranging from 7th grade to university-level curriculum. (<http://ce.byu.edu/is/site/index.dhtml>)

<sup>96</sup> The Fairfax County Public Schools Online Campus delivers courses identical in content to those offered in the district's traditional classrooms and use multi-media to engage students. These courses are aligned with the Virginia Standards of Learning and follow the Fairfax County Public Schools Program of Studies. (<http://www.fcps.edu/DIS/onlinecampus/welcome.htm>)

<sup>97</sup> The Office of Instructional Technology for Prince William County Schools provides an alternative educational opportunity for students through an online school. These courses are open to all students, whether they are enrolled in Prince William County Schools or not. (<http://www.pwcs.edu/pwcsvirtualhs/index.html>)

<sup>98</sup> The York County Virtual High School is open for enrollment for original credit for summer school. This is the only location in the school division that high school students can receive original credit. The York County School Division accepted student enrollment from other public school divisions in Virginia for the 2003-04 school year. Students will have the opportunity to enroll in courses leading to a standard diploma. The York County Virtual High School offers high school courses for homebound and alternative education students working toward a standard diploma. The York County School Division expanded online courses for the 2003-04 school year to offer courses for elementary and middle school students. (<http://yorkcountyschools.org/VirtualHS/index.html>)

<sup>99</sup> The Evergreen Internet Academy (EIA) began in spring 1999 as an alternative education opportunity in the Evergreen School District. Until 2001, its teachers shared time between online instruction and traditional classroom instruction. During this time, courses were created and EIA established its foundation. In 2001, EIA hired its first full-time teachers. The Evergreen Internet Academy serves students grades 7-12. When EIA opened its virtual doors, it shared students with Evergreen School District schools. Over time, students began attending EIA from many different backgrounds and locations. (<http://eia.egreen.wednet.edu/>)

<sup>100</sup> Internet Academy (IA) provides courses and teachers to students via the Internet. Washington State certified teachers provide instruction to students in grades K-12. The program allows for innovative uses of technology, customized learning environments and access to skilled instructors. During the 2002-03 school year, approximately 900 students took 3,200 courses through IA. Summer school enrollment involves an additional 375-400 students taking about 500 courses. During the school year, about 72% of IA students reside outside of the Federal Way School District boundaries. During summer school, that figure is about 50%. (<http://www.iacademy.org/>)

<sup>101</sup> The West Virginia Virtual School was created by Senate Bill 584 and became effective on July 1, 2000. It was created within the West Virginia Department of Education to offer high-quality educational courses to students through Internet technology, regardless of school location or size. West Virginia Board of Education Policy 2450, Distance Learning and the West Virginia Virtual School, was revised in fall 2000 to reflect this legislation (see <http://wvde.state.wv.us/policies/p2450.html>). The West Virginia Virtual School offers required courses in English, mathematics, science and social studies. Advanced placement courses also are offered and among the most-requested services of the West Virginia Virtual School. Additionally, elective, enrichment and remediation classes are available, including several information technology courses. A variety of upper-level mathematics and foreign language courses also are available. At the West Virginia Virtual School's Web site (<http://virtualschool.k12.wv.us/vschool/>), students may access the

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course catalog for a description of approved courses, preregister to request courses and register online for courses when approved by their local school. Each school has a contact who facilitates enrollment.

<sup>102</sup> <http://www.wivcs.org/>

<sup>103</sup> <http://www.connectionsacademy.com/state/home.asp?sid=wi>



### Administrative and Instructional Spending Mandates

By Michael Griffith  
November 2004

Policymakers around the country are continually concerned about how the limited resources available to public education are being used. In several states, lawmakers have attempted to maximize these resources by requiring more funding go directly to the instruction of students and less be expended on administrative and other costs. The following is a list of some state policies dealing with this issue; it is not meant to be a comprehensive list of state policies but simply a sampling of states that have adopted legislation on this issue:

- Alaska      The state requires school districts to budget for and spend a minimum of 70% of their school operating expenditures in each fiscal year on the instructional component of their budget (AS 14.17.520). If a district is unable to comply with the requirement, it must request a waiver from the state board of education. The board may grant the waiver if it determines the district's failure "*was due to circumstances beyond the control of the district*" (14.17.520(d)). All districts are required to use a common chart of accounts and list specific expenditures under specific headings that are either counted as instructional or not.
- Arizona      Revised Statutes 41-1279.03 requires the auditor general to "establish a school wide audit team in the office of the auditor general to conduct performance audits and monitor school districts to determine the percentage of every dollar spent in the classroom by a school district." You can view the performance reports on the auditor general's [Web site](#).
- Colorado      The state has no set amount for instructional expenditures for school districts but it does require a set-aside of specified amounts per student for instructional supplies and materials and for capital reserve/insurance reserve. For greater detail, see section: [22-54-105](#).
- Illinois      The state limits the growth of administrative spending in school districts to no more than 5% from one year to the next (105 ILCS 5/17-1.5).
- Louisiana      The state requires that 70% of educational funding be expended on instructional cost. Apparently there are no consequences if the spending requirement is not met. The district is simply required to provide a written response as to why the requirement was not met. See the state's definition of [instructional cost](#).
- New Jersey      The state adopted new requirements and standards for administrative cost. See Notes section below for details.
- Texas      State law (§ 39.052) requires school districts to produce report cards that, among other things, show the districts administrative and instructional cost per student. For a full description, see Notes below.

## Additional Information on the Subject of Educational Spending

### National Information

- The National Center for Educational Statistics provides a breakdown of [administrative and instructional expenditures](#) for each state.
- The U.S. Census Bureau produces a survey of government spending once every five years entitled: [Public Education Finances: 2002](#). This publication contains information about spending in public education with detailed information about instructional spending, including funds spent on teacher salaries and benefits.

### Reports/Studies on Administrative Cost

- [A Guide for Educational Accounting](#) from the National Center for Educational Statistics.
- [Measuring Resources in Education: From Accounting to the Resource Cost Model Approach](#), a report from the National Center for Education Statistics.
- [Cost Accounting and Reporting for Educational Programs](#), a report from the National Center for Educational Statistics.

## Notes

The following is a full description of New Jersey and Texas's new standards for administrative cost:

### New Jersey Statute (18A: 7F-5):

c. Annually, on or before March 4, each district board of education shall adopt, and submit to the commissioner for approval, together with such supporting documentation as the commissioner may prescribe, a budget that provides no less than the minimum permissible T & E budget, plus categorical amounts required for a thorough and efficient education as established pursuant to the report, special revenue funds and debt service funds.

Notwithstanding any provision of this section to the contrary, for the 2005- 2006 school year each district board of education shall submit a proposed budget in which the advertised per pupil administrative costs do not exceed the lower of the following:

(1) the district's advertised per pupil administrative costs for the 2004-2005 school year inflated by the cost of living or 2.5 percent, whichever is greater; or

(2) the per pupil administrative cost limits for the district's region as determined by the commissioner based on audited expenditures for the 2003-2004 school year. The county superintendent of schools may disapprove the school district's 2005- 2006 proposed budget if he determines that the district has not implemented all potential efficiencies in the administrative operations of the district. The county superintendent shall work with each school district in the county during the 2004-2005 school year to identify administrative inefficiencies in the operations of the district that might cause the superintendent to reject the district's proposed 2005-2006 school year budget.

For the 2006-2007 school year and each school year thereafter, each district board of education shall submit a proposed budget in which the advertised per pupil administrative costs do not exceed the lower of the following:

d. (1) A district proposing a budget which includes spending which exceeds the maximum T & E budget established pursuant to section 13 of this act shall submit, as appropriate, to the board of school estimate or to the voters of the district at the annual school budget election conducted pursuant to the provisions of P.L.1995, c. 278 (C.19:60-1 et seq.), a general fund tax levy which when added to the other components of its net budget does not exceed the prebudget year net budget by more than the spending growth limitation calculated as follows: the sum of the cost of living or 2.5 percent, whichever is greater, multiplied by the prebudget year net budget, and adjustments for changes in enrollment, certain capital outlay expenditures, expenditures for pupil transportation services provided pursuant to N.J.S. 18A:39-1.1, expenditures incurred in connection with the opening of a new school facility



during the budget year, and special education costs per pupil in excess of \$40,000. The adjustment for special education costs shall equal any increase in the sum of per pupil amounts in excess of \$40,000 for the budget year less the sum of per pupil amounts in excess of \$40,000 for the prebudget year indexed by the cost of living or 2.5 percent, whichever is greater. The adjustment for enrollments shall equal the increase in unweighted resident enrollments between the prebudget year and budget year multiplied by the per pupil general fund tax levy amount for the prebudget year indexed by the cost of living or 2.5 percent, whichever is greater. The adjustment for capital outlay shall equal any increase between the capital outlay portion of the general fund budget for the budget year less any withdrawals from the capital reserve account and the capital outlay portion of the general fund budget for the prebudget year indexed by the cost of living or 2.5 percent, whichever is greater. Any district with a capital outlay adjustment to its spending growth limitation shall be restricted from transferring any funds from capital outlay accounts to current expense accounts. The adjustment for capital outlay shall not become part of the prebudget year net budget for purposes of calculating the spending growth limitation of the subsequent year. The adjustment for pupil transportation costs provided pursuant to N.J.S. 18A:39-1.1 shall equal any increase between the cost of providing such pupil transportation services for the budget year and the cost of providing such pupil transportation services for the prebudget year indexed by the cost of living or 2.5 percent, whichever is greater. The adjustment for the opening of a new school facility shall include costs associated with the new facility related to new teaching staff members, support staff, materials and equipment, custodial and maintenance expenditures, and such other required costs as determined by the commissioner.

(2) A district proposing a budget set at or below the minimum T & E budget established pursuant to section 13 of this act shall submit, as appropriate, to the board of school estimate or to the voters of the district at the annual school budget election conducted pursuant to the provisions of P.L.1995, c. 278 (C.19:60-1 et seq.), a general fund tax levy which when added to the other components of the net T & E budget shall not exceed the prebudget year net T & E budget or in 1997-98 the prebudget year net budget by more than the spending growth limitation calculated as follows: the sum of the cost of living or 2.5 percent, whichever is greater, multiplied by the prebudget year net budget, and adjustments for changes in enrollment, certain capital outlay expenditures, expenditures for pupil transportation services provided pursuant to N.J.S. 18A:39-1.1, expenditures incurred in connection with the opening of a new school facility during the budget year, and special education costs per pupil in excess of \$40,000. The enrollment adjustment shall equal the increase in weighted resident enrollment between the prebudget year and the budget year multiplied by the T & E amount less the T & E flexible amount. The adjustments for special education costs, pupil transportation services, and capital outlay expenditures shall be calculated pursuant to the provisions of paragraph (1) of this subsection. The adjustment for the opening of a new school facility shall include costs associated with the new facility related to new teaching staff members, support staff, materials and equipment, custodial and maintenance expenditures, and such other required costs as determined by the commissioner.

### **Texas Legislation (§ 39.052)**

(b) The report card shall include the following information:

- (1) where applicable, the academic excellence indicators adopted under Sections 39.051(b)(1) through (9);
- (2) average class size by grade level and subject;
- (3) the administrative and instructional costs per student, computed in a manner consistent with Section 44.0071 and
- (4) the district's instructional expenditures ratio and instructional employees ratio computed under Section 44.0071 , and the statewide average of those ratios, as determined by the commissioner.

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## Finance

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### Changes in Per-pupil Education Spending (1981 – 2001)

August 2004

	Unadjusted for Inflation			Adjusted for Inflation (2001 purchasing power)			Change in Per-pupil Spending Between 1981-82 and 2001-02 (in 2001 dollars)
	Per-student Expenditures (1981-82)	Per-student Expenditures (1991-92)	Per-student Expenditures (2001-02)	Per-student Expenditures (1981-82)	Per-student Expenditures (1991-92)	Per-student Expenditures (2001-02)	
<b>Alabama</b>	\$2,063	\$3,382	\$5,937	\$4,023	\$4,397	\$5,937	\$1,914
<b>Alaska</b>	\$6,312	\$8,076	\$9,430	\$12,308	\$10,499	\$9,430	(\$2,878)
<b>Arizona</b>	\$2,462	\$4,417	\$5,445	\$4,801	\$5,742	\$5,445	\$644
<b>Arkansas</b>	\$1,841	\$3,833	\$5,764	\$3,590	\$4,983	\$5,764	\$2,174
<b>California</b>	\$2,671	\$4,612	\$6,878	\$5,208	\$5,996	\$6,878	\$1,670
<b>Colorado</b>	\$2,914	\$5,172	\$6,244	\$5,682	\$6,724	\$6,244	\$562
<b>Connecticut</b>	\$3,188	\$7,819	\$10,517	\$6,217	\$10,165	\$10,517	\$4,300

	Unadjusted for Inflation			Adjusted for Inflation (2001 purchasing power)			Change in Per-pupil Spending Between 1981-82 and 2001-02 (in 2001 dollars)
	Per-student Expenditures (1981-82)	Per-student Expenditures (1991-92)	Per-student Expenditures (2001-02)	Per-student Expenditures (1981-82)	Per-student Expenditures (1991-92)	Per-student Expenditures (2001-02)	
<b>Delaware</b>	\$3,198	\$6,210	\$9,612	\$6,236	\$8,073	\$9,612	\$3,376
<b>Florida</b>	\$2,443	\$4,804	\$6,232	\$4,764	\$6,245	\$6,232	\$1,468
<b>Georgia</b>	\$2,019	\$4,406	\$7,633	\$3,937	\$5,728	\$7,633	\$3,696
<b>Hawaii</b>	\$2,862	\$4,772	\$6,775	\$5,581	\$6,204	\$6,775	\$1,194
<b>Idaho</b>	\$1,945	\$3,381	\$5,789	\$3,793	\$4,395	\$5,789	\$1,996
<b>Illinois</b>	\$2,936	\$4,866	\$7,598	\$5,725	\$6,326	\$7,598	\$1,873
<b>Indiana</b>	\$2,306	\$4,487	\$8,034	\$4,497	\$5,833	\$8,034	\$3,537
<b>Iowa</b>	\$2,874	\$4,413	\$7,126	\$5,604	\$5,737	\$7,126	\$1,522
<b>Kansas</b>	\$2,815	\$4,571	\$6,906	\$5,489	\$5,942	\$6,906	\$1,417
<b>Kentucky</b>	\$1,906	\$4,039	\$6,449	\$3,717	\$5,251	\$6,449	\$2,732
<b>Louisiana</b>	\$2,590	\$4,249	\$6,270	\$5,051	\$5,524	\$6,270	\$1,220
<b>Maine</b>	\$2,221	\$5,620	\$8,160	\$4,331	\$7,306	\$8,160	\$3,829
<b>Maryland</b>	\$3,234	\$5,771	\$7,847	\$6,306	\$7,502	\$7,847	\$1,541
<b>Massachusetts</b>	\$3,137	\$5,958	\$9,883	\$6,117	\$7,745	\$9,883	\$3,766
<b>Michigan</b>	\$3,140	\$5,653	\$8,611	\$6,123	\$7,349	\$8,611	\$2,488
<b>Minnesota</b>	\$2,905	\$5,158	\$7,832	\$5,665	\$6,705	\$7,832	\$2,167
<b>Mississippi</b>	\$1,706	\$3,155	\$5,235	\$3,327	\$4,102	\$5,235	\$1,908

	Unadjusted for Inflation			Adjusted for Inflation (2001 purchasing power)			Change in Per-pupil Spending Between 1981-82 and 2001-02 (in 2001 dollars)
	Per-student Expenditures (1981-82)	Per-student Expenditures (1991-92)	Per-student Expenditures (2001-02)	Per-student Expenditures (1981-82)	Per-student Expenditures (1991-92)	Per-student Expenditures (2001-02)	
<b>Missouri</b>	\$2,342	\$4,086	\$6,574	\$4,567	\$5,312	\$6,574	\$2,007
<b>Montana</b>	\$2,998	\$4,880	\$7,080	\$5,846	\$6,344	\$7,080	\$1,234
<b>Nebraska</b>	\$2,704	\$4,428	\$7,547	\$5,273	\$5,756	\$7,547	\$2,274
<b>Nevada</b>	\$2,424	\$4,470	\$6,134	\$4,726	\$5,811	\$6,134	\$1,408
<b>New Hampshire</b>	\$2,509	\$5,681	\$7,926	\$4,893	\$7,385	\$7,926	\$3,033
<b>New Jersey</b>	\$3,674	\$8,793	\$9,596	\$7,164	\$11,431	\$9,596	\$2,432
<b>New Mexico</b>	\$2,703	\$4,094	\$7,093	\$5,270	\$5,322	\$7,093	\$1,823
<b>New York</b>	\$4,280	\$7,637	\$10,725	\$8,347	\$9,928	\$10,725	\$2,378
<b>North Carolina</b>	\$2,107	\$4,681	\$6,578	\$4,109	\$6,085	\$6,578	\$2,469
<b>North Dakota</b>	\$2,727	\$4,174	\$6,173	\$5,317	\$5,426	\$6,173	\$856
<b>Ohio</b>	\$2,492	\$5,972	\$8,308	\$4,859	\$7,764	\$8,308	\$3,449
<b>Oklahoma</b>	\$2,673	\$3,750	\$6,184	\$5,213	\$4,875	\$6,184	\$971
<b>Oregon</b>	\$3,299	\$5,156	\$8,280	\$6,432	\$6,703	\$8,280	\$1,848
<b>Pennsylvania</b>	\$3,050	\$6,347	\$8,673	\$5,947	\$8,251	\$8,673	\$2,726
<b>Rhode Island</b>	\$3,040	\$6,425	\$10,216	\$5,927	\$8,353	\$10,216	\$4,289
<b>South Carolina</b>	\$1,907	\$3,947	\$7,179	\$3,718	\$5,131	\$7,179	\$3,461
<b>South Dakota</b>	\$2,300	\$4,057	\$6,442	\$4,486	\$5,274	\$6,442	\$1,956

	Unadjusted for Inflation			Adjusted for Inflation (2001 purchasing power)			Change in Per-pupil Spending Between 1981-82 and 2001-02 (in 2001 dollars)
	Per-student Expenditures (1981-82)	Per-student Expenditures (1991-92)	Per-student Expenditures (2001-02)	Per-student Expenditures (1981-82)	Per-student Expenditures (1991-92)	Per-student Expenditures (2001-02)	
<b>Tennessee</b>	\$1,895	\$3,446	\$5,470	\$3,696	\$4,480	\$5,470	\$1,774
<b>Texas</b>	\$2,229	\$4,208	\$6,833	\$4,347	\$5,470	\$6,833	\$2,486
<b>Utah</b>	\$1,872	\$2,827	\$4,769	\$3,650	\$3,675	\$4,769	\$1,119
<b>Vermont</b>	\$2,793	\$6,849	\$9,798	\$5,446	\$8,904	\$9,798	\$4,352
<b>Virginia</b>	\$2,384	\$4,794	\$7,452	\$4,648	\$6,232	\$7,452	\$2,804
<b>Washington</b>	\$2,650	\$5,070	\$7,236	\$5,168	\$6,591	\$7,236	\$2,068
<b>West Virginia</b>	\$2,593	\$4,941	\$8,742	\$5,057	\$6,423	\$8,742	\$3,685
<b>Wisconsin</b>	\$2,935	\$5,707	\$8,654	\$5,723	\$7,419	\$8,654	\$2,931
<b>Wyoming</b>	\$3,417	\$5,946	\$8,203	\$6,663	\$7,730	\$8,203	\$1,540
<b>U.S. Average</b>	<b>\$2,726</b>	<b>\$5,097</b>	<b>\$7,524</b>	<b>\$5,315</b>	<b>\$6,626</b>	<b>\$7,524</b>	<b>\$2,209</b>

Sources:

*Early Estimates of Public Elementary and Secondary Education Statistics: School Year 2001-02*, Department of Education, Office of Educational Research and Improvement, National Center for Education Statistics, April 2002.

*Early Estimates of Public Elementary and Secondary Education Statistics: School Year 1991-92*, Department of Education, Office of Educational Research and Improvement, National Center for Education Statistics, 1992.

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*Michael Griffith, policy analyst, completed this ECS StateNote 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.*

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### International School Finance

November 2004

Public interest has put significant focus on how the United States education system compares with those around the world. The following data show how America's school funding system compares with other developed countries' systems from around the world. This information was collected and published by the Organisation for Economic Co-Operation and Development (OECD) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). Although both OECD and UNESCO have attempted to report the data in such a way that it is comparable from nation to nation, it is important to remember there are differences among countries that may make direct comparisons difficult, if not impossible. For example, school districts in the United States pay for the health care cost of their employees, where the other countries rely, to one extent or another, on national health care systems. This one difference could account for up to an 8% variation between expenditures on American schools as opposed to other nations' schools.

*Data from Belgium, Canada, Germany, the United Kingdom and the United States are averages of data from each country's regional governments. In the United States and Germany, education data can vary greatly from state to state, just as it varies from province to province in Canada. Belgium has three distinct education systems: one each for its Flemish-, French- and German-speaking populations. The United Kingdom has three distinct education systems: one for England and Wales, one for Northern Ireland and one for Scotland.*

**Sources:**

[Education At A Glance: OECD Indicators, Organization for Economic and Co-Operation and Development](#), September 2004.

[Key Topics in Education in Europe - Volume 2: Financing and Management of Resources in Compulsory Education](#), Eurydice, 2004.

[The Global Education Digest 2004: Comparing Education Statistics Across the World](#), UNESCO Institute for Statistics, 2004.

	Percent of Primary and Secondary Education Funding, by Source (2001)			Funding Per Pupil in Primary Education (2001)	Funding Per Pupil in Secondary Education (2001)	Public Educational Expenditures as a Percent of Gross Domestic Product for Primary and Secondary Education (2001)
	National Government	Regional Government	Local Government			
Australia	28%	72%	0%	\$5,052	\$7,239	3.6%
Austria	71%	8%	22%	\$6,571	\$8,562	3.8%
Belgium	15%	80%	5%	\$5,321	\$7,912	4.0%
Canada	4%	69%	27%	NA	NA	3.1%
Denmark	27%	10%	62%	\$7,572	\$8,113	4.2%
Finland	43%	0%	57%	\$4,708	\$6,537	3.7%
France	75%	11%	14%	\$4,777	\$8,107	4.0%
Germany	8%	75%	18%	\$4,237	\$6,620	2.3%
Greece	93%	7%	0%	\$3,299	\$3,768	2.4%
Ireland	100%	0%	0%	\$3,743	\$5,245	2.9%
Italy	83%	6%	11%	\$6,783	\$8,258	3.6%
Japan	25%	57%	18%	\$5,771	\$6,534	2.7%
Netherlands	90%	0%	10%	\$4,862	\$6,403	3.1%
New Zealand	100%	0%	0%	NA	NA	4.3%
Portugal	94%	6%	0%	\$4,181	\$5,976	4.2%
Spain	17%	78%	5%	\$4,168	\$5,442	3.0%
Sweden	NA	NA	NA	\$6,295	\$6,482	4.3%
United Kingdom	28%	0%	72%	\$4,415	\$5,933	3.4%
United States	8%	42%	50%	\$7,560	\$8,779	3.8%



	Percentage of Primary and Secondary Education Funding Spent on All Salaries (2001)	Percentage of Primary and Secondary Education Funding Spent on Teachers Salaries (2001)	Starting Teachers Salaries At Primary School Level (2002)	Ratio of Students to Teachers in Primary Education (2002)	Ratio of Students to Teachers in Secondary Education (2002)
Australia	75.2%	58.4%	\$27,493	16.9	12.5
Austria	79.1%	71.0%	\$23,511	14.4	10.0
Belgium	87.0%	76.6%	\$24,319 - \$25,731	13.1	9.3
Canada	62.4%	77.9%	NA	18.1	18.8
Denmark	78.5%	52.6%	\$31,745	10.9	14.2
Finland	67.0%	55.0%	\$26,647	15.8	13.4
France	78.9%	NA	\$22,688	19.4	12.2
Germany	85.2%	NA	\$36,934	18.9	15.1
Greece	91.3%	NA	\$20,906	12.5	9.3
Ireland	82.7%	76.5%	\$22,980	19.5	NA
Italy	80.8%	63.8%	\$22,915	10.6	10.2
Japan	87.7%	NA	\$23,493	20.3	14.8
Netherlands	77.8%	NA	\$28,003	17.0	15.9
New Zealand	NA	NA	\$18,109	19.6	16.6
Portugal	94.3%	NA	\$19,445	11.0	8.3
Spain	85.9%	76.0%	\$28,161	14.6	11.2
Sweden	65.1%	48.7%	\$23,059	12.5	13.2
United Kingdom	73.9%	53.0%	\$25,403 - \$27,789	19.9	14.8
United States	81.0%	55.7%	\$29,513	15.5	15.5

*Michael Griffith, ECS policy analyst, compiled this ECS StateNote.*

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### School Finance and Full-Day Kindergarten: Taxation and Spending Caps

June 2004

Revenue for K-12 public schools comes primarily from state governments, local school districts and the federal government. In the aggregate, the states provide 48% of all revenue, school districts provide 45%, and the federal government provides 7% of all revenue.<sup>1</sup> The majority of state level education funding is appropriated from state general funds, with other funding from earmarked taxes such as income and sales taxes. State funding levels, established in state policy, can create incentives or disincentives for districts to provide full-day kindergarten. When states provide funding for full-day kindergarten that is equal to or greater than state funding provided for 1st grade, districts have an incentive to offer full-day kindergarten. To date, only eight states provide school districts with funding for full-day kindergarten that is equal to or greater than that provided for 1st grade.<sup>2</sup> In contrast, when states provide funding for full-day kindergarten that is less than funding provided for 1st grade, local revenue sources must make up the difference. Funding for local school districts comes primarily from property taxes. In some states, other sources of revenue provide funding streams, such as local sales taxes and local income taxes. To that end, local district taxation, as well as state limits on spending, play a critical role in whether or not local school districts have the ability to support programs such as full-day kindergarten.

#### ***Local Control Over School Budgets and Taxes***

School district budget and tax rate procedures vary among the states. Often, local school boards have authority for both developing budgets and levying taxes to support district budgets. If school districts can levy taxes to support public education, they are considered ***fiscally independent***. The nature of this taxing authority varies from state to state. For example, school boards in some states may need voter approval for any tax increase, while others may need only voter approval after a specified tax rate is surpassed.

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<sup>1</sup> Augenblick, John. *The Status of School Finance Today*, Education Commission of the States, 2001. Available at <http://www.ecs.org/clearinghouse/28/01/2801.htm>.

<sup>2</sup> Griffith, Mike, Kristie Kauerz, and Jessica McMaken. *How States Fund Full-Day Kindergarten*, Education Commission of the States, 2003. Available at <http://www.ecs.org/clearinghouse/28/01/2801.htm>.

In some instances, school boards do not have independent tax authority, so another governmental entity – typically a municipal or county governing body – approves the budget and levies taxes. If a school district cannot levy its own taxes, it is considered **fiscally dependent**.

- **34 states** have no fiscally dependent districts
- **9 states** have no fiscally independent districts
- **26 states** allow local districts to levy taxes other than property taxes.

### **State Taxation and Spending Caps**

Tax caps restrict the amount of taxes that the state, local governments and school districts may levy on taxpayers. These caps are often on property taxes, however, they can be on total taxes raised or even on other individual taxes (for example, income taxes and sales taxes). Another way to control tax levels is to limit how much state and local governments may spend in any given year. Spending caps often are limits on the increase in the amount of spending from one year to the next.

- **35 states** have tax caps
- **12 states** have spending caps

The table below presents a compilation of both taxation and spending caps as reported by the National Center for Education Statistics (NCES). Only those spending/taxation caps that could affect state or local education spending are included in this summary. This information is not meant to be a complete guide to school finance or tax restrictions. For a full description of any of these taxation caps, please contact ECS at 303.299.3625 or [ecs@ecs.org](mailto:ecs@ecs.org) or staff from an individual state's treasury or budget department.

State	Total # of School Districts	# of Fiscally Dependent Districts	# of Fiscally Independent Districts	Local Taxes Used To Fund Education	Taxation Cap	Spending Limits
Alabama	128	128	0	Property, sales, amusement, tobacco, alcohol, gasoline and mineral lease taxes	Maximum tax rate of \$10 to \$20 per \$1000 assessed property valuation, depending on the classification of the property	None
Alaska	53	53	0	Property and Sales taxes	Maximum tax rate of \$6 per \$1000 of the true value of the property	None
Arizona	228	6	222	Property taxes	None	A maximum per-student spending amount is established each year by the legislature. A district can spend up to 10% beyond this amount with voter approval.

State	Total # of School Districts	# of Fiscally Dependent Districts	# of Fiscally Independent Districts	Local Taxes Used To Fund Education	Taxation Cap	Spending Limits
Arkansas	310	0	310	Property, personal property and severance taxes	Districts with property tax rates greater than \$25 per \$1000 of assessed property must forward one-half of the additional taxes to the state for redistribution.	None
California	988	0	988	Property tax and sales tax (used by the San Francisco district only)	School districts are limited to a property tax levy of \$10 per \$1000 of assessed property valuation.	None
Colorado	176	0	176	Property and specific ownership (vehicle) taxes	Districts may supplement their spending with additional property taxes. However, this additional property tax can account for only 20% of a district's total spending or \$200,000, whichever is greater.	The "Taxpayers Bill of Rights" (TABOR) caps all governmental expenditure from one year to the next. The impact of this cap on K-12 education was offset by a voter initiative passed in 2002.
Connecticut	166	166	0	Property taxes	None	None
Delaware	19	0	19	Property taxes	None	None
Florida	67	0	67	Property taxes	School districts are limited to a property tax levy of \$10 per \$1000 of assessed property valuation (there are exceptions to this cap).	None
Georgia	180	0	180	Property and sales taxes	School districts are limited to a property tax levy of \$20 per \$1,000 of assessed property valuation (there are exceptions to this cap).	None
Hawaii	1	1	0	None	None	None
Idaho	113	0	113	Property taxes	Any local property tax assessment beyond \$3 per \$1000 of assessed value requires a vote of the local electorate.	None

State	Total # of School Districts	# of Fiscally Dependent Districts	# of Fiscally Independent Districts	Local Taxes Used To Fund Education	Taxation Cap	Spending Limits
Illinois	897	0	897	Property taxes	Counties can participate in the state's Property Tax Extension Limitation Law, which caps property tax increases at 5% or the rate of inflation, whichever is less; 29 of the state's 102 counties participate in this program.	None
Indiana	294	0	294	Property, motor vehicle, financial institutions and income taxes	The General Assembly has controlled general fund property tax rates each year since 1973.	The school funding formula dictates how much instructional revenues per pupil may increase each year.
Iowa	375	0	375	Property and income taxes.	The school funding formula dictates the local tax revenue that may be collected each year.	The school funding formula dictates how much instructional revenues per pupil may increase each year.
Kansas	304	0	304	Property taxes and motor vehicle/ recreational vehicle taxes	School districts are limited to a property tax levy of \$20 per \$1000 of assessed property valuation (there are exceptions to this cap).	None
Kentucky	176	0	176	Property, motor vehicle, utility, income tax surcharges and occupational license taxes	None	Districts can spend up to 49.5% above the state's adjusted base guarantee with voter approval.
Louisiana	66	0	66	Sales and property taxes	School districts are limited to a property tax levy of \$7 per \$1000 of assessed property valuation and a local sales tax levy of 3%.	None
Maine	285	199	86	Property taxes	None	None
Maryland	24	24	0	Property and income taxes	None	None

State	Total # of School Districts	# of Fiscally Dependent Districts	# of Fiscally Independent Districts	Local Taxes Used To Fund Education	Taxation Cap	Spending Limits
Massachusetts	329	329	0	Property, motor vehicle excise and hotel/accommodations taxes	Property tax levies can only increase by 2.5% each year. Communities can vote to raise the limit permanently through an override referenda.	None
Michigan	555	0	555	Property taxes	Local property taxes are strictly limited to \$18 per \$1000 of assessed property valuation. This amount may only be increased by a 3/4 vote of the state legislature.	Local per-student spending is determined by the state. Local districts have no option to increase this amount.
Minnesota	350	0	350	Property and mineral taxes	The state determines the maximum amount of taxes that a district may levy. This amount may be over-ridden by a local referendum vote.	None
Mississippi	152	0	152	Property taxes	Maximum property tax rate of \$55 per \$1000 of the assessed value of the property	None
Missouri	525	0	525	Property taxes	None	None
Montana	456	0	456	Property and "flat taxes" (which include revenue from motor vehicle/ recreational vehicle fees and oil, gas and coal production taxes)	None	Districts may not increase spending by more than 4% over the previous year.
Nebraska	604	0	604	Property taxes, city/county fines and license fees and proceeds from sales tax on public power districts	None	Districts may increase spending by only 2.5% to 4.5% over the previous year.
Nevada	17	0	17	Property, tangible personal property, motor vehicle privilege and franchise taxes	School districts are limited to a mandatory property tax levy of \$7.50 per \$1000 of assessed property valuation.	None

State	Total # of School Districts	# of Fiscally Dependent Districts	# of Fiscally Independent Districts	Local Taxes Used To Fund Education	Taxation Cap	Spending Limits
New Hampshire	177	176	1	Property taxes	None	None
New Jersey	575	0	575	Property taxes	None	Districts are permitted to increase spending by an amount equal to 3% or the rate of inflation, whichever is greater.
New Mexico	89	0	89	Property taxes	Maximum tax rate of \$.50 per \$1000 assessed property valuation	All local district budgets must be approved by the state.
New York	682	5 (New York City, Yonkers, Buffalo, Rochester, and Syracuse).	677	Property taxes, a share of the county sales tax and a utility tax (for small districts only)	Only the Big 5 districts (the state's dependent districts) have constitutional tax limits.	None
North Carolina	117	115	2	Property taxes and sales taxes (for school construction only)	Maximum tax rate of \$15 per \$1000 assessed property valuation	None
North Dakota	231	0	231	Property and mineral taxes	Maximum tax rate of \$8.33 per \$1000 of the true value of the property (exemptions are allowed)	None
Ohio	611	0	611	Property and income/payroll taxes	None	None
Oklahoma	547	0	547	Property taxes	Maximum tax rate of \$13.65 per \$1000 of the true value of the property (exemptions are allowed)	None
Oregon	198	0	198	Property Taxes and private timber taxes	Cap of \$5 per \$1000 of assessed value, no exceptions	None



State	Total # of School Districts	# of Fiscally Dependent Districts	# of Fiscally Independent Districts	Local Taxes Used To Fund Education	Taxation Cap	Spending Limits
Pennsylvania	501	1 (Philadelphia)	500	Property taxes and "Act 511" taxes (see note)	Cap of \$25 per \$1000 of assessed value; the numerous exemptions to this cap essentially renders the cap useless.	None
Rhode Island	36	36	0	Property taxes	Cities and towns may not exceed a 5.5% cap on increasing property tax rates without state approval.	None
South Carolina	86	27	59	Property and sales taxes	See Note	None
South Dakota	176	0	176	Property taxes	School districts may levy up to a maximum tax rate of \$4.73 per \$1000 for general agriculture, \$16.25 per \$1000 for other general non-agriculture/utilities, and \$7.61 per \$1000 for general owner occupied.	None
Tennessee	138	138	0	Property and sales taxes	Local option sales tax may not exceed 2.75%.	None
Texas	1042	0	1042	Property taxes	Maximum tax rate of \$15 per \$1000 of true value of the property (amounts above this rate result in reductions in state funds)	None
Utah	40	0	40	Property taxes	Maximum local property tax rate of \$3.858 per \$1000 of assessed property	None
Vermont	252	0	252	Property taxes & sales taxes (in use in only one district)	For households with income under \$75,000, education taxes are capped at no more than 2% of income (exemptions are allowed).	None
Virginia	137	137	0	Property, tangible personal property and sales taxes	None	None

State	Total # of School Districts	# of Fiscally Dependent Districts	# of Fiscally Independent Districts	Local Taxes Used To Fund Education	Taxation Cap	Spending Limits
Washington	296	0	296	Property Taxes and private timber taxes	Maximum local property tax rate of \$9.15 per \$1000 of a property's market value (exemptions are allowed)	Spending can be increased at a rate over the previous year that is not greater than the sum of population growth plus inflation.
West Virginia	55	0	55	Property taxes	Maximum local property tax rate of \$2.295 to \$9.18 per \$1000 of assessed property, depending on the property's classification (exemptions are allowed)	None
Wisconsin	426	0	426	Property taxes	None	School districts are subject to a limit on the annual increase in their per-pupil revenue derived from general school aid and property taxes based on inflation.
Wyoming	46	0	46	Property taxes	None	None

*Please note:* The total number of school districts in a state may change periodically due to district consolidation or merging. Also, there may be differences in our numbers and those reported by a state depending on how fiscal dependence/independence is defined.

If you find that our numbers or summaries are incorrect, according to our definitions listed above, please contact us at [ecs@ecs.org](mailto:ecs@ecs.org).

Source: [Public School Finance Programs of the U.S. and Canada: 1998-99](#), National Center for Education Statistics, 2001.

*This ECS StateNote was completed by Michael Griffith, policy analyst, 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.*

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***Helping State Leaders Shape Education Policy***



## Finance – Aid to Private Schools

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### State Aid to Nonpublic Schools

January 2004

Source: Catherine C. Sielke, John Dayton, C. Thomas Holmes and Anne L. Jefferson, [Public School Finance Programs of the United States and Canada 1998-99](#), National Center for Education Statistics, 2001.

STATE	COMMENTS
Alabama	Alabama does not provide general state aid to private schools. Two types of exceptions, however, do exist. (1) Alabama does provide, through separate appropriations bills, state aid to two private military academies; and (2) Alabama does provide small grants to several private schools and agencies offering services to exceptional children and to mentally disabled citizens. Neither of these categories is considered in the general state aid for public education.
Alaska	No program of state aid for nonpublic schools. Some districts allow nonpublic students to participate in certain public school activities at the discretion of local school boards.
Arizona	None
Arkansas	None
California	None
Colorado	None
Connecticut	Local districts must offer same health services to nonprofit, nonpublic school children as are available to children in public schools provided the majority of children in nonpublic school are state residents. State reimburses eligible school district expenses based on relative town wealth. Towns that provide services to more than 1,500 nonpublic students who are not residents of that town and towns where the number of children receiving AFDC services is greater than 1% of the total population are entitled to 80% reimbursement.
Delaware	Hires public district teachers to provide driver education to students of nonpublic schools. Provides reimbursement to eligible nonpublic school pupils for transportation.
Florida	The 1999 Florida Legislature established Opportunity Scholarships for students attending low-performing schools (FLA. STAT. § 229.0537). Parents of public school students may request an opportunity scholarship for the child to attend a private school.
Georgia	None
Hawaii	None
Idaho	None
Illinois	Nonpublic school students are included in the Textbook Loan Program, Special

STATE	COMMENTS
	Education Transportation Program, Parental Reimbursement for Transportation Program and the Free Lunch and Breakfast Programs.
Indiana	The School Textbook Reimbursement Contingency Fund was established to enable school corporations and accredited nonpublic schools to receive reimbursement for textbook and related school fees for children who meet federal free-lunch standards.
Iowa	<p>Textbook aid is provided based upon claims submitted by a public school district for the textbooks requested by the nonpublic school and purchased by the public school district.</p> <p>Transportation aid is provided for children attending an approved nonpublic school. Districts are reimbursed based upon claims submitted to the state for directly providing transportation, contracting to provide the transportation or for reimbursing the parents.</p> <p>Nonpublic students also may attend a public school on a shared-time basis. These students are counted by the districts on a full-time equivalency basis as part of their basic fall enrollment.</p>
Kansas	If space is available, transportation is provided by the most direct route and in the case of certain federal funds that apply to nonpublic schools.
Kentucky	None
Louisiana	<p>Textbook and instructional material funds allow students enrolled in state-approved nonpublic schools to receive an allocation of \$27.02 per student for textbooks, library books and materials of instruction.</p> <p>The required services program assists state-approved nonpublic schools in complying with state-required reports and activities.</p> <p>Transportation funds are allocated to local school districts transporting students attending state-approved nonpublic schools.</p> <p>The state food service program provides a state fund match and salary assistance to school lunch workers for state approved nonpublic schools.</p>
Maine	Does not allow the direct subsidization of nonpublic schools. State law, however, allows a municipality to raise money to help pay for certain nonpublic school costs and receive a 50% reimbursement (or a prorated portion thereof) two years later. Public schools that pay tuition to nonpublic schools receive a subsidy for these costs at their respective rates of state aid based on provisions of the school finance act.
Maryland	The state's budget bill appropriates funds to eligible nonpublic schools to be used for purchasing textbooks, computer hardware and software and other electronically delivered learning materials. <a href="#">Senate Bill 125, Budget Bill (Fiscal Year 2005)</a>
Massachusetts	None
Michigan	The state provides reimbursement for reasonable costs of nonspecial education auxiliary services transportation, i.e., for nonpublic school pupils (Act 94, Public Acts of 1979 as amended, Art. 7 § 74).
Minnesota	The Nonpublic Pupil Aid program, reimburses school districts for costs incurred in obtaining loaned educational materials or in providing pupil support services to nonpublic pupils.

STATE	COMMENTS
	<p>The Shared Time Program, allows nonpublic pupils to be admitted to public school programs for part of the school day. These pupils earn a shared-time portion of the general education aid for the district.</p> <p>The Transportation Program provides "equal transportation" to nonpublic school pupils. Public schools are also permitted to transport nonpublic school pupils to regular shared-time programs and must transport handicapped nonpublic pupils to and from the facility where special education is provided.</p> <p>The School Lunch Program and School Milk Program funds are used to meet matching requirements of the United States Department of Agriculture National School Lunch Program.</p> <p>The State Income Tax Deductions program allows taxpayers who itemize deductions to deduct the amounts they spend for tuition, secular textbooks and transportation (to pupils attending school in Minnesota, North Dakota, South Dakota, Iowa or Wisconsin) from gross income.</p> <p>Beginning with 1998 taxes, families with school-age children and income at or below \$33,500 per year may qualify for a tax credit of up to \$1,000 per child, not to exceed \$2,000 per family, to reimburse them for certain educational expenses (MINN. STAT. § 290.0674). Nonpublic school tuition is not an eligible expense under this program. Credits are paid to families with children attending public as well as nonpublic schools.</p>
Mississippi	<p>Textbook Procurement provides public schools and eligible nonpublic schools with state-owned books and "loan" them to pupils at no cost.</p> <p>The Educable Child program provides funds to help educate handicapped children placed in nonpublic/parochial schools and in private language/speech clinics. Three types of programs are funded by the state:</p> <p>Parent Placements allow parents who place eligible handicapped children in state-approved programs to be reimbursed regardless of whether there is a local school district program available for that child.</p> <p>Local School District Placements are allowed if a handicapped student between the ages of 5 and 20 cannot receive an appropriate education in their school district and the district places the student in a state-approved program, the district is reimbursed for placement of that student.</p> <p>Welfare Placement Program. When the Department of Public Welfare has been given custody by court order of a handicapped child between the ages of 5 and 20, and places that child in a nonpublic residential school because no foster home can be found for the child, the actual cost of the education in the residential school is reimbursed.</p>
Missouri	None
Montana	None
Nebraska	Does not provide public funds for nonpublic schools. The Textbook Loan Program, however, provides public school districts with textbooks to loan children who are enrolled in nonpublic schools that are approved by the State Board of Education.
Nevada	Provides state aid for special education pupils for which there are no services available in the public schools.
New Hampshire	None

STATE	COMMENTS
New Jersey	<p>Nonpublic school aid is available to reimburse districts for expenses they incur on behalf of students who are enrolled in nonpublic schools within the district. Types of assistance include:</p> <ul style="list-style-type: none"> <li>- Nonpublic textbook aid to support the purchase and loan of textbooks</li> <li>- Auxiliary services aid to support the provisions of these services by public schools</li> <li>- English as a second language</li> <li>- Home instruction</li> <li>- Handicapped aid to support the provision of these services by public schools</li> <li>- Nutrition aid provided to nonpublic schools for school lunches</li> <li>- Auxiliary transportation aid provided to full-time pupils in a K-12 nonpublic school</li> <li>- Nursing services aid provided to pupils enrolled in a full-time K-12 nonpublic school.</li> </ul>
New Mexico	<p>Textbook funds, accreditation (approval) and licensure services, and some testing services are provided to nonpublic students or schools. The state also has a "quasi" voucher plan for eligible handicapped students.</p> <p>The state also has a "quasi voucher" plan for handicapped students enrolled in not-for-profit centers for D Level special education students (a total of 8 in 1997– 98 and none in 1998–99). Parents in a few communities can be given very limited choices to send their children to these not-for-profit centers. Choices are restricted by state regulations and appropriate placement in terms of special needs. When the school and the parents agree on placement, the local district transfers operational funds to the center. The district also may provide travel reimbursements.</p>
New York	<p>Nonpublic schools are reimbursed for actual costs incurred to conduct specific state testing and data-collection activities.</p> <p>The state provides funds to eight private schools for the deaf, two private schools for the blind, and one school for multiple handicapped children.</p>
North Carolina	None
North Dakota	None
Ohio	<p>In addition to transportation, administrative cost reimbursement, textbook, and some auxiliary services aid, some private schools receive public funding through the school choice voucher program.</p>
Oklahoma	None
Oregon	None
Pennsylvania	The state provides funding for services, textbooks and supplies for nonpublic schools.
Rhode Island	None
South Carolina	None
South Dakota	None
Tennessee	None
Texas	None
Utah	<p>While no direct state aid is provided these schools, either through tax credits or vouchers, there are certain contractual situations where students from these nonpublic settings are enrolled part time in public schools. Those public school districts are credited, for state funding purposes, only for the public school portion (based on part-time average daily membership counts) of the school days involved.</p>
Vermont	<p>Public tuition may go to private schools. While no direct state aid is provided these schools, either through tax credits or vouchers, there are certain contractual situations where students from these nonpublic settings are enrolled part time in public schools. Those public school districts are credited, for state funding purposes, only for the</p>

STATE	COMMENTS
	<p>public school portion (based on part-time average daily membership counts) of the school days involved.</p> <p>The Quasi-Privates are five private academies that have historically served as the designated high schools for their regions. They have recently come into compliance with state education standards and receive publicly paid tuition vouchers from the towns in a manner similar to a union high school.</p>
Virginia	None
Washington	None
West Virginia	None
Wisconsin	<p>The Milwaukee Parental Choice Program pays for the cost of children from low-income families (less than 175% of the poverty level) living in Milwaukee to attend, at no charge, private sectarian or nonsectarian schools located in Milwaukee. Students were permitted to attend sectarian schools under the program for the first time in 1998-99. Pupil participation is limited to 15% of the Milwaukee Public Schools' membership.</p> <p>For each pupil attending a private school, the state pays the school an amount equal to the lesser of Milwaukee's equalization aid payment per member or the private school's operating cost per pupil for that particular school year and reduces the district's equalization aid payment by MPS' equalization aid per member multiplied by the number of choice pupils.</p> <p>State aid provided for nutritional programs and the telecommunications access program applies to nonpublic schools, and pupil transportation and special education aid compensates local districts for costs related to nonpublic school pupils.</p>
Wyoming	None

For more information on the use of public funds and the support of sectarian schools, please see [State Constitutions and Public Education Governance](#), Todd Ziebarth, Education Commission of the States, October 2000.

*This ECS StateNote was compiled by Molly Burke, an ECS researcher in the Information Management and Clearinghouse department.*

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## Finance

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### Taxation and Spending Caps

June 2004

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Alaska	53	53	0	Property and Sales taxes	Maximum tax rate of \$6 per \$1000 of the true value of the property	None
Arizona	228	6	222	Property taxes	None	A maximum per-student spending amount is established each year by the legislature. A district can spend up to 10% beyond this amount with voter approval.
Arkansas	310	0	310	Property, personal property and severance taxes	Districts with property tax rates greater than \$25 per \$1000 of assessed property must forward one-half of the additional taxes to the state for redistribution.	None

State	Total # of School Districts	# of Fiscally Dependent Districts	# of Fiscally Independent Districts	Local Taxes Used To Fund Education	Taxation Cap	Spending Limits
California	988	0	988	Property tax and sales tax (used by the San Francisco district only)	School districts are limited to a property tax levy of \$10 per \$1000 of assessed property valuation.	None
Colorado	176	0	176	Property and specific ownership (vehicle) taxes	Districts may supplement their spending with additional property taxes. However, this additional property tax can account for only 20% of a district's total spending or \$200,000, whichever is greater.	The "Taxpayers Bill of Rights" (TABOR) caps all governmental expenditure from one year to the next. The impact of this cap on K-12 education was offset by a voter initiative passed in 2002.
Connecticut	166	166	0	Property taxes	None	None
Delaware	19	0	19	Property taxes	None	None
Florida	67	0	67	Property taxes	School districts are limited to a property tax levy of \$10 per \$1000 of assessed property valuation (there are exceptions to this cap).	None
Georgia	180	0	180	Property and sales taxes	School districts are limited to a property tax levy of \$20 per \$1,000 of assessed property valuation (there are exceptions to this cap).	None
Hawaii	1	1	0	None	None	None
Idaho	113	0	113	Property taxes	Any local property tax assessment beyond \$3 per \$1000 of assessed value requires a vote of the local electorate.	None
Illinois	897	0	897	Property taxes	Counties can participate in the state's Property Tax Extension Limitation Law, which caps property tax increases at 5% or the rate of inflation, whichever is less; 29 of the state's 102 counties participate in this program.	None

State	Total # of School Districts	# of Fiscally Dependent Districts	# of Fiscally Independent Districts	Local Taxes Used To Fund Education	Taxation Cap	Spending Limits
Indiana	294	0	294	Property, motor vehicle, financial institutions and income taxes	The General Assembly has controlled general fund property tax rates each year since 1973.	The school funding formula dictates how much instructional revenues per pupil may increase each year.
Iowa	375	0	375	Property and income taxes.	The school funding formula dictates the local tax revenue that may be collected each year.	The school funding formula dictates how much instructional revenues per pupil may increase each year.
Kansas	304	0	304	Property taxes and motor vehicle/ recreational vehicle taxes	School districts are limited to a property tax levy of \$20 per \$1000 of assessed property valuation (there are exceptions to this cap).	None
Kentucky	176	0	176	Property, motor vehicle, utility, income tax surcharges and occupational license taxes	None	Districts can spend up to 49.5% above the state's adjusted base guarantee with voter approval.
Louisiana	66	0	66	Sales and property taxes	School districts are limited to a property tax levy of \$7 per \$1000 of assessed property valuation and a local sales tax levy of 3%.	None
Maine	285	199	86	Property taxes	None	None
Maryland	24	24	0	Property and income taxes	None	None
Massachusetts	329	329	0	Property, motor vehicle excise and hotel/accommodations taxes	Property tax levies can only increase by 2.5% each year. Communities can vote to raise the limit permanently through an override referenda.	None
Michigan	555	0	555	Property taxes	Local property taxes are strictly limited to \$18 per \$1000 of assessed property valuation. This amount may only be increased by a 3/4 vote of the state legislature.	Local per-student spending is determined by the state. Local districts have no option to increase this amount.

State	Total # of School Districts	# of Fiscally Dependent Districts	# of Fiscally Independent Districts	Local Taxes Used To Fund Education	Taxation Cap	Spending Limits
Minnesota	350	0	350	Property and mineral taxes	The state determines the maximum amount of taxes that a district may levy. This amount may be over-ridden by a local referendum vote.	None
Mississippi	152	0	152	Property taxes	Maximum property tax rate of \$55 per \$1000 of the assessed value of the property	None
Missouri	525	0	525	Property taxes	None	None
Montana	456	0	456	Property and "flat taxes" (which include revenue from motor vehicle/ recreational vehicle fees and oil, gas and coal production taxes)	None	Districts may not increase spending by more than 4% over the previous year.
Nebraska	604	0	604	Property taxes, city/county fines and license fees and proceeds from sales tax on public power districts	None	Districts may increase spending by only 2.5% to 4.5% over the previous year.
Nevada	17	0	17	Property, tangible personal property, motor vehicle privilege and franchise taxes	School districts are limited to a mandatory property tax levy of \$7.50 per \$1000 of assessed property valuation.	None
New Hampshire	177	176	1	Property taxes	None	None
New Jersey	575	0	575	Property taxes	None	Districts are permitted to increase spending by an amount equal to 3% or the rate of inflation, whichever is greater.
New Mexico	89	0	89	Property taxes	Maximum tax rate of \$.50 per \$1000 assessed property valuation	All local district budgets must be approved by the state.

State	Total # of School Districts	# of Fiscally Dependent Districts	# of Fiscally Independent Districts	Local Taxes Used To Fund Education	Taxation Cap	Spending Limits
New York	682	5 (New York City, Yonkers, Buffalo, Rochester, and Syracuse).	677	Property taxes, a share of the county sales tax and a utility tax (for small districts only)	Only the Big 5 districts (the state's dependent districts) have constitutional tax limits.	None
North Carolina	117	115	2	Property taxes and sales taxes (for school construction only)	Maximum tax rate of \$15 per \$1000 assessed property valuation	None
North Dakota	231	0	231	Property and mineral taxes	Maximum tax rate of \$8.33 per \$1000 of the true value of the property (exemptions are allowed)	None
Ohio	611	0	611	Property and income/payroll taxes	None	None
Oklahoma	547	0	547	Property taxes	Maximum tax rate of \$13.65 per \$1000 of the true value of the property (exemptions are allowed)	None
Oregon	198	0	198	Property Taxes and private timber taxes	Cap of \$5 per \$1000 of assessed value, no exceptions	None
Pennsylvania	501	1 (Philadelphia)	500	Property taxes and "Act 511" taxes (see note)	Cap of \$25 per \$1000 of assessed value; the numerous exemptions to this cap essentially renders the cap useless.	None
Rhode Island	36	36	0	Property taxes	Cities and towns may not exceed a 5.5% cap on increasing property tax rates without state approval.	None
South Carolina	86	27	59	Property and sales taxes	See Note	None

State	Total # of School Districts	# of Fiscally Dependent Districts	# of Fiscally Independent Districts	Local Taxes Used To Fund Education	Taxation Cap	Spending Limits
South Dakota	176	0	176	Property taxes	School districts may levy up to a maximum tax rate of \$4.73 per \$1000 for general agriculture, \$16.25 per \$1000 for other general non-agriculture/utilities, and \$7.61 per \$1000 for general owner occupied.	None
Tennessee	138	138	0	Property and sales taxes	Local option sales tax may not exceed 2.75%.	None
Texas	1042	0	1042	Property taxes	Maximum tax rate of \$15 per \$1000 of true value of the property (amounts above this rate result in reductions in state funds)	None
Utah	40	0	40	Property taxes	Maximum local property tax rate of \$3.858 per \$1000 of assessed property	None
Vermont	252	0	252	Property taxes & sales taxes (in use in only one district)	For households with income under \$75,000, education taxes are capped at no more than 2% of income (exemptions are allowed).	None
Virginia	137	137	0	Property, tangible personal property and sales taxes	None	None
Washington	296	0	296	Property Taxes and private timber taxes	Maximum local property tax rate of \$9.15 per \$1000 of a property's market value (exemptions are allowed)	Spending can be increased at a rate over the previous year that is not greater than the sum of population growth plus inflation.
West Virginia	55	0	55	Property taxes	Maximum local property tax rate of \$2.295 to \$9.18 per \$1000 of assessed property, depending on the property's classification (exemptions are allowed)	None

State	Total # of School Districts	# of Fiscally Dependent Districts	# of Fiscally Independent Districts	Local Taxes Used To Fund Education	Taxation Cap	Spending Limits
Wisconsin	426	0	426	Property taxes	None	School districts are subject to a limit on the annual increase in their per-pupil revenue derived from general school aid and property taxes based on inflation.
Wyoming	46	0	46	Property taxes	None	None

*Please note:* The total number of school districts in a state may change periodically due to district consolidation or merging. Also, there may be differences in our numbers and those reported by a state depending on how fiscal dependence/independence is defined.

If you find that our numbers or summaries are incorrect, according to our definitions listed above, please contact us at [ecs@ecs.org](mailto:ecs@ecs.org).

Source: [Public School Finance Programs of the U.S. and Canada: 1998-99](#), National Center for Education Statistics, 2001.

*This ECS StateNote was completed by Michael Griffith, policy analyst, 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.*

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## ***Helping State Leaders Shape Education Policy***



## Models of State Education Governance

Compiled by Todd Ziebarth

April 2004

### Model One

Within this model, the governor appoints the state board of education. Also, the state board of education appoints the chief state school officer. There are 10 Model One states: Arkansas, Connecticut, Florida, Illinois, Kentucky, Maryland, Missouri, New Hampshire, Vermont and West Virginia.

### Model Two

Within this model, the state board of education is elected, and appoints the chief state school officer. There are eight Model Two states: Alabama, Colorado, Hawaii, Kansas, Michigan, Nebraska, Nevada and Utah.

### Model Three

Within this model, the governor appoints the state board of education. Also, the chief state school officer is elected. There are 10 Model Three states: Arizona, California, Georgia, Idaho, Indiana, Montana, North Dakota, Oklahoma, Oregon and Wyoming. In three of these states, Arizona, Indiana and Oklahoma, the chief state school officer is also a voting member of the state board of education.

### Model Four

Within this model, the governor appoints the state board of education and the chief state school officer. There are eight Model Four states: Alaska, Delaware, Iowa, Maine, New Jersey, South Dakota, Tennessee and Virginia.

### Other Models

In addition, 14 states do not conform to any of the four models. They are:

- Louisiana: Eight state board members are elected, and the governor appoints three members. The state board appoints the chief state school officer.
- Massachusetts: Seven state board members are appointed by the governor, one member is appointed by the student advisory council and one member is appointed by the higher education coordinating council. The state board appoints the chief state school officer.
- Minnesota: There is no state board, and the governor appoints the chief state school officer.
- Mississippi: The governor appoints five state board members, while the lieutenant governor and speaker of the house each appoint two members. The state board appoints the chief state school officer.
- New Mexico: The state board is elected, and the governor appoints the chief state school officer.



- New York: The state legislature appoints the state board, and the state board appoints the chief state school officer.
- North Carolina: Two state board members are elected, and the governor appoints 11 members. The chief state school officer is elected.
- Ohio: Eleven state board members are elected, and the governor appoints eight members, with the advice and consent of the senate. The state board appoints the chief state school officer.
- Pennsylvania: Four state board members are elected, and the governor appoints 17 members. The governor appoints the chief state school officer.
- Rhode Island: Two state board members are elected, and the governor appoints nine members. The state board appoints the chief state school officer.
- South Carolina: The state legislature appoints 16 state board of education members, and the governor appoints one state board member. The chief state school officer is elected.
- Texas: The state board is elected, and the governor appoints the chief state school officer.
- Washington: Nine state board members are elected by their local school boards, one member is elected by the governing boards of state-approved K-12 private schools and votes only on matters pertaining to private schools and one member, the chief state school officer, is elected by the general public.
- Wisconsin: There is no state board of education, and the chief state school officer is elected.

*Todd Ziebarth, policy analyst at Augenblick, Palaich and Associates, compiled this ECS StateNote for the ECS National Center on Governing America's Schools, with funding from the Joyce Foundation.*

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## ***Helping State Leaders Shape Education Policy***



### State Gifted and Talented Definitions

June 2004

Gifted and talented education in this country is entirely a state affair. There is no federal legislation mandating states to provide special services to their gifted and talented students. Therefore, states are free to establish their own gifted and talented programs and their own definitions of gifted and talented students. These definitions are important as a guide to the state department in formulating programs, for identification of gifted students in local districts and upon judicial review of gifted determinations.

The 50 states vary on the governing body that makes the definition. Twenty-five state legislatures have chosen to define who is gifted and talented, while twenty-one states have authorized or mandated the state board of education to promulgate rules to define who is gifted and talented. In four states – Massachusetts, Minnesota, New Hampshire and South Dakota – neither the legislature nor the state board have defined a gifted and talented student. Table 1 reflects those distinctions.

The states vary in how they identify gifted and talented students as well. Twenty-five states use “gifted and talented,” or some variation, as the classifying term. Eighteen states have chosen to only use the term “gifted,” or some variation and not mention the word “talented.” Finally, three states use the term “high ability student.” Chart 1 indicates these differences in terminology.

While gifted and talented student definitions from state education agencies often are longer and more detailed, the extra detail should not be regarded as an indication that the gifted and talented program is better as a whole. In fact, in states where the legislature has defined gifted and talented students, the programs are typically just as good or better than states where the state board makes the definition. Often, the legislative involvement appears to be an indication of the importance of gifted and talented education in the state.

#### Table 1

Table 1 is a compilation of the full text of state definitions of ‘gifted and talented students’ organized alphabetically by state. The yellow or lightly shaded cells indicate where the state legislature has defined “gifted and talented.” The white or unshaded cells indicate where the state education agency has made the definition. Finally, the purple or darkly shaded areas show the states that do not have a gifted and talented student definition.

Key		
Definition from State Legislature	25	Yellow
Definition from State Agency	21	White
No State Definition	4	Purple

**Table 1: Full Text of State 'Gifted and Talented' Definitions**

State	Gifted and Talented Definition/Citation
<b>Alabama</b>	<p>“Intellectually gifted children and youth are those who perform at high levels in academic or creative fields when compared to others of their age, experience, or environment. These children and youth require services not ordinarily provided by the regular school program. Children and youth possessing these abilities can be found in all populations, across all economic strata, and in all areas of human endeavor.”</p> <p>ALA. ADMIN. CODE r. 290-8-9-.14</p>
<b>Alaska</b>	<p>“[G]ifted’ means exhibiting outstanding intellect, ability, or creative talent;”</p> <p>ALASKA ADMIN. CODE §52.890</p>
<b>Arizona</b>	<p>“‘Gifted child’ means a child who is of lawful school age, who due to superior intellect or advanced learning ability, or both, is not afforded an opportunity for otherwise attainable progress and development in regular classroom instruction and who needs special instruction or special ancillary services, or both, to achieve at levels commensurate with the child’s intellect and ability.”</p> <p>ARIZ. REV. STAT. §15-761(8)</p>
<b>Arkansas</b>	<p>“Gifted and talented children and youth are those of high potential or ability whose learning characteristics and educational needs require qualitatively differentiated educational experiences and/or services. Possession of these talents and gifts, or the potential for their development, will be evidenced through an interaction of above average intellectual ability, task commitment and/or motivation, and creative ability.”</p> <p>ARK. REG., GIFTED AND TALENTED: RULES AND REGULATIONS: PROGRAM APPROVAL STANDARDS.</p>
<b>California</b>	<p>“Each district shall use one or more of these categories in identifying pupils as gifted and talented. In all categories, identification of a pupil’s extraordinary capability shall be in relation to the pupil’s chronological peers.</p> <ul style="list-style-type: none"> <li>(a) Intellectual Ability: A pupil demonstrates extraordinary or potential for extraordinary intellectual development.</li> <li>(b) Creative Ability: A pupil characteristically: <ul style="list-style-type: none"> <li>(1) Perceives unusual relationships among aspects of the pupil’s environment and among ideas;</li> <li>(2) Overcomes obstacles to thinking and doing;</li> <li>(3) Produces unique solutions to problems.</li> </ul> </li> <li>(c) Specific Academic Ability: A pupil functions at highly advanced economic levels in particular subject areas.</li> <li>(d) Leadership Ability: A pupil displays the characteristic behaviors necessary for extraordinary leadership.</li> <li>(e) High Achievement: A pupil consistently produces advanced ideas and products and/or attains exceptionally high scores on achievement tests.</li> <li>(f) Visual and Performing Arts Talent: A pupil originates, performs, produces, or responds at extraordinarily high levels in the arts.</li> <li>(g) Any other category which meets the standards set forth in these regulations.”</li> </ul> <p>CAL. CODE REGS. title 5, § 3822</p>

**Table 1: Full Text of State 'Gifted and Talented' Definitions**

State	Gifted and Talented Definition/Citation
<b>Colorado</b>	<p>“Gifted and talented student’ means a secondary school student who possesses one or more of the following qualities or attributes:</p> <ul style="list-style-type: none"><li>(a) Is intellectually gifted;</li><li>(b) Is outstanding in school achievement;</li><li>(c) Is outstanding in particular areas of human endeavor, including the arts and humanities.”</li></ul> <p>COLO. REV. STAT. § 22-26-102</p>
<b>Connecticut</b>	<p>“Extraordinary learning ability’ and ‘outstanding creative talent’ shall be defined by regulation by the commissioner...” CONN. GEN. STAT. 10-76a</p> <p>“Extraordinary learning ability’ means a child identified by the planning and placement team as gifted and talented on the basis of either performance on relevant standardized measuring instruments, or demonstrated or potential achievement or intellectual creativity, or both. The term shall refer to the top five per cent of children so identified.”</p> <p>“Gifted and talented’ means a child identified by the planning and placement team as</p> <ul style="list-style-type: none"><li>(1) possessing demonstrated or potential abilities that give evidence of very superior intellectual, creative or specific academic capacity and</li><li>(2) needing differentiated instruction or services beyond those being provided in the regular school program in order to realize their intellectual, creative or specific academic potential.</li></ul> <p>The term shall include children with extraordinary learning ability and children with outstanding talent in the creative arts as defined by these regulations.”</p> <p>“Outstanding talent in the creative arts’ means a child identified by the planning and placement team as gifted and talented on the basis of demonstrated or potential achievement in music, the visual arts or the performing arts. The term shall refer to the top five per cent of children so identified.” CONN. AGENCIES REGS. § 10-76a-2</p>
<b>Delaware</b>	<p>“Gifted or talented person’ means a person in the chronological age group 4 through 20 years inclusive, who by virtue of certain outstanding abilities is capable of high performance in an identified field. Such an individual, identified by professionally qualified persons, may require differentiated educational programs or services beyond those normally provided by the regular school program in order to realize his or her full contribution to self and society. A person capable of high performance as herein defined includes one with demonstrated achievement and/or potential ability in any of the following areas, singularly or in combination.</p> <ul style="list-style-type: none"><li>a. General intellectual ability</li><li>b. Specific academic aptitude</li><li>c. Creative or productive thinking</li><li>d. Leadership ability</li><li>e. Visual and performing arts ability</li><li>f. Psychomotor ability”</li></ul> <p>DEL. CODE ANN. tit. 14, § 3101</p>

**Table 1: Full Text of State ‘Gifted and Talented’ Definitions**

State	Gifted and Talented Definition/Citation
<p><b>Florida</b></p>	<p>“(1) Gifted. One who has superior intellectual development and is capable of high performance.</p> <p>(2) Criteria for eligibility. A student is eligible for special instruction programs for the gifted if the student meets criteria under (2)(a) or (b) of this rule.</p> <p>(a) The student demonstrates: 1. Need for a special program. 2. A majority of characteristics of gifted students according to a standard scale or checklist, and 3. Superior intellectual development as measured by an intelligence quotient of two (2) standard deviations or more above the mean on an individually administered standardized test of intelligence.</p> <p>(b) The student is a member of an under-represented group and meets the criteria specific in an approved school district plan for increasing the participation of under-represented groups in programs for gifted students.</p> <ol style="list-style-type: none"> <li>1. For the purpose of this rule, under-represented groups are defined as groups: a. Who are limited English proficient, or b. Who are from low socio-economic status family.</li> <li>2. The Department of Education is authorized to approve school district plans for increasing the participation of students from under-represented groups in special instructional programs for the gifted...</li> </ol> <p>(3) Procedures for student evaluation. The minimum evaluations for determining eligibility are the following: (a) Need for a special instruction program, (b) Characteristics of the gifted, (c) Intellectual development, and (d) May include those evaluation procedures specified in an approved district plan to increase the participation of students from under-represented groups in programs for the gifted.”</p> <p>FLA. ADMIN. CODE ANN. r. 6A-6.03019</p>
<p><b>Georgia</b></p>	<p>“Gifted Student – a student who demonstrates a high degree of intellectual and/or creative ability(ies), exhibits an exceptionally high degree of motivation, and/or excels in specific academic fields, and who needs special instruction and/or special ancillary services to achieve at levels commensurate with his or her abilities.”</p> <p>GA. COMP. R. &amp; REGS. r. 160-4-2-.38</p>
<p><b>Hawaii</b></p>	<p>“‘Gifted and talented children’ means students residing in the State who are of compulsory school age and are enrolled in, and attending, a public school, and whose superior performance or potential ability or talent may occur singly in or in combination with any of the following areas: intellectual, creative or specific academic abilities, leadership capabilities, psychomotor abilities, or abilities in the performing or visual arts.”</p> <p>HAW. REV. STAT. § 302A-101.</p>
<p><b>Idaho</b></p>	<p>“‘Gifted/talented children’ mean those students who are identified as possessing demonstrated or potential abilities that give evidence of high performing capabilities in intellectual, creative, specific academic or leadership areas, or the ability in the performing arts or visual arts and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.”</p> <p>IDAHO CODE § 33-2001</p>

**Table 1: Full Text of State ‘Gifted and Talented’ Definitions**

State	Gifted and Talented Definition/Citation
<p><b>Illinois</b></p>	<p>“Gifted and Talented Children’ means those children who consistently excel or show the potential to be consistently superior in one or more of the following areas of human endeavor.”</p> <p>“General Intellectual Ability. The child possesses general intellectual ability, High Level thought processes (e.g., the ability to make valid generalizations about events, people and things), or divergent thinking (e.g., the ability to identify and consider multiple, valid solutions to a given problem) which is consistently superior to that of other children to the extent that he or she needs and can profit from specially planned educational services beyond those normally provided by the standard student program.”</p> <p>“Specific Aptitude/Talent. The child possesses a specific aptitude/talent in a specific academic area, creativity or the arts which is consistently superior to the aptitudes of other children to the extent that he or she needs and can profit from specifically planned educational services beyond those normally provided by the standard school program.”</p> <p>ILL. ADMIN. CODE tit. 23, § 227.10</p>
<p><b>Indiana</b></p>	<p>“As used in this chapter, ‘high ability student’ means a student who:</p> <ol style="list-style-type: none"> <li>1. performs at, or shows the potential for performing at, an outstanding level of accomplishment in at least one (1) domain when compared to other students of the same age, experience, or environment.</li> <li>2. is characterized by exceptional gifts, talents, motivation, or interests.”</li> </ol> <p>IND. CODE § 20-10.1-5.1-2</p> <p>“As used in this chapter, ‘domain’ includes the following areas of aptitude and talent:</p> <ol style="list-style-type: none"> <li>1. General intellectual.</li> <li>2. General creative.</li> <li>3. Specific academic.</li> <li>4. Technical and practical arts.</li> <li>5. Visual and performing arts.</li> <li>6. Interpersonal.”</li> </ol> <p>IND. CODE § 20-10.1-5.1-1</p>
<p><b>Iowa</b></p>	<p>“<i>Gifted and talented children</i>’ are those identified as possessing outstanding abilities who are capable of high performance. Gifted and talented children are children who require appropriate instruction and educational services commensurate with their abilities and needs beyond those provided by the regular school program.</p> <p>Gifted and talented children include those children with demonstrated achievement or potential ability, or both, in any of the following areas or in combination:</p> <ol style="list-style-type: none"> <li>1. General intellectual ability.</li> <li>2. Creative thinking.</li> <li>3. Leadership ability.</li> <li>4. Visual or performing arts ability.</li> <li>5. Specific ability aptitude.”</li> </ol> <p>IOWA CODE § 257.44</p>

**Table 1: Full Text of State ‘Gifted and Talented’ Definitions**

State	Gifted and Talented Definition/Citation
<p><b>Kansas</b></p>	<p>“‘Gifted’ means performing or demonstrating the potential for performing at significantly higher levels of accomplishment in one or more academic fields due to intellectual ability, when compared to others of similar age, experience, and environment.” KAN. ADMIN. REGS. 91-40-1</p>
<p><b>Kentucky</b></p>	<p>“‘Gifted and talented student’ means a pupil identified as possessing demonstrated or potential ability to perform at an exceptionally high level in general intellectual aptitude, specific academic aptitude, creative or divergent thinking, psychosocial or leadership skills, or in the visual or performing arts.” KY. REV. STAT. ANN. § 157.200</p>
<p><b>Louisiana</b></p>	<p>“<i>Gifted children and youth</i> are students who demonstrate abilities that give evidence of high performance in academic and intellectual aptitude.” LA. ADMIN. CODE tit. 28, § 909. (Defined in the “Pupil Appraisal Handbook”)</p>
<p><b>Maine</b></p>	<p>“Gifted and Talented Children: ‘Gifted and talented children’ shall mean those children in grades k-12 who excel, or have the potential to excel, beyond their age peers, in the regular school program, to the extent that they need and can benefit from programs for the gifted and talented. Gifted and talented children shall receive specialized instruction through these programs if they have exceptional ability, aptitude, skill, or creativity in one or more of the following categories:</p> <ol style="list-style-type: none"> <li>1. General Intellectual Ability as shown by demonstrated significant achievement or potential for significant accomplishment above their age peers in all academic areas.</li> <li>2. Specific Academic Aptitude as shown by demonstrated significant achievement or potential for significant accomplishment above their age peers in one of more academic area(s)</li> <li>3. Artistic Ability as shown by demonstrated significant achievement or potential for significant accomplishment above their age peers in the literary, performing, and/or visual arts</li> </ol> <p>NOTE: Children with exceptional General Intellectual Ability and/or Specific Academic Aptitude usually comprise five percent of the school population. Students with exceptional Artistic Ability usually comprise five percent of the school population. Children in the top two percent of the school population may be considered highly gifted.” CODE ME. R. § 5-071-104.02</p>
<p><b>Maryland</b></p>	<p>“In this subtitle, ‘gifted and talented student’ means an elementary or secondary student who is identified by professionally qualified individuals as:</p> <ol style="list-style-type: none"> <li>(1) Having outstanding talent and performing, or showing the potential for performing, at remarkably high levels of accomplishment when compared to other students of a similar age, experience or environment;</li> <li>(2) Exhibiting high performance capability in intellectual, creative, or artistic areas;</li> <li>(3) Possessing an unusual capacity; or</li> <li>(4) Excelling in specific academic fields.”</li> </ol> <p>MD. CODE ANN., EDUC. § 8-201</p>

**Table 1: Full Text of State 'Gifted and Talented' Definitions**

<b>State</b>	<b>Gifted and Talented Definition/Citation</b>
<b>Massachusetts</b>	There is no gifted definition from the legislature although recent bills have been introduced to add a definition. (For example see 2004 H.R. 4845).
<b>Michigan</b>	"The 'gifted and/or academically talented' means elementary and/or secondary school students who may be considered to be (1) intellectually gifted, (2) outstanding in school achievement, and/or (3) those who have outstanding abilities in particular areas of human endeavor, including the arts and humanities." MICH. COMP. LAWS § 388.1092
<b>Minnesota</b>	There is no gifted definition nor mandate from the legislature that gifted students be provided special services.
<b>Mississippi</b>	"Gifted children' shall mean children who are found to have an exceptionally high degree of intellect, and/or academic, creative or artistic ability." MISS. CODE ANN. §37-23-175
<b>Missouri</b>	"Gifted children', children who exhibit precocious development of mental capacity and learning potential as determined by competent professional evaluation to the extent the continued educational growth and stimulation could best be served by an academic environment beyond that offered through a standard grade level curriculum." MO. REV. STAT. § 162.675
<b>Montana</b>	"Gifted and talented children' means children of outstanding abilities who are capable of high performance and require differentiated educational programs beyond those normally offered in public schools in order to fully achieve their potential contribution to self and society. The children so identified include those with demonstrated achievement or potential ability in a variety of worthwhile human endeavors." MONT. CODE ANN. § 20-7-901
<b>Nebraska</b>	"Learner with high ability means a student who gives evidence of high performance capability in such areas as intellectual, creative, or artistic capacity or in specific academic fields and who requires accelerated or differentiated curriculum programs in order to develop those capabilities fully." NEB. REV. STAT. § 79-1107
<b>Nevada</b>	"Gifted and talented pupil' means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that he cannot progress effectively in a regular school program and therefore needs special instruction or special services." NEV. REV. STAT. § 388.440
<b>New Hampshire</b>	There is not a definition of gifted children, nor is there any funding for gifted programs.
<b>New Jersey</b>	"Gifted and talented students' means those exceptionally able students who possess or demonstrate high levels of ability, in one or more content areas, when compared to their chronological peers in the local district and who require modification of their educational programs if they are to achieve in accordance with their capabilities." N.J. ADMIN. CODE tit. 6A, § 8-1.3



**Table 1: Full Text of State 'Gifted and Talented' Definitions**

<b>State</b>	<b>Gifted and Talented Definition/Citation</b>
<b>New Mexico</b>	<ol style="list-style-type: none"><li>1. "‘Gifted child’ means a school-age person as defined in Sec. 22-1-2U NMSA 1978 whose intellectual ability paired with subject matter aptitude/achievement, creativity/divergent thinking, or problem-solving/critical thinking is so outstanding that a properly constituted IEP team decides special education services are required to meet the child’s educational needs.</li><li>2. ‘Intellectual ability’ means performance in the very superior range as defined by the test author on a properly administered intelligence measure.</li><li>3. ‘Subject matter aptitude/achievement’ means superior academic performance on a total subject area score on a standardized measure, or as documented by information from other sources...</li><li>4. ‘Creativity/divergent thinking’ means outstanding performance on a test of creativity/divergent thinking, or in creativity/divergent thinking as documented by information from other sources...</li><li>5. ‘Problem-solving/critical thinking’ means outstanding performance on a test of problem-solving/critical thinking, or in problem-solving/critical thinking as documented by information from other sources..."</li></ol> <p>N.M. ADMIN. CODE tit. 6, § 31.2.12</p>
<b>New York</b>	<p>"As used in this article, the term ‘gifted pupils’ shall mean those pupils who show evidence of high performance capability and exceptional potential in areas such as general intellectual ability, special academic aptitude and outstanding ability in visual and performing arts. Such definition shall include those pupils who require educational programs or services beyond those normally provided by the regular school program in order to realize their full potential."</p> <p>N.Y. EDUC. LAW § 4452</p>
<b>North Carolina</b>	<p>"The General Assembly believes the public schools should challenge all students to aim for academic excellence and that academically or intellectually gifted students perform or show the potential to perform at substantially high levels of accomplishment when compared to others of their age, experience and environment. Academically or intellectually gifted students exhibit high performance capability in intellectual areas, specific academic fields, or in both intellectual areas and specific academic fields. Academically or intellectually gifted students require differentiated educational services beyond those ordinarily provided by the regular educational program. Outstanding abilities are present in students from all cultural groups, across all economic strata, and in all areas of human endeavor."</p> <p>N.C. GEN. STAT. § 115C-150.5</p>
<b>North Dakota</b>	<p>"‘Student who is gifted’ means an individual who is identified by qualified professionals as being capable of high performance and who needs educational programs and services beyond those normally provided in a regular education program."</p> <p>N.D. CENT. CODE § 15.1-32-01</p>
<b>Ohio</b>	<p>"‘Gifted’ means students who perform or show potential for performing at remarkably high levels of accomplishment when compared to others of their age, experience, or environment and who are identified under division (A), (B), (C), or (D) of section 3324.03 of the revised code."</p> <p>OHIO REV. CODE ANN. § 3324.01</p>

**Table 1: Full Text of State ‘Gifted and Talented’ Definitions**

State	Gifted and Talented Definition/Citation
<p><b>Oklahoma</b></p>	<p>“‘Gifted and talented children’ means those children identified at the preschool, elementary and secondary levels as having demonstrated potential abilities of high performance capability and needed differentiated or accelerated education or services. For the purpose of this definition, ‘demonstrated abilities of high performance capability’ means those identified students who score in the top three percent (3%) on any national standardized test of intellectual ability. Said definition may also include students who excel in one or more of the following areas:</p> <ul style="list-style-type: none"> <li>a. creative thinking ability,</li> <li>b. leadership ability</li> <li>c. visual and performing arts ability, and</li> <li>d. specific academic ability.</li> </ul> <p>A school district shall identify children in capability areas by means of multicriteria evaluation. Provided, with first and second grade level children, a local school district may utilize other evaluation mechanisms such as, but not limited to, teacher referrals in lieu of standardized testing measures;”</p> <p>OKLA. STAT. tit. 70, § 1210.301</p>
<p><b>Oregon</b></p>	<p>“‘Talented and gifted children’ means those children who require special educational programs or services, or both, beyond those normally provided by the regular school program in order to realize their contribution to self and society and who demonstrate outstanding ability or potential in one or more of the following areas:</p> <ul style="list-style-type: none"> <li>(a) General intellectual ability as commonly measured by measures of intelligence and aptitude.</li> <li>(b) Unusual academic ability in one or more academic areas.</li> <li>(c) Creative ability in using original or nontraditional methods of thinking and producing.</li> <li>(d) Leadership ability in motivating the performance of others either in educational or noneducational settings.</li> <li>(e) Ability in the visual or performing arts, such as dance, music or art.”</li> </ul> <p>OR. REV. STAT. § 343.395</p>
<p><b>Pennsylvania</b></p>	<p>“‘Mentally gifted – Outstanding intellectual and creative ability the development of which requires specifically designed programs or support services, or both, not ordinarily provided in the regular education program.”</p> <p>22 PA. CODE § 16.1</p>
<p><b>Rhode Island</b></p>	<p>“Criteria for Identification</p> <ul style="list-style-type: none"> <li>A. The local school district shall determine: <ul style="list-style-type: none"> <li>1. The categories of gifted/talented to be addressed by the program...</li> <li>2. Grade, age, level, or special population to be served by the program...</li> </ul> </li> <li>B. The local district shall specify the philosophy and general goal(s) of the program prior to the establishment of the selection criteria.</li> <li>C. The local district shall establish selection criteria in writing before students are screened and selected.</li> <li>D. The local district shall indicate a direct relationship between the criteria for selection and category of giftedness/talent to be addressed.</li> <li>E. The local district shall apply selection criteria to all students in the target group within the district and establish norms which have at the minimum a system-wide comparative group.</li> <li>F. The local school district shall use procedures, methods, techniques, and materials which are unbiased insofar as possible and which are</li> </ul>

**Table 1: Full Text of State ‘Gifted and Talented’ Definitions**

State	Gifted and Talented Definition/Citation
	<p>appropriate to each age level. There shall be evidence that efforts were made to identify gifted and talented students from special populations, such as non-English speaking, disadvantaged, and handicapped.” R.I. CODE R. 08 020 005</p>
<b>South Carolina</b>	<ol style="list-style-type: none"> <li>1. “Gifted and talented students are those who are identified in grades 1-12 as demonstrating high performance ability or potential in academic and/or artistic areas and therefore require an educational program beyond that normally provided by the general school program in order to achieve their potential.</li> <li>2. Gifted and talented abilities for these regulations include:               <ol style="list-style-type: none"> <li>a. Academic and Intellectual Ability: Students who have the academic and/or intellectual potential to function at a high level in one or more academic areas.</li> <li>b. Visual and Performing Arts: Students who have the artistic potential to function at a high performance level in one or more of the fine arts.”</li> </ol> </li> </ol> <p>43 S.C. CODE ANN. REGS. 220</p>
<b>South Dakota</b>	<p>South Dakota’s legislature has instructed the South Dakota Board of Education to promulgate rules related to the identification, program standards, and placement (S.D. CODIFIED LAWS § 13-33-16). However, the South Dakota State Board of Education has yet to promulgate those rules.</p>
<b>Tennessee</b>	<p>“‘Intellectually Gifted’ means a child whose intellectual abilities and potential for achievement are so outstanding that special provisions are required to meet the child’s educational needs.” TENN. COMP. R. &amp; REGS. 0520-1-9-.01</p>
<b>Texas</b>	<p>“‘[G]ifted and talented student’ means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:</p> <ol style="list-style-type: none"> <li>(1) exhibits high performance capability in an intellectual, creative, or artistic area;</li> <li>(2) possesses an unusual capacity for leadership; or</li> <li>(3) excels in a specific academic field.”</li> </ol> <p>TEX. EDUC. CODE ANN. § 29.121</p>
<b>Utah</b>	<p>“‘Gifted and talented students’ means children and youth whose superior performance or potential for accomplishment requires a differentiated and challenging education program to meet their needs in any one or more of the following areas:</p> <ol style="list-style-type: none"> <li>(1) general intellectual: students who demonstrate a high aptitude for abstract reasoning and conceptualization, who master skills and concepts quickly, and who are exceptionally alert and observant;</li> <li>(2) specific academic: students who evidence extraordinary learning ability in one or more specific disciplines;</li> <li>(3) visual and performing arts: students who are consistently superior in the development of a product or performance in any of the visual and performing arts;</li> <li>(4) leadership: students who emerge as leaders, and who demonstrate high ability to accomplish group goals by working with and through others;</li> <li>(5) creative, critical or productive thinking; students who are highly</li> </ol>

**Table 1: Full Text of State ‘Gifted and Talented’ Definitions**

State	Gifted and Talented Definition/Citation
	<p>insightful, imaginative, and innovative, and who consistently assimilate and synthesize seemingly unrelated information to create new and novel solutions for conventional tasks.”                      UTAH ADMIN. CODE § 277-771-1</p>
<b>Vermont</b>	<p>“Gifted and talented children’ means children identified by professionally qualified persons who, when compared to others of their age, experience and environment, exhibit capability of high performance in intellectual, creative or artistic areas, possess an unusual capacity for leadership or excel in specific academic fields.”                      VT. STAT. ANN. tit. 16, § 13</p>
<b>Virginia</b>	<p>“Gifted students’ means those students in public elementary and secondary schools beginning with kindergarten through graduation whose abilities and potential for accomplishment are so outstanding that they require special programs to meet their educational needs. These students will be identified by professionally qualified persons through the use of multiple criteria as having potential or demonstrated abilities and who have evidence of high performance or capabilities, which may include leadership, in one or more of the following areas:</p> <ol style="list-style-type: none"> <li>1. Intellectual aptitude or aptitudes. Students with advanced aptitude or conceptualization whose development is accelerated beyond their age peers as demonstrated by advanced skills, concepts and creative expression in multiple general intellectual ability or in specific intellectual abilities.</li> <li>2. Specific academic aptitude. Students with specific aptitudes in selected academic areas: mathematics; the sciences; or the humanities as demonstrated by advanced skills, concepts, and the creative expression in those areas.</li> <li>3. Technical and practical arts aptitude. Students with specific aptitudes in selected technical or practical arts as demonstrated by advanced skills and creative expression in those areas to the extent they need and can benefit from specifically planned educational services differentiated from those provided by the general program experience.</li> <li>4. Visual or performing arts aptitude. Students with specific aptitudes in selected or visual performing arts as demonstrated by advanced skills and creative expression who excel consistently in the development of a product or performance in any of the visual and performing arts to the extent that they need and can benefit from specifically planned educational services differentiated from those generally provided by the general program experience.” <p>8 VA. ADMIN. CODE § 20-40-20</p> </li></ol>
<b>Washington</b>	<p>“As used in this chapter, the term highly capable student shall mean a student who has been assessed to have superior intellectual ability as demonstrated by one or more of the multiple criteria in WAC 392-170-040.</p> <p>These students exhibit high capability in intellectual and/or creative areas, possess an unusual leadership capacity, or excel in specific academic fields, thereby requiring services beyond the basic programs provided by schools. Outstanding abilities are present in students from all cultural groups, across all economic strata, and in all areas of human endeavor.”                      WASH. ADMIN. CODE § 392-170-035</p>

<b>Table 1: Full Text of State 'Gifted and Talented' Definitions</b>	
<b>State</b>	<b>Gifted and Talented Definition/Citation</b>
<b>West Virginia</b>	<p>"A. Giftedness is exceptional intellectual abilities that are evidence of outstanding capability and require specially designed instruction and/or services beyond those normally provided by the regular school program.</p> <p>B. For gifted students, grades one (1) through eight (8), documentation that a student meets both of the following:</p> <ol style="list-style-type: none"> <li>Intellectual Ability ...</li> <li>Achievement/Performance ...</li> </ol> <p>C. For exceptional gifted, grades 9 through 12, documentation that a student meets the eligibility criteria for gifted and one or more of the following:</p> <ol style="list-style-type: none"> <li>the eligibility criteria for one or more of the disabilities as defined in this section; and/or</li> <li>the definition for economically disadvantaged; and/or</li> <li>the definition for underachievement, which takes into consideration the student's ability level, educational performance and achievement levels; and/or</li> <li>the definition for psychological adjustment disorder as documented by a comprehensive psychological evaluation." <p>W. VA. CODE ST. R. § 126-16-4.1.3</p> </li></ol>
<b>Wisconsin</b>	<p>"[G]ifted and talented pupils' means pupils enrolled in public schools who give evidence of high performance capability in intellectual, creative, artistic, leadership or specific academic areas and who need services or activities not ordinarily provided in a regular school program in order to fully develop such capabilities."</p> <p>WIS. STAT. § 118.35</p>
<b>Wyoming</b>	<p>"Gifted and talented students identified by professionals and other qualified individuals as having outstanding abilities, who are capable of high performance and whose abilities, talents and potential require qualitatively differentiated educational programs and services beyond those normally provided by the regular school program in order to realize their contribution to self and society."</p> <p>WYO. STAT. ANN. § 29-9-101</p>

## Table 2: State Definitions/Terminology

Table 2 presents the terminology used in state 'gifted and talented student' definitions. There are three general categories within which all the definitions fall. Twenty-five states use the full term 'gifted and talented' in the state definition; 18 states use only the term 'gifted.' Three states use term 'high ability student.' While many states use these exact terms, some states vary slightly. For example, Oregon, which uses the term 'talented and gifted,' was included in the category 'gifted and talented.' For further clarification of a state's terminology refer to the full text of the state definition in Table 1. States that do not have a definition of 'gifted and talented students' are indicated and highlighted in blue.

State	No State Gifted and Talented Definition	Gifted and Talented	Gifted	High Ability Student
Alabama			✓	
Alaska			✓	
Arizona			✓	
Arkansas		✓		
California		✓		
Colorado		✓		
Connecticut		✓		
Delaware		✓		
Florida			✓	
Georgia			✓	
Hawaii		✓		
Idaho		✓		
Illinois		✓		
Indiana				✓
Iowa		✓		
Kansas			✓	
Kentucky		✓		
Louisiana			✓	
Maine		✓		
Maryland		✓		
Massachusetts	✓			
Michigan		✓		
Minnesota	✓			
Mississippi			✓	
Missouri			✓	

State	No State Gifted and Talented Definition	Gifted and Talented	Gifted	High Ability Student
Montana		✓		
Nebraska				✓
Nevada		✓		
New Hampshire	✓			
New Jersey		✓		
New Mexico			✓	
New York			✓	
North Carolina			✓	
North Dakota			✓	
Ohio			✓	
Oklahoma		✓		
Oregon		✓		
Pennsylvania			✓	
Rhode Island		✓		
South Carolina		✓		
South Dakota	✓			
Tennessee			✓	
Texas		✓		
Utah		✓		
Vermont		✓		
Virginia			✓	
Washington				✓
West Virginia			✓	
Wisconsin		✓		
Wyoming		✓		
<b>Total</b>	<b>4</b>	<b>25</b>	<b>18</b>	<b>3</b>

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## ***Helping State Leaders Shape Education Policy***



## Kindergarten

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### How States Fund Full-day Kindergarten

Updated August 2004

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 true<sup>1</sup>:

- Nine states (Alaska, Georgia, Illinois, Massachusetts, Nebraska, New Mexico, New York, Pennsylvania and Wisconsin) provide more funding for full-day kindergarten than is provided for half-day programs.
- Thirty-nine 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

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<sup>1</sup> 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:

- **Seven states provide an incentive to districts to offer full-day kindergarten.** These include Alaska, Georgia, Illinois, Nebraska, New Mexico, New York 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. Two states (Georgia and New Mexico) 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.
- **Nineteen 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, Oklahoma, 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 <sup>st</sup> grade?	Difference between funding for half-day kindergarten, full-day kindergarten and 1 <sup>st</sup> 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 <sup>st</sup> grade?	Difference between funding for half-day kindergarten, full-day kindergarten and 1 <sup>st</sup> grade	State categorical programs that provide additional funding for full-day kindergarten
Colorado	P	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 <sup>st</sup> grade?	Difference between funding for half-day kindergarten, full-day kindergarten and 1 <sup>st</sup> 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 <sup>st</sup> grade?	Difference between funding for half-day kindergarten, full-day kindergarten and 1 <sup>st</sup> 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 <sup>st</sup> grade?	Difference between funding for half-day kindergarten, full-day kindergarten and 1 <sup>st</sup> 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	Yes	No	All kindergarten students are funded at a level that is 4% less than that for 1st-grade students.	None
Oregon	M	P	Yes	No	All kindergarten students are funded at half the level of 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 <sup>st</sup> grade?	Difference between funding for half-day kindergarten, full-day kindergarten and 1 <sup>st</sup> grade	State categorical programs that provide additional funding for full-day kindergarten
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 students.	None
Vermont	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 <sup>st</sup> grade?	Difference between funding for half-day kindergarten, full-day kindergarten and 1 <sup>st</sup> grade	State categorical programs that provide additional funding for full-day kindergarten
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

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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/childdevelopment](http://www.ecs.org/childdevelopment).

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## Leadership/Licensure

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### Administrator License Requirements, Portability, Waivers and Alternative Certification

Compiled by Katy Anthes

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Information was gathered mostly from The National Center for Education Information (NCEI) state profiles titled: *Certification of Principals and Superintendents in the U.S. 2003*. The profiles can be found at [http://www.ncei.com/2003\\_Principals\\_Superintendents/index.htm](http://www.ncei.com/2003_Principals_Superintendents/index.htm). The information was slightly shortened and placed in this new format so the reader could compare states side-by-side. Additional information on law changes and NASDTEC reciprocity were gathered from *StateNet*, *Westlaw* and [www.nasdtec.org](http://www.nasdtec.org). If a blank box appears in the licensure portability section, it is because there was no information on that subject in the NCEI profiles, *Westlaw* and the state has not signed the NASDTEC reciprocity agreement for administrators. The NASDTEC reciprocity agreement is intended to “facilitate the movement of educators among various states and other jurisdictions which have signed the contract. Although there are conditions applicable for each jurisdiction, the Contract allows an educator (in this case an administrator) certificate or license in one state or jurisdiction to be accepted for certification in another state or jurisdiction” (National Association of State Directors of Teacher Education and Certification).

STATE	Initial Administrator Licensure Requirements	Does the state have some ability for licensure portability or waivers?	Is there an alternative path to certification?
Alabama	Principal and Superintendent: Candidate must have a master's in administration, teaching or other education field; 2 years experience in education, 1 in teaching; 18 hour add-on program, which must include an internship of 300 clock hours. Candidate must have spent time in elementary, middle or high school central office.  Superintendents must take a course and pass a test in school law and finance.	Alabama has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.	The state is considering a 1-year certificate that is renewable up to three times. The teacher accountability act signed into law in 2000, provided for alternative principal certification procedures (H.B. 285).
Alaska	Principal: Candidate must have completed 3 years as a certified teacher and hold a master's or higher degree from college or university. Temporary and provisional certificates are available.	Applicants with licenses from out-of-state can apply for a provisional certificate until they complete their “Alaska-specific” coursework.	No.



	<p>Superintendent: Candidate must have 5 years satisfactory employment as a teacher or administrator, 3 of those years must have been as a teacher and 1 year as a certified administrator.</p>	<p>Alaska has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	
Arizona	<p>Principal: Candidate must have a master's or higher degree from a college or university. Candidate must complete a college or university program in educational administration for principals, including 30 graduate semester hours, which includes a practicum as a principal. Candidate must pass principal portion on test of Arizona Educator Proficiency Assessment.</p> <p>Superintendent: Candidate must have a master's or higher degree (60 semester hours from college or university). Candidate must complete a graduate program for superintendents, including 36 hours of educational administration courses, with practicum as a superintendent. Candidate also must achieve passing score on superintendent portion of Arizona Educator Proficiency Assessment.</p>	<p>An administrator certified in another state can get a 6-year certificate as long as they have 3 years of preK-12 teaching experience.</p> <p>Superintendents certified in another state are given 1 year to complete college courses and examinations in the Arizona and U.S. Constitution.</p> <p>Arizona has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	No.
Arkansas	<p>Principal: Candidate must have a current teaching license and a minimum of 5 years full-time teaching experience; must have a graduate degree in any field, but if it is not in administration, the state-approved program will determine whether the candidate needs to complete additional study based on their needs. Candidate must complete a mentoring program during the period of initial licensure and the School Leaders Licensure Assessment to receive a standard license.</p> <p>Superintendent: Candidate must meet the same requirements as a principal but must have a building-level administrator license. Candidate must complete a state-approved advanced degree based on the "Standards of Licensure of Beginning Administrators," which includes an internship and portfolio. Candidates must complete the School Superintendent Assessment.</p>	<p>There is a licensure waiver provision, but it can only be used up to 3 years, at that point the candidate must meet the requirements or lose their administrator license.</p>	No.
California	<p>Principal and Superintendent: Candidate must have a valid teaching credential or a California services credential; must achieve a passing score on the California Basic Educational</p>		<p>California has an alternative route to certification approved by statute, but the</p>

	Skills Test and have a minimum of 3 years successful, full-time experience in one of the following: teaching, pupil personnel, librarianship, health services or clinical or rehabilitative services. Candidates must complete a college or university program in administrative services of at least 24 semester hours. Candidates must complete a 1-year internship.		program is not yet in operation (as of 2003).
Colorado	Principal and Superintendent: Candidate must have completed an approved preparation or an alternative program and successfully complete a content-area assessment. Candidate must participate in a state-approved induction program. In May 2000, a bill was signed into law that clarifies that licensure is not a condition of employment for administrators. The board of a local school district may enter into an employment contract with any person to serve as a district administrator based on qualifications set by the board. This bill retains the licensure requirements for principals (S.B. 160).	Candidates prepared in another state may be issued a temporary authorization until they can complete a content-area assessment.  Colorado has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.	The state has "alternative possibilities for superintendents." The board of a local school district may enter into an employment contract with any person to serve as a district administrator based on qualifications set by the board (S.B. 160).
Connecticut	Principal: Candidate must have a master's degree from an approved institution, 18 graduate hours beyond the master's and 50 school months of successful teaching or service. An internship can count toward part of this requirement. Candidates must complete a specific set of coursework in certain fields and complete the PRAXIS I test.  Superintendent: Candidate's must meet the same requirements as principals but with 30 graduate hours beyond the master's and 80 school months of teaching or other service experience.		No.
Delaware	Principal: Candidate must have a master's degree with an approved program in school administration and a minimum of 3 years successful, full-time teaching experience or 2 years of teaching experience and a 1-year internship. Certain specified coursework also must be completed.  Superintendent: Candidate must have a master's degree plus 30 graduate semester hours. Candidate must have a minimum of 3 years experience as teacher or administrator and must complete specified graduate coursework in school administration.	Delaware has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.	No, not yet, but such a program is being considered.

Florida	<p>Principal: A candidate must hold a valid professional certificate in leadership or administration. The candidate must demonstrate successful performance of the duties of a principal through an approved district management program, as a full-time district employee, as an assistant principal, an intern principal or interim principal for at least 1 year, in a formally planned professional development program and have demonstrated successful performance of the competencies of the school principalship based on the performance appraisal system approved by the state education agency.</p> <p>Superintendents: Superintendents are elected in some districts and appointed in others. By statute, superintendents are only required to be qualified for elective office.</p>	Florida has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.	A new law enacted in 2002 gives that state's 67 local school boards the authority to set their own alternative qualifications for persons wanting to be a principal who do not hold a state certificate. The authority given in January 2003 has not yet been implemented because most school districts have not indicated a strong interest in that provision.
Georgia	Principal and Superintendent: Candidate must have a master's degree or higher, 3 years of acceptable school experience and completed an approved program in educational leadership. Candidates also must complete the Certification Assessment Program, verify recent study or experience, complete coursework in special education and demonstrate satisfactory proficiency on computers.	Georgia has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.	No, not yet, but some proposals are under consideration. There is, however, a "Superintendent Permit" that can allow districts to fill the superintendency with a leader in business, military or other field (a 1-year permit that can be renewed based on other requirements being met).
Hawaii	<p>Principal: Candidate must be a tenured teacher or school support staff member with at least 4 years of satisfactory K-12 experience. Candidate must complete 1 year on-the-job experience in a vice principal position, receive on-site mentoring, complete 21 credits of college coursework for certification.</p> <p>Superintendent: Unclear what the requirements are to become a superintendent.</p>		Yes, the only difference is that the candidate would need 3 years of K-12 experience rather than 4.
Idaho	Principal: Candidate must have a master's degree and 4 years of full-time, certified experience working with student's preK-12, while under contract in a school setting. Candidate must complete: an administrative internship or have 1-year	Idaho has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.	Yes, but it is mostly used for teachers. Candidate must have strong subject-matter background, bachelor's or

	<p>experience as an administrator, complete a university program of at least 30 semester hours of graduate study in school administration.</p> <p>Superintendent: Candidate must have an education specialist or doctorate degree (or a post-master's sixth-year program). Candidate also must meet the same requirements as for the principal certification.</p>		<p>higher degree, credits equivalent to requirements for teaching endorsements. The candidate must complete a specified preparation program.</p>
Illinois	<p>Principal: Candidate must have 2 years of full-time teaching or school service personnel experience. Candidate must complete a graduate program of preparation for the principal endorsement, including specified coursework and required certification exams.</p> <p>Superintendent: Candidate must have general administrative certificates and 2 years of supervisory or administrative experience in schools. Candidate must complete graduate program for the superintendent endorsement, including 30 semester hours of specified coursework beyond the master's level. Candidate must pass required certification exams.</p>	Illinois has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.	<p>Yes, but only for superintendents: Master's in a management field, or a bachelor's and life experience equivalent to a master's in a management field and have 5 years of successful management experience and achieve a passing score on the Illinois Basic Skills Test and administrative subject-matter test. The candidate must then complete an intensive university course of study in education management.</p>
Indiana	<p>Principal: Candidate must have a K-12 teaching license, have 2 years teaching experience, have completed standards-based preparation, including an internship, completed the School Leaders Licensure Assessment written assessment test, and hold a master's degree from an approved college or university preparation program.</p> <p>Superintendent: Candidate must have 2 years teaching experience, a K-12 teaching license and must complete all the principal requirements plus hold an advanced degree (Ed.S, Ed.D or Ph.D) in a related field.</p>	Indiana has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.	No.
Iowa	Principal: Candidate must have a teaching license and 3 years of teaching experience (including 160 days during the last 5 years). Candidate also must have a master's degree that includes specified coursework, a practicum and field		No, but they considered it in 2001, and it was vetoed by the governor.

	<p>experiences. A bill signed into law in May 2003 requires the State Board of Educational Examiners to adopt criteria for administrator endorsements that allow one to obtain an endorsement to work as an elementary or secondary school principal regardless of the grade level at which the individual accrued teaching experience (H.B. 549 Omnibus Bill).</p> <p>Superintendent: Candidate must have or be eligible for a teaching license, meet the same requirements for the principal licensure and have a specialist's degree (or its equivalent – at least 30 hours above the master's level).</p>		
Kansas	<p>Principal and Superintendent: Candidate must have 3 years experience as a certified educational professional at the level for which the endorsement is sought and hold a graduate degree. Candidate must complete a state-approved building administrator program.</p>		<p>Yes, for superintendents but not for principals: If a school district cannot find a fully certified candidate, it can ask the state to issue this credential to a candidate who is not eligible for regular certification. The individual then has 3 years to complete required leadership coursework at a partner college or university, while serving as a superintendent with support from a mentor.</p>
Kentucky	<p>Principal: Candidate must be qualified for a Kentucky teaching certificate and successfully complete a test of communication skills, general knowledge and professional education concepts approved by the Education Professional Standards Board. Candidates also must complete the Kentucky teacher internship program or have 2 years of successful teaching experience outside the state of Kentucky. Candidate must have a master's degree consistent with the Interstate School Leaders Licensure Consortium standards and achieve the minimum score on two assessments.</p> <p>Superintendent: In addition to the principal requirements, candidates must be qualified for a Kentucky teaching</p>		<p>Yes.</p> <p>Superintendents: a 2-year program for individuals with advanced degrees and professional leadership skills (Eastern Kentucky University and Murray State University)</p> <p>Principals: Candidates are placed in schools as principals or assistant</p>

	certificate and have at least 3 years of full-time teaching experience. Candidate must have 2 years experience as a principal, supervisor of instruction, guidance counselor or other related experience.		principals on a temporary basis for 2 years.
Louisiana	Principal: Candidate must have a valid Type A Louisiana Teaching Certificate, a master's degree, 5 years of teaching experience, achieve a minimum score on educational administration exam, and complete 30 semester hours of graduate credit with specified coursework. The individual must enroll in the 2-year principal internship program  Superintendent: Candidate must meet the same requirements as a principal but with an additional completed 48 hours of graduate credit with specified courses.		No.
Maine	Principal: Candidate must have a master's degree, 3 years of satisfactory teaching experience or 3 years of equivalent teaching experience in an instructional setting (business, military, postsecondary or industry). Candidate must satisfactorily complete an approved internship or practicum relating to the duties of the principal.  Superintendent: Candidate must meet the same requirements as a principal but with 3 years of administrative or equivalent experience.		No.
Maryland	Principal: Candidate must have a master's degree and 27 months of satisfactory performance as a teacher or school specialist. Candidate must complete a state-approved program in administration and supervision or complete 18 semester hours of graduate work in administration, including specified coursework. Candidate must achieve a qualifying score on a state-approved principal certification assessment.  Superintendent: Candidate must meet requirements for teacher certification, have 3 years of successful teaching experience, have 2 years of administrative or supervisory experience and have completed a minimum of 60 semester hours of graduate work, including a master's degree and a 2-year program with graduate courses in administration and supervision.	The state can issue a waiver of initial certification for a school administrator.  Maryland has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.	Yes, for the principalship, candidates must have a bachelor's degree, have professional experience and be recommended for a certificate by the local superintendent. Certain additional program standards must be met and approved by the local board of education.
Massachusetts	Principal: Candidate must have an initial license in another	The commissioner of education can	Yes, since October 2001

	<p>educational role and have completed 3 full years of employment in an approved educational setting or have completed at least 3 full years of employment in an executive management/leadership role or in an approved private, charter or higher education setting accepted by the department of education. Candidate must demonstrate successful application of the Professional Standards for Administrators by completing a Performance Assessment for Initial License and one of the following programs in the role and level the license sought: an approved graduate program of study, including a supervised practicum or equivalent (300 hours); an administrative internship (300 hours); or a panel review (limited to candidates who have completed a graduate management/administration program or 3 full years of employment in an executive/ leadership role). Candidates also must achieve a passing score on the communication and literacy skills test. To gain a professional license, candidates must possess an initial principal/assistant principal license, have completed a 1 year induction program with a trained mentor, and have completed at least 3 full years of employment as a principal/assistant principal.</p> <p>Superintendent: Candidates for a preliminary license must have completed at least 3 full years of employment in an executive management/leadership role or in a supervisory, teaching or administrative role in a public/charter school, private school, higher education or other educational setting accepted by the department, and achieve a passing score on the communication and literacy skills test. Candidates for an initial license must meet the same requirements as a principal.</p>	<p>issue a waiver for a principal or superintendent. The waiver is valid for 1 year and renewable.</p> <p>Massachusetts has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	<p>the state has had an alternative route for both principals and superintendents. State officials, however, say there is a reluctance to use these routes. In addition, the state commissioner holds the right to waive requirements, with the expectation of needing a passing score on the communication and literacy test.</p>
Michigan	<p>Principal and Superintendent: Since July 1999, Michigan has not had any certification of principals or superintendents. Most school districts set their own requirements for administrator licenses, which may include a teacher certificate. This is strictly a local issue and not mandated by the state. State law <i>does</i> require that a newly hired administrator must have completed, within the previous 5 years, at least 1 semester hour or 3 State Board Continuing Education Units (SBCEUs), but no course subjects are</p>	<p>It is up to the local districts.</p>	<p>No need.</p>

	specified. Once an administrator is employed, they must complete at least 6 semester hours or 18 SBCEUs every 5 years		
Minnesota	Principal and Superintendent: Candidate must have 3 years of successful classroom teaching experience while holding a teaching license at the level appropriate. Candidate must also complete a specialist or doctoral program or a program consisting of a master's degree plus 45 quarter credits in school administration at a Minnesota graduate school. Candidate must complete field experience of 320 hours or 8 weeks in 12 continuous months at the elementary or secondary level as an administrative aide to a licensed and practicing school principal.	The state may issue a waiver to a school district allowing it to hire a candidate for principal or superintendent. The waiver is valid for 1 year and is renewable for a limit of 2 years during which time the candidate is expected to meet licensing requirements.	Yes, for both principals and superintendents, but it has only been used for superintendents thus far. The alternative is intended for candidates that lack a K-12 teaching background and have not completed an administrator preparation program.
Mississippi	Principal and Superintendent: Candidates must have a master's, specialist or doctoral degree in educational administration/leadership and successfully complete the School Leaders Licensure Assessment. Once the candidate has an entry-level license, they have 5 years to complete entry requirements of the School Executive Management Institute.	State may issue a 1-year educator license to someone who has a teaching license and 3 years of teaching experience but has not completed a master's program. Mississippi has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.	They have an alternative route to entry-level administrative positions such as assistant principal.
Missouri	Principal: Candidate must have a bachelor's degree from a state-approved teacher preparation institution and 2 years of teaching experience. Candidate must complete a master's degree or higher from a state-approved program for the preparation of principals, as well as achieve a passing score on a state-approved exit exam.  Superintendent: Candidate must meet the same requirements as a principal but must complete a state-approved program for the preparation of <i>superintendents</i> .		No, but they are considering the development of one.
Montana	Principal: Candidate must have a master's degree in school administration (or equivalent), be eligible for a class 1 or 2 teaching certificate at the proper level, have a minimum of 3 years of successful experience as a certified teacher at the proper level, and complete 14 graduate semester credits, including specified coursework in education administration.  Superintendent: Candidates must meet the same		No.



	<p>requirements as a principal but also must have a principal endorsement in Montana and have 1 year of administrative experience as an appropriately certified administrator. Candidate also must complete 8 semester hours beyond the master's degree, including specified coursework. In addition, candidates must complete a 1-year supervised internship as a superintendent.</p>		
Nebraska	<p>Principal: Candidate must have 2 full school years of teaching experience in an approved elementary or secondary school. Candidate must complete 36 or 45 graduate semester hours in an approved program in educational administration, including specific coursework. Candidate must complete a 1-semester internship.</p> <p>Superintendent: Candidate must have a regular teaching certificate or an administrative and supervisory certificate and at least 2 years teaching experience. Candidate must complete 60 graduate semester hours in educational administration, have a specialist or doctoral degree and complete a 1-semester practicum in an approved school system.</p>	<p>The state can issue a provisional certificate for either superintendents or principals for candidates that still need to complete all certification requirements.</p> <p>Nebraska has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	No.
Nevada	<p>Principal and Superintendent: Candidate must have a valid teaching license, 3 years of teaching experience, a master's degree or higher in educational administration, 24 semester hours of graduate courses in the administration of a school, including specified coursework and an additional 12 semester hours of graduate courses that may include other courses considered to be a part of an administrative program for educators.</p>	<p>Nevada has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	No.
New Hampshire	<p>Principal: Candidate must have 3 years of successful experience in a school system as a teacher or education specialist and complete a state-approved college or university preparation program for principals.</p> <p>Superintendent: Candidate must have a master's degree and must complete a state-approved educational administration program at the certificate of advanced graduate study or doctoral level. Superintendents do not need teaching experience. First-year superintendents are required to complete a 25-hour in-service program directed by the Office</p>	<p>The state can issue a 1-year "Permission to Employ" waiver while the individual completes the requirements to become certified.</p>	<p>Yes, there is a very rigorous route for persons with administrative experience in education or another field to become a school administrator. Officials say that very few people have done this.</p>

	of the Commissioner of Education.		
New Jersey	<p>Principal: Candidates must acquire a 1-year provisional license before they can receive a standard principal license. Candidate for provisional license must hold a master's degree in education or related field, complete studies in specified topics, achieve a passing score on the National Teachers Exam test of educational leadership, undergo an assessment of performance through structured experiences simulating the duties of a school principal, be offered employment by a school that formally agrees to sponsor the Principal Residency. After the candidate has completed the 1 year Residency Program, the state may issue a Standard Principal License.</p> <p>Superintendent: The process is the same as for principals, except there is a provisional superintendent's license and a standard superintendent's license. The requirements for each are the same as the principal.</p>		The state does not have an official alternate route, but the state can allow non-traditional candidates to become superintendents by requiring advanced training in management. No such route for principals exists.
New Mexico	<p>Principal and Superintendent: Candidate must have a valid New Mexico teaching license, complete a master's degree, including an apprenticeship completed at an approved educational administration program. The apprenticeship must be a minimum of 180 hours under the supervision of a local superintendent. Candidate also must achieve a passing score on the state-adopted licensure examination and demonstrate state-adopted competencies for administrators. During the initial period of the license the candidate must be on a Professional Development Plan and be provided structured support through a mentoring system by the school district.</p> <p>The state is about to change its administrator licensure system to reflect two different licenses – one for principals and one for superintendents.</p>	<p>State issues a small number of waivers for school administrators.</p> <p>New Mexico has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	No.
New York	<p>Principal: Candidate must have a bachelor's degree, 3 years of teaching, administrative/supervisory and/or pupil personnel experience and 18 semester hours of graduate study in school administration. The candidate must complete an approved internship under a practicing school administrator and a representative of the college or university or 1 year of satisfactory, full-time experience in a school administrative or</p>	<p>Candidates for the superintendency can be issued waivers if they are deemed by the commissioner of education to be "exceptionally qualified."</p> <p>New York has signed the NASDTEC Interstate Contract for administrator</p>	No, but state officials say they are considering a proposed alternative path.

	<p>supervisory position and 12 semester hours of additional graduate study.</p> <p>Superintendent: Candidate must have a master's degree, 3 years of teaching, administrative/supervisory, and/or pupil personnel experience and 24 semester hours of graduate study in school administration. The candidate must complete an approved internship under a practicing school administrator and a representative of the college or university or 1 year of satisfactory, full-time experience in a school administrative or supervisory position and 36 semester hours of additional graduate study.</p>	reciprocity agreements.	
North Carolina	<p>Principal: Candidate must have completed an approved program in school administration at the master's level or above and achieve the required score on the School Leaders Licensure Assessment.</p> <p>Superintendent: North Carolina does not require that a superintendent hold a state license.</p>	At the request of a local superintendent, the state can issue a provisional principal's license to a candidate with at least a bachelor's degree. The candidate has up to 3 years to complete the requirements for the principal's license.	In 2001, a bill was enacted that permits an individual who has leadership, management and administrative ability in a field other than education to serve as a local superintendent (S.B. 378).
North Dakota	<p>Principal: Candidate must have a valid North Dakota Educator's Professional License, at least 3 years of teaching or administrative experience, complete 20 semester hours of graduate credit in a master's degree program from a state-approved program in educational administration.</p> <p>Superintendent: Candidate must have the same credentials as a principal, with an additional 2 years of administrative experience as a principal or administrator, complete 28 semester hours of graduate credit with 8 specifically focused on coursework on the superintendency.</p>	<p>The state can issue provisional principal and superintendent certificates to an individual who does not meet the qualifications for a level I credential. The candidate is expected to progress toward meeting all requirements.</p> <p>North Carolina has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	No.
Ohio	<p>Principal: Candidate must have 2 years of successful teaching experience under a professional teacher license at the level for which the principal license is sought, have a master's degree, complete an approved college or university principal preparation program and successfully complete an examination prescribed by the State Board of Education. The candidate will then be issued a provisional principal license, which makes the candidate eligible for entry to the "Entry Year Program." This program includes academic classes,</p>		Yes, but state officials say it is not used often. It includes issuing a temporary license as a district-specific credential, which is not portable. This is renewable annually with continuing professional development.

	<p>mentoring and performance assessment. The candidate works full time and receives a principal's salary.</p> <p>Superintendent: Candidate must have 3 years experience in a position that requires a principal or administrative specialist license. Candidate must complete an approved college or university preparation program for superintendents.</p>		
Oklahoma	<p>Principal and Superintendent: Candidate must have a teaching certificate, 2 years of teaching, supervisory or administrative experience and a master's degree in any field. Candidate must achieve a passing score on the required competency-based test. First-time superintendents or those from out of state must take 11 days of training with the State Department of Education.</p>	<p>There are no waivers for school principals.</p> <p>If a superintendent is from out-of-state, they must take 11 days of training from the State Department of Education.</p> <p>Oklahoma has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	<p>The state's 2 urban districts are allowed to hire a non-certified candidate as a superintendent.</p> <p>A bill signed into law in May 2003 puts forth a set of standards for the alternative certification of principals and superintendents (H.B. 1438).</p>
Oregon	<p>Principal and Superintendent: Candidate must have 3 years of experience as a full-time licensed educator in an accredited school, a master's degree or higher in the arts and sciences or an advanced degree completed as part of the master's or separately in a graduate program in school administration and completed an approved practicum in school administration. Candidate must have satisfied a recent experience requirement by completing, during the last 3 years, an approved administrator education program, 1 year of full-time work in an accredited school, 6 semester hours of academic credit. Candidate must achieve passing scores on a test of professional knowledge for school administrators, test of basic verbal and communication skills, test of knowledge of U.S. and Oregon civil rights law, and tests of knowledge of Oregon school law and finance.</p>	<p>No, except the "Exceptional Administrator License" described to the right.</p> <p>Oregon has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	<p>No, except an unconventionally qualified applicant may be granted an "Exceptional Administrator License" at the sole discretion of the commissioner of education.</p>
Pennsylvania	<p>Principal: Candidate must have 5 years of satisfactory professional school experience, with at least 3 years at the level they wish to be a principal, completed an approved program of graduate study preparing the candidate to direct, operate and administer the educational activities of the school. Candidate must also achieve a satisfactory score on state-prescribed assessments.</p>	<p>The state can grant an "Emergency Permit" for an administrator if the hiring district has advertised the position but cannot find a certified candidate. The person must have a bachelor's degree and work to complete the state requirements. Officials say this is hardly</p>	<p>No.</p>

	<p>Superintendent: Candidate must complete 6 years of teaching or other professional certified service in state-approved elementary and secondary schools, including 3 years as a supervisor or school administrator. Complete a state-approved graduate-level educational administration program. The state will then issue a "superintendent's letter of eligibility" for consideration as a district superintendent.</p>	<p>ever used.</p>	
Rhode Island	<p>Principal: Candidate must have a master's degree, be eligible for a Rhode Island teaching certificate, have 3 years of teaching experience in elementary or secondary schools, have completed an approved preparation program for elementary or secondary principals during the previous 5 years and completed not less than 24 hours of graduate-level work, including specific topics in school administration and supervision. Candidate must then complete an additional 6 credits of coursework.</p> <p>Superintendent: Candidate must have an advanced degree: doctorate, master's or certificate of advanced graduate study, have not less than 36 semester hours of graduate-level coursework, including specified courses in school administration, be eligible for a Rhode Island teaching certificate and have 8 years of educational experience, including both teaching and administration. Candidate also must complete an additional 6 hours of graduate credit.</p>	<p>Yes, the state is authorized to issue waivers for hiring of school administrators.</p> <p>Rhode Island has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	No.
South Carolina	<p>Principal: Candidate must have a valid South Carolina Educator's Professional Certificate at the elementary or secondary level and 3 years of teaching experience, including 1 year at the level the certification is being sought. Candidate must achieve a passing score on the approved area administrator exam and complete an advanced program approved for the training of elementary or secondary school principals and supervisors.</p> <p>Superintendents: Candidate must have a valid South Carolina principal, supervisor or teacher professional certificate; achieve a minimum qualifying score on the approved area administrator examination; have 3 years experience as preK-12 or postsecondary teacher; and have 2</p>	<p>Superintendent candidates may be issued a school superintendent certificate if he or she has a valid out-of-state administrator, principal, supervisor or other educational leadership certificate, and 5 years of experience as a director or assistant superintendent in a school district.</p> <p>Principal candidate may be issued an out-of-field permit if the candidate is from a nonteaching background. Candidate must complete an approved administrator preparation program while</p>	None yet, though some discussion on the idea is underway.

	<p>years as a school or district administrator or postsecondary administrator. Candidates also must complete an advanced program approved for the training of school superintendents. A second option for a superintendent certificate is for the candidate to have a master's degree from a teacher education program and then complete an additional 15 semester hours in specified educational administration coursework.</p>	<p>holding the permit.</p> <p>South Carolina has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	
South Dakota	<p>Principal: Certification of principals is not necessary, but a candidate must have 4 years of classroom teaching experience on a valid certificate at the age/grade for which the authorization is sought and have a master's degree in education. Candidate must complete an internship, including all job responsibilities of the principalship and demonstrate competence related to the age/grade span for which the authorization is sought.</p> <p>Superintendent: Certification of superintendents is not necessary, but a candidate must have a valid South Dakota teacher certificate, 4 years of classroom teaching experience, 1 year of administrative experience on a valid certificate and a master's degree plus 15 graduate hours within the requirements for a Career School Superintendent Endorsement. During the first 5 years under this endorsement the individual must complete 6 additional graduate semester hours within the requirements for the Career School Superintendent Endorsement.</p>	<p>A waiver is not necessary because South Dakota does not require that principals and superintendents be certified.</p>	<p>A bill signed into law in March 2003 suggests that there is an alternative certification program and that it must be delivered by an accredited college or university. The program must be delivered in coordination with the Department of Education and Cultural Affairs and the employing school system (S.B. 71).</p>
Tennessee	<p>Principal: Candidate must have a teaching certificate, teaching experience and complete an approved graduate program in school administration, including a practicum or complete a 1-semester internship, working through a Tennessee school district under a mentor principal. Candidate must successfully complete a performance exam for school administrators.</p> <p>Superintendents: Tennessee does not require that superintendents hold a license.</p>	<p>Tennessee issues a 1-year nonrenewable permit. This allows a school district to hire an individual who is not qualified for certification, however, by the end of the school year, he or she must be enrolled in a route to certification.</p> <p>Tennessee has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	<p>State officials say there is an alternate route for principal certification, but they don't think it has ever been used.</p>
Texas	<p>Principal: Candidate must have 2 years of experience as a classroom teacher, a teaching certificate, a master's degree, completed a college or university preparation program for the</p>	<p>Waivers can be issued and renewed by the state commissioner of education. These are issued for short periods of</p>	<p>Texas does have an alternative route for individuals who have</p>

	<p>Principal Certificate and successfully completed the required educator assessments. A first-time principal must complete a 1-year induction period, with mentoring support.</p> <p>Superintendent: Same as principal requirements with the addition of holding a standard principal certificate or the equivalent, issued by another state or country, provided that the individual performed satisfactorily on a principal certificate exam. Candidate must complete a state-approved college or university superintendent preparation program.</p>	<p>time to allow administrator candidates to complete state requirements.</p> <p>Texas has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	<p>already been teachers or principals but not for a person from out of the field of education.</p>
Utah	<p>Principal and Superintendent: Candidate must have a teaching or pupil services certificate and at least 2 years of acceptable professional experience in teaching or pupil services. Candidate must complete at least a 5th year of training in an approved administrator/supervisory certification program, including a master's degree in administration or related area and complete an internship of a minimum of 450 hours of supervised elementary and secondary school level clinical experiences, at least half of the hours in a school.</p>	<p>The state can issue a "letter of authorization" for both principals and superintendents.</p> <p>Utah has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	<p>In 2003 a bill was signed into law that allows a local board to hire a superintendent with outstanding professional qualifications who does not hold an administrative license (S.B. 154 Omnibus Bill).</p>
Vermont	<p>Principal: Candidate must have 3 years of successful teaching experience and a master's degree. Candidate must pass the Praxis I test and demonstrate that he or she has met 90 general competencies – documenting this by coursework or experience.</p> <p>Superintendent: Candidate must have 3 years of successful teaching experience and 2 years of success in a position of educational leadership and a master's degree (does not have to be in education leadership). A candidate that has a degree in a field other than educational leadership must complete 5 to 6 specified courses. Candidate also must pass the Praxis I test.</p>	<p>The state may issue a 1-year waiver to allow a school district to employ as a school administrator a candidate who has not met all requirements. The individual is expected to complete the required college or university program.</p> <p>Vermont has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	<p>A person may become a school administrator by going through an Alternative Licensure Assessment, which is available for any license endorsement.</p>
Virginia	<p>Principal: Candidate must have a master's degree; 3 years of successful, full-time experience as a classroom teacher in an accredited school; and complete an approved administration and supervision program in Virginia, which ensures the candidate demonstrated the required competencies. Candidates also must complete a beginning administration and supervision assessment when prescribed by the Board of Education or complete a full-time internship as a school</p>	<p>An out-of-state superintendent candidate can meet the state requirements by having a master's degree, a current out-of-state license with an endorsement as a superintendent and 5 years of educational experience, including 2 years of teaching and 2 years of administration/supervision.</p>	<p>There is an alternate route for superintendents but not for principals. The Virginia General Assembly, however, is considering an alternative route for principals.</p>

	<p>principal or have 1 year of successful, full-time experience as an assistant principal or principal in an accredited school.</p> <p>Superintendent: Candidate must have a doctorate degree in educational administration or leadership and 5 years of educational experience in an accredited school, including 2 years of teaching experience and 2 years of administration/supervision at the preK-12 level.</p>	<p>Principals can receive a provisional license if the candidate has a master's degree from another field other than education. The candidate must then complete 3 courses in school law, budget and finance and evaluation of school instruction.</p> <p>Virginia has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	
Washington	<p>Principal: Candidate must have a teacher or educational staff associate certificate; complete an approved master's degree; complete an approved program for principals; and have documented, successful school-based experience in an instructional role with students. (These certification standards may have been altered by the state very recently.)</p> <p>Superintendent: State law does not require that a superintendent be certified but a local school district may require it.</p>	<p>Washington has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	No.
West Virginia	<p>Principal and Superintendent: Candidate must have a master's degree, complete a state-approved preparation program, including an internship, have 3 years of management experience, complete education and training in evaluation skills offered through the Center for Professional Development or equivalent program approved by the State Board.</p>	<p>Candidates for either the principalship or superintendency also may become certified if they have 3 years of successful out-of-state experience as an educational leader in the same specialization within the previous 7 years. Candidate must have a valid out-of-state professional administrative certificate in the same specialization and satisfy the minimum proficiency level on the pre-professional skills test and the content specialization test in educational leadership (unless exempted).</p> <p>West Virginia has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.</p>	No.
Wisconsin	<p>Principal and Superintendent: Candidate must have or be</p>	<p>The state may issue a 1-year, renewable</p>	No.



	eligible for a K-12 teaching license, have 3 years of successful teaching or pupil services experience in K-12 schools (for those with a background in pupil services candidate must have at least 540 hours of successful classroom teaching experience) and complete an approved program or the equivalent leading to licensure as a principal or superintendent, with 12 graduate semester credits of specified coursework, including a practicum or internship at the level they are seeking licensure.	waiver for a superintendent license to a candidate who is not fully qualified. The individual is given 2 years to complete state requirements.	
Wyoming	Principal: Candidate must have a teaching certificate and 3 years of experience in an accredited school.  Superintendent: Wyoming does not require that a superintendent be certified.	The state can issue a waiver to a person not fully certified as an administrator.  Wyoming has signed the NASDTEC Interstate Contract for administrator reciprocity agreements.	No.

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## ***Helping State Leaders Shape Education Policy***



# StateNotes

## No Child Left Behind

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### Persistently Dangerous School Criteria

Updated September 2004

Compiled by Gloria Zradicka

This report provides information on the national response to the federal requirement, as specified in the No Child Left Behind Act (NCLB), that allows students attending a “persistently dangerous school” to transfer to a safe school within the local education agency (LEA). Brief descriptions of the requirement, state responses, notes of interest and state-by-state summaries are provided below.

#### Background on “Persistently Dangerous Schools”

NCLB requires states to establish and implement a statewide policy that allows students attending a school determined by the state, in consultation with a representative sample of local education agencies, to be “persistently dangerous” to transfer to a safe school within the LEA. States must certify they are in compliance with this provision to receive funding under NCLB.

#### The Importance of Identifying “Persistently Dangerous Schools”

This requirement helps parents, regardless of their income, remove their children from dangerous schools. Children are better able to concentrate on their studies and improve their academic achievement when concerns about their safety are reduced.

#### State Trends

An analysis of 51 adopted policies available to ECS demonstrates states are using a variety of factors to identify persistently dangerous schools:

- More than half the states consider offenses or incidents occurring during a three-year period; more than one-quarter of the states consider a two-year period; and less than one-fifth of the states consider a combination of two and three years.
- States use several methods for determining the threshold of offenses/incidents: a combination of a percentage of the student enrollment for some offenses and a specific number for other offenses; a specific number of offenses; or a percentage of the student population. The policies use percentage rates ranging from one-half percent to 6%.
- States' definitions of offenses/incidents vary from considering Gun-Free School Act violations (i.e., a state law mandating the expulsion from school for a period of at least one calendar year any student who is determined to have brought a weapon to school) to detailed lists of offenses. Less than one-fifth of the policies use the generic terms of weapon or violent offenses to determine thresholds for identifying persistently dangerous schools.

The number of schools in a state determined to be persistently dangerous will depend on the combination of factors included in a state's policy. A state using narrowly defined offenses also may have a low threshold for the number of offenses, thus increasing the number of schools determined persistently dangerous. A state using a detailed offense list may have a high offense threshold, resulting in a relative low number of persistently dangerous schools.

## Notes of Interest

There are unique aspects in some state's adopted or proposed policies:

- Indiana's policy establishes a panel of local and state school safety experts who will determine if a school that has met the policy's criteria for the third consecutive year should be identified as persistently dangerous.
- Schools identified as persistently dangerous in North Dakota and Mississippi will, prior to final determination, have an opportunity to provide additional information to the state department of education or the state board of education.
- Florida schools meeting the expulsion criteria will conduct an anonymous schoolwide survey of students, parents and personnel. If a majority (51%) of the survey respondents perceive the school as unsafe, the school is persistently dangerous.
- South Dakota's policy considers all offenses occurring on school property, at school-sponsored events or on buses – 24 hours a day, 12 months a year – whether committed by or victimizing students, school personnel or nonschool personnel.
- Michigan and Tennessee exclude alternative schools established for suspended or expelled students. Mississippi's policy includes alternative schools that have higher thresholds of incidents than at other public schools.
- New Jersey's policy applies only to schools in a local education agency receiving NCLB funds.
- Mississippi's policy excludes charter schools.

Persistently Dangerous School Criteria												
State	Criteria/Definition	Authority/ Status/ Reference										
Alabama	<p><b>Determination of persistently dangerous schools</b> A school that for three consecutive years has expelled 1% of the student population or five students (whichever is greater) for violent criminal offenses committed on school property during school hours or committed at school-sponsored activities.</p> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Homicide, robbery, assault in the first or second degree, sexual battery (including rape) as defined by the Alabama Criminal Code</li> <li>2. Use of a handgun, firearm component, explosive, knife and other "unknown weapons" as defined by the Student Incident Report.</li> </ol>	<p>State board of education</p> <p><b>Adopted</b></p> <p>AAC 290-3-.02 (1)(e)</p>										
Alaska	<p><b>Determination of persistently dangerous schools</b> Safety status of schools is determined by the following formula:</p> $\text{Safety status percent} = \frac{\text{total days students were suspended for infractions involving a weapon or violence against a person}}{\text{total student population of the school} \times 170} \times \frac{\text{school size factor}}{\text{school size factor}}$ <p>School size factor used in above formula is:</p> <table border="1"> <thead> <tr> <th>School size</th> <th>Factor</th> </tr> </thead> <tbody> <tr> <td>10-100 students</td> <td>0.7</td> </tr> <tr> <td>101-425 students</td> <td>0.8</td> </tr> <tr> <td>426-1,000 students</td> <td>0.9</td> </tr> <tr> <td>1,001 and more students</td> <td>1.0</td> </tr> </tbody> </table> <p>A school will be designated as a persistently dangerous school if during the past three years the school has experienced two or more years with a safety status of 3% or greater. The department of education may continue to designate the school as persistently dangerous if the school does not comply with school district's intervention plan or if the department has evidence the school is not a safe environment.</p> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Infractions involving weapons OR</li> <li>2. Violence against a person.</li> </ol>	School size	Factor	10-100 students	0.7	101-425 students	0.8	426-1,000 students	0.9	1,001 and more students	1.0	<p>State board of education</p> <p><b>Adopted</b></p> <p>4 AAC 06.200-.270</p>
School size	Factor											
10-100 students	0.7											
101-425 students	0.8											
426-1,000 students	0.9											
1,001 and more students	1.0											

<p>Arizona</p>	<p><b>Determination of persistently dangerous schools</b>  For July 1, 2003, any school that had four or more firearms brought to campus in the baseline analysis of 2000-01 data and an average of four incidents of firearms brought to campus under the Gun-Free Schools Act (GFSA) for school years 2000-01 and 2001-02, unless objective explanatory data or prevention data submitted by a school to the Arizona Department of Education Student Services Division allows exemption.</p> <p>Schools that meet the criteria for firearms brought to campus in the baseline analysis and based on the two-year average of data will be identified on the preliminary list of persistently dangerous schools. Schools placed on the preliminary list will be required to submit additional objective explanatory and prevention data/information about these incidences, which will be used by the state department of education to make a final determination about the school's status.</p> <p><b>Offenses/incidents</b>  Definition of a firearm includes:</p> <ol style="list-style-type: none"> <li>1. Any weapon (including a starter gun) that will or is designed to or may readily be converted to expel a projectile by the action of an explosive</li> <li>2. The frame or receiver of any weapon described above</li> <li>3. Any firearm muffler or firearm silencer</li> <li>4. A destructive device, including: <ul style="list-style-type: none"> <li>• Any explosive, incendiary or poison gas <ol style="list-style-type: none"> <li>1. Bomb</li> <li>2. Grenade</li> <li>3. Rocket having a propellant charge of more than four ounces</li> <li>4. Missile having an explosive or incendiary charge of more than one-quarter ounce</li> <li>5. Mine</li> <li>6. Similar device</li> </ol> </li> <li>• Any weapon that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant and that has a barrel with a bore of more than one-half inch in diameter; OR</li> <li>• Any combination of parts either designed or intended for use in converting any device into any destructive device described in the two preceding examples and from which a destructive device may be readily assembled.</li> </ul> </li> </ol>	<p>State board of education</p> <p><b>Adopted</b></p> <p>June 30, 2003  board minutes</p>
<p>Arkansas</p>	<p><b>Determination of persistently dangerous schools</b>  For each of the past two consecutive years, the school had a federal or state gun-free school violation or at least one conviction of a staff or student of violent criminal offense committed on school property AND for the past two consecutive years, the school's expulsions for drug, alcohol or violence exceeds 3% of the total school population as reported on October 1 of each year.</p> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Homicide</li> <li>2. Sexual offenses</li> <li>3. Robbery</li> <li>4. Aggravated assault</li> <li>5. Expulsions for drug, alcohol or violence.</li> </ol>	<p>State board of education</p> <p><b>Adopted</b></p> <p>April 14, 2003  board minutes</p>
<p>California</p>	<p><b>Determination of persistently dangerous schools</b>  A school that for three consecutive fiscal years:</p> <ol style="list-style-type: none"> <li>1. Has a federal or state gun-free schools violation or a violent criminal offense has been committed by a student or a non-student on school property; AND</li> <li>2. Expelled students, under <i>California Education Code</i>, for the offenses listed below. The number of expulsions for these offenses must exceed one of the following rates: <ul style="list-style-type: none"> <li>• Three expulsions for a school of fewer than 300 enrolled students</li> <li>• One expulsion for every 100 enrolled students or fraction thereof, for a school with more than 300 enrolled students.</li> </ul> </li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Gun-free school violation</li> </ol>	<p>State board of education</p> <p><b>Adopted</b></p> <p>May 30, 2002  board minutes</p>

	<ol style="list-style-type: none"> <li>2. Violent criminal offense</li> <li>3. Offenses <ul style="list-style-type: none"> <li>• Assault or battery upon any school employee</li> <li>• Brandishing a knife</li> <li>• Causing serious physical injury to another person, except in self-defense</li> <li>• Hate violence</li> <li>• Possessing, selling or furnishing a firearm</li> <li>• Possession of an explosive</li> <li>• Robbery or extortion</li> <li>• Selling a controlled substance</li> <li>• Sexual assault or sexual battery.</li> </ul> </li> </ol>	
Colorado	<p><b>Determination of persistently dangerous schools</b>  A school that has a total number of incidents annually reported to the Colorado Department of Education (CDE) for offenses listed below that exceed the following numbers per student enrollment per year for two consecutive years, beginning with the 2001-02 school year:</p> <ol style="list-style-type: none"> <li>1. 45 for fewer than 299 students</li> <li>2. 90 for 300 – 599 students</li> <li>3. 135 for 600 – 899 students</li> <li>4. 180 for 900 – 1,199 students</li> <li>5. 225 for 1,200 – 1,499 students</li> <li>6. 270 for 1,500 – 1,799 students</li> <li>7. 315 for 1,899 – 2,099 students</li> <li>8. 360 or more for 2,100 or more students.</li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Alcohol violations, drug violations, assaults/fights, robberies and other felonies as defined by the Automated Data Exchange</li> <li>2. Expulsions for firearms per the Gun-Free Schools Act</li> <li>3. The number of reports to CDE of school employees engaging in unlawful behavior, as defined by State Board of Education Rules 2260.5-R-15.05.</li> </ol>	<p>State department of education</p> <p><b>Adopted</b></p> <p>Policy dated May 13, 2003</p>
Connecticut	<p><b>Determination of persistently dangerous schools</b>  A school that meets the conditions in two of the three types of incidents, in each of three consecutive years:</p> <ol style="list-style-type: none"> <li>1. Two or more gun-free schools violations (expulsions for possession of a firearm or explosive on school property)</li> <li>2. Three or more expulsions per 200 students for possession of other weapons, such as a knife, capable of causing harm</li> <li>3. Three or more expulsions per 200 students for violent crimes offenses as described below.</li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Possession of a firearm or explosive on school property</li> <li>2. Possession of other weapons capable of causing harm</li> <li>3. Violent criminal offense where a student or staff suffers injury as the result of an intentional or reckless act committed by another person and the police were notified with a police report taken describing the incident that is sufficient to constitute a crime as described in the state penal code.</li> </ol>	<p>State board of education; state department of education</p> <p><b>Approved</b></p> <p>Circular Letter: Series 2003-04 C-12</p>
Delaware	<p><b>Determination of persistently dangerous schools</b>  A school that has five or more incidents for every 100 students enrolled for three consecutive fiscal years.</p> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Suspension or expulsion of a student for a Gun-Free School Act violation.</li> <li>2. Suspension or expulsion of a student for a crime committed on school property that is required to be reported under 14 Del. C § 4112.</li> <li>3. A crime committed by a non-student on school property that is required to be reported under 14 Del. C. § 4112.</li> <li>4. Suspension or expulsion of a student for terroristic threatening under 11 Del. C. § 621.</li> <li>5. The school that fails to comply with reporting mandates to the Delaware Department of Education and/or appropriate police agency as required by 14 Del.</li> </ol>	<p>Delaware Secretary of Education</p> <p><b>Approved</b></p> <p>Regulation 608</p>

	C. § 4112 and/or Regulation 601 until the state department of education determines the school has met the reporting requirements.	
District of Columbia	<p><b>Determination of persistently dangerous schools</b> Effective with the 2004-05 school year, a school where the annual number of officially reported violent crimes against students, on school grounds during school operating hours, for two consecutive years is equal to or greater than the following:</p> <ol style="list-style-type: none"> <li>1. For schools with 500 students or less – five</li> <li>2. For schools with 501 students or more – 1% of the official student enrollment.</li> </ol> <p>Juvenile detention facilities are exempt from these provisions.</p> <p><b>Offenses/incidents</b> Any of the following offenses designated as a “crime of violence” under D.C. Code 22-4501(f) and documented by an official policy report:</p> <ol style="list-style-type: none"> <li>1. Murder</li> <li>2. Manslaughter</li> <li>3. First- and second-degree sexual assault</li> <li>4. Malicious disfigurement of another</li> <li>5. Abduction</li> <li>6. Kidnapping</li> <li>7. Any assault with intent to kill, commit first- or second-degree sexual abuse, child sexual abuse or robbery</li> <li>8. Assault with a dangerous weapon</li> <li>9. Assault with intent to commit any offense punishable by imprisonment</li> <li>10. Extortion or blackmail accompanied by threats of violence or aggravated assault.</li> </ol>	<p>State board of education</p> <p><b>Adopted</b></p> <p>D.C. Code 38-3804; published in D.C. Register Vol. 51, No. 11, March 12, 2004 – Notice of Final Rulemaking</p>
Florida	<p><b>Determination of persistently dangerous schools</b> A public school that for three consecutive years meets each of the two following conditions:</p> <ol style="list-style-type: none"> <li>1. Had a federal Gun-Free School Act violation; AND</li> <li>2. Expelled 1% or more of a student body that is greater than 500 students, or five students if the student body is 500 students or less, for the offenses listed below.</li> </ol> <p>If the school meets the expulsion criteria, it will conduct an anonymous schoolwide climate survey of students, parents and school personnel. The state department of education will determine the survey instrument. If the majority (51%) of the survey respondents perceive the school to be unsafe, the school is persistently dangerous.</p> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Homicide</li> <li>2. Battery</li> <li>3. Sexual Battery</li> <li>4. Weapons possession related offenses.</li> </ol>	<p>State department of education</p> <p><b>Finalized</b></p> <p>Policy dated May 2003</p>
Georgia	<p><b>Determination of persistently dangerous schools</b> A public school in which for each of three consecutive years on public school property or at an event within public school jurisdiction or at a school- sponsored event:</p> <ol style="list-style-type: none"> <li>1. At least one student enrolled in the school is found by official action to have committed an offense in violation of a school rule that involved one or more of the criminal offenses listed below under # 1; OR</li> <li>2. Two percent or more of the student population or 10 students, whichever is greater, are found by official action to have committed an offense in violation of a school rule that involved one or more of the other offenses listed below under # 2; OR</li> <li>3. Any combination of above criteria.</li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Criminal offenses <ul style="list-style-type: none"> <li>• Aggravated battery</li> <li>• Aggravated child molestation</li> <li>• Aggravated sexual battery</li> <li>• Aggravated sodomy</li> <li>• Armed robbery</li> <li>• Arson – first degree</li> </ul> </li> </ol>	<p>State board of education</p> <p><b>Adopted</b></p> <p>Rule 160-4-8-.16 [Code: JBCCA(2)]</p>

	<ul style="list-style-type: none"> <li>• Kidnapping</li> <li>• Murder</li> <li>• Rape</li> <li>• Voluntary manslaughter.</li> </ul> <p>2. Other offenses</p> <ul style="list-style-type: none"> <li>• Non-felony drugs</li> <li>• Felony drugs</li> <li>• Felony weapons</li> <li>• Terroristic threats.</li> </ul>	
Hawaii	<p><b>Determination of persistently dangerous schools</b>  A public elementary or secondary school is considered persistently dangerous if the number of students exceeds one of the following rates for three consecutive years for offenses in Condition 1 AND Condition 2.</p> <ol style="list-style-type: none"> <li>1. Condition 1: The school had federal or state Gun-Free Schools violations committed by a student or a non-student on school property. <ul style="list-style-type: none"> <li>• For a school of fewer than 300 enrolled students, three violations resulting in exclusion/suspension of 92 days or more</li> <li>• For a school with more than 300 students, one violation resulting in exclusion/suspension of 92 days or more for every 100 enrolled students or fraction thereof.</li> </ul> </li> <li>2. Condition 2: The school excluded students, under Hawaii Department of Education Administrative Code Chapter 19, for a period of 92 consecutive school days or more, for the offenses listed below under Condition 2. <ul style="list-style-type: none"> <li>• For a school of fewer than 300 enrolled, three exclusions of 92 days or more</li> <li>• For a school with more than 300 students, one exclusion of 92 days or more for every 100 enrolled students or fraction thereof.</li> </ul> </li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Condition 1 <ul style="list-style-type: none"> <li>• Gun-Free Schools violation</li> </ul> </li> <li>2. Condition 2 <ul style="list-style-type: none"> <li>• Assault</li> <li>• Possession or use of dangerous weapons</li> <li>• Possession or use of firearms</li> <li>• Murder</li> <li>• Robbery</li> <li>• Sexual assault</li> <li>• Terroristic threatening.</li> </ul> </li> </ol>	<p>State department of education</p> <p><b>Approved</b></p> <p>May 16, 2003</p>
Idaho	<p><b>Determination of persistently dangerous schools</b>  A school that meets the following criteria in each of three consecutive years:</p> <ol style="list-style-type: none"> <li>1. Has one instance of homicide, sexual assault or kidnapping OR</li> <li>2. Exceeds an expulsion or student conviction rate of 1% of the student body or 3 students, whichever number is greater, for violent criminal offenses or for violations of federal or state gun-free schools requirements on school property or at school-sponsored events while school is in session.</li> </ol> <p><b>Offenses/incidents</b>  Conduct which could be charged as a felony or misdemeanor involving:</p> <ol style="list-style-type: none"> <li>1. Threat of or actual physical injury</li> <li>2. Sexual offense</li> <li>3. Homicide</li> <li>4. Rape</li> <li>5. Robbery</li> <li>6. Aggravated assault</li> <li>7. Aggravated battery</li> <li>8. Stalking</li> <li>9. First-degree kidnapping</li> <li>10. Aggravated arson.</li> </ol>	<p>State board of education</p> <p><b>Approved</b></p> <p>June 26-27, 2003 board minutes</p>
Illinois	<p><b>Determination of persistently dangerous schools</b>  A school that meets all of the following criteria for two consecutive years:</p> <ol style="list-style-type: none"> <li>1. Have violence-related expulsions greater than 3% of the student enrollment</li> <li>2. Have one or more students expelled for bringing a gun or weapon to school as</li> </ol>	<p>State board of education; state legislature</p>

	<p>defined in 18 USC 921</p> <ol style="list-style-type: none"> <li>Have 3% or more of the student enrollment exercising the individual victim of violent crime option.</li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>Violence-related expulsions</li> <li>Brings gun or weapon to school as defined in 18 USC 921.</li> </ol>	<p><b>Adopted policy; enacted legislation</b></p> <p>State board policy; SB 1957 enacted December 23, 2003</p>
Indiana	<p><b>Determination of persistently dangerous schools</b></p> <p>A school that for three consecutive years has more than 2% of the students enrolled in the school convicted either of the offenses listed below or determined to have committed an act of delinquency that would, if committed by an adult, constitute any of the offenses. A conviction or act of delinquency is considered in the determination if the conduct occurs:</p> <ol style="list-style-type: none"> <li>In or on the grounds of the public school that the student attends immediately before school hours, during school hours or immediately after school hours;</li> <li>Off school grounds at an activity, function or event sponsored by the school the student attends; OR</li> <li>While traveling to or from school or a school activity, function or event on school-provided transportation.</li> </ol> <p>For the 2002-03 school year, in the absence of crime data, a public school is determined to be persistently dangerous by a review panel if the criteria listed are met for three consecutive years.</p> <p>For the 2003-04 school year, two years of expulsion data and one year of conviction and delinquency data shall be used to determine if a school is persistently dangerous.</p> <p>For the 2004-05 school year, one year of expulsion data and two years of conviction and delinquency data shall be used to determine if a school is persistently dangerous.</p> <p>If the persistently dangerous criteria are met for a third consecutive year, a panel of local and state safety experts will convene to make the determination of whether the school should be considered persistently dangerous.</p> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>A violent crime as defined by IC 5-2-6.1-8.</li> <li>Possession of any of the following: <ul style="list-style-type: none"> <li>A firearm, as defined by IC 35-47-1-5</li> <li>A deadly weapon, as defined by IC 35-41-1-8</li> <li>A destructive device, as defined by IC 35-47.5-2-4.</li> </ul> </li> </ol>	<p>State department of education</p> <p><b>Adopted</b></p> <p>Policy adopted April 30, 2003</p>
Iowa	<p><b>Determination of persistently dangerous schools</b></p> <p>A school meets the following criteria for three consecutive school years:</p> <ol style="list-style-type: none"> <li>Violence-related suspensions (10 days or more) or expulsions (local board action) for more than 1% of the student population. A violence-related, long-term suspension or expulsion occurs as a result of physical injury or the threat of physical injury, according to Iowa Code offenses listed below, to a student on school property during the regular school day or at school-sponsored activities.</li> <li>Expulsion of two or more students for violating the federal or state gun-free school laws.</li> <li>Five students or 1% of the enrolled student population, whichever is greater, exercised the individual victim transfer option.</li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>A forcible felony</li> <li>Offenses, excluding simple misdemeanors, involving physical assault</li> <li>Offenses, excluding simple misdemeanors, involving sexual assault</li> <li>Kidnapping</li> <li>First- and second-degree robbery and extortion</li> <li>First-degree arson</li> <li>Use of incendiary or explosive devices such as bombs</li> <li>Criminal gang activity</li> <li>Carrying and/or using a weapon.</li> </ol>	<p>State board of education</p> <p><b>Adopted</b></p> <p>IAC 281-11.3</p>



<p>Kansas</p>	<p><b>Determination of persistently dangerous schools</b>  A school meets all of the following criteria for three consecutive school years based on numbers and rates from September 20 enrollment data and calculated annually:</p> <ol style="list-style-type: none"> <li>1. One or more students expelled as a result of a federal gun-free schools violation; AND</li> <li>2. At least 2% or five students, whichever is greater, of the student enrollment exercising the individual victim student transfer option; AND</li> <li>3. Have a violence-related expulsion rate of at least 2% or five students, whichever is greater, of the student enrollment convicted of or adjudicated for the offenses listed below.</li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Crimes against persons that constitute the commission of a felony, including murder, aggravated assault, battery, criminal threat, hazing, kidnapping, robbery, burglary and stalking; OR</li> <li>2. Sex crimes such as rape, aggravated indecent liberties with a child, indecent solicitation of a child, sexual battery, sexual exploitation of a child and sodomy; OR</li> <li>3. Child abuse; OR</li> <li>4. Terroristic threat.</li> </ol>	<p>State board of education</p> <p><b>Approved</b></p> <p>December 10, 2002 board minutes</p>
<p>Kentucky</p>	<p><b>Determination of persistently dangerous schools</b>  A public school that meets any two of the following conditions for two consecutive years for 2003-04 school year and three consecutive years for 2004-05 school year and beyond:</p> <ol style="list-style-type: none"> <li>1. Forcible Rape: <ul style="list-style-type: none"> <li>• One or more incidents per year</li> </ul> </li> <li>2. Robbery: <ul style="list-style-type: none"> <li>• For a school with fewer than 500 students, five or more incidents in the school year</li> <li>• For a school with 500 or more students, the total number of incidents in the school year represents 1% or more of the total student enrollment.</li> </ul> </li> <li>3. Assault in the first degree: <ul style="list-style-type: none"> <li>• For a school with fewer than 500 students, five or more incidents in the school year</li> <li>• For a school with 500 or more students, the total number of incidents in the school year represents 1% or more of the total student enrollment.</li> </ul> </li> <li>4. Assault in the second degree: <ul style="list-style-type: none"> <li>• For a school with fewer than 500 students, five or more incidents in the school year</li> <li>• For a school with 500 or more students, the total number of incidents in the school year represents 1% or more of the total student enrollment.</li> </ul> </li> <li>5. Criminal Homicide – One or more incidents per year</li> <li>6. Firearms Violations (Federal or State Gun-Free Schools legislation) <ul style="list-style-type: none"> <li>• For a school with fewer than 500 students, five or more incidents in the school year</li> <li>• For a school with 500 or more students, the total number of incidents in the school year represents 1% or more of the total student enrollment.</li> </ul> </li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Forcible Rape</li> <li>2. Robbery</li> <li>3. Assault in the first or second degree</li> <li>4. Criminal Homicide</li> <li>5. Firearms Violations [Federal or State Gun-Free Schools legislation (KRS 158.150)(2)].</li> </ol>	<p>State board of education</p> <p><b>Adopted</b></p> <p>June 4-5, 2003 board minutes</p>
<p>Louisiana</p>	<p><b>Determination of persistently dangerous schools</b>  A school meets two of the following criteria for two consecutive school years:</p> <ol style="list-style-type: none"> <li>1. One percent or more of the enrolled student body is expelled for possession of a firearm on school property, on a school bus or for actual possession of a firearm at a school-sponsored event</li> <li>2. Four percent or more of the enrolled student body has been expelled for a crime of violence, according to Louisiana Revised Statute 14:2, occurring on school property,</li> </ol>	<p>State board of education</p> <p><b>Adopted</b></p> <p>Regulation LAC 28:1.901</p>

	<p>on a school bus or at a school-sponsored event  3. Six percent or more of the enrolled student body has been expelled pursuant to Louisiana Revised Statute 17:416 for the following types of misconduct listed below occurring on school property, on a school bus or at a school-sponsored event.</p> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Possession of a firearm</li> <li>2. Crime of violence according to Louisiana Revised Statute 14:2</li> <li>3. Misconduct <ul style="list-style-type: none"> <li>• Immoral or vicious practices</li> <li>• Conduct or habits injurious to associates</li> <li>• Possession of or use of any controlled dangerous substance in any form, governed by the Uniform Controlled Dangerous Substances Law</li> <li>• Possession of or use of any alcoholic beverage</li> <li>• Cutting, defacing or injuring any school property</li> <li>• Possession of knives or other implements which can be used as weapons, the careless use of which might inflict harm or injury</li> <li>• Throws missiles liable to injure others</li> <li>• Instigating or participating in fights.</li> </ul> </li> </ol>	
Maine	<p><b>Determination of persistently dangerous schools</b>  A school that meets or exceeds both of the following criteria:</p> <ol style="list-style-type: none"> <li>1. In any three consecutive years, a Federal Gun-Free Schools Act violation or a violent criminal offense occurs in or on school property; AND</li> <li>2. In any two years within a three-year span, 2% or more of the student body is expelled for a violation of the school's alcohol, tobacco and other drug policy or a violation of the school's weapons or violence policy.</li> </ol> <p>Judgments as to whether a violent criminal offense has been committed, and if so, where (in or on school property or not), are to be determined by the law enforcement agency having primary responsibility for the criminal investigation.</p> <p><b>Offenses/incidents</b>  According to the Maine Criminal Code:</p> <ol style="list-style-type: none"> <li>1. Murder and related offenses</li> <li>2. Offenses against the person</li> <li>3. Sexual assaults</li> <li>4. Kidnapping and criminal restraint</li> <li>5. Theft</li> <li>6. Burglary and criminal trespass</li> <li>7. Falsification in official matters</li> <li>8. Offenses against public order</li> <li>9. Offenses against the family</li> <li>10. Robbery</li> <li>11. Offenses against public administration</li> <li>12. Arson and other property destruction</li> <li>13. Criminal use of explosives and related crimes</li> <li>14. Drugs (drug crimes that are Class A, Class B or Class C).</li> </ol>	<p>State department of education</p> <p><b>Approved</b></p> <p>Draft policy distributed via Informational Letter No. 86 approved by commissioner of education on September 16, 2003.</p>
Maryland	<p><b>Determination of persistently dangerous schools</b>  A school in which each year for three consecutive school years, the total number of student suspensions for more than 10 days or expulsions for the offenses listed below equals 2.5% or more of the total number of enrolled students.</p> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Arson or fire</li> <li>2. Drugs</li> <li>3. Explosives</li> <li>4. Firearms</li> <li>5. Other guns</li> <li>6. Other weapons</li> <li>7. Physical attack on a student</li> <li>8. Physical attack on a school system employee or other adult</li> <li>9. Sexual assault.</li> </ol>	<p>State board of education</p> <p><b>Approved</b></p> <p>COMAR  13A.08.01.18</p>

Massachusetts	<p><b>Determination of persistently dangerous schools</b>  A school meets either of the following criteria for three consecutive years beginning with the most recent enrollment data available to the state department of education, as well as the prior two years:</p> <ol style="list-style-type: none"> <li>1. One or more students expelled for violation of the Federal Gun-Free Schools Act</li> <li>2. The number of students who have been permanently excluded or expelled from school for a period greater than 45 days, for the offenses listed below, exceeds 1.5 % of the student enrollment.</li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Weapons or physical assault (Mass. General Laws Chapter 71, § 37H)</li> <li>2. Violent crimes (Mass. General Laws Chapter 140, § 121).</li> </ol>	<p>State board of education</p> <p><b>Approved</b></p> <p>March 25, 2003  board minutes</p>
Michigan	<p><b>Determination of persistently dangerous schools</b>  A school that each year for three consecutive years has:</p> <ol style="list-style-type: none"> <li>1. More than 2.5% of the students or five students, whichever is greater, expelled by the school board for more than 10 consecutive days for the offenses listed below, as defined by the Michigan Revised School Code; OR</li> <li>2. More than 2.5% of the students or five students, whichever is greater, have been victims of violent criminal offenses listed below.</li> </ol> <p>Alternative education programs and strict discipline academies that are appropriate for expelled individuals are exempt from this policy.</p> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Arson</li> <li>2. Physical assault</li> <li>3. Bomb threat or similar threat</li> <li>4. Criminal sexual conduct</li> <li>5. Possession of a dangerous weapon.</li> </ol>	<p>State board of education</p> <p><b>Adopted</b></p> <p>April 24, 2003  board minutes</p>
Minnesota	<p><b>Determination of persistently dangerous schools</b>  A school where during two of the past three previous school years (July 1 – June 30):</p> <ol style="list-style-type: none"> <li>1. A student attending the school was expelled according to Minn. Stat. 121A.44 for possession of a firearm (18 USC § 921) on school grounds AND</li> <li>2. The number of students expelled for offenses listed below that were committed in or on school grounds exceeds: <ul style="list-style-type: none"> <li>• Three incidents in a school with fewer than 300 enrolled students</li> <li>• One incident for every 100 students or fraction of 100 students in a school with 300 or more enrolled students.</li> </ul> </li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Possessing a dangerous weapon [18 USC § 930 (g)(2)]</li> <li>2. Possessing or using a controlled substance [21 USC § 812]</li> <li>3. Selling or soliciting the sale of a controlled substance [21 USC § 812]</li> <li>4. Committing third-degree assault [Minn. Stat. 609.223 (1)] or criminal sexual conduct [Minn. Stat. 609.342-345].</li> </ol>	<p>State department of education</p> <p><b>Adopted</b></p> <p>Minnesota Department of Education NCLB Bulletin, Vol. 1, Issue 5, September 5, 2003.</p>
Mississippi	<p><b>Determination of persistently dangerous schools</b>  A public school, excluding charter schools, in which conditions during the past two school years continually exposed its students to injury from violent criminal offenses and it is:</p> <ol style="list-style-type: none"> <li>1. A public school in which a total of 20 or more violent criminal offenses, listed below, were committed per 1,000 students (2.0 or more per 100 students) in two consecutive school years; OR</li> <li>2. A public alternative school in which a total of 75 or more violent criminal offenses, listed below, were committed per 1,000 (7.5 or more per 100 students) in two consecutive school years.</li> </ol> <p>When the state board of education has information that a school meets the criteria listed in # 1 or # 2 above, the state board will provide the local board with an opportunity to report on the conditions in the school. After consideration of that report and consultation with a representative sample of the local education agencies, the state board of education will determine whether the school is a persistently dangerous school.</p>	<p>State board of education</p> <p><b>Adopted</b></p> <p>Code JGF-1</p>

	<p><b>Offenses/incidents</b> Crimes reported in the Mississippi School Information System:</p> <ol style="list-style-type: none"> <li>1. Simple or aggravated assault</li> <li>2. Homicide</li> <li>3. Kidnapping</li> <li>4. Rape</li> <li>5. Robbery</li> <li>6. Sexual battery</li> <li>7. Mayhem</li> <li>8. Poisoning</li> <li>9. Extortion</li> <li>10. Stalking</li> <li>11. Seizure and forfeiture of firearms.</li> </ol>	
Missouri	<p><b>Determination of persistently dangerous schools</b> A public school in which the following conditions exists:</p> <ol style="list-style-type: none"> <li>1. In each of three consecutive years: <ul style="list-style-type: none"> <li>• The school has a federal and/or state gun-free schools violation; OR</li> <li>• A violent criminal offense as listed below is committed on school property; AND</li> </ul> </li> <li>2. In any two years within the three-year period listed above, the school experienced expulsions by local board action, for drug, alcohol, weapons or violence that exceed one of the following rates: <ul style="list-style-type: none"> <li>• More than five expulsions per year for a school of less than 250 students</li> <li>• More than 10 expulsions per year for a school of more than 250 students but less than 1,000 students</li> <li>• More than 15 expulsions per year for a school of more than 1,000 students.</li> </ul> </li> </ol> <p><b>Offenses/incidents</b> As defined by the Missouri Criminal Code:</p> <ol style="list-style-type: none"> <li>1. Murder first- or second-degree</li> <li>2. Kidnapping</li> <li>3. Assault first- or second-degree</li> <li>4. Forcible rape</li> <li>5. Forcible sodomy</li> <li>6. Burglary first- or second-degree</li> <li>7. Robbery first-degree</li> <li>8. Distribution of drugs</li> <li>9. Distribution of drugs to a minor</li> <li>10. Arson first-degree</li> <li>11. Voluntary manslaughter</li> <li>12. Involuntary manslaughter</li> <li>13. Sexual assault</li> <li>14. Felonious restraint</li> <li>15. Property damage first-degree</li> <li>16. Possession of a weapon</li> <li>17. Child molestation first-degree</li> <li>18. Deviate sexual assault</li> <li>19. Sexual misconduct involving a child</li> <li>20. Sexual abuse.</li> </ol>	<p>State board of education</p> <p><b>Adopted</b></p> <p>5 CSR 50-355-100</p>
Montana	<p><b>Determination of persistently dangerous schools</b> A school in which each of the following two conditions exist:</p> <ol style="list-style-type: none"> <li>1. In each of three consecutive years, the school has a federal or state gun-free schools violation or a violent criminal offense, listed below, was committed on school property; AND</li> <li>2. In any two years within a three-year period, the school experienced expulsions for drug, alcohol, weapons or violence that exceed one of the following rates: <ul style="list-style-type: none"> <li>• More than five expulsions for a school of less than 250 students</li> <li>• More than 10 expulsions for a school of more than 250 students but less than 1,000 students; OR</li> <li>• More than 15 expulsions for a school of more than 1,000 students.</li> </ul> </li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Drug</li> </ol>	<p>State department of education</p> <p><b>Adopted</b></p> <p>Department policy</p>

	<ol style="list-style-type: none"> <li>2. Alcohol</li> <li>3. Homicide</li> <li>4. Rape</li> <li>5. Robbery</li> <li>6. Aggravated assault.</li> </ol>	
Nebraska	<p><b>Determination of persistently dangerous schools</b> A school that meets the following condition for three consecutive years:</p> <ul style="list-style-type: none"> <li>• A violation of the Gun-Free Schools Act and student is charged with a crime under Neb. Rev. Stat. § 28-1204.04.</li> </ul> <p><b>Offenses/incidents</b></p> <ul style="list-style-type: none"> <li>• Gun-Free Schools Act violation.</li> </ul>	<p>State department of education</p> <p><b>Adopted</b></p> <p>Department policy</p>
Nevada	<p><b>Determination of persistently dangerous schools</b> Nev. Rev. Stat. 392.017 (SB 1 2003) requires the state board of education regulations to include criteria for identifying a school as persistently dangerous.</p> <p>State board of education criteria is a school that meets the following conditions for at least two of three consecutive fiscal years:</p> <ol style="list-style-type: none"> <li>1. Any of the violent offenses listed below resulting in a criminal citation being issued by a local law enforcement agency or school police to a student or non-student that occur in the school building, on school grounds, school buses or at school sponsored events</li> <li>2. The number of criminal offenses during one school year must exceed the following percentages, based on the school population during count day <ul style="list-style-type: none"> <li>• For a school of up to 750 students, 2% of the student population</li> <li>• For a school of 750–1,500 students, 1.75% of the student population</li> <li>• For a school over 1,500 students, 1.5% of the student population.</li> </ul> </li> </ol> <p>A local school district may appeal the designation to the Nevada State Department of Education within 30 calendar days by submitting written clarifying data, information on extenuating circumstances or other relevant information.</p> <p><b>Offenses/incidents</b> SB 1 does not define violent criminal offense. The state board of education list of violent offenses:</p> <ol style="list-style-type: none"> <li>1. Murder (Nev. Rev. Stat. 200.010)</li> <li>2. Mayhem (Nev. Rev. Stat. 200.280)</li> <li>3. Possession of a dangerous weapon on school property or in vehicle at school (Nev. Rev. Stat. 202.265)</li> <li>4. Kidnapping (Nev. Rev. Stat. 200.310)</li> <li>5. Sexual assault (Nev. Rev. Stat. 200.366)</li> <li>6. Robbery (Nev. Rev. Stat. 200.380)</li> <li>7. Assault (Nev. Rev. Stat. 200.471)</li> <li>8. Battery (Nev. Rev. Stat. 200.481)</li> <li>9. Harassment (Nev. Rev. Stat. 200.571)</li> <li>10. Stalking (Nev. Rev. Stat. 200.575)</li> <li>11. Hazing (Nev. Rev. Stat. 200.575)</li> </ol>	<p>State legislature; state board of education</p> <p><b>Enacted</b> state legislation; <b>Adopted</b> state board policy</p> <p>Nev. Rev. Stat. 392.017 (SB 1 2003); May 16-17, 2003 board minutes</p>
New Hampshire	<p><b>Determination of persistently dangerous schools</b> A school in which three of the offenses listed below occurred as separate incidents during the period of one school year for three consecutive years on school property, at a school-sponsored event, or during transportation to or from school if the transportation is provided by the school.</p> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Homicide</li> <li>2. First- or second-degree assault</li> <li>3. Aggravated felonious sexual assault</li> <li>4. Arson</li> <li>5. Robbery as a class A felony</li> <li>6. Unlawful possession or sale of a firearm or other dangerous weapon.</li> </ol>	<p>State legislature</p> <p><b>Enacted</b> without governor's signature.</p> <p>N.H. Rev. Stat. Ann. § 193-G:1 (SB 114 2003)</p>
New Jersey	<b>Determination of persistently dangerous schools</b>	State board of

	<p>A school that meets one of the following categories for three consecutive years AND is part of an LEA that receives federal funds under NCLB:</p> <ol style="list-style-type: none"> <li>1. Has seven or more Category A offenses listed below</li> <li>2. Has a score of 1.0 or greater on an index of Category B offenses where the index is defined as the result of dividing the number of Category B offenses listed below by the square root of the school's enrollment.</li> </ol> <p><b>Offenses/incidents</b>  Category A:</p> <ol style="list-style-type: none"> <li>1. A firearms offense in state law in accordance with the federal Gun-Free Schools Act</li> <li>2. An aggravated assault on a student</li> <li>3. An assault with a weapon on a student</li> <li>4. Any assault on a member of the school district staff.</li> </ol> <p>Category B:</p> <ol style="list-style-type: none"> <li>1. Simple assault on a student</li> <li>2. Possession or sale of a weapon other than a firearm</li> <li>3. Gang fight</li> <li>4. Robbery or extortion</li> <li>5. Sex offense</li> <li>6. Terrorist threat</li> <li>7. Arson</li> <li>8. Sale and distribution of drugs (excluding possession with intent)</li> <li>9. Harassment and bullying.</li> </ol>	<p>education</p> <p><b>Adopted</b></p> <p>June 18, 2003 board meeting</p>
New Mexico	<p><b>Determination of persistently dangerous schools</b>  A school that for three consecutive schools years:</p> <ol style="list-style-type: none"> <li>1. Expelled more than 5% of the student enrollment for incidents reported in the school district's "safe schools report" as outlined below AND</li> <li>2. Expelled more than one or more students for knowingly bringing a weapon to school in violation of state and/or district policy.</li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Incidents reported on the school district's "safe schools report" as required by § 22-10A-33, NMSA (1978) under the violence and vandalism codes and definitions – violence codes 1 through 06 "assault and battery."</li> <li>2. Weapons violation according to § 22-2-4.7, NMSA (1978) and/or any district policy implementing the provision based on violence and vandalism codes and definitions – firearms possession code 61 through 63.</li> </ol>	<p>State board of education</p> <p><b>Adopted</b></p> <p>Administrative Code 6.19.3</p>
New York	<p><b>Determination of persistently dangerous schools</b></p> <ol style="list-style-type: none"> <li>1. A school will be initially identified as a school that may be designated as persistently dangerous for the 2003-04 school year if the school has in each of two consecutive years a 3% or greater ratio of weapons incidents to enrollment. A final designation will be made after the school has had an opportunity to demonstrate that it should not be designated persistently dangerous.</li> <li>2. A school that has in two consecutive years a 2% or greater ratio of weapons incidents to enrollment will be required to develop an Incident Reduction Plan during the 2003-04 school year. If the ratio remains at 2% or greater after the implementation of the plan, the school may be initially identified as a persistently dangerous school for the 2004-05 school year.</li> </ol> <p><b>Offenses/Incidents</b></p> <ul style="list-style-type: none"> <li>• Weapons incidents.</li> </ul>	<p>State commissioner of education</p> <p><b>Established</b></p> <p>August 6, 2003 biweekly newsletter from Deputy Commissioner James A. Kadamus</p>
North Carolina	<p><b>Determination of persistently dangerous schools</b>  A public school or a charter school in which a total of five or more violent criminal offenses were committed per 1,000 students (0.5 or more per 100 students) during each of the two most recent school years and in which the conditions that contributed to the commission of those offenses are likely to continue into another school year.</p> <p><b>Offenses/incidents</b>  Crimes reported in the <i>Report on School Crime and Violence</i>:</p> <ol style="list-style-type: none"> <li>1. Homicide</li> <li>2. Assault resulting in serious bodily injury</li> </ol>	<p>State board of education</p> <p><b>Adopted</b></p> <p>Policy ID: SS-A-006</p>

	<ol style="list-style-type: none"> <li>3. Assault involving use of a weapon</li> <li>4. Rape</li> <li>5. Sexual offense</li> <li>6. Sexual assault</li> <li>7. Kidnapping</li> <li>8. Robbery with a dangerous weapon</li> <li>9. Robbery</li> <li>10. Taking indecent liberties with a minor.</li> </ol>	
North Dakota	<p><b>Determination of persistently dangerous schools</b>  A school where the following conditions exist for two consecutive years:</p> <ol style="list-style-type: none"> <li>1. A state firearms violation that resulted in a one year expulsion; AND</li> <li>2. A school expelled 1% of the student population or five students, whichever is higher, for violent criminal offenses as listed below.</li> </ol> <p>Prior to designating a school as persistently dangerous, the state department of public instruction will take into consideration the school's safety plan, local efforts to address the school's safety concerns and other information deemed relevant by the department.</p> <p><b>Offenses/incidents</b>  According to the North Dakota Century Code:</p> <ol style="list-style-type: none"> <li>1. State firearms violation (NDCC 15.1-19-10)</li> <li>2. Homicide (NDCC 12.1-16, subsections 01, 02, 03)</li> <li>3. Assaults-threats (NDCC 12.1-17, subsections 01,01.1,02, 03, 04, 10)</li> <li>4. Kidnapping (NDCC 12.1-18, subsections 01, 02)</li> <li>5. Sex offenses (NDCC 12.1-20, subsections 03, 04, 17)</li> <li>6. Robbery (NDCC 12.1-22, subsection 01)</li> <li>7. Inciting a riot. (NDCC 12.1-25, subsection 01)</li> </ol>	<p>State department of education</p> <p><b>Adopted</b></p> <p>Department policy</p>
Ohio	<p><b>Determination of persistently dangerous schools</b></p> <ol style="list-style-type: none"> <li>1. A school that has two or more violent criminal offenses on school property, per 100 students, in each of two consecutive school years.</li> <li>2. A school with 300 or fewer students enrolled will be designated "persistently dangerous" only if six or more violent criminal offenses occur in each of two consecutive schools years.</li> <li>3. A school with 1,350 or more students enrolled will be designated "persistently dangerous" if 27 or more violent criminal offenses occur in each of two consecutive school years.</li> </ol> <p><b>Offenses/incidents</b>  Offense as defined by Ohio law that is violent in nature.</p>	<p>State board of education</p> <p><b>Adopted</b></p> <p>July 9-10, 2002  board minutes</p>
Oklahoma	<p><b>Determination of persistently dangerous schools</b>  A public school site that meets the following criteria for three consecutive fiscal school years:</p> <ol style="list-style-type: none"> <li>1. A site has students and/or employees convicted of a violent criminal offense and the number of offenses exceeds 2% of the site's audited membership; AND</li> <li>2. The offense occurs at school or on a school bus in transit to or from school.</li> </ol> <p><b>Offenses/incidents</b></p> <ul style="list-style-type: none"> <li>• An offense listed as an exception to the term "nonviolent offense" as specified in Okla. Stat. Tit. 57, § 571.</li> </ul>	<p>State board of education</p> <p><b>Approved</b></p> <p>April 17, 2003  board meeting</p>
Oregon	<p><b>Determination of persistently dangerous schools</b>  A public school where the following conditions exist for three consecutive school years:</p> <ol style="list-style-type: none"> <li>1. The school has expulsions for weapons; AND/OR</li> <li>2. The school has expulsions for violent behavior; AND/OR</li> <li>3. The school has expulsions for students arrested for any of the violent criminal offenses listed below on school grounds, on school-sponsored transportation and/or at school-sponsored activities.</li> </ol> <p>The total number of expulsions for the above combined categories must meet or exceed one of the following rates per year:</p> <ol style="list-style-type: none"> <li>1. For a school with fewer than 500 enrolled students, five expulsions.</li> </ol>	<p>Unclear if the authority is the state board of education or the state department of education.</p> <p><b>Adopted</b></p> <p>Reference not available online; document dated</p>

	<p>2. For a larger school, one expulsion for every 100 enrolled students or fraction thereof.</p> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Expulsion for weapons [ORS 339.250(6)]</li> <li>2. Violent criminal offenses <ul style="list-style-type: none"> <li>• Assault [ORS 163.160, ORS 163.165, ORS 163.175, ORS 163.185]</li> <li>• Manufacture or delivery of a controlled substance [ORS 475.992 (1-3)]</li> <li>• Sexual crimes using force, threatened use of force or against incapacitated person [ORS 163.375, ORS 163.395, ORS 163.411, ORS 163.427]</li> <li>• Arson [ORS 164.315, ORS 164.325]</li> <li>• Robbery [ORS 164.395, ORS 164.405, ORS 164.415]</li> <li>• Hate/Bias Crime [ORS 166.155, ORS 166.165]</li> <li>• Coercion [ORS 163.275]</li> <li>• Kidnapping [ORS 163.225, ORS 163.235].</li> </ul> </li> </ol>	<p>August 29, 2003, posted on the Oregon Department of Education Web site.</p>
Pennsylvania	<p><b>Determination of persistently dangerous schools</b> Any public school that meets the following criteria for the most recent school year and in one additional year of the two years prior to the most recent school year:</p> <ol style="list-style-type: none"> <li>1. For a school whose enrollment is 250 or less, at least five dangerous incidents</li> <li>2. For a school whose enrollment is 251 to 1,000, a number of dangerous incidents that represents at least 2% of the school's enrollment</li> <li>3. For a school whose enrollment is over 1,000, 20 or more dangerous incidents.</li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Weapons possession incidents resulting in arrest, including guns, knives or other weapons</li> <li>2. Violent incidents resulting in arrest, including homicide, kidnapping, robbery, sexual offenses and assaults as reported on the PDE-360 report.</li> </ol>	<p>State board of education</p> <p><b>Adopted</b></p> <p>Resolution at May 22, 2003 board meeting and published in PA Bulletin 33-26 as 22 PA. Code § 403.2</p>
Rhode Island	<p><b>Determination of persistently dangerous schools</b> A public elementary or secondary school that meets the following criteria:</p> <ol style="list-style-type: none"> <li>1. In each of three consecutive years has <ul style="list-style-type: none"> <li>• A federal or state Gun-Free Schools violation that resulted in a long-term suspension OR</li> <li>• A violent criminal offense listed below committed on school property AND</li> </ul> </li> <li>2. In each of three consecutive years, the school imposed long-term suspensions for drug, alcohol, weapons or violence that exceeds the following rates: <ul style="list-style-type: none"> <li>• More than five long-term suspensions for a school of less than 250 students</li> <li>• More than 10 long-term suspensions for a school of more than 250 students but less than 1,000 students</li> <li>• More than 15 long-term suspensions for a school of more than 1,000 students.</li> </ul> </li> </ol> <p>A long-term suspension is a suspension lasting 45 or more school days.</p> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Homicide</li> <li>2. Rape</li> <li>3. Robbery</li> <li>4. Aggravated assault.</li> </ol>	<p>State department of education</p> <p><b>Adopted</b></p> <p>Letter dated August 15, 2003 from Commissioner of Education Peter McWalters to superintendents with attached policy dated July 2003.</p>
South Carolina	<p><b>Determination of persistently dangerous schools</b> A public elementary, secondary or charter school if any two of the following situations exist for three consecutive years with regard to the occurrence of violent criminal offenses on its grounds:</p> <ol style="list-style-type: none"> <li>1. Homicide: one or more incidents in the school year</li> <li>2. Forcible sex offense: one or more incidents in the school year</li> <li>3. Kidnapping: one or more incidents in the school year</li> <li>4. Aggravated assault: the total number of incidents during one school year represent 1% or more of the total student enrollment for a school of 500 or more students, or 10 or more incidents for a school with fewer than 500 students</li> <li>5. Robbery: the total number of incidents during one school year represent 1% or more of the total student enrollment for a school with 500 or more students, or 10 or more incidents for a school with fewer than 500 students</li> </ol>	<p>State department of education</p> <p><b>Adopted</b></p> <p>South Carolina <i>Guidelines for Unsafe School Choice Option</i></p>



	<p>6. Weapons violations: the total number of incidents during one school year represent 1% or more of the total student enrollment for a school with 500 or more students, or 10 or more incidents for a school with fewer than 500 students.</p> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Homicide</li> <li>2. Forcible sex offense</li> <li>3. Kidnapping</li> <li>4. Aggravated assault</li> <li>5. Robbery</li> <li>6. Weapons violations (consistent with and as defined by the federal Gun-Free Schools Act).</li> </ol>	
South Dakota	<p><b>Determination of persistently dangerous schools</b> Multiple violent criminal offenses in two or more consecutive years, including the most recent school year, as set forth in South Dakota state law, including:</p> <ol style="list-style-type: none"> <li>1. Whether committed by or victimizing students, school personnel or non-school personnel</li> <li>2. That occur 24 hours a day (not just during school hours)</li> <li>3. That occur 12 months a year (not just during the school year); AND</li> <li>4. That occur on school grounds, school property or school-related and/or school-sponsored events, including buses and sports arenas.</li> </ol> <p>The number of multiple violent criminal offenses used to determine each school's status as a safe school or a persistently dangerous school is calculated according to the following formula: One or more violent criminal offenses per 50 students enrolled with a maximum of 10 offenses per year, in two consecutive school years will classify a school as persistently dangerous.</p> <p><b>Offenses/incidents</b> The state department of education will maintain a list of offenses considered to be "violent criminal offenses" for purposes of the "Unsafe School Choice Option" (USCO) policy. The department will use data collected via the annual Safe and Drug/Gun-Free Schools data-collection process for purposes of implementing the USCO policy.</p>	<p>State department of education</p> <p><b>Adopted</b></p> <p>May 2003 DECA Administrative Memorandum</p>
Tennessee	<p><b>Determination of persistently dangerous schools</b> A public school, excluding a school established specifically for serving suspended or expelled students or students with behavioral disabilities, that meets the following criteria for three consecutive years:</p> <ol style="list-style-type: none"> <li>1. Has violence-related disciplinary actions as reported on the Annual Report of Zero Tolerance Offenses as listed below; OR</li> <li>2. Has students who have been the victim of a violent crime at school; AND</li> <li>3. The sum of violence-related disciplinary actions and/or incidents of student victimization identified in criteria # 1 and criteria # 2 above are equal to or greater than 3% of the school's average daily membership.</li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Possession/use of a firearm</li> <li>2. Battery of a teacher or school employee (including a school resource officer assigned to the school)</li> <li>3. Possession/use of a weapon other than a firearm.</li> </ol>	<p>State board of education</p> <p><b>Adopted</b></p> <p>Policy adopted at August 22, 2003 board meeting.</p>
Texas	<p><b>Determination of persistently dangerous schools</b> A regular education campus that reported three or more mandatory expulsion incidents per 1,000 students in each of the following school years: 1999-2000, 2000-01 and 2001-02. Proportionate adjustments made to take into account the campus size.</p> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Used, exhibited or possessed a firearm</li> <li>2. Used, exhibited or possessed a club</li> <li>3. Used, exhibited or possessed a weapon, such as a short-barrel firearm, switchblade, knife, brass knuckles or Mace</li> <li>4. Arson</li> <li>5. Murder or attempted murder</li> </ol>	<p>State department of education</p> <p><b>Practice</b></p> <p>August 4, 2003 Texas Education Agency press release</p>

	<ol style="list-style-type: none"> <li>6. Indecency with a child</li> <li>7. Aggravated kidnapping</li> <li>8. Aggravated assault of a school employee</li> <li>9. Aggravated assault of a student</li> <li>10. Sexual assault or aggravated sexual assault of a school employee</li> <li>11. Sexual assault or aggravated sexual assault of a student</li> <li>12. Felony controlled substance</li> <li>13. Felony alcohol violation.</li> </ol>	
Utah	<p><b>Determination of persistently dangerous schools</b>  A public school has at least 3% of the student body, as determined by the October 1 count, expelled in each of three consecutive school years (two previous school years for 2003-04 and 2004-05 school years) for:</p> <ol style="list-style-type: none"> <li>1. Violent criminal offenses, listed below, that occurred on school property or at school-sponsored activities; OR</li> <li>2. Federal gun-free school violations.</li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Violent criminal offense - offense shall be reported to law enforcement and charged to qualify for purposes of this policy <ul style="list-style-type: none"> <li>• Actual or attempted criminal homicide</li> <li>• Rape</li> <li>• Aggravated sexual assault</li> <li>• Forceable sexual abuse</li> <li>• Aggravated sexual abuse of a child</li> <li>• Aggravated assault</li> <li>• Robbery under 76-6-301.</li> </ul> </li> <li>2. Federal gun-free school violation.</li> </ol>	State board of education  <b>Adopted</b>  R277-483-1
Vermont	<p><b>Determination of persistently dangerous schools</b>  A school that meets all of the following criteria for each of the immediately prior three school years:</p> <ol style="list-style-type: none"> <li>1. Three percent or more of the student enrollment or, for schools with a student enrollment of less than 100, at least three students have been expelled for violence-related incidents that occurred on school grounds or at a school-sponsored event; AND</li> <li>2. One or more students have been expelled for possessing a weapon on school grounds or at a school-sponsored event; AND</li> <li>3. Three percent or more of the student enrollment or, for schools with a student enrollment of less than 100, at least three students have been victims of violent criminal offenses and have exercised the school choice option. This criterion is inapplicable with respect to any school year prior to July 1, 2003.</li> </ol> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Violence-related incidents not defined.</li> <li>2. Possession of a dangerous or deadly weapon as defined in 13 V.S.A. §4016(a)(2).</li> </ol>	State board of education  <b>Adopted</b>  May 20, 2003 board meeting
Virginia	<p><b>Determination of persistently dangerous schools</b>  A school would have experienced one or more Category I incidents and/or exceeded its annual point threshold for Category II and Category III incidents for three consecutive years. A school's annual threshold of incidents is determined in the following ways:</p> <ol style="list-style-type: none"> <li>1. Category I Threshold: Regardless of school size, one Category I incident during a year of a sexual assault offense, homicide, or use of a bomb or explosive (absolute threshold); OR</li> <li>2. Category II and III Threshold: The accumulated point threshold of incidents for each school, each year, is the equivalent of one point per 100 students enrolled based on any combination of Category II and Category III incidents. Accumulation of threshold points from Category II and Category III is determined as follows: <ul style="list-style-type: none"> <li>• Each incident from Category II is assigned two points.</li> <li>• Each incident from Category III is assigned one point.</li> </ul> </li> </ol> <p><b>Offenses/incidents</b></p>	State board of education  <b>Adopted</b>  April 29, 2003 board minutes

	<ol style="list-style-type: none"> <li>1. Category I <ul style="list-style-type: none"> <li>• Homicide with a firearm or other weapon</li> <li>• Sexual assault offenses</li> <li>• Use of a destructive bomb.</li> </ul> </li> <li>2. Category II <ul style="list-style-type: none"> <li>• Assault with a firearm or other weapon</li> <li>• Aggravated sexual battery</li> <li>• Malicious wounding without a weapon</li> <li>• Actual and attempted robbery</li> <li>• Kidnapping/abduction.</li> </ul> </li> <li>3. Category III <ul style="list-style-type: none"> <li>• Illegal possession of a handgun, rifle/shotgun, projectile weapon, bomb or other firearms</li> <li>• Illegal possession of controlled drugs and substances, including marijuana, with the intent to distribute or sell.</li> </ul> </li> </ol>																	
Washington	<p><b>Determination of persistently dangerous schools</b> A school that meets BOTH of the following criteria for three consecutive reporting years:</p> <ol style="list-style-type: none"> <li>1. Expulsions for the federal Gun-Free Schools Act violation: <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>School size</u></th> <th style="text-align: left;"><u>Minimum number of expulsions</u></th> </tr> </thead> <tbody> <tr> <td>• Up to 1,000 enrolled students</td> <td>2 per reporting year</td> </tr> <tr> <td>• 1001 to 1,500 enrolled students</td> <td>3 per reporting year</td> </tr> <tr> <td>• 1501 to 2,000 enrolled students</td> <td>4 per reporting year</td> </tr> <tr> <td>• 2001 to 2,500 enrolled students</td> <td>5 per reporting year</td> </tr> <tr> <td>• 2501 to 3,000 enrolled students</td> <td>6 per reporting year</td> </tr> <tr> <td>• 3001 to 3,500 enrolled students</td> <td>7 per reporting year</td> </tr> <tr> <td>• More than 3,500 enrolled students</td> <td>8 per reporting year</td> </tr> </tbody> </table> </li> <li>2. Expulsions for other violent criminal offenses: <ul style="list-style-type: none"> <li>• For schools with 300 or less enrolled students: three expulsions per reporting year.</li> <li>• For larger schools, one expulsion for every 100 enrolled students, or a fraction thereof, per reporting year.</li> </ul> </li> </ol> <p><b>Offenses/incidents</b> Violent criminal offenses will be determined by local district policy, but should include the following offenses as defined by Washington State Criminal Code:</p> <ol style="list-style-type: none"> <li>1. Homicide (all forms of murder and manslaughter) – RCW 9A.32</li> <li>2. Assault – RCW 9A.36</li> <li>3. Malicious harassment – RCW 9A.46</li> <li>4. Kidnapping – RCW 9A.40</li> <li>5. Rape – RCW 9A.44</li> <li>6. Robbery – RCW 9A.56.</li> </ol>	<u>School size</u>	<u>Minimum number of expulsions</u>	• Up to 1,000 enrolled students	2 per reporting year	• 1001 to 1,500 enrolled students	3 per reporting year	• 1501 to 2,000 enrolled students	4 per reporting year	• 2001 to 2,500 enrolled students	5 per reporting year	• 2501 to 3,000 enrolled students	6 per reporting year	• 3001 to 3,500 enrolled students	7 per reporting year	• More than 3,500 enrolled students	8 per reporting year	<p>State department of education</p> <p><b>Adopted</b></p> <p>Bulletin No. 43-03</p>
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• 3001 to 3,500 enrolled students	7 per reporting year																	
• More than 3,500 enrolled students	8 per reporting year																	
West Virginia	<p><b>Determination of persistently dangerous schools</b> A school has for two consecutive years substantiated violations of the offenses listed below that exceed 5% of the total number of students enrolled in the school based on the school's second month enrollment.</p> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>1. Battery on a school employee</li> <li>2. Commission of a felony according to state law</li> <li>3. Possession of a firearm or deadly weapon on a school bus, on school property or at a school-sponsored event</li> <li>4. Sale of a narcotic drug on school property, at a school-sponsored event or on a school bus.</li> </ol>	<p>State board of education</p> <p><b>Adopted</b></p> <p>CSR §126-99-16 (Policy 4373)</p>																
Wisconsin	<p><b>Determination of persistently dangerous schools</b> A school that meets one of the following criteria:</p> <ol style="list-style-type: none"> <li>1. In each of the three school years immediately preceding the current school year, weapon-related suspensions in a school year are greater than 5% of the number of enrolled students</li> <li>2. In each of the three school years immediately preceding the current school year, the greater of either of the followed occurred: <ul style="list-style-type: none"> <li>• The school board expelled in a school year at least 1% of the enrolled pupils</li> </ul> </li> </ol>	<p>Superintendent of public instruction with legislative approval</p> <p><b>Approved</b></p>																

	<p>for offenses listed below.</p> <ul style="list-style-type: none"> <li>The school board expelled in a school year five or more enrolled pupils for offenses listed below.</li> </ul> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>Assault</li> <li>Endangering behavior</li> <li>Weapons related offenses.</li> </ol>	Administrative Code PI 23.05
Wyoming	<p><b>Determination of persistently dangerous schools</b> A school that for two consecutive years expelled more than 2% of the student body (based on the most recently available year's enrollment) or four students, whichever is greater, for the offenses/incidents listed below.</p> <p><b>Offenses/incidents</b></p> <ol style="list-style-type: none"> <li>Drug</li> <li>Alcohol</li> <li>Weapons</li> <li>Violent criminal offense – homicide, rape, robbery or aggravated assault (as defined by Wyoming Violent Index Offenses).</li> </ol>	<p>State department of education</p> <p><b>Practice</b></p> <p><i>Policies and Procedures for Unsafe School Choice Option, March 17, 2003.</i></p>

Sources: Individual state Web sites and information received via email or fax from individual state departments of education.

*Gloria Zradicka is an ECS policy analyst.*

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# StateNotes

## Safety/Crime/Violence

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### Pagers and Cellular Phones on School Property

September 2004

Policies restricting student possession of pagers and cellular phones on school property were first enacted by state legislatures in the late 1980s and early 1990s in response to concerns that students were carrying such devices to participate in gang activity or drug sales, as well as concerns that these devices served as a distraction in the classroom setting. However, in response to the use of cellular phones to contact family members during the events at Columbine High School in April 1999, during the terrorist attacks of September 11, 2001, and in other emergency situations, some state education policies have been revised, revoking the statewide restrictions on use of such devices and permitting local boards to adopt policies limiting or prohibiting student possession of pagers and cellular phones on school property.

*Notes: Language used in “objects prohibited” reflects language used in state policy. Although many states do not define “electronic communication device” within statute, this term can generally be understood to signify cellular phones.*

*Policies that leave discretion to local boards, are indicated in a separate tables in this StateNote.*

#### Statutes Prohibiting Pagers and/or Cellular Phones

State	Citation	Object(s) prohibited	Prohibited for whom/where	Consequences of violation	Exceptions
AL	ALA. CODE § 16-1-27	Pocket pager, electronic communication device	Pupil possession in school.	Suspension or expulsion (board decision).	Health or other extraordinary needs upon approval by the board of education.
AR	ARK. CODE ANN. § 6-18-502	Paging device, beeper, or similar electronic communication device	On school campus.	Not specified (department must establish guidelines for district discipline policies).	Policy may exempt possession of device for extracurricular activities after regular school hours. (This provision added by 2001 S.B. 10).
CT	CONN. GEN. STAT. § 10-233j	Remotely activated paging device	Pupil use or possession in public school.	Not specified.	Written permission of school principal; permission may be given only if student or his/her parent proves that “reasonable basis exists[.]”
IL	105 ILL. COMP. STAT.	Pocket pager or similar electronic paging device	Student possession or use while in any school building or on any school property at any time.	Determined by standards adopted by local board.	Permitted with express authorization of local board, in agreement with local board’s standards. Section also requires boards to adopt written standards that may

State	Citation	Object(s) prohibited	Prohibited for whom/where	Consequences of violation	Exceptions
	ANN. 5/10-21.10				grant exceptions to the general prohibition of student use or possession of such devices.
LA	LA. REV. STAT. ANN § 17:239	Electronic communication device, "including any facsimile system, radio paging service, mobile telephone service, intercom, or electro-mechanical paging system"	Effective beginning with the 2003-2004 school year, student use "in any public elementary or secondary school or on the grounds thereof or in a school bus used to transport public school students." (Prior to 2003 H.B. 750, possession or use was prohibited for all people, not just students, who did not have authorization from the school principal.)	Violation may result in disciplinary action by the district, "including but not limited to suspension from school." (Violation no longer grounds for mandatory disciplinary action.)	The school principal or his or her designee may authorize exceptions. <i>New subsection created in enacted 2003 H.B. 750 specifies that law does not prohibit use by students or others of any electronic telecommunication device in the event of an emergency, which is defined as "an actual or imminent threat to public health or safety which may result in loss of life, injury or property damage."</i>
MI	MICH. COMP. LAWS § 380.1303 <sup>1</sup>	Pocket pager, electronic communication device or other personal communication device.	Students in school.	Established by local board.	"Health or other unusual reasons approved by the board..."
NJ	N.J. STAT. ANN. 2C:33-19	Remotely activated paging device	K-12 student to bring or possess at any time on school property.	Violation is considered to be a "disorderly persons offense."	Only when a student has "established to the satisfaction of the school authorities that a reasonable basis for the possession of the device on school property." Section does not apply to members of volunteer fire company or first aid, ambulance or rescue squad who have statement from chief of emergency volunteer group.
PA	PA. STAT. ANN. tit. 24, § 13-1317.1	Beepers	Student possession "on school grounds, at school- sponsored activities and on buses or other vehicles provided by the school district."		Students who belong to volunteer fire company, ambulance or rescue squad or who require a beeper due to a immediate family member's medical situation.
RI	R.I. GEN. LAWS § 16-21.2-11	Paging device of any kind	K-12 student while on school property.	Confiscation of device	Written permission of principal.
WI	WIS. STAT. § 118.258	Electronic paging or two-way communication device	Student possession or use on school property.	Not specified.	If the local board "or its designee determines that the device is used or possessed for a medical, school, educational, vocational or other legitimate use."

### Statutes Granting Policymaking Authority to Local Boards

State	Citation	Details
CA	CAL. EDUC. CODE § 48901.5	"The local board of each school district, or its designee, may regulate the possession or use of any electronic signaling device . . . ."

<sup>1</sup> As specified in enacted 2003 Michigan H.B. 4218, this policy continues through the end of the 2003-2004 school year, but any local board or the board of directors of any charter school may establish its own local policy before the policy change effective with the 2004-2005 school year. For the state policy effective beginning with the 2004-2005 school year, see the table below titled "Statutes Granting Policymaking Authority to Local Boards."

State	Citation	Details
CT	CONN. GEN. STAT. § 10-233j	Local board may restrict student possession/use of cellular phones in schools, taking into consideration "the special needs of parents and students." (Language on cellular phones added in 1996 to existing ban on pagers.)
FL	FLA. STAT. ANN. § 1006.07	Every local board is required to adopt rules governing the use of a wireless communications device by a student while the student is on school property or in attendance at a school function. Statute allows students to possess a wireless communications device on school property or while attending a school function, although every district's code of student conduct must note that use of a wireless communications device includes the possibility of the imposition of disciplinary action by the school or criminal penalties if the device is used in a criminal act.
GA	GA. CODE ANN. § 20-2-1183	Student possession of an electronic communication device in school is subject to local board policy. Local board may grant exceptions to prohibitions and specify disciplinary actions for any violation of prohibitions. If local policy allows a student to possess an electronic communication device while in school, local policy may not permit a student to use "any personal electronic communication device during classroom instructional time."
IL	105 ILL. COMP. STAT. ANN. 5/10-20.28 and 5/34-18.14 (for districts in cities over 500,000 inhabitants)	Local board may establish rules and disciplinary procedures for student possession or use of cellular radio telecommunication devices while in a school or on school property at any time.
KY	KY. REV. STAT. ANN. § 158.165	Every local board must adopt a policy concerning student possession/use of a personal telecommunications device while on school property or attending a school-sponsored or school-related activity on or off school grounds. This policy must be included in the district's written standards of pupil conduct. Violators are subject to punishment as established by local board policy. ("Personal telecommunications device" defined as "a device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor, including, but not limited to, a paging device and a cellular telephone.")
MD	2003 H.B. 466	Districts, in collaboration with the department of education, are to create local policies governing the use of pagers and cellular telephones on public school grounds. "[I]t is not the intent of the general assembly to encourage the use of portable pagers and cellular telephones on public school property during school hours in any county."
MI	MICH. COMP. LAWS § 380.1303	During the 2003-2004 school year, any local board or governing board of a charter school may adopt its own policy regarding student possession and use of pagers, electronic communication devices or other personal communication devices in school, although if a board does not, it is under the standing state policy banning students from carrying such devices in school. Starting with the 2004-2005 school year, the statewide policy does not apply, and local boards and governing boards of charter schools may adopt local policies regarding policy regarding student possession and use of pagers, electronic communication devices or other personal communication devices in school.
NV	2003 AB 138	By September 1, 2003, local boards must establish policies on student use and possession of "a pager, cellular telephone or any similar electronic device used for communication" while on school grounds or at school-sponsored events. Policies must specify the disciplinary action to be taken against students in violation of this policy and be published in every district's student behavior code.
OH	OHIO REV. CODE ANN. § 3313.753	Local board may approve policy forbidding students from carrying a pager or other electronic communications device in any school building or on school grounds or district premises. Policy may provide for exceptions, and must set out disciplinary actions to proceed against student violating this ban. If board adopts policy, it must be posted "in a central location in each school building" and made available upon request to parents and students. Electronic communications device "means any device that is powered by batteries or electricity and that is capable of receiving, transmitting, or receiving and transmitting communications between two or more persons or a communication from or to a person."
OK	OKLA. STAT. ANN. tit. 70, § 24-101.1	Every local board must adopt a policy concerning "student possession of a wireless telecommunication device while said student is on school premises, or while in transit under the authority of the school, or while attending any function sponsored or authorized by the school. The rules shall provide that a student may possess a wireless telecommunication device upon the prior consent of both a parent or guardian and school principal or superintendent and shall also specify the disciplinary action a student shall face if found to be in possession of a wireless telecommunication device in violation of the rules."
SC	S.C. CODE ANN. § 59-63-280	Local boards must establish policies on student possession of paging devices, which are defined as "a telecommunications, to include mobile telephones, device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor." Such policy must be placed in district's written student conduct standards. If the policy requires student's forfeiture of the paging device, it "should also provide for the return of the device to the owner."
TN	TENN. CODE ANN. § 49-6-4202, 49-6-4214 and 49-6-4216	An electronic pager in student possession is defined as "drug paraphernalia" "if used or intended for use" in drug manufacture or distribution. "Possession of an electronic pager by a student on school property, without the permission of the school principal or the principal's designated representative, is prima facie evidence of its intended use in violation of this part." Every local board must annually file with the school commissioner its written disciplinary policies to deal with any student who possesses drug paraphernalia on school grounds, a school bus or at a school event or activity. Districts are encouraged to enact zero-tolerance policies in this regard. Districts must give students and their parents written notification of these policies at the beginning of the academic year; each school must "conspicuously post a summary of such policies and procedures within each school."
TX	TEX. EDUC.	Local board may enact policy forbidding student possession of paging device on school grounds or "while attending a school-sponsored or school-related activity on or off school

State	Citation	Details
	CODE ANN. § 37.082	property.” Policy may include punishment for violation of ban and may allow for confiscation of device. The policy may permit school officials to: “(1) dispose of a confiscated paging device in any reasonable manner after having provided the student's parent and the company whose name and address or telephone number appear on the device 30 days' prior notice of its intent to dispose of that device. The notice shall include the serial number of the device and may be made by telephone, telegraph, or in writing; and (2) charge the owner of the device or the student's parent an administrative fee not to exceed \$15 before it releases the device. “[P]aging device means a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.”
<b>VA</b>	VA. CODE ANN. § 22.1-279.6	Permits local board to regulate student possession or use of “beepers or other portable communications devices” on school grounds or while attending school functions, and to adopt disciplinary procedures to which students in violation will be subject.
<b>WA</b>	WASH. REV. CODE ANN. § 28A.320.135	Local boards may approve policies limiting student possession of “(1) paging telecommunication devices by students that emit audible signals, vibrate, display a message, or otherwise summons or delivers a communication to the possessor, and (2) portable or cellular telephones.”

Updated by Jennifer Dounay, policy analyst, ECS Information Clearinghouse, 303.299.3689 [jdounay@ecs.org](mailto:jdounay@ecs.org).

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## ***Helping State Leaders Shape Education Policy***





### Number of Instructional Days/Hours in the School Year

By Jeffrey Tomlinson

Updated July 2004

The minimum number of instructional days refers to the actual number of days that pupils have contact with a teacher. It does not include teacher inservice or professional development days.

#### Summary

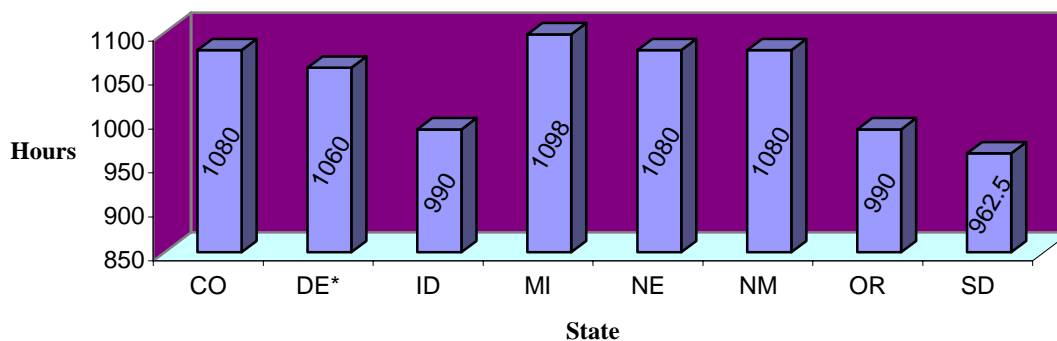
Changes to the minimum instructional days have occurred slowly since 1980, with a total of 14 states having increased the minimum number of school days, 9 states reducing the minimum number of teacher-pupil contact days and a number of states opting to permit districts to measure classroom contact time in either hours or days.

Since the close of state legislative sessions in 2000, three states – South Carolina, Louisiana, and Arizona – have enacted laws to increase the minimum number of instructional days in the school year.

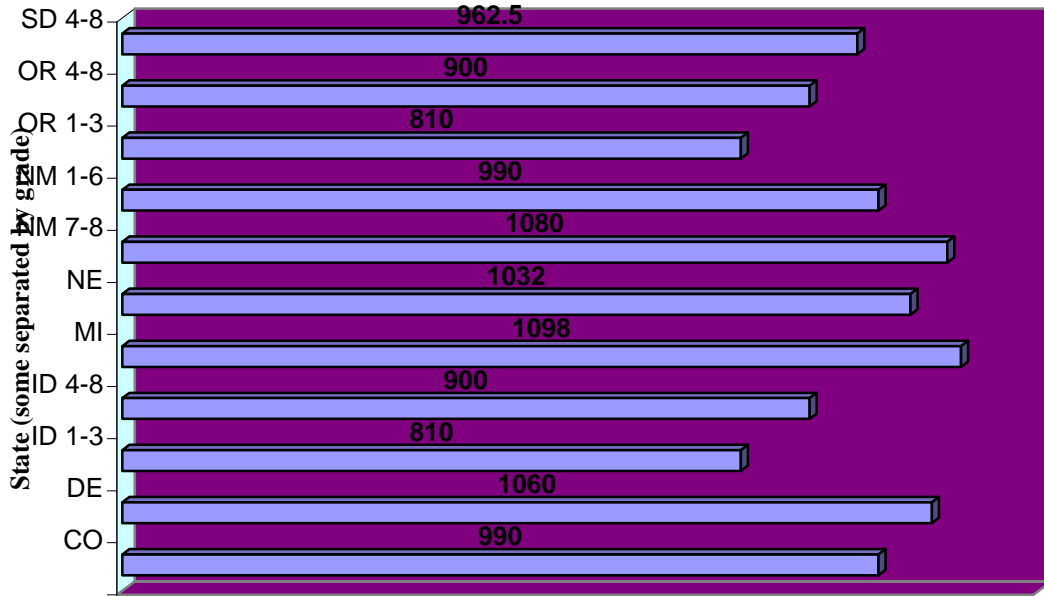
While states vary widely on the minimum number of instructional days, a majority of states (30) set the bar at 180, two mandate 181 days and above, three range from 179 to 176 days, five set it at 175 days, two from 174 to 171 days, and one of the commonwealths has established under 170 days. A total of 8 states (Colorado, Delaware, Idaho, Michigan, Nebraska, New Mexico, Oregon, South Dakota) require a minimum number of instructional hours. Minnesota is the only state without a minimum of either, leaving the decision up to individual school districts.

Only a few states have laws requiring schools to start on a certain date, most often leaving it to the discretion of local education agencies.

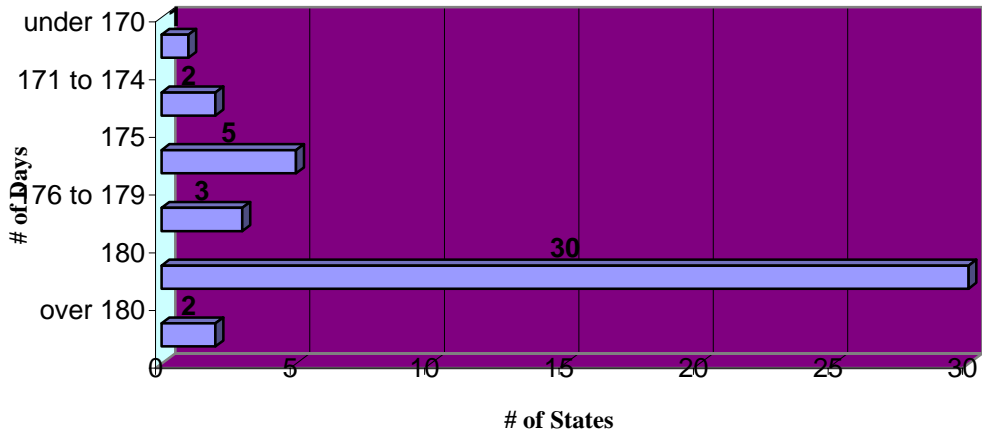
States Setting Minimum Instruction in Hours Only  
(Secondary)



**States Setting Minimum Instruction in Hours Only  
(Elementary)**



**States and Territories Setting Minimum Instruction in Days Only**



**Note:** LEA option refers to the Local Education Agency (district).

STATE	MINIMUM NUMBER OF PUPIL/TEACHER CONTACT DAYS/HOURS	CITATION	WHEN SCHOOL BEGINS
AL	175 <sup>1</sup> days	ALA. CODE § 16.13.231	LEA option
AK	180 days	ALASKA STAT. § 14.03.030	LEA option
AZ	180 days or equivalent number of minutes of instruction per school year based on a different number of days approved by the district governing board	ARIZ. REV. STAT. § 15-341.01	LEA option
AR	178 days	Arkansas Standards for Accreditation 10.01.1	LEA option
CA	180 days	CAL. EDUC. CODE § 46200(a)	LEA option
CO	1080 hours – Secondary 990 – Elementary 900 – Full-day Kindergarten 450 – Half-day Kindergarten	COLO. REV. STAT. § 22-32-109 (N)	LEA option
CT	180 (900 hours)	CONN. GEN. STAT. § 10-16	LEA option
DE	440 hours – Kindergarten 1060 hours – Grades 1-11 1032 hours – Grade 12	DEL. CODE ANN. 14. 10 § 1049(1)	LEA option
DC	180 days	D.C. MUN. REGS. tit. 5, § 305.6	LEA option
FL	180 days	Fla. Stat. 1003.02 (1)(g)	LEA option
GA	180 days	GA. CODE ANN. § 20-2-168 (C)(1)	LEA option
HI	180 days <sup>2</sup>	According to Hawaii teachers' contracts, the teacher work year is no more than 190 days, and 10 of those days are non-instructional	LEA option
ID	450 hours – Kindergarten 810 hours – Grades 1-3 900 hours – Grades 4-8 990 hours – Grades 9-12	IDAHO CODE § 33-512	LEA option
IL	176 days	105 ILCS 5/10-19	LEA option
IN	180 days	IND. CODE § 20-10.1-2-1	LEA option
IA	180 days	IOWA CODE § 279.10 (1)	9/1 or later
KS	186 days (465 hours) – Kindergarten 186 days (1116 hours) – Grades 1-11 181 days (1086 hours) – Grade 12	KAN. STAT. ANN. § 72-1106	LEA option
KY	175 days	KY. REV. STAT. ANN. § 158.070	LEA option
LA	177 days (360 minutes/day)	LA. REV. STAT. ANN § 154.1	LEA option
ME	175 days	ME. REV. STAT. ANN. tit. 20-A, § 4801	LEA option
MD	180 days (1080 hours)	MD. CODE ANN., EDUC § 7-103	LEA option
MA	180 days <sup>3</sup>	MASS. REGS. CODE tit. 603 § 27.03	LEA option
MI	1098 hours <sup>4</sup>	MICH. STAT. ANN. § 380.1284	LEA option
MN	LEA option as of 1996-97 school year Districts are expected to set school year length necessary for students to meet state and local graduation requirements	MINN. STAT. § 120A.41	After 9/1
MS	180 days	MISS. CODE ANN. § 37-13-63	LEA option
MO	174 days (1044 hours) <sup>5</sup>	MO. REV. STAT. § 160.011	9/1 or later <sup>6</sup>
MT	180 days 720 hours – Grades 1-3 1,080 hours – Grades 4-12	MONT. CODE ANN. § 20-1-301	LEA option
NE	400 hours – Kindergarten	NEB. REV. STAT. § 79-101	LEA option

STATE	MINIMUM NUMBER OF PUPIL/TEACHER CONTACT DAYS/HOURS	CITATION	WHEN SCHOOL BEGINS
	1032 hours – Grades 1-8 1080 hours – Secondary		
NV	180 days <sup>7</sup>	NEV. REV. STAT. 388.090	LEA option
NH	180 days	N.H. Rev. § Stat. Ann. 189:1	LEA option
NJ	180 days	N.J. REV. STAT. § 18A:7F-9	LEA option
NM	450 hours – Half-day Kindergarten 990 hours – Full-day Kindergarten 990 hours – Grades 1-6 1080 hours – Grades 7-12	N.M. STAT. ANN. § 22-2-8.1	LEA option
NY	180 days	N.Y. EDUC LAW § 3604.7	LEA option
NC	180 days minimum (1,000 hours) <sup>8</sup>	N.C. GEN. STAT. § 115C-84.2	Not before 8/25
ND	173 days	N.D. CENT. CODE §15.1-06-04	LEA option
OH	182 days	OHIO REV. CODE ANN. § 3313.48	LEA option
OK	180 days	OKLA. STAT. §70-1-109	LEA option
OR	405 hours – Kindergarten 810 hours – Grades 1-3 900 hours – Grades 4-8 990 hours – Grades 9-12	OR. ADMIN. R. 581-022-1620	LEA option
PA	180 days <sup>9</sup> 450 hours – Kindergarten 900 hours – Grades 1-6 990 hours – Grades 7-12	Education PA. CODE § 11.3	LEA option
PR	160 days <sup>10</sup>	P.R. LAWS ANN. § 77, 79	LEA option
RI	180 days	R.I. Gen. Laws § 16-2-2	LEA option
SC	180 days	S.C. CODE ANN. § 59-1-420	LEA option
SD	962.5 hours – Grades 4-12 <sup>11</sup>	S.D. CODIFIED LAWS § 13-26-1	LEA option <sup>12</sup>
TN	180 days	TENN. CODE ANN. § 49-6-3004	LEA option
TX	180 days	TEX. EDUC. CODE ANN. § 25.081	May not begin instruction for students for a school year before the week in which 8/21 falls
UT	180 days 450 hours – Kindergarten 810 hours – Grade 1 990 hours – Grades 2-12	UTAH ADMIN. CODE R277-419-1	LEA option
VT	175 days	VT. STAT. ANN. EDUCATION 16 § 1071	Regional option
VA	180 days 540 hours – Kindergarten 990 hours – Grades 1-12	VA. CODE ANN. § 22.1-98	After Labor Day
WA	180 days 450 hours – Kindergarten 1000 hours – Grades 1-12	WASH. REV. CODE § 28A.150.220	LEA option
WV	180 days	W. VA. CODE §18-5-45	8/26 or later
WI	180 days 437 hours – Kindergarten 1050 hours – Grades 1-6 1137 hours – Grades 7-12	WIS. STAT. § 121.02	LEA option
WY	175 days	WYO. STAT. ANN. § 21-4-301	LEA option

Notes:

- (1) In 1995, Alabama repealed legislation enacted in 1994, which would have phased in 180 days of instruction and 10 professional development days by the 2004-05 school year.
- (2) As reported by Greg Knudsen, Communications Director for the Hawaii Department of Education via e-mail on July 15, 2004. Contact him at [Greg\\_Knudsen@notes.k12.hi.us](mailto:Greg_Knudsen@notes.k12.hi.us).
- (3) In Massachusetts, effective in the 1997-98 school year, elementary school students must receive a minimum of 900 hours, secondary students 990 hours and kindergarten students 425 hours of "structured learning time."
- (4) In Michigan, changes made by the 2003 legislature replaced the 180-day requirement with 1,098 hours of annual instructional time – required to receive full state funding. (Previous state law, statute 380.1284, established that the minimum instructional year in hours for 2003-04 school year was 1,122, with incremental increases in successive years, finally reaching 1,140 in the 2006-07 school year and every successive year. The scheduled increase in days/hours will not go into effect if the percentage growth in the basic foundation allowance in a state fiscal year, as compared to the preceding year, is less than the percentage increase in the average consumer price index.) MICH. COMP. LAWS ANN. § 380.1284.
- (5) In Missouri, the length of the school day may vary from 3-7 hours, giving districts the flexibility to schedule release time for inservice training.
- (6) In Missouri, local boards can change the opening day of school if they determine that students are needed for agricultural production.
- (7) The Nevada state superintendent of public instruction may authorize a reduction in the required minimum number of school days per year up to 15 days. The reduction may be allowed only if the new schedule provides for an equivalent or greater number of minutes of instruction than is provided in the 180-day school year.
- (8) North Carolina school boards must adopt a school calendar consisting of 220 days. A minimum of 180 are for instruction (with a maximum of 200 instructional days), 10 are annual vacation leave, some are holidays (the same as those designated for state employees), and the remaining days are at the principal's discretion (while working with the school improvement team).
- (9) In Pennsylvania, school districts wishing to fulfill minimum instructional requirements using hours instead of days must obtain approval from the Secretary of Education.
- (10) The minimum of 160 days comes from a calculation of the minimum requirements of two separate laws. The first, P.R. LAWS ANN. § 77, which states "the school year shall in no case exceed ten months" and "in no case be less than eight months" and the second P.R. LAWS ANN. § 79 which states "the school month shall consist of twenty days of actual teaching."
- (11) In South Dakota, each local school board sets the number of days in a school term, the length of a school day and the number of school days in a school week. The local school board or governing body establishes the number of hours in the school term for kindergarten programs. The board of education promulgates rules setting the minimum number of hours in the school term for grades 1-3.
- (12) In South Dakota, the state board of education sets the minimum number of hours for grades 1-3. Also, if a school board schedules the opening day of classes before Labor Day, voters may file a petition to have the school board decision referred to the voters in the district. The petition must be signed by 5% of the school district's registered voters and the referendum must be approved by a majority of voters. S.D. CODIFIED LAWS § 13-26-9

*Jeffrey Tomlinson produced this ECS StateNote, while serving an internship in the ECS Information Clearinghouse.*

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***Helping State Leaders Shape Education Policy***



### Special Education Teacher Certification/Licensure and Endorsement Categories in the States

July 2004

Teacher certification in special education has become a hot topic after the passage of the No Child Left Behind Act of 2001 along with the “highly qualified teacher” definition that accompanied it. With the ever-present teacher shortage in special education, states are becoming hard pressed to properly staff and train special education teachers for their school districts. In the past several years, many states have been re-organizing of their special education teacher certification system to meet the changing demands on certifying special education teachers.

This *StateNote* focuses on the different types of certification systems and the endorsement areas for special education teachers in the states. The certification systems have been divided into three categories: generalist, mild/moderate-severe/profound and categorical. These categories were used because it nearly splits the states into thirds. The mild/moderate-severe/profound classification, even though it relies on a general classification, was used because of the increase in this type of certification system. States such as Kansas and North Carolina recently have revised their systems to adopt the mild/moderate-severe/profound classification. Brief definitions of the classification categories are as follows:

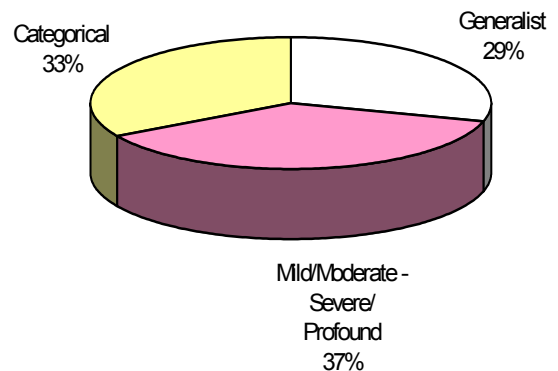
**Generalist:** States with a generalist classification system allow their special education teachers to teach most disability categories no matter the severity of the disability. Generalist states typically have two or three disability-specific categories in addition to the generalist certificate, and may have a special education early childhood certificate as well.

**Mild/Moderate-Severe/Profound:** States with this classification system have some type of distinction between the generalist certificate for most special education children and the generalist certificate for severely disabled children. Not all states use the terms mild/moderate or severe/profound, and some states use the generalist certificate and a severe/profound certificate. For purposes of this report, when a state used a severity distinction with fewer than four disability-specific categories, it was classified as mild/moderate-severe/profound.

**Categorical:** States employing a categorical system require their special education teachers to receive disability-specific training and become certified in disability-specific areas. States differ on what disability-specific categories are used.

**Table 1:** The following graph illustrates the percentage of states using the different classification systems for special education teacher certification (due to rounding, does not total 100%.)

**Special Education Teacher Certification Configurations**



**Table 2** illustrates the different endorsement categories used in the states and the total number of states employing a specific endorsement category.

**\* Other** : Miscellaneous special education licensure/endorsement categories in the states that do not fit into a column in Table 2.

Alaska – Mentally/Physically Disabled, Multiple Disabilities (Alaska has many other categories, but many appear to be repetitive).

Delaware – Hearing Impaired Interpreter

Georgia – Preschool Special Education

Idaho – Multiple Disabilities

Kentucky – Hearing Impaired with Sign Proficiency

Minnesota – Oral/Aural Deaf Education

Nebraska – Preschool Disabilities, Vocational Special Needs, Multiple Disabilities

Nevada – Brain Injury, Other Health Impairments

New Jersey – Deaf or Hard of Hearing for Sign Language Communication

New Mexico – Interpreter for the Deaf

North Carolina – Hospitalized Homebound

South Dakota – Sign Language, Braille

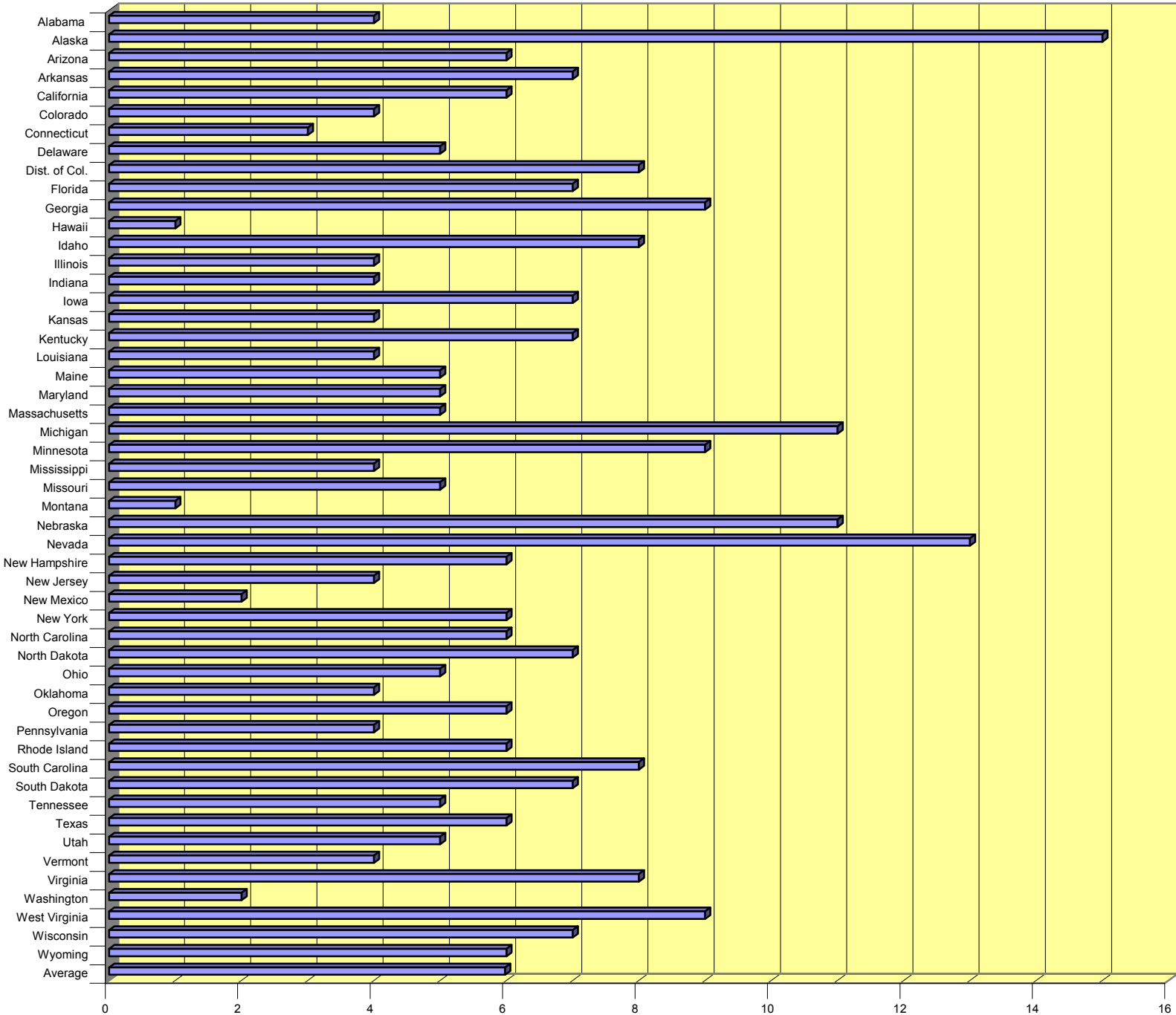
**Table 2: Special Education Endorsement Categories**

	General Spec. Ed. Certification	Mild / Moderate	Severe / Profound	Early Childhood (Birth-8, Birth-5)	Blind/Visually Impaired	Deaf/Hard of Hearing	Speech/Language or Communication (not pathologist)	Orthopedic / Physical Disabilities	(Specific) Learning Disability	Mental Retardation	Cognitive (Mental) Disability	Emotional	Behavior Disorders	Autism	Adaptive Physical Education	OTHER* (see explanations above)	Totals (includes other disability categories)
Alabama	✓			✓	✓	✓											4
Alaska	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓ (2)	15
Arizona			✓	✓	✓	✓	✓										6
Arkansas	✓	✓	✓	✓	✓	✓					✓						7
California		✓	✓	✓	✓	✓		✓									6
Colorado	✓			✓	✓	✓											4
Connecticut	✓				✓	✓											3
Delaware	✓		✓	✓	✓	✓										✓	5
Dist. of Col.	✓			✓	✓	✓		✓	✓	✓		✓					8
Florida	✓		✓	✓	✓	✓	✓						✓				7
Georgia	✓			✓	✓	✓		✓	✓	✓		✓				✓	9
Hawaii	✓																1
Idaho	✓			✓	✓	✓		✓		✓		✓				✓	8
Illinois	✓			✓	✓	✓											4
Indiana	✓			✓	✓	✓								✓			4
Iowa		✓			✓	✓		✓	✓		✓		✓		✓		7
Kansas		✓	✓		✓	✓											4
Kentucky			✓		✓	✓	✓		✓			✓				✓	7
Louisiana		✓	✓		✓	✓											4
Maine	✓		✓	✓	✓	✓											5
Maryland	✓		✓	✓	✓	✓											5
Massachusetts		✓	✓	✓	✓	✓											5
Michigan	✓			✓	✓	✓	✓	✓	✓		✓			✓	✓		11
Minnesota				✓	✓	✓		✓	✓		✓	✓		✓	✓	✓	9
Mississippi		✓	✓	✓	✓	✓					✓	✓					4
Missouri		✓	✓	✓	✓	✓											5
Montana	✓																1
Nebraska		✓	✓	✓	✓	✓			✓				✓		✓	✓ (3)	11
Nevada	✓			✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓ (2)	13
New Hampshire	✓		✓	✓	✓	✓								✓			6
New Jersey	✓				✓	✓										✓	4
New Mexico	✓															✓	2
New York	✓		✓	✓	✓	✓	✓										6
North Carolina	✓		✓	✓	✓	✓										✓	6
North Dakota				✓	✓	✓		✓	✓	✓		✓					7
Ohio		✓	✓	✓	✓	✓											5
Oklahoma		✓	✓		✓	✓											4
Oregon	✓		✓		✓	✓	✓							✓			6
Pennsylvania	✓				✓	✓	✓							✓			4
Rhode Island	✓		✓	✓	✓	✓								✓			6
South Carolina	✓		✓		✓	✓		✓	✓		✓	✓					8
South Dakota	✓			✓	✓	✓								✓	✓	✓ (2)	7
Tennessee		✓		✓	✓	✓	✓										5
Texas	✓		✓	✓	✓	✓					✓						6
Utah	✓	✓	✓	✓	✓	✓											5
Vermont	✓			✓	✓	✓											4
Virginia			✓	✓	✓	✓	✓		✓	✓		✓					8
Washington	✓			✓													2
West Virginia	✓	✓	✓	✓	✓	✓			✓			✓	✓				9
Wisconsin				✓	✓	✓			✓		✓	✓		✓			7
Wyoming	✓			✓	✓	✓					✓	✓					6
Totals	35	15	27	36	45	46	11	11	13	6	7	14	6	5	11		

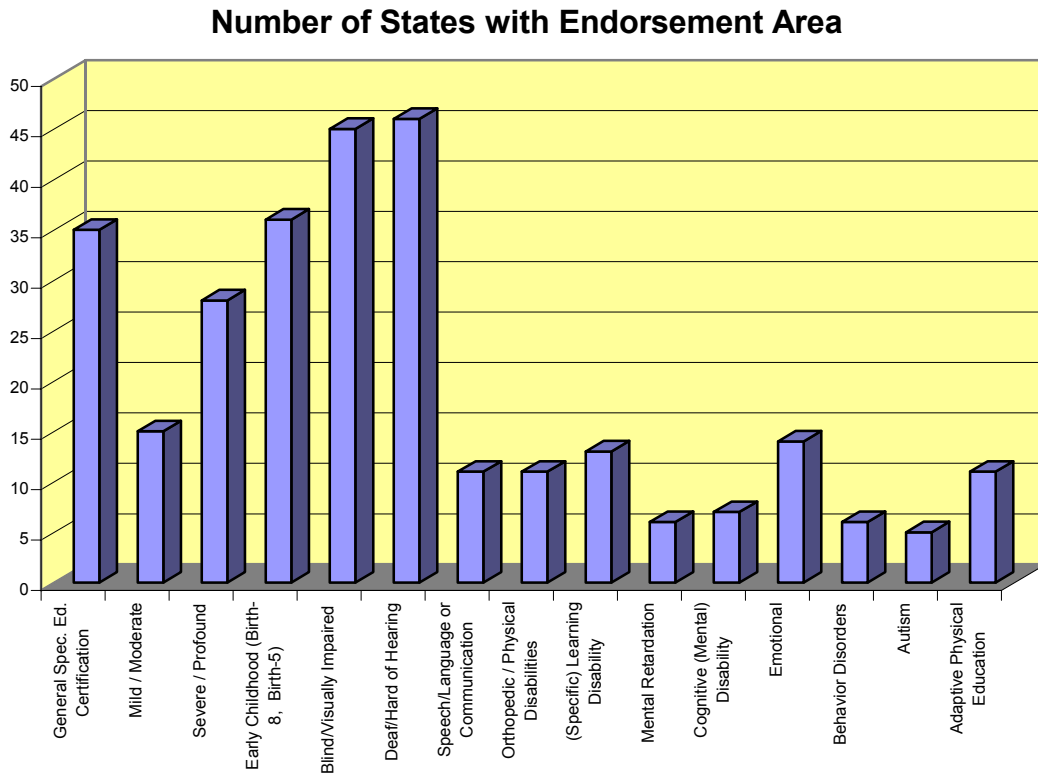


**Table 3:** This graph represents the total number of endorsement or licensure categories within a state special education certification system from the totals column in Table 2. The categories only apply to special education certifications that teachers can obtain and do not reflect professional certifications such as speech-language pathology.

### Total Special Education Teacher Endorsements by State



**Table 4:** The following graph illustrates the total number of states out of a possible 50 states and the District of Columbia that use a specific-disability category.



**Table 5:** This chart includes the type of classification system in the 50 states and the District of Columbia, as well as a brief description of the special education teacher certification program system in the state and where to get additional information.

Special Education Teacher Certification Overview					
State	System of Classification	Contact Information	Statutory/Regulatory Citations	Relevant Website	Description of Special Education Teacher Certification Program
Alabama	Generalist	Teacher Education and Certification Section  (334) 242-9977	ALA. ADMIN. CODE r. 290-3-3-.34 et seq.	<a href="http://www.al.sde.edu/html/sections/section_detail.asp?section=66&amp;footer=sections">http://www.al.sde.edu/html/sections/section_detail.asp?section=66&amp;footer=sections</a>	Alabama has general certification for special education teachers. In addition, there are two disability-specific categories: visual and hearing impairments. Also, Alabama certifies early childhood special education teachers separately.
Alaska	Categorical	Teacher Education and Certification Office  (907) 465-2831	N/A	<a href="http://www.eed.state.ak.us/TeacherCertification/">http://www.eed.state.ak.us/TeacherCertification/</a>	Alaska until recently allowed new endorsement areas upon request by teacher and educational institution recommendation. This created a very large number of endorsement areas that overlap significantly. Alaska has an endorsement in every disability-specific area.
Arizona	Mild/Moderate -- Severe/Profound	Teacher Certification Unit  (602) 542-4367	ARIZ. ADMIN. CODE R7-2-610 et. seq.	<a href="http://www.ade.state.az.us/certification/requirements/SpecialEd/">www.ade.state.az.us/certification/requirements/SpecialEd/</a>	Arizona's Cross-Categorical Certification only allows teachers to teach mild/moderately disabled students. Arizona also has three disability-specific categories: visual, hearing, and speech/language disabilities.
Arkansas	Mild/Moderate – Severe/Profound	Office of Professional Licensure  (501) 682-4342	ARK. ADMIN. CODE §005.16.001	<a href="http://arkedu.state.ar.us/teachers/index.html#Initial">http://arkedu.state.ar.us/teachers/index.html#Initial</a>	Arkansas regulations say there is general certification, as well as a mild/moderate and a severe/profound certification. The early childhood certification allows teacher to teach special education children until the 4 <sup>th</sup> grade. There is also a visual- and hearing-disabilities certification.

**KEY**

Generalist - □ Mild/Moderate-Severe/Profound - □ Categorical - □

## Special Education Teacher Certification Overview

State	System of Classification	Contact Information	Statutory/Regulatory Citations	Relevant Website	Description of Special Education Teacher Certification Program
<b>California</b>	Mild/Moderate – Severe/Profound	Commission on Teacher Credentialing  (916) 445-7254 (888) 921-2682	CAL. CODE REGS. tit. 5, § 80047 et seq.	<a href="http://www.ctc.ca.gov/default.html">http://www.ctc.ca.gov/default.html</a>  <a href="http://www.ctc.ca.gov/credentialinfo/leaflets/cl808c.html">http://www.ctc.ca.gov/credentialinfo/leaflets/cl808c.html</a>	California uses the mild/moderate and severe/profound classification system and supplements with three disability-specific areas: visual impairments, hearing impairments, and physical impairments. California also uses an early childhood special education certification.
<b>Colorado</b>	Generalist	Educator Licensing	1 COLO. CODE REGS. § 301 et. seq.	<a href="http://www.cde.state.co.us/index_license.htm">www.cde.state.co.us/index_license.htm</a>	Colorado has a generalist certificate that can be obtained at either the early childhood or K-12 levels. Colorado also has many outside professional certifications such as an audiologist. Special education teachers are initially certified as a generalist and can move up to the certification as a specialist, where they can obtain either the visual or hearing endorsement.
<b>Connecticut</b>	Generalist	Bureau of Certification and Professional Development  (860) 713-7017	CONN. AGENCIES REGS. § 10-145d-538	<a href="http://www.state.ct.us/sde/dt/cert/index.htm">http://www.state.ct.us/sde/dt/cert/index.htm</a>	In Connecticut, the generalist certification is called the comprehensive special education endorsement. Connecticut also has an endorsement that covers blind, partially sighted, and hearing impaired students.
<b>Delaware</b>	Mild/Moderate – Severe/Profound	Office of Certification	DEL. ADMIN. CODE tit. 14, § 307 et seq.  DEL. ADMIN. CODE tit. 14, § 1561 et seq.	<a href="http://deeds.doe.state.de.us/">http://deeds.doe.state.de.us/</a>	Delaware has a generalist certificate that is divided into grades 1-8 and grades 7-12. There is also an early childhood special education license. The severe/profound certification includes autism. Regulations provide for a disability-specific hearing-impaired certification, but do not provide for a visually-impaired certification.

### KEY

Generalist -  Mild/Moderate-Severe/Profound -  Categorical -

## Special Education Teacher Certification Overview

State	System of Classification	Contact Information	Statutory/Regulatory Citations	Relevant Website	Description of Special Education Teacher Certification Program
<b>District of Columbia</b>	Categorical	Office of Academic Credentials  (202) 442-5377	D.C. MUN. REGS. tit. 5, § 1600 et seq.	<a href="http://66.34.57.206/requirements.asp">http://66.34.57.206/requirements.asp</a>	The District of Columbia has two different tracks that special education teachers can take: the non-categorical approach and the categorical approach. Six different categorical disability-specific areas are offered. Also, teachers can be certified in early childhood special education.
<b>Florida</b>	Categorical	Bureau of Educator Certification  (800) 445-6739 (850) 488-2317	FLA. ADMIN. CODE ANN. r. 6A-4.0172 et seq.	<a href="http://www.fldoe.org/edcert/">www.fldoe.org/edcert/</a>	In Florida special education teachers must first obtain a regular education teaching certificate and then must obtain additional specializations in special education. Florida does employ a special education generalist category, but also has some disability-specific categories such as autism and communication disorders.
<b>Georgia</b>	Categorical	Georgia Professional Standards Commission  (800) 869-7775	GA. COMP. R. § REGS. r. 505-2 et. seq.	<a href="http://www.gapsc.com/TeacherCertification.asp">http://www.gapsc.com/TeacherCertification.asp</a>	Georgia does have a generalist special education certification, but also has six disability-specific categories, including orthopedic disabilities as well as a distinction between students with mental retardation and specific learning disabilities.
<b>Hawaii</b>	Generalist	Hawaii Teacher Standards Board  (808) 586-2600	HI. ADMIN. CODE § 8-54-1 et. seq.	<a href="http://www.htsb.org/">http://www.htsb.org/</a>	Hawaii does not have specific categories for the their special education teachers. Special education teachers must meet the same licensure qualifications as other Hawaii teachers.
<b>Idaho</b>	Categorical	Bureau of Certification and Professional Standards  (208) 332-6884	ID. ADMIN. CODE § 08.02.02.028	<a href="http://www.sde.state.id.us/certification/">http://www.sde.state.id.us/certification/</a>	Idaho has a general special education certification, as well as a few disability-specific categories. The disability-specific categories include physical disabilities, severe mental retardation, emotional disabilities, and multiple disabilities. Idaho also has a separate certification for early childhood special education.

### KEY

Generalist -  Mild/Moderate-Severe/Profound -  Categorical -

## Special Education Teacher Certification Overview

State	System of Classification	Contact Information	Statutory/Regulatory Citations	Relevant Website	Description of Special Education Teacher Certification Program
<b>Illinois</b>	Generalist	Teacher Certification  (217) 524-1289	ILL. ADMIN. CODE tit. 23, § 28	<a href="http://www.isbe.net/certification/default.htm">http://www.isbe.net/certification/default.htm</a>  <a href="http://www.isbe.net/rules/archive/default.htm">http://www.isbe.net/rules/archive/default.htm</a>	Since 2000, Illinois has undergone significant changes in special education teacher certification system, changing from multiple disability-specific categories to a generalist certification. This change was precipitated by a settlement in a lawsuit filed in federal court that criticized the teacher certification system for not providing the free appropriate public education that the Individual with Disabilities Education Act requires. Illinois retained disability-specific categories in visual and hearing disabilities and an early childhood special education certification. Illinois, however, has yet to pass final regulations and more changes can be expected.
<b>Indiana</b>	Generalist	Professional Standards Board  (866) 542-3672	IND. ADMIN. CODE tit. 515, § 1-1-1 et seq.	<a href="http://www.in.gov/psb/">http://www.in.gov/psb/</a>	Indiana has a generalist system that allows teachers to be certified in special education. Indiana has very specific requirements for teacher training at the postsecondary level. Part of the curriculum requires the special education teacher to specialize in disability-specific areas within the generalist certificate.
<b>Iowa</b>	Extremely Categorical	Iowa Board of Educational Examiners  (515) 281-3245 (800) 778-7856	IOWA ADMIN. CODE r. 281-81	<a href="http://www.state.ia.us/boee/">www.state.ia.us/boee/</a>	Iowa does not have a generalist category. Special education teachers must choose a category connected to a specific disability. In August of 2004 several disability categories will be eliminated. Still, Iowa has one of the most categorical special education teacher certification systems in the country.

### KEY

Generalist -  Mild/Moderate-Severe/Profound -  Categorical -

## Special Education Teacher Certification Overview

State	System of Classification	Contact Information	Statutory/Regulatory Citations	Relevant Website	Description of Special Education Teacher Certification Program
<b>Kansas</b>	Mild/Moderate – Severe/Profound	Teacher Education and Licensure Team  (785) 296-8012	Teacher Education and Licensure Handbook – Endorsement Chart  <a href="http://www.ksde.org/cert/CertHandbook.doc#_Toc75143459">http://www.ksde.org/cert/CertHandbook.doc#_Toc75143459</a>	<a href="http://www.ksbe.state.ks.us/Welcome.html">www.ksbe.state.ks.us/Welcome.html</a>	Recent changes to the Kansas teacher certification system base generalist certifications on mild/moderate disabilities (called Adaptive Special Education) and severe/profound disabilities (called Functional Special Education).
<b>Kentucky</b>	Categorical	Education Professional Standards Board  (502) 564-4606	16 KY. ADMIN. REGS. 2:010 et seq.	<a href="http://www.kyepsb.net">www.kyepsb.net</a>	Except for the gifted endorsement, Kentucky requires its special education teachers to obtain a regular teaching certificate with some special education specialization. The specializations are categorical, including a category for behavior disabilities.
<b>Louisiana</b>	Mild/Moderate – Severe/Profound	Division of Teacher Certification and Higher Education  (225) 342-3562	Louisiana Board of Elementary and Secondary Education Policy – Bulletin 746: Louisiana Standards for Certification of School Personnel	<a href="http://www.doe.state.la.us/ide/tsac/home.html">http://www.doe.state.la.us/ide/tsac/home.html</a>  <a href="http://www.teachlouisiana.net/pages.asp?PageName=certificationcenter">http://www.teachlouisiana.net/pages.asp?PageName=certificationcenter</a>	Louisiana has a mild/moderate and severe/profound distinction in its general certification. In addition, Louisiana has visually- and hearing-impaired categories, as well as an early childhood interventionist birth-5 category. Louisiana's teacher certification rules are not in the Louisiana regulations. The policy can only be found in Bulletin 746, which at this time is not available online.

### KEY

Generalist -  Mild/Moderate-Severe/Profound -  Categorical -

## Special Education Teacher Certification Overview

State	System of Classification	Contact Information	Statutory/Regulatory Citations	Relevant Website	Description of Special Education Teacher Certification Program
<b>Maine</b>	Mild/Moderate -- Severe/Profound	Maine Department of Education  (207) 642-6603	CODE ME. R. § 05-071, ch. 115 §2	<a href="http://www.maine.gov/education/cert/cert.htm">www.maine.gov/education/cert/cert.htm</a>	Maine's generalist certificate is broken into three classifications: early childhood, K-8, 7-12. This certificate does not allow educators in Maine to teach severely disabled students. Maine also has a certification for special education consultants.
<b>Maryland</b>	Mild/Moderate -- Severe/Profound	Department of Education - Certification Branch  (410) 767-0412	MD. REGS. CODE tit. 13A, § 12.02 et seq.	<a href="http://certification.msde.state.md.us/Certification/Certification.html">http://certification.msde.state.md.us/Certification/Certification.html</a>	Maryland has a generalist category for special education that is divided into three age ranges: birth to grade 3, grades 1-8, and grades 6-12. Maryland also has a separate category for severely and profoundly disabled students, as well as visual and hearing disability-specific categories.
<b>Massachusetts</b>	Mild/Moderate -- Severe/Profound	Educator Licensing and Recruitment System	MASS. REGS. CODE tit. 603, §7.00 et. seq.	<a href="http://www.do.mass.edu/Educators/education.html?section=k12">http://www.do.mass.edu/Educators/education.html?section=k12</a>	Massachusetts is a classic mild/moderate and severe/profound state. Along with those general categories are the two most frequent disability-specific categories -- visual and hearing.
<b>Michigan</b>	Categorical	Michigan Special Education Personnel Approval System  (517) 373-0926	MICH. ADMIN. CODE r. 340.1781 et seq.	<a href="http://www.michigan.gov/mde/0,1607,7-140-5234_6027-36783--,00.html">http://www.michigan.gov/mde/0,1607,7-140-5234_6027-36783--,00.html</a>	Michigan has categorical certification for most special education disabilities, including emotional, cognitive, learning disabled and others. Michigan also has a general special education certification.
<b>Minnesota</b>	Categorical	Minnesota Board of Teaching  (651) 583-8833	MINN. R. 8710.5000 et. seq.	<a href="http://education.state.mn.us/html/intro_board_teach.htm">http://education.state.mn.us/html/intro_board_teach.htm</a>	Minnesota does not have a general special education teacher certification, but instead relies on various disability-specific categories. Minnesota, however, does have core standards that every teacher of special education must meet.

### KEY

Generalist -  Mild/Moderate-Severe/Profound -  Categorical -



## Special Education Teacher Certification Overview

State	System of Classification	Contact Information	Statutory/Regulatory Citations	Relevant Website	Description of Special Education Teacher Certification Program
<b>Mississippi</b>	Mild/Moderate – Severe/Profound	Mississippi Department of Education  (601) 359-3483	N/A	<a href="http://www.mde.k12.ms.us/ed_licensure/index.html">http://www.mde.k12.ms.us/ed_licensure/index.html</a>	Mississippi's main special education teacher certification system consists of generalist certifications in both mild/moderate and severe/profound. Mississippi, however, does have a separate endorsement for emotional disabilities.
<b>Missouri</b>	Mild/Moderate – Severe/Profound	Division of Teacher Quality  (573) 751-0051 (573) 751-3847	MO. CODE REGS. ANN. tit. 5, § 80-800.350	<a href="http://dese.mo.gov/divteachqual/teachcert/index.html">http://dese.mo.gov/divteachqual/teachcert/index.html</a>	Missouri has its generalist certification broken into mild/moderate and severe/profound categories. Missouri also has an early childhood (birth-grade 3) certification category. Prior to September 2004, Missouri's mild/moderate certification was broken into specific-disability categories.
<b>Montana</b>	Generalist	Montana Office of Public Instruction  (888) 231-9393	MONT. ADMIN. R. 10.16.3136	<a href="http://www.opi.state.mt.us/">http://www.opi.state.mt.us/</a>	Montana only has one special education endorsement area: special education. The one endorsement extends from P-12 and through all ranges of disability.
<b>Nebraska</b>	Categorical	Nebraska Department of Education  (402) 471-0739	NEB. ADMIN. CODE 92-24	<a href="http://www.nde.state.ne.us/TCERT/TCE/RT.html">http://www.nde.state.ne.us/TCERT/TCE/RT.html</a>	Nebraska sets the mild/moderate and the severe/profound disability distinctions, but also has some disability-specific categories such as specific learning disabilities and behavior disorders, as well as a category for multiple disabilities.
<b>Nevada</b>	Categorical	Teacher Licensing Office  (775) 687-9115	NEV. ADMIN. CODE ch. 391, § 340 et. seq.	<a href="http://www.doe.nv.gov/licensure/moreinfo/specialed.htm">http://www.doe.nv.gov/licensure/moreinfo/specialed.htm</a>	Nevada has many disability categories in which it classifies special education teachers. A teacher can obtain a general special education certificate, but there are several disability categories that require a specialized certification, including mental retardation, autism and emotional disorders.

### KEY

Generalist - □ Mild/Moderate-Severe/Profound - ■ Categorical - □

## Special Education Teacher Certification Overview

State	System of Classification	Contact Information	Statutory/Regulatory Citations	Relevant Website	Description of Special Education Teacher Certification Program
<b>New Hampshire</b>	Mild/Moderate – Severe/Profound	Department of Elementary and Secondary Education	N.H. CODE ADMIN. R. ANN. ED. 507.01 et seq.	<a href="http://www.ridoe.net/teacher_cert/certification/Certregs.htm">http://www.ridoe.net/teacher_cert/certification/Certregs.htm</a>	New Hampshire has a generalist certificate but requires additional certification when teaching severe/profound students. Also, there is a separate certification for early childhood special education teachers.
<b>New Jersey</b>	Generalist	Department of Education  (609) 292-2070	N.J. ADMIN. CODE tit. 6A, §9-9.2	<a href="http://www.nj.gov/njded/educators/licensure/">http://www.nj.gov/njded/educators/licensure/</a>	New rules for the licensure of teachers were adopted in January 2004. There are visual and hearing disability-specific categories as well as the generalist category.
<b>New Mexico</b>	Generalist	Professional Licensure Unit  (505) 827-6587	N.M. ADMIN. CODE tit. 6, § 61.6	<a href="http://www.ped.state.nm.us/div/ais/lic/index.html">http://www.ped.state.nm.us/div/ais/lic/index.html</a>	New Mexico only has one special education certification that covers K-12. There are some peripheral certifications, including mobility specialists and interpreters for the deaf.
<b>New York</b>	Generalist	Office of Teaching Initiatives  (518) 474-3901	N.Y. COMP. CODES R. & REGS. tit. 8, § 80-2.6	<a href="http://www.highered.nysed.gov/tcert/certificate/nyscertreq.htm">http://www.hiighered.nysed.gov/tcert/certificate/nyscertreq.htm</a>	New York's generalist certification is broken into four age classifications, birth-grade 2, grades 1-6, grades 5-9, and grades 7-12. New York does have three disability specific categories: visual, hearing, and speech/language disabilities.
<b>North Carolina</b>	Mild/Moderate – Severe/Profound	Licensure Section  (800) 577-7994 (919) 807-3310	State Board Policy on Quality Teachers, Administrators, and Staff  <a href="http://sbepolicy.dpi.state.nc.us/">http://sbepolicy.dpi.state.nc.us/</a>	<a href="http://www.ncpublicschools.org/employment.html">http://www.ncpublicschools.org/employment.html</a>	North Carolina recently revised its special education teacher certification policies to move away from disability-specific categories toward general certifications that focus more on subject areas within the curriculum. The generalist certification now is intended to cover 75% of the special education students with the severe/profound and visual and hearing categories containing the rest of the special education population.

### KEY

Generalist -  Mild/Moderate-Severe/Profound -  Categorical -

## Special Education Teacher Certification Overview

State	System of Classification	Contact Information	Statutory/Regulatory Citations	Relevant Website	Description of Special Education Teacher Certification Program
<b>North Dakota</b>	Categorical	Education Standards and Practices Board  (701) 328-2264	N.D. ADMIN. CODE § 67-11-08 et. seq.	<a href="http://www.dpi.state.nd.us/resource/rules/current.shtm">http://www.dpi.state.nd.us/resource/rules/current.shtm</a> .  <a href="http://www.state.nd.us/esp/b/">http://www.state.nd.us/esp/b/</a>	In 2003, North Dakota passed several new special education teacher credentials, including emotional disturbance, mental retardation, physical disabilities, and specific learning disabilities. Also, the board added other special education-related categories such as special education director, special education strategists and special education paraprofessionals.
<b>Ohio</b>	Mild/Moderate – Severe/Profound	Office of Certification/Licensure  (614) 466-3593	OHIO ADMIN. CODE § 3301-24-05	<a href="http://www.ode.state.oh.us/teaching-profession/teacher/certification_licensure/">http://www.ode.state.oh.us/teaching-profession/teacher/certification_licensure/</a>	Ohio operates on a two-tier generalist category. In Ohio the severe/profound certificate is called moderate/intensive. Ohio also has the two disability-specific categories of visual and hearing, and an early childhood handicapped endorsement area.
<b>Oklahoma</b>	Mild/Moderate – Severe/Profound	Professional Standards Section  (405) 521-3337	OKLA. ADMIN. CODE § 210:20-9-10  <i>See also, Oklahoma Department of Education – Full Subject Matter Competencies for Licensure and Certification</i>	<a href="http://www.sde.state.ok.us/home/defaultie.html">http://www.sde.state.ok.us/home/defaultie.html</a>	Oklahoma uses the mild/moderate and severe/profound general classifications in licensing special education teachers. Oklahoma does not have an early childhood equivalent. Oklahoma does have disability-specific categories for visual and hearing disabilities.

### KEY

Generalist - □ Mild/Moderate-Severe/Profound - □ Categorical - □

## Special Education Teacher Certification Overview

State	System of Classification	Contact Information	Statutory/Regulatory Citations	Relevant Website	Description of Special Education Teacher Certification Program
<b>Oregon</b>	Mild/Moderate – Severe Profound	Oregon Teacher Standards and Practices Commission  (503) 378-3586	OR. ADMIN R. 584-038 et. seq.	<a href="http://www.ts.pc.state.or.us/default.asp?op=1&amp;id=0">http://www.ts.pc.state.or.us/default.asp?op=1&amp;id=0</a>	Oregon has a general certificate called "Handicapped Learner" but also has some disability specific categories, including speech impaired. Also, there is a separate category for severely disabled learners and early childhood learners.
<b>Pennsylvania</b>	Generalist	Bureau of Teacher Certification and Preparation  (717) 787-3356	22 PA. CODE § 49.81 et seq.  (Does not provide Instruction Certificate Categories)	<a href="http://www.teaching.state.pa.us/teaching/cwp/view.asp?a=90&amp;Q=32511&amp;teachingNav= 93 94">http://www.teaching.state.pa.us/teaching/cwp/view.asp?a=90&amp;Q=32511&amp;teachingNav= 93 94</a>	Pennsylvania has only four special education-related teacher certificates and one special education supervisory certificate. In addition to the generalist certificate, there are also three disability-specific categories: visual, hearing, and speech language impaired.
<b>Rhode Island</b>	Mild/Moderate – Severe/Profound	Department of Education  (401) 222-4600	R.I. CODE R. 08 000 011  <i>See also,</i> Rhode Island Teacher Certification and Teacher Quality Website	<a href="http://www.ridoe.net/teacher_cert/certification/Certregs.htm">http://www.ridoe.net/teacher_cert/certification/Certregs.htm</a>	Most of the requirements for the special education certifications are not in regulations. The only one directly addressed is the certification requirements for the special education director. Rhode Island has a generalist certificate as well as visual- and hearing-disability certificates. Additional certification is required for the severe and early childhood categories.
<b>South Carolina</b>	Categorical	Division of Teacher Quality  (803) 734-8466 (877) 885-5280	S.C. CODE ANN. REGS. 43-62 et seq.	<a href="http://www.scteachers.org/Cert/index.cfm">http://www.scteachers.org/Cert/index.cfm</a>	South Carolina is a categorical state, but it also has a generalist and a severe category for special education teachers. Some of the disability-specific categories include physical disabilities, learning disabilities, mental disabilities and emotional disabilities.

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## Special Education Teacher Certification Overview

State	System of Classification	Contact Information	Statutory/Regulatory Citations	Relevant Website	Description of Special Education Teacher Certification Program
<b>South Dakota</b>	Generalist	Office of Accreditation and Teacher Quality  (605) 773-3553	S.D. ADMIN. R. 24:16:08:04	<a href="http://www.state.sd.us/dec_a/OPA/index.htm">http://www.state.sd.us/dec_a/OPA/index.htm</a>	South Dakota has a generalist certificate for special education. There are separate certificates for visual and hearing disabilities, as well as early childhood. Also, South Dakota separately licenses special education paraprofessionals.
<b>Tennessee</b>	Generalist	Office of Teacher Certification and Licensing  (615) 532-4885	Special Education Teacher Licensure Standards Policy - <a href="http://www.state.tn.us/sbe/spe_dteacherlicstrds823.pdf">http://www.state.tn.us/sbe/spe_dteacherlicstrds823.pdf</a>	<a href="http://www.state.tn.us/sbe/tech_licens.html">http://www.state.tn.us/sbe/tech_licens.html</a>	Tennessee has a special education general category supplemented with three disability-specific categories: visual disabilities, hearing disabilities, and communication disabilities. Tennessee also has a separate disability category for early childhood special education.
<b>Texas</b>	Mild/Moderate – Severe/Profound	State Board for Educator Certification  (512) 936-8275	19 TEX. ADMIN. CODE § 230.195 et seq.	<a href="http://www.sbec.state.tx.us/SBECOnline/certinfo/routescertif.asp">http://www.sbec.state.tx.us/SBECOnline/certinfo/routescertif.asp</a>	Texas has a generalist certificate but requires additional certification if the student is severely or profoundly disabled. The emotional certification also covers autism. Texas also uses an early childhood certification category.
<b>Utah</b>	Mild/Moderate – Severe/Profound	Educator Licensing Division  (801) 538-7740	UTAH ADMIN. CODE 277-504-6	<a href="http://www.ue.k12.ut.us/cert/">http://www.ue.k12.ut.us/cert/</a>	Utah has a generalist category and also has separate categories for mild/moderate and severe/profound, as well as separate disability categories for visual and hearing disabilities. Utah also has a paraprofessional certification.
<b>Vermont</b>	Generalist	Education Licensing Office  (802) 828-2445	VT. CODE REG. 5200	<a href="http://www.state.vt.us/education/new/html/maincert.html">http://www.state.vt.us/education/new/html/maincert.html</a>	Vermont has a generalist category that covers most of special education. In addition to the generalist category, there are separate certifications for visual and hearing disabilities, as well as separate certification for early childhood special education.

### KEY

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## Special Education Teacher Certification Overview

State	System of Classification	Contact Information	Statutory/Regulatory Citations	Relevant Website	Description of Special Education Teacher Certification Program
<b>Virginia</b>	Categorical	Division of Teacher Education and Licensure	8 VA. ADMIN. CODE § 20-21-10 et seq.	<a href="http://www.pen.k12.va.us/VDOE/newvdoe/teached.html">http://www.pen.k12.va.us/VDOE/newvdoe/teached.html</a>	Virginia does not have a generalist category and requires special education teachers to specialize in a disability-specific category. The categories include mental retardation, specific learning disability and emotional disabilities. Virginia also has separate categories for severely disabled students, as well as early childhood disabilities.
<b>Washington</b>	Generalist	Professional Education and Certification Office  (360) 725-6400	WASH. ADMIN. CODE § 180-82-200 et seq.	<a href="http://www.k12.wa.us/certification/endorsement/endorsementReq.aspx">http://www.k12.wa.us/certification/endorsement/endorsementReq.aspx</a>	Washington uses a general special education endorsement supplemented only by an endorsement in early childhood special education.
<b>West Virginia</b>	Categorical	Department of Education  (800) 982-2378	BOARD POLICY 5202	<a href="http://wvde.state.wv.us/certification/">http://wvde.state.wv.us/certification/</a>  <a href="http://wvde.state.wv.us/policies/p5202.html">http://wvde.state.wv.us/policies/p5202.html</a>	West Virginia has a real mix of specializations in special education teacher certification. There are several disability-specific categories, including autism, behavior disorders, emotional disorder and communication disorder. Also, there are mild and moderate and severe and profound categories.
<b>Wisconsin</b>	Categorical	Teacher Education, Professional Development and Licensure Office  (608) 266-1027	Wis. ADMIN. CODE § PI 34	<a href="http://www.dpi.state.wi.us/dpi/dlsis/tel/index.html">http://www.dpi.state.wi.us/dpi/dlsis/tel/index.html</a>	Wisconsin recently updated its teacher certification rules, which took effect July 2004. Wisconsin does not have a generalist category. Instead, there are disability-specific categories, including cognitive disabilities, emotional disabilities and learning disabilities.

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## Special Education Teacher Certification Overview

State	System of Classification	Contact Information	Statutory/Regulatory Citations	Relevant Website	Description of Special Education Teacher Certification Program
Wyoming	Categorical	Professional Teaching Standards Board  (800) 675-6893	WYO. ADMIN. CODE COMMERCE-TEACHING STANDARDS BOARD ch. 7, §3 et seq.	<a href="http://www.k12.wy.us/ptsb/certification.htm">http://www.k12.wy.us/ptsb/certification.htm</a>	Wyoming does have a generalist certification, but also has disability-specific certifications in visual, hearing, emotional, and cognitive disabilities. Also, Wyoming has a separate early childhood certification.

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### KEY

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## State Special Education Definitions, Ages Served

June 2004

Every state defines who is eligible to receive special education and related services. Some states, such as Maryland, choose to define special education students using the same disability criteria as the federal Individuals with Disabilities Education Act. However, not all states choose to follow this formula and many make their own “student with disabilities” definition. The state definition serves as a guide, along with specific disability definitions, for determining eligibility criteria when evaluating a child for inclusion in special education programs.

Not all states choose to define a special education student through statute. A small percentage of states, such as Utah, choose to allow the state board of education or the state department of education to make such definitions. Even though most states do establish some identification criteria in the statute, not all states choose to use specific disabilities in the definition. Twenty states either allow the board or department to define the criteria or use only general language when defining disabled students. These states are highlighted with a checkmark in the first box in Table 1 below.

Further, states are allowed to set their own provision of services criteria for students with disabilities. Typically, students with disabilities are allowed to attend more hours of school than their regular education counterparts. Many states mandate only that children attend school starting at age 6 and until age 16 or so. However, many special education attendance criteria allow students to receive special education services from the state department of education and the local school district beginning at initial diagnosis, which may be birth. Additionally, the average maximum age for students to receive services from the state and/or local school district is 20.88 years of age. A typical high school student graduates at around 18 years of age; thus special education students are, on average, allowed to attend public school for three additional years.

### Table 1: Full Text of State “Child with Disabilities” Definitions

In the following table, for some states, state *regulations* will be present as a supplement to the state *statutes* where the statutes do not define specific disability criteria. Conversely, some states provide early childhood services through a different department rather than the department of education. Such early childhood programs are not included in the table.



**Table 1: Full Text of State “Child with Disabilities” Definitions**

State/Language/Citation	Ages Served/Citation
<p><b>Alabama</b></p> <p>“Exceptional children. Persons... who have been certified under regulations of the State Board of Education by a specialist as being unsuited for enrollment in regular classes of the public schools or who are unable to be educated or trained adequately in the regular programs including, but not limited to: the mildly and moderately to severely retarded, and also the profoundly retarded; the speech impaired; the hearing impaired, deaf, and partially hearing; the blind and vision impaired; the crippled and those having other physical handicaps not otherwise specifically mentioned herein; the emotionally conflicted; those with special learning disabilities; the multiple handicapped; and the intellectually gifted.”</p> <p>ALA. CODE § 16-39-2(1)</p>	<p>6-21</p> <p>ALA. CODE § 16-39-2.(1)</p>
<p><b>Alaska</b></p> <p>“ ‘[C]hild with a disability’ means a child with one or more of the following: (A) mental retardation; (B) learning disabilities; (C) emotional disturbance; (D) deafness; (E) deaf-blindness; (F) hearing impairment; (G) orthopedic impairment; (H) other health impairment; (I) speech or language impairment; (J) visual impairment; (K) multiple disabilities; (L) early childhood development delay; (M) autism; (N) traumatic brain injury;</p> <p>ALASKA STAT. § 14.30.350(2)</p>	<p>3-22</p> <p>ALASKA STAT. § 14.30.350</p>
<p><b>Arizona</b></p> <p>" 'Child with a disability' means a child who is at least three but less than twenty-two years of age, who has been evaluated pursuant to section 15-766 and found to have at least one of the following disabilities and who, because of the disability, needs special education and related services: (a) Autism. (b) Emotional disability. (c) Hearing impairment. (d) Other health impairments. (e) Specific learning disability. (f) Mild, moderate or severe mental retardation. (g) Multiple disabilities. (h) Multiple disabilities with severe sensory impairment. (i) Orthopedic impairment. (j) Preschool moderate delay. (k) Preschool severe delay. (l) Preschool speech/language delay. (m) Speech/language impairment. (n) Traumatic brain injury. (o) Visual impairment."</p> <p>ARIZ. REV. STAT. § 15-761(2)</p>	<p>3-21</p> <p>ARIZ. REV. STAT. § 15-761(2)</p>
<p><b>Arkansas</b></p> <p>" 'Exceptional children' means children with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbances (hereinafter referred to as 'emotional disturbance'), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities, who by reason thereof need special education and related services."</p> <p>ARK. CODE ANN § 6-41-302(2)</p>	<p>5-21</p> <p>ARK. CODE ANN. § 6-18-202</p>

**Table 1: Full Text of State “Child with Disabilities” Definitions**

<b>State/Language/Citation</b>	<b>Ages Served/Citation</b>
<p><b>California</b></p> <p>" 'Children with exceptional needs' means infants or toddlers, from birth to 36 months of age inclusive, who have been determined eligible for early intervention services pursuant to the California Early Intervention Services Act (Title 14 (commencing with Section 95000) of the Government Code) and its implementing regulations, and children 3 years of age and older who have been determined to be eligible for special education and related services by an individualized education program team according to the special education requirements contained in Part 30 (commencing with section 56000), and meeting eligibility criteria described in Section 56026 and Sections 56333 to 56338, inclusive, and sections 3030 and 3031 of Title 5 of the California Code of Regulations. These children have an active individualized education program or individualized family service plan, and are receiving early intervention services or appropriate special education and services, unless they are under three years of age and permissive special education programs are available. These children, ages birth to 21 years, inclusive, may be autistic, developmentally disabled, hard-of-hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multi-handicapped, or children with specific learning disabilities, who require the special attention of adults in a child care setting."</p> <p>CAL. EDUC. CODE § 8208(I)</p>	<p>0-21</p> <p>May continue in program if 22nd birthday falls before end of school year.</p> <p>CAL. EDUC. CODE § 56026</p>
<p><b>Colorado</b></p> <p>" 'Children with disabilities' means those persons...who by reason of one or more of the following conditions are unable to receive reasonable benefit from ordinary education: Long-term physical impairment or illness; significant limited intellectual capacity; significant identifiable emotional disorder or identifiable perceptual or communicative disorders; or speech disorders. 'Children with disabilities' also means those persons...whose presence in the ordinary educational program is detrimental to the education of others and who must therefore receive modified or supplementary assistance and services in order to function and learn."</p> <p>COLO. REV. STAT. § 22-20-103(1.5)</p>	<p>3-21</p> <p>COLO. REV. STAT. § 22-20-103 (1.5)</p>
<p><b>Connecticut</b></p> <p>"An 'exceptional child' means a child who deviates either intellectually, physically or emotionally so markedly from normally expected growth and development patterns that he or she is or will be unable to progress effectively in a regular school program and needs a special class, special instruction or special services."</p> <p>CONN. GEN. STAT. § 10-76a(3)</p> <p>" 'Children requiring special education' includes any exceptional child who (A) has mental retardation, a physical handicap or neurological impairment or who is autistic, traumatically brain injured, seriously emotionally disturbed or suffering an identifiable learning disability which impedes such child's rate of development, which disability is amenable to correction or which rate of development may be improved by special education"</p> <p>CONN. GEN. STAT. § 10-76a(5)</p>	<p>3-21</p> <p>CONN. GEN. STAT. § 10-76a(5) CONN. GEN. STAT. § 10-76d(b)</p>

**Table 1: Full Text of State “Child with Disabilities” Definitions**

State/Language/Citation	Ages Served/Citation
<p><b>Delaware</b></p> <p>" 'Handicapped person' means a person...who because of mental, physical, emotional or learning disability problems, as defined by the Department of Education rules and regulations approved by the state's board of education, requires special education and related services in order to develop his or her capabilities. This term includes children 3 through 4 inclusive who are experiencing developmental delay and speech and/or language delay. A handicapped person is eligible for services beginning on his or her third birthday."</p> <p>DEL. CODE ANN. tit.14, § 3101(4)</p>	<p>0-20</p> <p>DEL. CODE ANN. tit.14, § 1703 DEL. CODE ANN. tit.14, § 3101(4)</p>
<p><b>Florida</b></p> <p>“ 'Exceptional Student' means any student who has been determined eligible for a special program in accordance with rules of the State Board of Education. The term includes students who are gifted and students with disabilities who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, hospital and homebound, autistic, developmentally delayed children, ages birth through 5 years, or children, ages birth through 2 years, with established conditions that are identified in State Board of Education rules pursuant to s.1003.21(1)(e).</p> <p>FLA. STAT.ch 1003.01(3)(a)</p>	<p>3 – 21</p> <p>Birth-LEA or SEA will set maximum age of instruction [the Florida Department of Education has yet to adopt a maximum age, although 21 is the current functioning maximum. There are regulations in the adoption phase that would set the maximum. See 6A.6.0331 and 6A.6.03411.]</p> <p>FLA. STAT.ch 1003.21(2)(e)</p>
<p><b>Georgia</b></p> <p>"Eligible children and youth are defined as those who have emotional, physical, communicative, or intellectual deviations, or a combination thereof, to the degree that there is interference with school achievements or adjustments or prevention of full academic attainment and who require modifications or alterations in their educational programs. Special education shall include children who are classified as...mentally disabled, behavior disordered, specific learning disabled, orthopedically disabled, other health impaired, hearing impaired, speech-language disordered, visually impaired, severely emotionally disturbed, and deaf-blind and who have any other areas of special needs which may be identified."</p> <p>GA. CODE ANN. § 20-2-152(a)</p>	<p>0 – 21</p> <p>"eligible for enrollment in appropriate education programs through age 21 or until they receive high school or special education diplomas or the equivalent; provided, however, they were enrolled during the preceding school year and had an approved Individualized Education Program (IEP) which indicated that a successive year of enrollment was needed."</p> <p>GA. CODE ANN. § 20-2-152(a) GA. CODE ANN. § 20-2-150(a)</p>
<p><b>Hawaii</b></p> <p>" 'Exceptional children' includes: (1) Persons...who deviate from the so-called normal person in physical, mental, social, or emotional characteristics or abilities to such an extent that specialized training, techniques, and equipment are required to enable these persons to attain the maximum of their abilities or capacities...(2) Persons...who by reason of physical defects cannot attend the regular public school classes with normal children; and (3) Persons...who are certified by a licensed physician eligible to membership in the state medical society to be emotionally maladjusted or</p>	<p>0 – 19</p> <p>("under 20")</p> <p>HAW. REV. STAT. § 302A-101</p>

**Table 1: Full Text of State “Child with Disabilities” Definitions**

<b>State/Language/Citation</b>	<b>Ages Served/Citation</b>
<p>intellectually incapable of profiting from ordinary instructional methods."  HAW. REV. STAT. § 302A-101</p>	
<p><b>Idaho</b>  " 'Children with disabilities' " mean [sic] those children with mental retardation, hearing impairments, deafness, speech or language impairments, visual impairments, blindness, deaf-blindness, serious emotional disturbance, orthopedic impairments, severe or multiple disabilities, autism, traumatic brain injury, developmental delay or specific learning disabilities, and who by reason of the qualifying disability requires special education and related services."  IDAHO CODE § 33-2001(3)</p>	<p>3 – 21  IDAHO CODE § 33-2002</p>
<p><b>Illinois</b>  " 'Children with disabilities' means children...for whom it is determined, through definitions and procedures described in the Illinois Rules and Regulations to Govern the Organization and Administration of Special Education, that special education services are needed."  105 ILL. COMP. STAT. 5/14-1.02  “ 'Disability': Any of the following specific conditions. Autism..., Deaf-Blindness..., Deafness..., Emotional Disturbance..., Hearing Impairment..., Mental Retardation..., Multiple Disabilities..., Orthopedic Impairment..., Other Health Impairment..., Specific Learning Disability..., Speech or Language Impairment..., Traumatic Brain Injury..., Visual Impairment... .  23 ILL. ADMIN. CODE tit. 23, § 226.75.</p>	<p>3 – 21  105 ILL. COMP. STAT. 5/14-1.02.</p>
<p><b>Indiana</b>  " 'Child with a disability' means any child...who because of physical or mental disability is incapable of being educated properly and efficiently through normal classroom instruction, but who with the advantage of a special educational program may be expected to benefit from instruction in surroundings designed to further the educational, social, or economic status of the child."  IND. CODE § 20-1-6-1(1)</p>	<p>3 – 22  "Public schools may operate special education programs for hearing impaired children as young as six (6) months of age on an experimental basis upon the approval of the superintendent of public instruction and the Indiana state board of education."  IND. CODE § 20-1-6-1(1)</p>
<p><b>Iowa</b>  " 'Children requiring special education' means persons...who have a disability in obtaining an education because of a head injury, autism, behavioral disorder, or physical, mental, communication or learning disability, as defined by the rules of the department of education.  IOWA CODE § 256B.2.(1)</p>	<p>0 – 21  IOWA CODE § 256B.2.(1)</p>

**Table 1: Full Text of State “Child with Disabilities” Definitions**

State/Language/Citation	Ages Served/Citation
<p><b>Kansas</b></p> <p>" 'Children with disabilities' means children with mental retardation, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities and who, by reason thereof, needs special education and related services."</p> <p>KAN. STAT. ANN. § 72-962(z)</p>	<p>3 – 21</p> <p>KAN. ADMIN. REGS. § 91-40-1(ddd)</p> <p>"school age, to be determined in accordance with rules and regulations adopted by the state board, which age may differ from the ages of children required to attend school under the provisions of K.S.A. 72-1111, and amendments thereto"</p> <p>KAN. STAT. ANN. § 72-962(g)</p>
<p><b>Kentucky</b></p> <p>" 'Exceptional children and youth' means persons...who differ in one (1) or more respects from same-age peers in physical, mental, learning, emotional, or social characteristics and abilities to such a degree that they need special educational programs or services for them to benefit from the regular or usual facilities or educational programs of the public school in the districts in which they reside. The department of Education, through administrative regulations promulgated by the Kentucky Board of Education, shall interpret the statutory definitions of exceptionality. An exceptionality is any trait so defined in this section by administrative regulations of the Kentucky Board of Education. [...] Categories of exceptionalities included within, but not limited by, this definition are as follows: (a)'Orthopedic impairment'...(b) 'Other health impaired'...(c) 'Speech or language impairment'...(d) 'Hearing impairment'...(e) 'Mental disability'...(f) 'Specific learning disability'...(g) 'Emotional-behavioral disability'...(h) 'Multiple disability'...(i) 'Deaf-blind'...(j) 'Visually disabled'...(k) 'Developmental delay'...(l) 'Traumatic brain injury'...(m) 'Autism'..."</p> <p>KY. REV. STAT. ANN. § 157.20 (1)</p>	<p>0 – 21</p> <p>KY. REV. STAT. ANN. § 157.20 (1)</p>
<p><b>Louisiana</b></p> <p>"A 'child with an exceptionality' is any child who is located, identified, and evaluated...with mental disabilities, hearing impairments (including deafness), emotional/behavioral disorders, orthopedic impairments, other health impairments, specific learning disabilities, which include perceptual disabilities, brain injury, minimal brain dysfunction, developmental aphasia and dyslexia, traumatic brain injury, or autism ... and as a result may require special education and related services. This may also include a child with a disability, aged three through nine experiencing developmental delays."</p> <p>LA. REV. STAT. ANN. § 17:1943(2)</p>	<p>3 – 21</p> <p>But "[s]pecial education may be provided under this Part for eligible children under three years of age."</p> <p>LA. REV. STAT. ANN. § 17:1943 (1)</p>
<p><b>Maine</b></p> <p>" 'Exceptional student' is an individual who: [...] (C) Requires special education because of one or more of the following: (1) Visual impairments, including blindness; (2) Hearing impairments, including deafness; (3)</p>	<p>5 – 19</p> <p>age 5 on or before October 15; not reached 20 at the start of the school year</p>

**Table 1: Full Text of State “Child with Disabilities” Definitions**

<b>State/Language/Citation</b>	<b>Ages Served/Citation</b>
<p>Speech and language impairments; (4) Specific learning disabilities; (5) Orthopedic impairments; (6) Emotional disability; (7) Mental retardation; (8) Autism; (9) Traumatic brain injury; (10) Other health impairment; (11) Deafness and blindness; or (11) Multiple disabilities.</p> <p>ME. REV. STAT. ANN. tit. 20, § 7001(2)</p>	<p>ME. REV. STAT. ANN. tit. 20, § 7001(2)</p> <p>"The Child Development Services System is established for the purpose of maintaining a coordinated service delivery system for the provision of childfind activities for children, from birth to under age 3, early intervention services for eligible children, from birth to under age 3, and free, appropriate and public education services for eligible children, from age 3 to under age 6, who have a disability." ME. REV. STAT. ANN. tit. 20, § 7724(1)</p>
<p><b>Maryland</b></p> <p>“ ‘Child with a disability’ means a child who has been determined through appropriate assessment as having autism, deaf-blindness, hearing impairment, including deafness, emotional disturbance, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, visual impairment, including blindness, and who because of that impairment needs special education or related services.”</p> <p>MD. CODE ANN., EDUC. § 8-401(a)(2)</p>	<p>0 – 21</p> <p>Birth – end of school year when child turns 21.</p> <p>MD. CODE ANN., EDUC. § 8-403(a)</p>
<p><b>Massachusetts</b></p> <p>" 'School age child with a disability', a school age child in a public or non-public school setting who, because of a disability consisting of a developmental delay or any intellectual, sensory, neurological, emotional, communication, physical, specific learning or health impairment or combination thereof, is unable to progress effectively in regular education and requires special education services, including a school age child who requires only a related service or related services if said service or services are required to ensure access of the child with a disability to the general education curriculum. The term 'specific learning impairment' shall be defined pursuant to 24 CFR 300.7(c)(10), the definition of specific learning disability contained in federal regulations implementing the Individual with Disabilities Education Act in effect on January 1, 2000. The term 'emotional impairment' shall be defined pursuant to 34 CFR 300.7(c)(4), the definition of 'emotional disturbance' contained in federal regulations implementing the Individual with Disabilities Education Act in effect on January 1, 2000. No child shall be determined to be a student with a disability solely because such child's behavior violates the school's disciplinary code and no child shall be determined to be a student with a disability solely because such child shall have failed the statewide assessment tests authorized pursuant to section 1I of chapter 69. The use of the word disability in this section shall not be used to provide a basis for labeling or stigmatizing the child or defining the needs of the child and shall in no way limit the services, programs, and integration opportunities provided to such child."</p> <p>MASS. GEN. LAWS ch. 71B, § 1</p>	<p>3 – 21</p> <p>who has not attained a high school diploma or its equivalent</p> <p>MASS. GEN. LAWS ch. 71B, § 1</p>

**Table 1: Full Text of State “Child with Disabilities” Definitions**

State/Language/Citation	Ages Served/Citation
<p><b>Michigan</b></p> <p>The state board shall: (a) Develop, establish, and continually evaluate and modify in cooperation with intermediate school boards, a state plan for special education which shall provide for the delivery of services designed to develop the maximum potential of every handicapped student. The plan shall coordinate all special education programs and services.</p> <p>MICH. COMP. LAWS § 380.1701.</p> <p>“Student with a disability” means a person who is determined by an individualized education program team or hearing officer to have one or more of the impairments specified in this part that necessitates special education or related services, or both.”</p> <p>MICH. ADMIN. CODE r. 340.1702</p>	<p>0 – 25</p> <p>MICH. ADMIN. CODE r. 340.1702</p>
<p><b>Minnesota</b></p> <p>"Every child who has a hearing impairment, visual disability, speech or language impairment, physical handicap, other health impairment, mental handicap, emotional/behavioral disorder, specific learning disability, autism, traumatic brain injury, multiple disabilities, or deaf/blind disability and needs special instruction and services, as determined by the standards of the commissioner, is a child with a disability. In addition, every child under age three, and at local district discretion from age three to age seven, who needs special instruction and services, as determined by the standards of the commissioner, because the child has a substantial delay or has an identifiable physical or mental condition known to hinder normal development is a child with a disability.</p> <p>MINN. STAT. § 125A.02</p>	<p>0 – 21</p> <p>Birth- July 1 after the student becomes 21 years old, but shall not extend beyond secondary school.</p> <p>MINN. STAT. § 125A.03</p>
<p><b>Mississippi</b></p> <p>"An exceptional child shall be defined as any child as herein defined... with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities and, by reason thereof, needs special education and related services.”</p> <p>MISS. CODE ANN. § 37-23-3(1)</p>	<p>0 – 20</p> <p>MISS. CODE ANN. § 37-23-3(1)</p>
<p><b>Missouri</b></p> <p>" 'Handicapped children', children...who have not completed an approved high school program and who, because of mental, physical, emotional or learning problems, require special educational services. (3) 'Severely handicapped children', handicapped children...who, because of the extent of the handicapping condition or conditions, as determined by competent professional evaluation, are unable to benefit from or meaningfully participate in programs in the public schools for handicapped children. The term 'severely handicapped' is not confined to a separate and specific category but pertains to the degree of disability which permeates a variety of handicapping conditions and education programs."</p> <p>MO. REV. STAT. § 162.675(2)</p>	<p>0 – 20</p> <p>"not in excess of twenty-one years"</p> <p>MO. REV. STAT. § 162.670</p> <p>under 21</p> <p>MO. REV. STAT. § 162.675(2)</p>

**Table 1: Full Text of State “Child with Disabilities” Definitions**

State/Language/Citation	Ages Served/Citation
<p><b>Montana</b></p> <p>" 'Child with a disability' means a child evaluated in accordance with the regulations of the Individuals With Disabilities Education Act as having cognitive delay; hearing impairment, including deafness; speech or language impairment; visual impairment, including blindness; emotional disturbance; orthopedic impairment; autism; traumatic brain injury; other health impairments; deaf-blindness; multiple disabilities; or specific learning disabilities and who because of those impairments needs special education and related services. A child who is 5 years of age or younger may be identified as a child with disabilities without the specific disabilities being specified."</p> <p>MONT. CODE ANN. § 20-7-401(4)</p>	<p>3 – 18</p> <p>MONT. CODE ANN. § 20-7-411(2,3)</p> <p>"Programs may be established for persons with disabilities between the ages of 0 and 21 [only under certain conditions]"</p> <p>MONT. CODE ANN. § 20-7-412(2)</p>
<p><b>Nebraska</b></p> <p>"Child with disability means a child having a disability listed in section 79-1118.01 and verified pursuant to sections 79-1137 to 79-1139."</p> <p>NEB. REV. STAT. § 79-1117</p> <p>"Disability means an impairment which causes a child to be classified as mentally retarded, hard of hearing, deaf, speech and language impaired, blind and visually impaired, behaviorally disordered, orthopedically impaired, other health impaired, deaf-blind, or developmentally delayed or as having multiple disabilities or specific learning disabilities, traumatic brain injury, or autism and causes such child to need special education or related services."</p> <p>NEB. REV. STAT. § 79-1118.01</p>	<p>0 – 20</p> <p>"from the date of diagnosis or the date of notification of the school district of residence to age twenty-one and, if the child's twenty-first birthday occurs during a school year, until the end of that school year."</p> <p>NEB. REV. STAT. § 79-1126</p>
<p><b>Nevada</b></p> <p>" 'Pupil with a disability' means a person...who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that he cannot progress effectively in a regular school program and therefore needs special instruction or special services."</p> <p>NEV. REV. STAT. § 388.44</p>	<p>0 – 21</p> <p>NEV. REV. STAT. § 388.44</p> <p>"except that where the enrollment period for the school year is before his 22nd birthday, he remains eligible to complete that school year irrespective of his age"</p> <p>NEV. REV. STAT. § 395.02</p>
<p><b>New Hampshire</b></p> <p>" 'Educationally disabled child' means any person...who has been identified and evaluated by a school district according to the provisions of RSA 186-C:7 and determined to be mentally retarded, hearing impaired, speech or language impaired or both, visually impaired, including blindness, seriously emotionally disturbed, orthopedically impaired, otherwise severely health impaired, deaf-blind, multi-disabled, traumatic brain injured, autistic, or as having specific learning disabilities, who because of such impairment, needs special education or special education and educationally related services."</p> <p>N.H. REV. STAT. ANN. § 186-C:2</p>	<p>3 – 21</p> <p>N.H. REV. STAT. ANN. § 186-C:2</p>



**Table 1: Full Text of State “Child with Disabilities” Definitions**

<b>State/Language/Citation</b>	<b>Ages Served/Citation</b>
<p><b>New Jersey</b></p> <p>"As used in this chapter a handicapped child shall mean and include any child who is mentally retarded, visually handicapped, auditorily handicapped, communication handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted, multiply handicapped, autistic, or pre-school handicapped."</p> <p>N.J. STAT. ANN. § 18A:46-1</p>	<p>5 – 21</p> <p>"In addition, each board of education shall also identify and ascertain...those children between the ages of three and five years who require and who would be benefited by special education programs and services, which may prevent their handicaps from becoming more debilitating."</p> <p>"Each board of education shall provide information to parents of handicapped children below the age of three regarding available services and programs provided by other State, county or local agencies, which may prevent their handicaps from becoming more debilitating."</p> <p>N.J. STAT. ANN. § 18A:46-6</p>
<p><b>New Mexico</b></p> <p>" '[C]hildren with disabilities' means those children who are classified as developmentally disabled according to the Developmental Disabilities Act"</p> <p>N.M. STAT. ANN. § 22-13-6</p>	<p>3 – 21</p> <p>N.M. STAT. ANN. § 22-13-5</p>
<p><b>New York</b></p> <p>"1. A 'child with a disability' or 'student with a disability' means a person...who is entitled to attend public schools pursuant to section thirty-two hundred two of this chapter and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. Such term does not include a child whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors."</p> <p>N.Y. EDUC. LAW § 16-4401</p>	<p>0 – 20</p> <p>N.Y. EDUC. LAW § 16-4401</p>
<p><b>North Carolina</b></p> <p>"The term 'children with special needs' includes, without limitation, all children from age five through 20 who because of permanent or temporary mental, physical or emotional handicaps need special education, are unable to have all their needs met in a regular class without special education or related services, or are unable to be adequately educated in the public schools. It includes those who are mentally retarded, epileptic, learning disabled, cerebral palsied, seriously emotionally disturbed, orthopedically impaired, autistic, multiply handicapped, pregnant, hearing-impaired, speech-impaired, blind or visually impaired, and other health impaired."</p> <p>N.C. GEN. STAT. § 115C-109</p>	<p>5 – 20</p> <p>N.C. GEN. STAT. § 115C-109</p>

**Table 1: Full Text of State “Child with Disabilities” Definitions**

<b>State/Language/Citation</b>	<b>Ages Served/Citation</b>
<p><b>North Dakota</b></p> <p>" [S]tudent with disabilities' means an individual...who because of mental, physical, emotional, or learning characteristics requires regular or special education and related services designed to meet individual’s educational needs. This includes an individual with mental retardation, hearing impairment, deafness, deaf-blindness, a speech or language impairment, a visual impairment, emotional disturbance, an orthopedic impairment, or autism, and an individual who has a specific learning disability, a traumatic brain injury, or other health impairment.</p> <p>N.D. CENT. CODE § 15.1-32-01</p>	<p>3 – 21</p> <p>N.D. CENT. CODE § 15.1-32-01z</p>
<p><b>Ohio</b></p> <p>" 'Handicapped child' means a person under twenty-two years of age who is developmentally handicapped, hearing handicapped, speech handicapped, visually disabled, severe behavior handicapped, orthopedically handicapped, multihandicapped, other health handicapped, specific learning disabled, autistic, or traumatic brain injured, and by reason thereof requires special education."</p> <p>OHIO REV. CODE ANN. § 3323.01(A)</p>	<p>3 – 21</p> <p>"It is the purpose of this chapter to assure that all handicapped children three to twenty-one years of age in this state shall be provided with an appropriate public education."</p> <p>OHIO REV. CODE ANN. § 3323.02</p>
<p><b>Oklahoma</b></p> <p>"Children with disabilities shall mean children, as defined by the Individuals with Disabilities Education Act (IDEA), P.L. No.105-17, who are three years of age.</p> <p>OKLA. STAT. tit. 13, § 101</p>	<p>0 – 21</p> <p>Policies and Procedures Manual for Special Education in Oklahoma.</p> <p>However, "children from age birth through two years...of age who meet the eligibility criteria specified in Section 13-123 of this title...shall be served pursuant to the provisions of the Oklahoma Early Intervention Act."</p> <p>OKLA. STAT. tit. 13, § 101</p>
<p><b>Oregon</b></p> <p>" 'Children with disabilities' means those school age children who are entitled to a free appropriate education as specified by ORS 339.115 and who require special education because they have been evaluated as having one of the following conditions as defined by rules established by the State Board of Education: Mental retardation, hearing impairment including difficulty in hearing and deafness, speech or language impairment, visual impairment, including blindness, deaf-blindness, emotional disturbance, orthopedic or other health impairment, autism, traumatic brain injury or specific learning disabilities."</p> <p>ORE. REV. STAT. § 343.035(1)</p>	<p>3 – 20</p> <p>"Early childhood special education for children 3-"until the age of eligibility for kindergarten"</p> <p>"Early intervention services' means services for preschool children with disabilities from birth until three years of age"</p> <p>ORE. REV. STAT. § 343.035(5),(6)</p> <p>"A district must admit an otherwise eligible person who has not yet</p>

**Table 1: Full Text of State “Child with Disabilities” Definitions**

State/Language/Citation	Ages Served/Citation
	<p>attained 21 years of age prior to the beginning of the current school year if the person is: (a) Receiving special education; or (b) Shown to be in need of additional education in order to receive a diploma."</p> <p>ORE. REV. STAT. § 339.115(2)</p>
<p><b>Pennsylvania</b></p> <p>"The term 'children with exceptionalities' shall mean children of school age who have a disability...and who, by reason thereof, need specially designed instruction."</p> <p>PA. STAT. ANN. tit.13, § 1371</p>	<p>6 – 21</p> <p>"children of school age"</p> <p>PA. STAT. ANN. tit.13, § 1371</p> <p>School age means 6-21.</p> <p>PA. STAT. ANN. tit.13, § 1301</p>
<p><b>Rhode Island</b></p> <p>"(a) In any city or town where there is a child with a disability...who is functionally limited to such an extent that normal educational growth and development are prevented."</p> <p>R.I. GEN. LAWS § 16-24-1</p>	<p>3 – 21</p> <p>The state board of regents for elementary and secondary education is to adopt "(1) Criteria to determine who is to be included in the category of the exceptional child and all persons from the age of three (3) to twenty-one (21) years who are mentally retarded and/or multi-handicapped must be included in establishing the category of exceptional child"</p> <p>R.I. GEN. LAWS § 16-24-2</p>
<p><b>South Carolina</b></p> <p>" 'Handicapped children' shall mean those who deviate from the normal either psychologically or physiologically to such an extent that special classes, special facilities, or special services are needed for their maximum development, including educable mentally handicapped, trainable mentally handicapped, emotionally handicapped, hearing handicapped, visually handicapped, orthopedically handicapped, speech handicapped, and those handicapped by learning disabilities as defined in item (1), 59-21-510."</p> <p>S.C. CODE ANN. § 59-33-20</p>	<p>3 – 21</p> <p>"[A]ll three-year-old, four-year-old, and five-year-old children with disabilities in accordance with their individual education program, may participate in any public education preschool program, including optional child development programs."</p> <p>"When a pupil is in the graduating class and becomes twenty-one years of age before graduation, he is permitted to complete the term if otherwise qualified to do so"</p> <p>S.C. CODE ANN. § 59-63-20(6), (2)</p>

**Table 1: Full Text of State “Child with Disabilities” Definitions**

<b>State/Language/Citation</b>	<b>Ages Served/Citation</b>
<p><b>South Dakota</b></p> <p>"As used in this chapter, 'children in need of special education or special education and related services' means any person...who is a resident of the state of South Dakota and who, because of his educational needs as defined by the South Dakota board of education in rules promulgated pursuant to chapter 1-26 and this chapter, is not adequately provided for through the usual facilities and services of the school and requires special education."</p> <p>S.D. CODIFIED LAWS § 13-37-1</p>	<p>0 – 21</p> <p>S.D. CODIFIED LAWS § 13-37-1</p>
<p><b>Tennessee</b></p> <p>“(A) ‘Child with disabilities’ means children with disabilities and youth ... who have been certified under regulations of the state board of education by a specialist as being unsuited for enrollment in regular classes of the public schools, or who are unable to be educated or trained adequately in such regular programs without the provision of special classes, instruction, facilities, or related services, or a combination thereof.</p> <p>(B) ‘Child with disabilities’ means a child with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, specific learning disability, developmental delay, functional delay, and the intellectually gifted.”</p> <p>TENN. CODE ANN. § 49-10-102</p>	<p>3 – 21</p> <p>"Any child with disabilities who turns twenty-two (22) years of age between the commencement of the school year in August and the conclusion of the school year the following June, will continue to be a 'child with disabilities' for the remainder of that school year"</p> <p>TENN. CODE ANN. § 49-10-102(1)(A)</p>
<p><b>Texas</b></p> <p>“(b) a student is eligible to participate in a school district’s special education program if the student:</p> <ol style="list-style-type: none"> <li>(1) is not more than 21 years of age and has a visual or auditory impairment that prevents the student from being adequately or safely educated in a public school without the provision of special services; or</li> <li>(2) is at least three but not more than 21 years of age and has one or more of the following disabilities that prevents the student from being adequately or safely educated in the public schools without the provision of special services. <ol style="list-style-type: none"> <li>(A) physical disability;</li> <li>(B) mental retardation;</li> <li>(C) emotional disturbance;</li> <li>(D) learning disability;</li> <li>(E) autism;</li> <li>(F) speech disability; or</li> <li>(G) traumatic brain injury.</li> </ol> </li> </ol> <p>TEX. EDUC. CODE ANN. § 29.003(b)</p>	<p>3 – 21</p> <p>Visually and auditorily impaired under 21 [0-21]</p> <p>TEX. EDUC. CODE ANN. § 29.003(b)</p>
<p><b>Utah</b></p> <p>"The State Board of Education shall adopt rules consistent with applicable state and federal law to implement [education programs for students with disabilities.]"</p>	<p>3 – 22</p> <p>"and have not graduated from high school"</p>

**Table 1: Full Text of State “Child with Disabilities” Definitions**

State/Language/Citation	Ages Served/Citation
<p>UTAH CODE ANN. § 53A-15-301(1)(b)</p> <p>52. “Student with a Disability. A student evaluated in accordance with these Rules as having an intellectual disability, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, an emotional disturbance, and orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deafblindness, a multidisability, or children aged 3-7 experiencing developmental delays, and who, by reason thereof, needs special education or related services.</p> <p>Utah State Board of Education, Special Education Rules, I.E.(52)</p>	<p>UTAH CODE ANN. § 53A-15-301 (1)(a)</p>
<p><b>Vermont</b></p> <p>" 'Child with a disability' means any child in Vermont eligible under state regulations to receive special education."</p> <p>VT. STAT. ANN. tit. 16, § 2942</p>	<p>3 – 21</p> <p>Early education for children ages 3-5</p> <p>VT. STAT. ANN. tit. 16, § 2956</p> <p>"[T]he commissioner [of education] may provide for the extension of special education to a person with a disability, having attained the age of 21, in order to complete a program of special education in which he has participated."</p> <p>VT. STAT. ANN. tit. 16, § 2944(e)</p>
<p><b>Virginia</b></p> <p>" 'Children with disabilities' means those persons...(ii) who are mentally retarded, physically disabled, seriously emotionally disturbed, speech impaired, hearing impaired, visually impaired, multiple disabled, other health impaired including autistic or who have a specific learning disability or who are otherwise disabled as defined by the Board of Education and (iii) who because of such impairments need special education."</p> <p>VA. CODE ANN. § 22.1-213.</p>	<p>2 – 21</p> <p>"having reached the age of two by the date specified in 22.1-254 [September 30]"</p> <p>VA. CODE ANN. § 22.1-213</p>
<p><b>Washington</b></p> <p>"Children with disabilities are those children in school or out of school who are temporarily or permanently retarded in normal educational processes by reason of physical or mental disability, or by reason of emotional maladjustment, or by reason of other disability, and those children who have specific learning and language disabilities resulting from perceptual-motor disabilities, including problems in visual and auditory perception and integration.</p> <p>"The superintendent of public instruction shall...establish for the purpose of excess cost funding...functional definitions for the various types of disabling conditions and eligibility criteria for special education programs for students with disabilities."</p> <p>WASH REV. CODE § 28A.155.020</p>	<p>3 – 21</p> <p>"but when the twenty-first birthday occurs during the school year, the educational program may be continued until the end of that school year."</p> <p>WASH REV. CODE § 28A.155.020</p>

<b>Table 1: Full Text of State “Child with Disabilities” Definitions</b>	
<b>State/Language/Citation</b>	<b>Ages Served/Citation</b>
<p><b>West Virginia</b></p> <p>"Provisions shall be made for educating exceptional children...who differ from the average or normal in physical, mental or emotional characteristics, or in communicative or intellectual deviation characteristics, or in both communicative and intellectual deviation characteristics, to the extent that they cannot be educated safely or profitably in the regular classes of the public schools or to the extent that they need special educational provisions within the regular classroom in order to educate them in accordance with their capacities, limitations, and needs"</p> <p>W. VA. CODE § 18-20-1</p>	<p>5 – 21</p> <p>W. VA. CODE § 18-20--1</p> <p>Severely handicapped children may begin at age 3.</p> <p>W. VA. CODE § 18-20-1a</p>
<p><b>Wisconsin</b></p> <p>“(a) ‘Child with a disability’ means a child who, by reason of any of the following, needs special education and related services: (1) Cognitive disabilities. (2) Hearing impairments. (3) Speech or language impairments. (4) Visual impairments. (5) Emotional disturbance. (6) Orthopedic impairments. (7) Autism. (8) Traumatic brain injury. (9) Other health impairments. (10) Learning disabilities.</p> <p>(b) ‘Child with a disability’ may, at the discretion of the local educational agency and consistent with department rules, include a child who, by reason of his or her significant developmental delay, needs special education and related services.</p> <p>WIS. STAT. § 115.76.(5)</p>	<p>3 – 21</p> <p>WIS. STAT. § 115.76.(3)</p>
<p><b>Wyoming</b></p> <p>"Every child of school age in the state of Wyoming having a mental, physical or psychological disability which impairs learning, shall be entitled to and shall receive a free and appropriate education in accordance with his capabilities"</p> <p>WYO. STAT. ANN. § 21-2-501</p>	<p>3 – 21</p> <p>"Every child of school age" [Notes state, "No educational services after age 21"]</p> <p>WYO. STAT. ANN. § 21-2-501</p> <p>" 'Preschool children with disabilities' means any children three (3) through five (5) years of age"</p> <p>WYO. STAT. ANN. § 21-2-701.(a)(ii)</p>

**Table : Use of Specific Disability Criteria in State Statutes**

The following table illustrates the use of specific disability criteria by state, and includes only the specific disability criteria when used in the state statutes. States that define individual disability criteria in their regulations are not included. The total for each criterion is provided at the bottom. States that do include specific disability criteria tend to neglect deaf-blindness, deafness, multiple disabilities, other health impairments, and traumatic brain injury. The categories were determined by the Individuals with Disabilities Education Act categories under the definition of “child with a disability.” Some states choose to include disability categories that are not included under the IDEA. These additional categories are provided in the supplement following the table.

**Table 2: Use of Specific Disability Criteria in State Statutes**

	State does not use Specific Disability Categories in Statute	Autism	Deaf-Blindness	Deafness	Hearing Impairment	Mental Retardation - Cognitive Impairment	Multiple Disabilities	Orthopedic Impairment	Other Health Impairment	(Serious) Emotional Disturbance	Specific Learning Disability	Speech or Language Impairment	Traumatic Brain Injury	Visual Impairment Including Blindness	Additional Disability Categories (See Below)
Alabama				✓	✓	✓	✓	✓		✓	✓	✓		✓	
Alaska		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Arizona		✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Arkansas		✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
California		✓	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓
Colorado	✓														✓
Connecticut		✓				✓		✓		✓	✓		✓		✓
Delaware	✓														✓
Florida		✓		✓	✓	✓		✓		✓	✓	✓		✓	✓
Georgia			✓		✓	✓		✓	✓	✓	✓	✓		✓	✓
Hawaii	✓														✓
Idaho		✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓
Illinois	✓														✓
Indiana	✓														✓
Iowa		✓				✓		✓		✓	✓		✓		✓
Kansas		✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
Kentucky		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Louisiana		✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
Maine		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Maryland		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Massachusetts	✓														✓
Michigan	✓														✓
Minnesota		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Mississippi		✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
Missouri	✓														✓
Montana		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Nebraska		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Nevada	✓														✓
New Hampshire		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
New Jersey		✓				✓		✓		✓	✓	✓		✓	✓
New Mexico	✓														✓
New York	✓														✓
North Carolina		✓			✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
North Dakota		✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
Ohio		✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Oklahoma	✓														✓
Oregon		✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
Pennsylvania	✓														✓
Rhode Island	✓														✓
South Carolina					✓	✓		✓		✓	✓	✓		✓	✓
South Dakota	✓														✓
Tennessee		✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
Texas		✓				✓	✓	✓		✓	✓	✓	✓	✓	✓
Utah	✓														✓
Vermont	✓														✓
Virginia		✓			✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
Washington	✓														✓
West Virginia	✓														✓
Wisconsin		✓			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
Wyoming	✓														✓
<b>Totals</b>	<b>20</b>	<b>26</b>	<b>13</b>	<b>16</b>	<b>27</b>	<b>28</b>	<b>17</b>	<b>30</b>	<b>22</b>	<b>27</b>	<b>29</b>	<b>27</b>	<b>22</b>	<b>26</b>	

## **States with Additional Disability Categories not listed in IDEA Regulations:**

**Alaska:** Childhood Developmental Delay

**Arizona:** Multiple Disabilities with Severe Sensory Impairment, Preschool Moderate Delay, Preschool Severe Delay

**California:** Developmentally Disabled

**Connecticut:** Neurological Impairment

**Florida:** Dual Sensory Impaired, Hospital and Homebound, Developmentally Delayed

**Georgia:** Behavior Disordered

**Iowa:** Behavior Disorder, Communication Disability

**Kentucky:** Developmental Delay

**Louisiana:** Minimal Brain Dysfunction, Developmental Aphasia and Dyslexia, Brain Injury, Perceptual Disabilities

**Nebraska:** Behaviorally Disordered, Developmentally Delayed

**New Jersey:** Neurologically or Perceptually Impaired, Chronically Ill, Socially Maladjusted, Pre-School Handicapped

**North Carolina:** Epileptic, Cerebral Palsied, Pregnant

**Ohio:** Behavior Handicapped

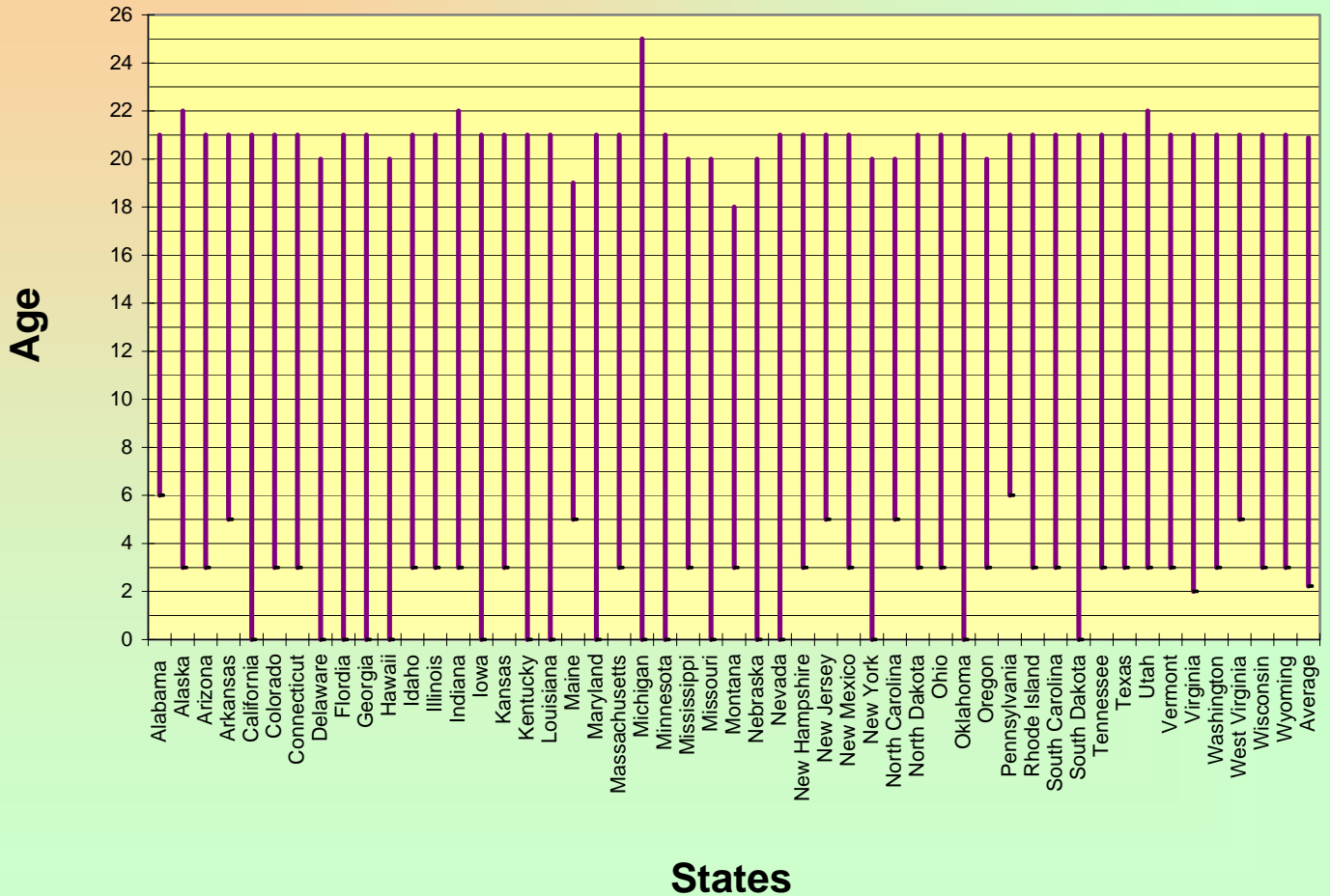
**Tennessee:** Intellectual Delay, Developmental Delay

### **Table 3: Special Education Attendance: Age Ranges in the States**

The following table lists the special education attendance ranges for every state, with the average at the end. The average minimum age for special education services provided by the public school is 2.28 years of age. The average maximum age for special education services provided by the public school is 20.88 years of age. However, this is only a maximum; a special education student who graduates before his/her maximum age limit expires is no longer eligible for special education services. Additionally, the minimums do not necessarily represent the minimum age for which a special education child can receive public services. Many states offer early education programs through departments other than the department of education.



# Special Education Attendance: Age Ranges in the States



## The Individuals with Disabilities Education Act Definition of “Child with a Disability”

20 U.S.C. 1401(c)

### (3) Child with a disability

#### (A) In general

The term "child with a disability" means a child -

- (i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as "emotional disturbance"), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and
- (ii) who, by reason thereof, needs special education and related services.

**(B) Child aged 3 through 9**

The term "child with a disability" for a child aged 3 through 9 may, at the discretion of the State and the local educational agency, include a child -

- (i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and
- (ii) who, by reason thereof, needs special education and related services.

**Code of Federal Regulations, Definitions of Specific Disabilities**

34 C.F.R. § 300.7 Child with a disability.

(a) *General.*

- (1) As used in this part, the term *child with a disability* means a child evaluated in accordance with §§ 300.530-300.536 as having mental retardation, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, serious emotional disturbance (hereafter referred to as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.
- (2)
  - (i) Subject to paragraph (a)(2)(ii) of this section, if it is determined, through an appropriate evaluation under §§ 300.530-300.536, that a child has one of the disabilities identified in paragraph (a)(1) of this section, but only needs a related service and not special education, the child is not a *child with a disability* under this part.
  - (ii) If, consistent with § 300.26(a)(2), the related service required by the child is considered special education rather than a related service under State standards, the child would be determined to be a *child with a disability* under paragraph (a)(1) of this section.

(b) *Children aged 3 through 9 experiencing developmental delays*

The term *child with a disability* for children aged 3 through 9 may, at the discretion of the State and LEA and in accordance with § 300.313, include a child –

- (1) Who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and
- (2) Who, by reason thereof, needs special education and related services.

(c) *Definitions of disability terms.*

The terms used in this definition are defined as follows:

- (1)
  - (i) *Autism* means a developmental disability affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (b)(4) of this section.
  - (ii) A child who manifests the characteristics of "autism" after age 3 could be diagnosed as having "autism" if the criteria in paragraph (c)(1)(i) of this section are satisfied.
- (2) *Deaf-blindness* means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental

and educational needs that cannot be accommodated in special education programs solely for children with deafness or children with blindness.

- (3) *Deafness* means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.
- (4) *Emotional disturbance* is defined as follows:
  - (i) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:
    - (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
    - (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
    - (C) Inappropriate types of behavior or feelings under normal conditions.
    - (D) A general pervasive mood of unhappiness or depression.
    - (E) A tendency to develop physical symptoms or fears associated with personal or school problems.
  - (ii) The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.
- (5) *Hearing impairment* means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.
- (6) *Mental retardation* means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.
- (7) *Multiple disabilities* means concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which causes severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.
- (8) *Orthopedic impairments* means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).
- (9) *Other health impairment* means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that –
  - (i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and
  - (ii) Adversely affects a child's educational performance.
- (10) *Specific learning disability* is defined as follows:
  - (i) *General.* The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
  - (ii) *Disorders not included.* The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental cultural or economic disadvantage.

- (11) *Speech or language impairment* means a communication disorder, such as stuttering, impaired articulations, a language impairment, or a voice impairment, that adversely affects a child's educational performance.
- (12) *Traumatic brain injury* means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.
- (13) *Visual impairments including blindness* means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

*Updated and expanded by Justin M. Bathon, intern, ECS Information Clearinghouse; originally compiled by Jennifer Dounay, policy analyst, ECS Information Clearinghouse.*

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***Helping State Leaders Shape Education Policy***



## Teaching Quality/ Professional Standards Boards

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### Professional Standards Boards – State Policies

Compiled by Molly Burke

December 2004

Forty-six states have some type of professional standards board. Fifteen states have *autonomous* boards; six states have *semi-autonomous* boards; and 25 states have *advisory* boards. Four states and the District of Columbia do not have professional standards board.

**Function:** Typically, professional standards boards have several purposes:

- ✓ Establish standards and requirements for obtaining and maintaining teaching licenses/certificates
- ✓ Issue, renew, suspend and revoke licenses
- ✓ Hear appeals regarding actions taken with licensees
- ✓ Set standards for examinations to ensure eligibility for licenses to enter teaching
- ✓ Create actions that impact teacher education and professional development
- ✓ Create plans/actions for attracting qualified candidates to the profession.

**Degree of Power:** Autonomous boards actually make decisions rather than just “recommending” that decisions be made by another entity such as the state board of education. For example, the professional standards board may decide criteria for certification, issue licenses and may be funded in part through certification fees. Semi-autonomous boards make decisions also, but may be overridden by another entity. Advisory boards make recommendations.

**Makeup of Boards:** Composition typically might include teachers from various levels (elementary, middle, secondary), higher education representatives, superintendents, principals, state board members, higher education board members and community/business members. Some boards are made up of a teacher majority; others are not.

The autonomous boards in Alaska, Kentucky, Minnesota, Oregon and West Virginia require a teacher majority.

**Research/Recommendations:** In its 1999 annual report, the Kentucky Office of Education Accountability recommended the following improvements to its Education Professional Standards Board, all of which could be helpful to other states developing or amending professional standards boards:

- ✓ The board should become an independent body. If a board is to be the leader in teacher education, it should stand alone and the board should include representation from all segments of the state impacted by its decisions.
- ✓ The board should become the data-collection agency for all information related to teacher education and certification. It should have the technical capability to collect, store and share data with related agencies.
- ✓ A review of the performance of each institution that prepares teachers should be undertaken as to the success its candidates have on the exit or certification assessments (i.e., Praxis).
- ✓ A detailed study of the certificate areas in which a teacher shortage exists should be conducted to determine how severe the shortage is within the state. The study should include currently certified persons, those in preparation programs and the needs of the individual school districts.
- ✓ If a P-16 (or K-16) council exists, it should be represented on the board.

## STATE ACTIVITY

### AUTONOMOUS PROFESSIONAL STANDARDS BOARDS (15 states)

State/Statute	Title	Members/Duties
<p><b>Alaska</b></p> <p><a href="#">ALASKA STAT. § 14.20.380</a></p>	<p><a href="#">Professional Teaching Practices Commission</a></p>	<p>The governor appoints the nine members, with a teacher majority.</p> <p>The commission is responsible for developing criteria of professional practices in areas, including ethical and professional performance, preparation for and continuance in professional services and contractual obligations.</p>
<p><b>California</b></p> <p><a href="#">CAL. EDUC. CODE § 44210-44239</a></p>	<p><a href="#">Commission on Teacher Credentialing</a></p>	<p>The commission is made up of 15 members; the governor appoints 14, with the advice and consent of the Senate. Six members must be practicing teachers.</p> <p>The commission establishes professional standards, assessments and examinations for entry and advancement in the education profession.</p>
<p><b>Delaware</b></p> <p><a href="#">DEL. CODE ANN. tit. 14 § 1205</a></p>	<p><a href="#">Professional Standards Board</a></p>	<p>The governor appoints the 16 voting members, with the consent of a majority of the Senate. Eight of the members must be public school teachers.</p> <p>The board develops rules and regulations relating to educators' professional development, licensure requirements, certification requirements and paraprofessional qualifications and training. The department implements the rules and regulations promulgated and adopted pursuant to this chapter relating to licensure and certification of educators and certification of evaluators, and as otherwise directed by rules and regulations developed under this chapter.</p>

**AUTONOMOUS PROFESSIONAL STANDARDS BOARDS (15 states)**

<b>State/Statute</b>	<b>Title</b>	<b>Members/Duties</b>
<b>Georgia</b> <a href="#">GA. CODE ANN. § 20-2-200</a>	<a href="#">Professional Standards Commission</a>	<p>The board is made up of 18 members, including eight public school teachers and one private school teacher.</p> <p>Provides for certifying and classifying all certificated professional personnel employed in the public schools of Georgia.</p>
<b>Hawaii</b> <a href="#">HAW. REV. STAT. § 302A-801</a>	<a href="#">Teacher Standards Board</a>	<p>The board consists of 13 members, with not less than six teachers. The governor appoints all members except for the chairperson of the board of education, the superintendent and the dean of the college of education.</p> <p>The board establishes licensing standards that govern teacher licensing in Hawaii.</p>
<b>Indiana</b> <a href="#">IND. CODE § 20-1-1.4</a>	<a href="#">Professional Standards Board</a>	<p>The board consists of 19 voting members. The governor appoints 18 of the members and the state superintendent serves as an ex officio voting member of the board. The state superintendent may make recommendations to the governor as to the appointment of members on the board. Nine members must be licensed and actively employed as Indiana public school teachers.</p> <p>The professional standards board is established to govern teacher training and licensing programs. Notwithstanding any other law, the board and the board's staff have the sole authority and responsibility for making recommendations concerning and otherwise governing teacher training and teacher licensing matters.</p>

**AUTONOMOUS PROFESSIONAL STANDARDS BOARDS (15 states)**

<b>State/Statute</b>	<b>Title</b>	<b>Members/Duties</b>
<b>Iowa</b> <a href="#">IOWA CODE § 272.2</a>	<a href="#">Board of Educational Examiners</a>	<p>The board of educational examiners consists of 11 members. Nine of these members must be education practitioners and of these nine, the majority must be non-administrative practitioners.</p> <p>Among other things, this board has the authority to: (1) license practitioners who do not hold or receive a license from another professional licensing board; (2) establish, collect and refund fees for a license; and (3) enforce rules adopted by the board through revocation or suspension of a license, or by other disciplinary action against a practitioner or professional development program licensed by the board of educational examiners.</p>
<b>Kentucky</b> <a href="#">KY REV. STAT. ANN. § 161.028</a>	<a href="#">Educational Professional Standards Board</a>	<p>The board is composed of 17 members, nine of whom must be teachers. The commissioner of education and the president of the Council on Postsecondary Education, or their designees, serve as ex officio voting members and the governor makes 15 appointments.</p> <p>Responsibilities include: establishing standards and requirements for obtaining and maintaining a teaching certificate; setting standards for, approving and evaluating college, university and school district programs for the preparation of teachers; providing assistance to universities and colleges in addressing diversity; and issuing, renewing, revoking and suspending certificates.</p>



**AUTONOMOUS PROFESSIONAL STANDARDS BOARDS (15 states)**

<b>State/Statute</b>	<b>Title</b>	<b>Members/Duties</b>
<b>Minnesota</b> <a href="#">MINN. STAT. § 122A.09</a>	<a href="#">Minnesota Board of Teaching</a>	<p>The board consists of 11 members, including six teachers who are currently teaching in a Minnesota school, at least four of whom must be teaching in a public school, appointed by the governor, with the advice and consent of the Senate.</p> <p>This board develops a code of ethics covering standards of professional teaching practices and adopts rules to license public school teachers and interns.</p>
<b>Nevada</b> <a href="#">NEV. REV. STAT. 391.019</a>	<a href="#">The Commission on Professional Standards in Education</a>	<p>The governor appoints the nine members. Four members of the commission must be teachers.</p> <p>The commission adopts regulations prescribing the qualifications for licensing teachers and other educational personnel, and identifying fields of specialization in teaching that require the specialized training of teachers.</p>
<b>North Dakota</b> <a href="#">N.D. CENT. CODE § 15.1-13-08</a>	<a href="#">Education Standards and Practices Board</a>	<p>The governor appoints 10 members, and the superintendent of public instruction or the superintendent's designee serves as a nonvoting ex officio member. Five of these members must be classroom teachers.</p> <p>Duties of the board include: supervising the licensure of teachers; setting standards for and approving teacher preparation programs; seeking the advice of teachers, administrators, school board members, teacher education professors and other interested citizens in developing and updating codes or standards of ethics, conduct, professional performance and professional practices; and adopting standards of ethics and conduct.</p>

**AUTONOMOUS PROFESSIONAL STANDARDS BOARDS (15 states)**

State/Statute	Title	Members/Duties
<p><b>Oklahoma</b></p> <p><a href="#">OKLA. STAT. tit. 70 § 6-184</a></p> <p><a href="#">OKLA. STAT. tit. 70 § 6-199</a></p>	<p><a href="#">Oklahoma Commission for Teacher Preparation</a></p>	<p>The commission is composed of 20 voting members and four ex officio, nonvoting members. The voting members must include at least five teachers.</p> <p>The commission has the authority to approve and accredit teacher education programs and to assess candidates for licensure and certification according to the provisions of the Oklahoma Teacher Preparation Act.</p>
<p><b>Oregon</b></p> <p><a href="#">OR. REV. STAT. § 342.350</a></p>	<p><a href="#">Teacher Standards and Practices Commission</a></p>	<p>The governor appoints the 17 members, nine of whom must be teachers.</p> <p>The commission establishes standards for “approved teacher education institutions,” issues and renews licenses to teachers and administrators; and has the authority to suspend or revoke the license of a teacher or administrator, discipline a teacher or administrator or suspend or revoke the right of any person to apply for a license.</p>
<p><b>West Virginia</b></p> <p><a href="#">W. VA. CODE § 18A-3B-1</a></p>	<p>Educators’ Professional Standards Board</p>	<p>The governor appoints the nine members of the board, which must include five teachers.</p> <p>The board is responsible for governing the education profession, including the establishment of standards for entering the education profession, and remaining a member of the education profession. The board establishes standards for institutions of higher education engaged in teacher preparation programs.</p>

**AUTONOMOUS PROFESSIONAL STANDARDS BOARDS (15 states)**

State/Statute	Title	Members/Duties
<b>Wyoming</b> <a href="#">WYO. STAT. ANN. § 21-2-802</a>	<a href="#">Professional Teaching Standards Board</a>	<p>The state superintendent appoints 13 members to the board. Five of these members must be classroom teachers.</p> <p>The board establishes rules and regulations for the certification of school administrators, teachers and other personnel to require either examination in specified subjects or the completion of courses in approved institutions, or both.</p>

## SEMI-AUTONOMOUS PROFESSIONAL STANDARDS BOARDS (6 states)

State	Title	Members/Duties
<b>Alabama</b> <a href="#">ALA. CODE § 16-23-16.1</a>	Professional Teacher Standards Commission	<p>The governor appoints 11 members to the commission.</p> <p>The Legislature authorizes the commission to select a nationally recognized pre-certification examination such as the National Teacher Examination (NTE) for initial certification of teacher candidates in Alabama.</p> <p>If the commission is prohibited from utilizing the NTE, its successor examination, or a component of either, for pre-certification, the commission is authorized to designate or develop a pre-certification examination.</p>
<b>Colorado</b> <a href="#">COLO. REV. STAT. § 22-60.5-217</a>	Educator Professional Standards Board	In conjunction with the department of education, this board develops a comprehensive examination for the assessment of professional competencies of applicants for provisional teacher licenses and provisional special services licenses.
<b>Florida</b> <a href="#">FLA. STAT. ch. 1012.79</a>	<a href="#">Education Practices Commission</a>	<p>The board of education appoints 17 members from nominations by the commissioner of education and subject to Senate confirmation.</p> <p>The commission is charged to recommend standards in the following areas: approval of preservice teacher education programs; certification and certification extension; improvement and maintenance of competencies of educational personnel, including teacher interns; measurement and evaluation of teaching competence; alternative ways to demonstrate qualifications for certification; critical state priorities for preservice and in-service teacher training; and evaluation of the progress of school community professional development systems.</p> <p>The commission also is responsible for developing standards of the Code of Ethics and professional practices.</p>
<b>Maryland</b> <a href="#">MD. CODE ANN., EDUC. § 6-702</a>	<a href="#">Professional Standards and Teachers Education Board</a>	<p>The governor appoints the 25 members, with the advice and consent of the Senate.</p> <p>This board shares, with the board of education, the authority to develop rules and regulations for the certification of teachers and other professional personnel, and requirements for the preparation of teachers and other education personnel.</p>

**SEMI-AUTONOMOUS PROFESSIONAL STANDARDS BOARDS (6 states)**

<b>State</b>	<b>Title</b>	<b>Members/Duties</b>
<b>South Dakota</b> <a href="#">S.D. Codified Laws § 13-43-25</a>	Professional Teacher Practices and Standards Commission	<p>The commission consists of seven members.</p> <p>The commission adopts a code of professional ethics for the teaching profession in this state and makes recommendation to the South Dakota Board of Education or to school boards that will promote an improvement in the teaching profession.</p>
<b>Texas</b> <a href="#">TEX. EDUC. CODE ANN. § 21.033</a>	<a href="#">State Board for Educator Certification</a>	<p>The board is composed of 14 members. The commissioner of education appoints an employee of the agency to represent the commissioner as a nonvoting member. The commissioner of higher education appoints an employee of the Texas Higher Education Coordinating Board to represent the commissioner as a nonvoting member. The governor appoints a college of education dean in this state as a nonvoting member. The remaining 11 members are appointed by the governor, with the advice and consent of the Senate.</p> <p>The board must submit a written copy of each rule it proposes to the state board of education for review, which may reject a proposed rule by a vote of at least two-thirds of the members of the board present and voting.</p>

**ADVISORY BOARDS (25 states)**

<b>State</b>	<b>Title</b>	<b>Members/Duties</b>
<b>Arkansas</b> <a href="#">ARK. CODE ANN. § 6-17-420</a>	Professional Education, Development, Licensure, and Assessment Board	The board is made up of 15 members.  Duties include: establishing standards for initial licensure of teachers in all subject fields and levels, subject to the approval of the state board of education; establishing rules and regulations concerning program accreditation, including traditional and nontraditional routes to licensure, subject to the approval of the state board of education; and reviewing, evaluating and recommending requirements of licensure renewal, including professional development.
<b>Connecticut</b> <a href="#">CONN. GEN. STAT. § 10-144D</a>	Advisory Council for Teacher Professional Standards	Of the 17 members, the governor appoints one member, the state board of education appoints two members, president pro tempore of the Senate appoints one member, the House of Representatives appoints one member, the majority leader of the Senate appoints one member, the majority leader of the House of Representatives appoints one member, the minority leader of the Senate appoints two members, the minority leader of the House of Representatives appoints two members, the Connecticut Education Association appoints four members and the Connecticut Federation of Educational and Professional Employees appoints two members.  The council advises the state board of education, the governor and the joint standing committee of the General Assembly having cognizance of matters relating to education concerning teacher preparation, teacher recruitment, teacher certification, teacher professional development, teacher assessment and evaluation, and teacher professional discipline.
<b>Idaho</b> <a href="#">IDAHO CODE § 33-1252</a>	<a href="#">Professional Standards Commission</a>	The commission has 18 members.  The commission may make recommendations to the state board of education in such areas as teacher education, teacher certification and teaching standards.

## ADVISORY BOARDS (25 states)

State	Title	Members/Duties
<b>Illinois</b> <a href="#">105 ILL. COMP. STAT. § 5/21-0.01</a>	<a href="#">State Teacher Certification Board</a> (STCB)	<p>The 19-member board includes five faculty or administrative members of public or private colleges or universities; 10 classroom teachers, including three from Chicago Public Schools; three school administrators, with at least one representing the Chicago Public Schools; and one regional superintendent of education.</p> <p>The board advises the state superintendent of education about certification issues such as certificate suspension and revocation; certification criteria; and high-quality teacher preparation programs and systems. The STCB has worked to maintain teaching excellence and to meet emergency needs as the supply and demand for teachers has fluctuated.</p>
<b>Kansas</b> <a href="#">KAN. STAT. ANN. § 72-8502</a>	Teaching and School Administration Professional Standards Advisory Board	<p>The state board of education appoints the 21 members.</p> <p>The board recommends to the state board of education rules and regulations for professional standards governing teacher and school administrator pre-training selection, teacher and school administrator preparation, and admission to and continuance in the professions of teaching and school administration. The board also develops and recommends a code of professional responsibility and competency for teachers and school administrators.</p>
<b>Louisiana</b> <a href="#">LA. REV. STAT. ANN. § 17:33</a>	State Advisory Commission on Teacher Education	<p>The commission consists of 11 members – 10 are employees of school systems and one is a member of the faculty of a college of education. The director of the bureau of higher education and teacher certification in the state Department of Education serves as an ex officio nonvoting member, and acts as liaison between the commission and the state Department of Education.</p> <p>The commission serves as one of the advisors to the State Board of Elementary Education.</p>
<b>Massachusetts</b> <a href="#">MASS. GEN. LAWS ch. 15 § IG</a>	<a href="#">Educational Personnel Advisory Council</a>	<p>The 10 members of the council must have demonstrated scholarship, creativity or distinguished service in education, and be broadly representative of all areas of public education.</p> <p>The council makes programmatic recommendations, as it deems necessary, to fulfill the goals established by the board of education.</p>

**ADVISORY BOARDS (25 states)**

<b>State</b>	<b>Title</b>	<b>Members/Duties</b>
<b>Mississippi</b> <a href="#">MISS. CODE ANN. § 37-3-2</a>	Commission on Teacher and Administrator Education, Certification and Licensure and Development	<p>The board of education appoints the 15 members.</p> <p>This commission makes recommendations to the board of education regarding standards for the certification and licensure and continuing professional development of those who teach or perform tasks of an educational nature in the public schools of Mississippi.</p>
<b>Missouri</b> <a href="#">MO. REV. STAT. § 168.015. 1</a>	Advisory Council of Certification for Educators	<p>The board of education appoints the 25 members on the recommendation of the commissioner of education.</p> <p>Duties and responsibilities include: (1) making recommendations for the criteria and procedures for evaluating the quality and effectiveness of teacher and school administrator education programs within the state; (2) making recommendations for the requirements for the certification of public school teachers and administrators; (3) making recommendations for the standards for renewal of certificates for public school teachers and administrators using academic coursework as well as other types of professional development; and (4) making recommendations concerning rules and regulations with respect to suspension and revocation of certificates of license to teach.</p>
<b>Montana</b> <a href="#">MONT. CODE ANN. § 20-4-133</a>	<a href="#">Certification Standards and Advisory Council</a>	<p>The seven members are appointed by majority vote of the board of public education.</p> <p>The council makes recommendations to the board of public education in the following areas: teacher certification standards; administrator certification standards; specialist certification standards; feasibility of establishing standards of professional practices and ethical conduct; the status and efficacy of approved teacher education programs in Montana; and policies related to the denial, suspension and revocation of teacher, administrator and specialist certification, and the appeals process.</p>
<b>Nebraska</b> <a href="#">NEB. REV. STAT. § 79-866</a>	<a href="#">Professional Practices Commission</a>	<p>The governor appoints 12 members, nominated by the teaching profession and existing teachers professional organizations.</p> <p>The commission advises the board of education in establishing rules and regulations establishing standards of professional practices for teachers and administrators.</p>



**ADVISORY BOARDS (25 states)**

<b>State</b>	<b>Title</b>	<b>Members/Duties</b>
<b>New Hampshire</b> <a href="#">RSA 186:60</a>	<a href="#">Professional Standards Board</a>	The board is made up of 21 members. Twenty are appointed by the board of education.  The board advises the board of education regarding professional growth, certification and governance of the education profession in New Hampshire.
<b>New Jersey</b> <a href="#">N.J. ADMIN. CODE tit. 6A, § 9-15.3</a>	<a href="#">Professional Teaching Standards Board (PTSB)</a>	The PTSB is made up of 19 members, including 10 teachers; two college representatives, at least one of which represents a teacher education program; three district administrators; two members of local boards of education; and two members of the general public.  The PTSB advises the commissioner on the implementation of required professional development for teachers.
<b>New Mexico</b> <a href="#">N.M. ADMIN. CODE tit. 6, § 2.3</a>	<a href="#">Professional Standards Commission</a>	The commission is made up of 19 voting members.  The purpose of this commission is to upgrade the education of children by advising the state board on matters relating to the approval of professional preparatory programs, licensure of school personnel, ethics of certified school personnel and others.
<b>New York</b>  Section 3.14 of the Rules of the Board of Regents  Part 83, of the Regulations of the Commissioner of Education  Section 316 of Education Law	<a href="#">State Professional Standards and Practices Board</a>	This 28-member board serves in a consultative and advisory capacity to the Board of Regents.

**ADVISORY BOARDS (25 states)**

<b>State</b>	<b>Title</b>	<b>Members/Duties</b>
<b>North Carolina</b> <a href="#">N.C. GEN. STAT. § 115C-295.2</a>	<a href="#">Professional Teaching Standards Commission</a>	<p>The commission is made up of 16 members – the governor appoints eight members, Senate President Pro Tempore appoints four members and the Speaker of the House appoints four members.</p> <p>Duties include: (1) developing and recommending to the state board of education professional standards or revisions to professional standards for teachers; (2) considering methods to assess teachers and teaching candidates; and (3) evaluating, developing and recommending to the state board a procedure for the assessment and recommendation of candidates for initial and continuing teacher certification.</p>
<b>Pennsylvania</b> <a href="#">22 PA. CODE § 233.103</a>	<a href="#">Professional Standards and Practices Commission</a>	<p>The governor appoints the 13 voting members.</p> <p>The commission makes recommendations to the state board regarding changes in teacher education standards based on analyses of the department program approval process.</p>
<b>Rhode Island</b> <a href="#">R.I. GEN. LAWS § 16-11.4-2</a>	Certification Standards Board	<p>The board is made up of nine members.</p> <p>The board advises the commissioners of elementary and secondary education and the board of regents for elementary and secondary education on the development of all policies, rules and regulations relating to the certification of teachers and administrators.</p>
<b>South Carolina</b> <a href="#">S.C. CODE ANN. § 59-26-50</a>	Educator Improvement Task Force	<p>Of the 12 members, the governor appoints six and the state superintendent appoints six, with advice and consent of the state board.</p> <p>The task force provides advice to the board and commission on higher education concerning actions that may be needed to upgrade teacher-training programs.</p>
<b>Tennessee</b> <a href="#">TENN. CODE ANN. § 49-5-110</a>	The Advisory Council on Teacher Education and Certification	<p>The council studies the problems involved with teacher education and certification, and provides advice and assistance to the state board of education in connection with the administration concerning this part.</p>
<b>Utah</b> <a href="#">UTAH CODE ANN. § 53A-6-301</a>	<a href="#">Professional Practices Advisory Commission</a>	<p>The commission consists of a nonvoting executive secretary and 11 voting members.</p> <p>This commission advises the board of education in matters relating to the professional practices of educators.</p>

**ADVISORY BOARDS (25 states)**

<b>State</b>	<b>Title</b>	<b>Members/Duties</b>
<b>Vermont</b> <a href="#">State Board of Education Rule 5600</a>	<a href="#">The Standards Board for Professional Educators (VSBPE)</a>	The board of education appoints the 23 members.  The board of education acts on standards definitions or other recommendations within 60 days of presentation to the board by the VSBPE.
<b>Virginia</b> <a href="#">VA. CODE ANN. § 22.1-305.2</a>	Advisory Board on Teacher Education and Licensure	The board of education appoints the 19 members of this board.  This board advises the board of education and submits recommendations on policies applicable to the qualifications, examination, licensure and regulation of school personnel, including revocation, suspension, denial, cancellation, reinstatement and renewals of licensure, fees for processing applications, standards for the approval of preparation programs, reciprocal approval of preparation programs and other related matters.
<b>Washington</b> <a href="#">WASH. REV. CODE § 28A.410.210</a>	<a href="#">Professional Educator Standards Board</a>	The governor appoints 20 members to four-year terms and the superintendent of public instruction is an ex officio, nonvoting member.  The board serves as an advisor to the superintendent of public instruction and as the sole advisory body to the state board of education on issues related to educator recruitment, hiring, preparation, certification, including high-quality alternative routes to certification, mentoring and support, professional growth, retention, governance, prospective teacher pedagogy assessment, prospective principal assessment, educator evaluation, including but not limited to peer evaluation, and revocation and suspension of licensure.
<b>Wisconsin</b> <a href="#">WIS. STAT. § 15.377(8)</a>	<a href="#">Professional Standards Council for Teachers</a>	The 19 members of the council are nominated by the state superintendent of public instruction, with the advice and consent of the Senate.  Duties include: (1) advising the state superintendent on standards for the licensure of teachers; (2) proposing to the state superintendent standards for evaluating and approving teacher education programs; and (3) proposing to the state superintendent standards and procedures for revoking a teaching license.

<b>NONE (4 states + DC)</b>
<b>Arizona</b>
<b>District of Columbia</b>
<b>Maine</b>
<b>Michigan</b>
<b>Ohio</b>

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***Helping State Leaders Shape Education Policy***



## State and Federal Teacher Data Collection

Compiled by Susie Bachler

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This *ECS StateNote* outlines existing federal and state data-collection policies with regard to teacher quality.

### Federal Policies

Two federal education policies have played a crucial role in statewide data collection relative to teacher quality:

- Section 207 of Title II of the Higher Education Act
- The No Child Left Behind Act of 2001.

**Section 207 of Title II of the Higher Education Act** requires states to provide, among other things, data relative to:

- Pass rates on each assessment used by states in certifying or licensing teachers
- The number of teachers employed on waivers.

For more information, see [www.title2.org](http://www.title2.org).

**No Child Left Behind Act (NCLB) of 2001** requires states to provide data on the percentage of classes taught by highly qualified teachers, both statewide and in high poverty schools.

For more information, see <http://www.ecs.org/ecsmain.asp?page=/html/issue.asp?issueid=195>.

### State Policies

Several states have taken data collection to a new level by requiring information above and beyond data requirements established by Title II, NCLB, and national or state program accreditation requirements, including tracking:

- Teacher impact on student achievement data
- Beginning teacher classroom performance
- Career path data
- Employer satisfaction data
- Program graduate satisfaction data.

*Note:* For the purpose of this *StateNote*, state policies relative to program admission, program completer or currently employed educator demographic data are not included, although numerous states have implemented such policies.

## Tracking Teacher Impact on Student Achievement

Tracking teacher impact on student achievement is an essential component in determining teacher quality. Statewide collection of such data allows analysis and comparisons across state, regional and institutional boundaries.

State	Notes and Citations
Hawaii	<p>Institutions of higher education offering teacher preparation programs are moving toward documenting evidence on the performance (i.e., knowledge, skills and dispositions) of their graduates and their impact on student learning.</p> <p><i>Hawaii Title II Report (2001), Additional Information</i>  <a href="http://www.title2.org/statereports/additional/hawaii8.htm">http://www.title2.org/statereports/additional/hawaii8.htm</a></p>
Tennessee	<p>Tennessee's <i>Master Plan for Tennessee Schools: Preparing for the 21st Century</i>, requires institutions of higher education to collect data relative to the effects their graduates are having on student learning.</p> <p><i>Tennessee State Board of Education, Master Plan for Tennessee Schools: Preparing for the 21st Century (2001)</i>  <a href="http://www.state.tn.us/sbe/maqsterplan01.pdf">http://www.state.tn.us/sbe/maqsterplan01.pdf</a></p>

## Tracking Beginning Teacher Classroom Performance

Institutions that track the classroom performance of their graduates are better able to determine the effectiveness of their respective programs, as well as fostering increased K-12 and postsecondary collaboration.

State	Notes and Citations
Colorado	<p>The Colorado Commission on Higher Education and the Colorado Department of Education are in the process of establishing a system of data sharing that will include follow up on the placement and classroom performance of teachers prepared in state-approved teacher preparation programs.</p> <p><i>Colorado Commission on Higher Education, Colorado Teacher Education Policy, 7.00 Data Reporting and Accountability</i>  <a href="http://www.state.co.us/cche/policy/newpolicies/i-partp.pdf">http://www.state.co.us/cche/policy/newpolicies/i-partp.pdf</a></p>
Iowa	<p>State policy requires all institutions of higher education offering teacher preparation programs to define and implement procedures necessary to evaluate their graduates once they have begun teaching.</p> <p>In addition, institutions must provide evidence that the results of such evaluations are used to modify and improve their program(s).</p> <p><i>IAC 281-77.15(256)</i>  <a href="http://www.legis.state.ia.us/Rules/2001/iac/281iac/28177/28177.pdf">http://www.legis.state.ia.us/Rules/2001/iac/281iac/28177/28177.pdf</a></p>

State	Notes and Citations
<b>Indiana</b>	<p>State policy requires all institutions of higher education offering teacher preparation programs to create and implement a process for the collection and analysis of data relative to the performance of their graduates.</p> <p><i>IC 20-6.1-3-8</i>  <a href="http://www.in.gov/legislative/ic/code/title20/ar6.1/ch3.html">http://www.in.gov/legislative/ic/code/title20/ar6.1/ch3.html</a></p> <p><i>515 IAC 3-1-3</i>  <a href="http://www.in.gov/legislative/iac/title515.html">http://www.in.gov/legislative/iac/title515.html</a></p>
<b>Wisconsin</b>	<p>Institutions of higher education that offer teacher preparation programs are required to develop a plan to follow up on the performance of their graduates, which will be used to assess program effectiveness.</p> <p>Graduate follow-up studies incorporate information from all the following:</p> <ul style="list-style-type: none"> <li>• Graduates</li> <li>• Employers</li> <li>• Teachers in the field</li> <li>• Other.</li> </ul> <p>Institutions also must develop plans to provide their graduates with assistance and show how such plans contribute to initial educator success.</p> <p><i>PI 34.15</i>  <a href="http://www.dpi.state.wi.us/dpi/dsis/tel/pi34.html#conceptualframework3415">http://www.dpi.state.wi.us/dpi/dsis/tel/pi34.html#conceptualframework3415</a></p>
<b>Puerto Rico</b>	<p>Institutions of higher education that offer teacher preparation programs must ensure that the needs of their beginning professionals and their employers are being met through continuous feedback.</p> <p><i>Puerto Rico Department of Education, Standards and Procedures for Assessing Performance of Teacher Preparation Programs in Puerto Rico</i>  <a href="http://www.ces.gobierno.pr/pdf/Criteria%20and%20Procedures%20for%20Assesing%20Performance.pdf">http://www.ces.gobierno.pr/pdf/Criteria%20and%20Procedures%20for%20Assesing%20Performance.pdf</a></p>

## Tracking Teachers'/Teacher Candidates' Career Paths

Tracking the numbers of in-state, certified teachers – whether they are teaching or not teaching – provides states with data useful in targeting and encouraging individuals to return to the profession.

Tracking active and inactive certified teachers, both in state and out of state, provides states with a clearer picture of teacher mobility trends.

Tracking the number of teacher preparation program graduates who are qualified to teach but do not seek certification or licensure is necessary for accurate supply and demand forecasts.

State	Notes and Citations
<b>Colorado</b>	<p>The Colorado Commission on Higher Education and the Colorado Department of Education are in the process of establishing a system of data sharing that will track the employment of students in state-approved teacher preparation programs.</p> <p><i>Colorado Commission on Higher Education, Colorado Teacher Education Policy, 7.00 Data</i></p>

State	Notes and Citations
	<p><i>Reporting and Accountability</i>  <a href="http://www.state.co.us/cche/policy/newpolicies/i-partp.pdf">http://www.state.co.us/cche/policy/newpolicies/i-partp.pdf</a></p>
<b>Delaware</b>	<p>In 1996, the Department of Education created a database, the <i>Delaware Educational Candidates System</i> to assist school districts in identifying candidates certified to teach, including individuals who hold a current Delaware Standard Certificate and are not employed.</p> <p><i>Delaware Educational Candidates System</i>  <a href="http://www.doe.state.de.us/reports/delecs.htm">http://www.doe.state.de.us/reports/delecs.htm</a></p>
<b>Florida</b>	<p>All institutions of higher education, both public and private, offering teacher preparation programs must compile annual reports that include the following information:</p> <ul style="list-style-type: none"> <li>• Percent of graduates obtaining full-time teaching employment within the first year of graduation</li> <li>• Average length of stay of graduates in their full-time teaching positions.</li> </ul> <p><i>F.S.A. § 1004.04</i>  <a href="http://www.leg.state.fl.us/Statutes/index.cfm?mode=View%20Statutes&amp;SubMenu=1&amp;App_mode=Display_Statute&amp;Search_String=&amp;URL=CH1004/Sec04.HTM">http://www.leg.state.fl.us/Statutes/index.cfm?mode=View%20Statutes&amp;SubMenu=1&amp;App_mode=Display_Statute&amp;Search_String=&amp;URL=CH1004/Sec04.HTM</a></p>
<b>Idaho</b>	<p>The Idaho State Board of Education keeps a register of the:</p> <ul style="list-style-type: none"> <li>• Number of individuals qualified to teach in Idaho</li> <li>• Number of individuals qualified to teach in Idaho, but who have not received a certificate.</li> </ul> <p><i>Idaho Code § 33-115</i>  <a href="http://www3.state.id.us/cgi-bin/newidst?sctid=330010015.K">http://www3.state.id.us/cgi-bin/newidst?sctid=330010015.K</a></p> <p><i>Idaho Code § 33-1207A</i>  <a href="http://www3.state.id.us/cgi-bin/newidst?sctid=330120007A.K">http://www3.state.id.us/cgi-bin/newidst?sctid=330120007A.K</a></p>
<b>Massachusetts</b>	<p>Institutions of higher education offering teacher preparation programs must submit annual reports to the state department of education that include, in addition to other teacher candidate demographic data, the number of graduates who sought and obtained teaching positions in the state within the first year following program completion.</p> <p><i>603 CMR 7.03</i>  <a href="http://www.doe.mass.edu/lawsregs/603cmr77.03.html">http://www.doe.mass.edu/lawsregs/603cmr77.03.html</a></p>
<b>Mississippi</b>	<p>Institutions of higher education that offer approved teacher preparation programs are required to submit annual performance reports, which must include follow-up profiles of their program graduates.</p> <p><i>Code Miss. R. 36-000-073</i>  <i>Not available online</i></p>
<b>Nebraska</b>	<p>Teacher preparation program approval standards require institutions of higher education to maintain relationships with program graduates through graduate follow-up studies and continuing assistance to beginning professionals.</p> <p><i>92 NAC Ch. 20 § 006.05A</i>  <a href="http://www.nde.state.ne.us/LEGAL/clean20A.pdf">http://www.nde.state.ne.us/LEGAL/clean20A.pdf</a></p>
<b>North Carolina</b>	<p>Institutions of higher education that offer teacher and/or administrator preparation programs must provide annual performance reports which include:</p> <ul style="list-style-type: none"> <li>• Percentage of graduates hired as teachers</li> </ul>



State	Notes and Citations
	<ul style="list-style-type: none"> <li>• Percentage of graduates remaining in the profession for at least four years.</li> </ul> <p><i>N.C. Gen. Stat. § 115C-296</i>  <a href="http://www.ncga.state.nc.us/Statutes/GeneralStatutes/HTML/BySection/Chapter_115C/GS_115C-296.html">http://www.ncga.state.nc.us/Statutes/GeneralStatutes/HTML/BySection/Chapter_115C/GS_115C-296.html</a></p> <p><i>North Carolina Public Schools Institutions of Higher Education Report (2000-2001)</i>  <a href="http://www.ncpublicschools.org/IHE/IHE01/index_01.html">http://www.ncpublicschools.org/IHE/IHE01/index_01.html</a></p>
<b>Pennsylvania</b>	<p>Institutions of higher education that offer teacher preparation programs must submit annual reports to the state department of education. Reports must include the numbers of recent graduates employed in:</p> <ul style="list-style-type: none"> <li>• Instructional, education specialist, supervisory or administrative positions in the state</li> <li>• Instructional, education specialist, supervisory or administrative positions outside the state.</li> </ul> <p><i>24 P.S. § 21-2110</i>  <i>Not available online</i></p> <p><i>22 Pa. Code § 354.22</i>  <a href="http://www.pacode.com/secure/data/022/chapter354/chap354toc.html">http://www.pacode.com/secure/data/022/chapter354/chap354toc.html</a></p>
<b>Texas</b>	<p>Institutions of higher education that offer teacher preparation programs must file annual performance reports, which include the following performance indicators reported by annual cohort groups and disaggregated by both gender and ethnicity:</p> <ul style="list-style-type: none"> <li>• Number of individuals employed in the profession upon program completion</li> <li>• Number of individuals employed in a state public school within two years after receiving certification (may or may not be assigned in the area for which they are certified)</li> <li>• Number of individuals employed in the profession two years following initial employment (teaching or nonteaching role)</li> <li>• Number of individuals employed in the profession five years following initial employment (teaching or nonteaching role).</li> </ul> <p><i>T.A.C. Title 19</i>  <a href="http://info.sos.state.tx.us/pub/plsql/readtac\$ext.ViewTAC?tac_view=2&amp;ti=19">http://info.sos.state.tx.us/pub/plsql/readtac\$ext.ViewTAC?tac_view=2&amp;ti=19</a></p> <p><i>TEC § 21.045</i>  <a href="http://www.capitol.state.tx.us/statutes/ed/ed0002100.html - ed018.21.044">http://www.capitol.state.tx.us/statutes/ed/ed0002100.html - ed018.21.044</a></p>
<b>Vermont</b>	<p>State teacher preparation program approval standards require institutions to conduct follow-up studies of their graduates.</p> <p><i>CVR 22-000-010, Sec. 5900</i>  <a href="http://www.state.vt.us/educ/new/pdfdoc/board/rules/5100.pdf">http://www.state.vt.us/educ/new/pdfdoc/board/rules/5100.pdf</a></p> <p><i>State of Vermont Department of Education, Vermont's Results Oriented Program Approval Process Manual – Revised (ROPA-R)</i>  <a href="http://www.state.vt.us/educ/license/profdev/ropa_intro.html">http://www.state.vt.us/educ/license/profdev/ropa_intro.html</a></p>

## Employer Satisfaction Data

Five states and Puerto Rico require institutions of higher education to collect data relative to employer satisfaction of their graduates. Such data allows institutions to either show evidence that their graduates

have the knowledge, skills and dispositions required of successful teachers or to make changes necessary to meet employer needs.

State	Notes and Citations
<b>Florida</b>	<p>All institutions of higher education – both public and private – offering teacher preparation programs must compile annual reports that include the satisfaction ratings of the districts employing their graduates.</p> <p><i>F.S.A. § 1004.04</i>  <a href="http://www.leg.state.fl.us/Statutes/index.cfm?mode=View%20Statutes&amp;SubMenu=1&amp;App_mode=Display_Statute&amp;Search_String=&amp;URL=CH1004/Sec04.HTM">http://www.leg.state.fl.us/Statutes/index.cfm?mode=View%20Statutes&amp;SubMenu=1&amp;App_mode=Display_Statute&amp;Search_String=&amp;URL=CH1004/Sec04.HTM</a></p>
<b>Michigan</b>	<p>Institutions of higher education that offer teacher preparation programs must survey the employers of their graduates to determine their perceptions of program effectiveness.</p> <p>In addition, institutions must stipulate how survey data will be used to implement program improvement.</p> <p><i>Michigan Department of Education, Criteria for Program Review/Program Evaluation Unit Review</i>  <a href="http://www.michigan.gov/documents/prpecriteria_21910_7.doc">http://www.michigan.gov/documents/prpecriteria_21910_7.doc</a></p>
<b>Mississippi</b>	<p>Institutions of higher education that offer approved teacher preparation programs are required to submit annual performance reports, which include employer satisfaction ratings.</p> <p><i>Code Miss. R. 36-000-073</i>  <i>Not available online</i></p>
<b>North Carolina</b>	<p>Institutions of higher education that offer approved teacher and/or administrator preparation programs must prepare annual performance reports, which must include employer satisfaction data based on the results of a common survey.</p> <p><i>N.C. Gen. Stat. § 115C-296</i>  <a href="http://www.ncga.state.nc.us/Statutes/GeneralStatutes/HTML/BySection/Chapter_115C/GS_115C-296.html">http://www.ncga.state.nc.us/Statutes/GeneralStatutes/HTML/BySection/Chapter_115C/GS_115C-296.html</a></p> <p><i>North Carolina Public Schools Institutions of Higher Education Report (2000-2001)</i>  <a href="http://www.ncpublicschools.org/IHE/IHE01/index_01.html">http://www.ncpublicschools.org/IHE/IHE01/index_01.html</a></p>
<b>Vermont</b>	<p>State teacher preparation program approval standards require institutions to conduct follow-up studies of the employers of their graduates.</p> <p><i>CVR 22-000-010, Sec. 5900</i>  <a href="http://www.state.vt.us/educ/new/pdfdoc/board/rules/5100.pdf">http://www.state.vt.us/educ/new/pdfdoc/board/rules/5100.pdf</a></p> <p><i>State of Vermont Department of Education, Vermont's Results Oriented Program Approval Process Manual – Revised (ROPA-R)</i>  <a href="http://www.state.vt.us/educ/license/profdev/ropa_intro.html">http://www.state.vt.us/educ/license/profdev/ropa_intro.html</a></p>
<b>Puerto Rico</b>	<p>Institutions of higher education offering teacher preparation programs must ensure that the needs of their beginning professionals and their employers are being met through continuous feedback.</p> <p><i>Puerto Rico Department of Education, Standards and Procedures for Accessing Performance of Teacher Preparation Programs in Puerto Rico</i>  <a href="http://www.ces.gobierno.pr/pdf/Criteria%20and%20Procedures%20for%20Assesing%20Performance.pdf">http://www.ces.gobierno.pr/pdf/Criteria%20and%20Procedures%20for%20Assesing%20Performance.pdf</a></p>

## Program Graduate Satisfaction Data

Four states require institutions of higher education to survey program graduates. Program graduate satisfaction ratings provide institutions with valuable data relative to perceived perceptions of their program(s) effectiveness or ineffectiveness. Such data is crucial in determining necessary program modifications or changes.

State	Notes and Citations
<b>Arizona</b>	<p>Teacher preparation programs must use the findings of external evaluations, including follow-up studies of its graduates, in the determination of necessary program modifications or changes.</p> <p>A.A.C. § R7-2-604  <a href="http://www.sosaz.com/public_services/Title_07/7-02.htm#pgfld-1">http://www.sosaz.com/public_services/Title_07/7-02.htm#pgfld-1</a></p>
<b>Michigan</b>	<p>Institutions of higher education that offer teacher preparation programs must implement surveys to evaluate program graduates' impressions of program effectiveness.</p> <p>In addition, institutions must stipulate how survey data will be used to implement program improvement.</p> <p><i>Michigan Department of Education, Criteria for Program Review/Program Evaluation Unit Review</i>  <a href="http://www.michigan.gov/documents/prpecriteria_21910_7.doc">http://www.michigan.gov/documents/prpecriteria_21910_7.doc</a></p>
<b>Mississippi</b>	<p>Institutions of higher education that offer approved teacher preparation programs are required to submit annual performance reports, which must include program graduate satisfaction ratings.</p> <p><i>Code Miss. R. 36-000-073</i>  <i>Not available online</i></p>
<b>North Carolina</b>	<p>Institutions of higher education that offer approved teacher and/or administrator preparation programs must prepare annual performance reports, which must include graduate satisfaction data based on the results of a common survey.</p> <p><i>N.C. Gen. Stat. § 115C-296</i>  <a href="http://www.ncga.state.nc.us/Statutes/GeneralStatutes/HTML/BySection/Chapter_115C/GS_115C-296.html">http://www.ncga.state.nc.us/Statutes/GeneralStatutes/HTML/BySection/Chapter_115C/GS_115C-296.html</a></p> <p><i>North Carolina Public Schools Institutions of Higher Education Report (2000-2001)</i>  <a href="http://www.ncpublicschools.org/IHE/IHE01/index_01.html">http://www.ncpublicschools.org/IHE/IHE01/index_01.html</a></p>

Source: ECS State Teacher Preparation Policy Database, <http://www.tqsource.org/prep/policy/>.

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***Helping State Leaders Shape Education Policy***



### Statewide Teacher Salary Schedules

Compiled by Molly Burke

March 2004

Twenty-two 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	<a href="#">ALA. CODE §16-13-231</a>
Alaska	NO	
Arizona	NO	
Arkansas	YES	<a href="#">ARK. CODE ANN. § 6-17-1001</a>
California	NO	
Colorado	NO	
Connecticut	NO	
Delaware	YES	<a href="#">DEL. CODE ANN. TIT.14, § 1305</a>
Florida	NO	
Georgia	YES	<a href="#">GA. CODE ANN. § 20-2-212</a>
Hawaii	YES	<a href="#">HAW. REV. STAT. § 302A-624</a>
Idaho	YES	<a href="#">IDAHO CODE § 33-1004A</a>
Illinois	YES	<a href="#">105 ILL. COMP. STAT. 5/24-8</a>
Indiana	YES	<a href="#">IND. CODE ANN. § 20-6.1-5-1</a>
Iowa	NO	
Kansas	NO	
Kentucky	YES	<a href="#">KY. REV. STAT. ANN. § 157.390</a>
Louisiana	YES	<a href="#">LA. REV. STAT. ANN. § 17:421.3</a>
Maine	NO	
Maryland	YES	Md. CODE ANN., [education] § 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	<a href="#">N.C. GEN. STAT. § 115C-12</a>
North Dakota	NO	
Ohio	YES	<a href="#">OHIO REV. CODE ANN. § 3317.13</a>
Oklahoma	YES	<a href="#">OKLA. STAT. ANN. § 70-18-114.4</a>
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	<a href="#">TEX. [EDUC.] CODE ANN. § 21.402</a>
Utah	NO	
Vermont	YES	VT. STAT. ANN. tit. 16, § 1792
Virginia	NO	
Washington	YES	<a href="#">WASH. REV. CODE § 28A.400.200</a>
West Virginia	YES	<a href="#">W. VA CODE § 18A-4-2, § 18A-4-2A, § 18A-4-4</a>
Wisconsin	NO	
Wyoming	NO	

*Burke is a researcher in the ECS Information Management and Clearinghouse department.*

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***Helping State Leaders Shape Education Policy***



## Uniforms/Dress Codes

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### School Uniforms and Dress Codes: State Policies

Compiled by Molly Burke

September 2004

No states mandate the use of school uniforms. Twenty-one states and the District of Columbia give local districts the authority to require students to wear uniforms. Maryland authorizes one district in the state to require uniforms and Indiana, Iowa, Kansas and New Hampshire authorize local districts to establish dress codes, but do not mention uniforms in the state statute. Massachusetts' law prohibits dress codes.

#### Policies addressing school uniforms and/or dress codes.

State	Summary	Code citation
Arizona (uniforms)	District boards may "require students to wear uniforms."	<a href="#">ARIZ. REV. STAT. §15-342</a>
Arkansas (dress codes)	District board of directors may form a parent/student advisory committee to determine whether a districtwide student dress code should be enacted. After such a committee decides that a dress code policy should be adopted, the board may place the issue on the ballot of "any school election." However, "[n]othing in this section shall be construed as requiring the board of directors of a local school district to adopt a uniform dress code or to hold an election on the issue."	<a href="#">ARK. CODE ANN. § 6-18-102</a>
California (dress codes, uniforms)	School districts may establish "a reasonable dress code policy that requires pupils to wear a schoolwide uniform or prohibits pupils from wearing 'gang-related apparel. ' " This policy may be adopted by individual schools as part of their school safety plan. Parents must be informed six months before children shall be required to wear uniforms to school. Includes requirement of parental opt-out policy, as well as provision that no pupil shall undergo sanctions for not participating in the school uniform policy. Students who participate in a "nationally recognized youth organization" with its own uniforms must be allowed to wear their groups' uniforms on "days that the organization has a scheduled meeting."	<a href="#">CAL. EDUC. CODE §35183</a>
Colorado (dress codes, uniforms)	Boards may establish a dress code policy requiring students to wear school uniforms or may establish minimum standards of dress.	<a href="#">COLO. REV. STAT. §22-32-109</a>
Connecticut (uniforms)	"A local or regional board of education may specify a school uniform for students in schools under its jurisdiction."	<a href="#">CONN. GEN. STAT. §10-221f</a>
Delaware (dress codes, uniforms)	District school boards are authorized to create and enforce "a dress code program, which may include school uniforms, for students within the district." Board policy must ensure uniforms are offered at "an affordable price, and shall include provision to assist economically disadvantaged students in obtaining school uniforms."	<a href="#">DEL. CODE ANN. tit. 14, §4120</a>

State	Summary	Code citation
District of Columbia (dress codes, uniforms)	In the superintendent's long-term reform plan, s/he must describe how s/he will develop and implement "a uniform dress code for the District of Columbia public schools, that (i) shall include a prohibition of gang membership symbols; (ii) shall take into account the relative costs of any such code for each student; and (iii) may include a requirement that students wear uniforms."	D.C. CODE ANN. §31-2853.1
Florida (dress codes, uniforms)	School boards may require uniforms to be worn by the student body, or impose other dress-related requirements, if the boards find those requirements are necessary for the safety and welfare of the student body or school personnel.	<a href="#">FLA. STAT. ch. 1001.43</a>
Illinois (dress codes, uniforms)	School boards may establish uniform policies for all or some schools under their jurisdiction, when "necessary to maintain the orderly process of a school function or prevent endangerment of student health or safety." Grace period allowed for, during which students who have not purchased uniforms or dress-code compliant clothes will not be disciplined. Policy also must allow for procedure by which board will help or accommodate for "student from an indigent family in complying with an applicable school uniform or dress code policy." Parental opt-out on religious grounds allowed for.	<a href="#">ILL. COMP. STAT. §5/10-22.25b.</a>
Indiana (dress codes)	"(a) The governing body of a school corporation must ...(1) Establish written discipline rules, which may include appropriate dress codes, for the school corporation."	<a href="#">IND. CODE §20-8.1-5.1-7</a>
Iowa (dress codes)	District board of directors may establish dress code policy (either districtwide or for individual schools in the district) that bans wearing of "gang-related or other specific apparel if the board determines that the policy is necessary for the health, safety or positive educational environment for students and staff in the school environment or for the appropriate discipline and operation of the school."	<a href="#">IOWA CODE ANN. §279.58</a>
Kansas (dress codes)	This section of the law lays out the grounds for which a board may suspend or expel a student. <i>Case Annotations</i> note that school boards are "authorized to provide rules and regulations" in terms of a school dress code.	KAN. STAT. ANN. §72-8901
Louisiana (dress codes, uniforms)	Local school boards may establish a dress code, including a school uniform policy, "which allows each parent or guardian the option of using such uniforms. Each school may select a uniform for its students and display such uniform prior to the beginning of each school year. The city or parish school board may notify, in writing, the parent or guardian of each school student of the dress code specifications and its effective date. Nothing herein shall require the expenditure of school or school board funds."	<a href="#">LA. REV. STAT. ANN. §17:416.7</a>
Minnesota (uniforms)	"Subd.4b. School uniforms. [...] [A] school board may require students to furnish or purchase clothing that constitutes a school uniform if the board has adopted a uniform requirement or program for the student's school. In adopting a uniform requirement, the board shall promote student, staff, parent and community involvement in the program and account for the financial ability of students to purchase uniforms. [...] Subd. 4. A school board may waive any such deposit or fee if any pupil or the pupil's parent or guardian is unable to pay it."	<a href="#">MINN. STAT. ANN. §123B.36</a>
Missouri (dress codes, uniforms)	"A public school district in any city not within a county shall determine whether a dress code policy requiring students to wear a school uniform is appropriate at any school or schools within such district, and if it is so determined, shall adopt such a policy. The school district may determine the style and color of the school uniform."	<a href="#">MO. REV. STAT. §167.029</a>

State	Summary	Code citation
Nevada (dress codes, uniforms)	Board may, "in consultation with the schools within the district, parents and legal guardians of pupils who are enrolled in the district, and associations and organizations representing licensed educational personnel within the district, establish a policy that requires pupils to wear school uniforms. The policy must include a description of the uniforms, and state which pupils must wear the uniforms as well as the times during which the uniforms are to be worn. Boards adopting school uniform policies must assist parents or legal guardians who "request financial assistance to purchase the uniforms." The board may likewise adopt a school-hours dress code for "teachers and other personnel" under the board's employ.	<a href="#">NEV. REV. STAT. 392.458</a>
New Hampshire (dress codes)	Under rule allowing school boards to adopt measures for discipline of schools, annotation states that, "While a school board does have power to adopt reasonable restrictions on dress as part of its educational policy and as an educational device, the school board's power must be limited to that required by its function of administering public education."	N.H. REV. STAT. ANN. §189:15
New Jersey (dress codes, uniforms)	Upon the request of the principal, staff and parents of students at a school, the local board may enact a dress code, provided the board finds the policy will improve the "school-learning environment." Such policies are to include "a provision to assist economically disadvantaged students," to be adopted after a public hearing about the issue, and are not to be implemented with less than three months' notice to students' parents or guardians. The principal, staff and parents of pupils at the individual school will decide upon the specific uniform. The board may choose to add a parental opt-out clause; children of parents who choose to opt out shall not be sanctioned academically or otherwise. Students who belong to a "nationally recognized youth organization" must be allowed to wear that organization's uniform to school "on days that the organization has scheduled a meeting." Local boards also may create policies that forbid students from wearing gang-related clothing or accessories.	<a href="#">N.J. STAT. ANN. §§18A:11-7 and 11-8</a>
New York (dress codes)	Boards may set "provisions regarding conduct, dress and language deemed appropriate and acceptable on school property, including a school function, and conduct, dress and language deemed unacceptable and inappropriate on school property and provisions regarding acceptable civil and respectful treatment of teachers . . . "	N.Y. EDUC. LAW §2801
Ohio (dress codes, uniforms)	Boards of education may adopt school uniform or dress code policies under the following conditions: (A) That "ample opportunity for principal, staff and parents to offer suggestions and comments" has been provided; (B) That six months' notice be given parents before a specific uniform is required; (C) That a plan for helping low-income parents obtain uniforms is part of the policy (such plan "may include using school district funds or funds from other sources"); and (D) That on days when a nationally recognized youth organization (which authorizes its own uniforms) "has a scheduled function," students participating in the organization be exempt from wearing their school uniforms.	<a href="#">OHIO REV. CODE ANN. §3313.665</a>
Oklahoma (dress codes, uniforms)	Local boards have the option of adopting a dress code that includes school uniforms.	<a href="#">OKLA. STAT. ANN. tit. 70, §24-100.4</a>
Pennsylvania (dress codes, uniforms)	Board of directors in any school entity may impose limitations on dress and may require pupils to wear standard dress or uniforms. Dress policies may be applicable throughout the school entity or may be applicable to one or more school buildings within the school entity.	PA. STAT. ANN. tit. 24, §13-1317.3



State	Summary	Code citation
Tennessee (uniforms)	State board of education has duty and authority to create "guidelines and criteria for local adoption and enforcement of uniform clothing for public school students. These guidelines and criteria shall require that uniform clothing be simple, appropriate, readily available and inexpensive. The board is required to disseminate these guidelines and criteria to local education agencies. These guidelines and criteria can be used as a tool for local education agencies that may adopt uniform clothing policies. Adoption of uniform clothing policies shall be at the discretion of the local board of education."	<a href="#">TENN. CODE ANN. §49-1-302 (j)</a>
Texas (uniforms)	District board may adopt school uniform policy. Such policy must indicate where monies will come from for purchasing uniforms for educationally disadvantaged pupils. Policies must include parental opt-out provision "if the parent or guardian provides a written statement that, as determined by the board of trustees, states a bona fide religious or philosophical objection to the requirement." Students will begin to wear uniforms 90 days after the board "adopts the rules that require the uniforms." If the students attend a school with a uniform policy, they are required to provide themselves with uniforms, except for those who are educationally disadvantaged.	<a href="#">TEXAS EDUC. CODE ANN. §11.162</a>  <a href="#">§11.158</a>
Utah (uniforms)	Local boards and public schools may implement school uniform policies, after the "adopting authority" holds a public hearing before formally adopting the policy. If the parents/guardians of 20% of the students sign a petition voicing their objection to the policy, and this petition is presented to the adopting agency within 30 days of the dress code's adoption, an election must be held to consider revocation of the uniform policy. Outlines details of procedure of this election.	<a href="#">UTAH CODE ANN. §53A-15-602</a>
Virginia (uniforms)	"A. The Board of Education shall develop model guidelines for local school boards to utilize when establishing requirements for pupils to wear uniforms. In developing these guidelines, the board shall consider (i) ways to promote parental and community involvement, (ii) relevant state and federal constitutional concerns, such as freedom of religion and freedom of speech, and (iii) the ability of pupils to purchase such clothing. B. Upon approval by the board of the model guidelines, local school boards may establish requirements, consistent with the board's guidelines, for the students enrolled in any of their schools to wear uniforms while in attendance at such school during the regular school day. No state funds may be used for the purchase of school uniforms."	<a href="#">VA. CODE ANN. §22.1-79.2</a>

State	Summary	Code citation
Washington (dress codes, uniforms)	<p>District boards "may establish schools or programs which parents may choose for their children to attend in which: (a) Students are required to conform to dress and grooming codes, including requiring that students wear uniforms ..."</p> <p>"(2) School district boards of directors may establish schools or programs in which: (a) Students are required to conform to dress and grooming codes, including requiring that students wear uniforms ... School boards may require that students who are subject to suspension or expulsion attend these schools or programs as a condition of continued enrollment in the school district.</p> <p>(3) If students are required to wear uniforms in these programs or schools, school districts shall accommodate students so that the uniform requirement is not an unfair barrier to school attendance and participation.</p> <p>(4) Nothing in this section impairs or reduces in any manner whatsoever the authority of a board under other law to impose a dress and appearance code. However, if a board requires uniforms under such other authority, it shall accommodate students so that the uniform requirement is not an unfair barrier to school attendance and participation."</p> <p>District boards also may establish policies that forbid students from wearing gang-related apparel. If such a policy is adopted, the board also must inform parents and students of "what clothing and apparel is considered to be gang-related apparel. This notice must precede any disciplinary action resulting from a student wearing gang-related apparel." Students who participate in a nationally recognized youth organization must be allowed to wear that organization's uniform "on days that the organization has a scheduled activity," the district may not "prohibit students from wearing clothing in observance of their religion."</p>	<a href="#">WASH. REV. CODE ANN. § 28A.320.140</a>
West Virginia (dress codes, uniforms)	<p>The state board shall promulgate rules that allow a county board to implement a dress code requiring students to wear a school uniform. The uniforms may be required by the county board for either a school district, or for any certain school within the district.</p>	<a href="#">W. VA. CODE §18-2-35</a>

### State policy addressing uniforms in specific school districts.

State	Summary	Code citation
Maryland (uniforms)	<p>Authorizes school board in Prince George's County to "implement the use of school uniforms by all students in the public schools in the county."</p>	<p>Md. CODE ANN., EDUC. §3-1007</p>

### State policy prohibiting dress codes.

State	Summary	Code citation
Massachusetts (prohibits dress codes except for health, safety, cleanliness)	<p>"School officials shall not abridge the rights of students as to personal dress and appearance except if such officials determine that such personal dress and appearance violate reasonable standards of health, safety and cleanliness."</p> <p>The board may enact guidelines to implement the student rights' policies addressed in sections 82-84, after public school students have been notified and officials' consideration of students' views at a public hearing. "Said rules and regulations shall provide that, notwithstanding the existence of the rights and responsibilities described in the three preceding sections, school committees or school officials may take necessary action in cases of emergency. Students may petition for a hearing, to be held as soon as practicable after such emergency, as to whether such rules and regulations shall be revoked or modified."</p>	<p><a href="#">MASS. GEN. LAWS ANN. ch. 71 § 83</a></p> <p><a href="#">MASS. GEN. LAWS ANN. ch. 71 § 85</a></p>

### State policy regarding school uniform pilot programs.

State	Summary	Code citation
North Carolina (uniforms)	"The State Board of Education may authorize up to five local school administrative units to implement pilot programs in which students are required to wear uniforms in public schools ... Prior to selecting the pilot units, the State Board of Education shall develop guidelines for local boards of education to use when establishing requirements for students to wear uniforms in public schools. In developing these guidelines, the State Board shall consider (i) ways to promote parental and community involvement in the pilot programs, (ii) relevant state and federal constitutional concerns such as freedom of religion and freedom of speech and (iii) the ability of students to purchase the uniforms ... Local boards in the pilot units shall establish requirements, consistent with the state board's guidelines, for students enrolled in any of their schools to wear uniforms at school during the regular day." Adds that state monies will not pay for uniforms.	<a href="#">N.C. GEN. STAT. §115C-16</a>

### Examples of School District-level Policies on School Uniforms (not inclusive)

District, State	Voluntary	Mandatory	Notes
<a href="#">Long Beach Unified, CA</a>		Districtwide: 60 elementary schools, 15 middle schools, 1 high school	Parents can request an exemption from school uniforms.
<a href="#">Baltimore, MD</a>	Schools are encouraged to adopt a voluntary uniform policy.		Applies only to elementary schools.
<a href="#">Houston Independent School District, TX</a>		129 schools	
<a href="#">Philadelphia, PA</a>		Districtwide	All students in grades K-12.
<a href="#">Rio Rancho, NM</a>		Districtwide	
<a href="#">Las Cruces, NM</a>		13 schools	
<a href="#">Memphis, TN</a>		District-wide	
<a href="#">Birmingham, AL</a>		Districtwide	

<a href="#">San Antonio Independent School District, TX</a>		Districtwide	
<a href="#">Polk County, FL</a>		Elementary and middle schools	No opt-out provision in place. Policy in place since 1999.

*Burke is a researcher in the ECS Information Management and Clearinghouse department.*

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## ***Helping State Leaders Shape Education Policy***



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## Local School Boards

	Local School Boards
Alabama : K-12 Governance Structures	There are 128 local school boards. There are city school boards and county school boards. City school board members are appointed by the city council or commission, although the voters in certain municipalities may choose to elect their city school board members (The voters in 20 municipalities have chosen to elect their city school board members). County school board members are elected.
Alaska : K-12 Governance Structures	There are 34 local school boards. There are borough school boards and city school boards. Local school board members are elected.
Arizona : K-12 Governance Structures	There are 227 local school boards. There are common school district boards, joint common school district boards and union high school district boards. Local school board members are elected.
Arkansas : K-12 Governance Structures	There are 310 local school boards. Local school board members are elected.
California : K-12 Governance Structures	There are 985 local school boards (7 county boards of education are also counted as local school boards because they serve both the county and local levels). There are city school district school boards, elementary school district school boards (K-6 or K-8), high school district school boards (9-12), joint union school district school boards, unified school district school boards (K-12) and union school district school boards. Local school board members are elected. However, 3 of the 10 local school board members for the Oakland school district are appointed by the mayor, and 7 of the 10 members are elected.
Colorado : K-12 Governance Structures	There are 178 local school boards. Local school board members are elected.
Connecticut : K-12 Governance Structures	There are 169 local school boards and regional school boards. Local school board members and regional school board members are elected.
Delaware : K-12 Governance Structures	There are 15 comprehensive school boards and 1 grades 6-12 school board. Local school board members are elected.
Florida : K-12 Governance Structures	There are 67 county school boards. County school board members are elected.
Georgia : K-12 Governance Structures	There are 181 local school boards. There are city school boards and county school boards. Local school board members are elected.
Hawaii : K-12 Governance Structures	There are no local school boards.

Idaho : K-12 Governance Structures	There are 114 local school boards. There are elementary school district boards, independent school district boards, joint school district boards and school district boards. Local school board members are elected.
Illinois : K-12 Governance Structures	There are 892 local school boards. There are elementary school district school boards, high school district school boards, unit school district school boards and the Chicago school district school board. Local school board members are elected. However, local school board members for the Chicago school district are appointed by the mayor of Chicago.
Indiana : K-12 Governance Structures	There are 290 local school boards. There are city school boards, common school corporation school boards, county school boards and school corporation boards. Members of 274 local school boards are elected, and members of 16 local school boards are appointed, depending on the school district, by the mayor, the county commissioner, the city council or a combination of these individuals and entities.
Iowa : K-12 Governance Structures	There are 371 local school boards. There are community school boards and independent school boards. Local school board members are elected.
Kansas : K-12 Governance Structures	There are 302 local school boards. Members of 301 local school boards are elected, and members of 1 local school board, the Fort Leavenworth unified school district 207 school board, are appointed by the commanding general of Fort Leavenworth.
Kentucky : K-12 Governance Structures	There are 176 local school boards. There are county school boards and independent school boards. Local school board members are elected.
Louisiana : K-12 Governance Structures	There are 68 local school boards. There are parish (county) school boards and city school boards. Local school board members are elected.
Maine : K-12 Governance Structures	There are 286 local school boards. There are community school district school boards, municipal school district school boards, school administrative district school boards and union school district school boards. Local school board members are elected.
Maryland : K-12 Governance Structures	There are 24 local school boards. There are county school boards and the Baltimore city school board. County school board members are either appointed by the governor or elected. In fact, local school board members in 9 counties are appointed by the governor and local school board members in 13 counties are elected. School board members for the Baltimore city school district are jointly appointed by the governor and the mayor of Baltimore, and school board members for the Prince George's county school district are jointly appointed by the governor and the county executive of Prince George's County.
Massachusetts : K-12 Governance Structures	There are 315 local school committees. Local school committee members are elected. However, local school committee members for the Boston school district are appointed by the mayor of Boston.
Michigan : K-12 Governance Structures	There are 553 local school boards. Local school board members are elected. However, 6 of the 7 local school board members for the Detroit school district are appointed by the mayor of Detroit, and 1 of the 7 members is appointed by the governor.
Minnesota : K-12 Governance Structures	There are 343 local school boards. There are independent school boards and special school boards. Local school board members are elected.

Mississippi : K-12 Governance Structures	There are 152 local school boards. There are consolidated school district school boards, county school district school boards and municipal school district school boards. Some local school board members are elected, while other local school board members are appointed.
Missouri : K-12 Governance Structures	There are 524 local school boards. There are metropolitan school boards, seven-director school boards, special school boards and urban school boards. Local school board members are elected.
Montana : K-12 Governance Structures	There are 454 local school boards. There are county high school district school boards, elementary school district school boards, high school district school boards, joint school district school boards and K-12 school district school boards. Local school board members are elected.
Nebraska : K-12 Governance Structures	There are 500 local school boards. There are elementary school boards, K-12 school boards and secondary school boards. Local school board members are elected.
Nevada : K-12 Governance Structures	There are 17 local county school boards. County school board members are elected.
New Hampshire : K-12 Governance Structures	There are 176 local school boards. Local school board members are elected.
New Jersey : K-12 Governance Structures	There are 551 local school boards. There are consolidated school boards, type I school boards and type II school boards. Consolidated school board members are appointed by county superintendents. Type I school board members are appointed by the mayor or other chief executive officer of the municipality constituting the district. Type II school board members are either elected or appointed by the mayor or other chief executive officer of the municipality constituting the district. Local school board members for the Jersey City, Paterson and Newark school districts are appointed by the state board of education and the chief state school officer.
New Mexico : K-12 Governance Structures	There are 89 local school boards. Local school board members are elected.
New York : K-12 Governance Structures	There are 705 local school boards. There are central school district boards, central high school district boards, city school district boards, common school district boards, community school district boards and union free school district boards. Members of central school district boards, central high school district boards, common school district boards and union free school district boards are elected. School board members in city school districts with fewer than 125,000 people are elected. There are 5 city school districts with over 125,000 people (Buffalo, Rochester, Syracuse, New York City and Yonkers). In Rochester, Buffalo and Syracuse board members are elected. In New York City 5 of the 13 members are appointed by the 5 borough presidents and 8 of the 13 members, including the chancellor of public instruction who serves as chairperson, are appointed by the mayor. In Yonkers city school district board members are appointed by the mayor. There are also 32 community school district boards in the New York City school district. Members of community school district boards are elected.
North Carolina : K-12 Governance Structures	There are 117 local school boards. There are city school boards and county school boards. Members of 14 city school boards and 100 county school boards are elected, and members of 3 city school boards are appointed by city councils.

North Dakota : K-12 Governance Structures	There are 220 local school boards. There are graded elementary school district school boards, high school district school boards, K-12 school district school boards and rural school district school boards. Local school board members are elected.
Ohio : K-12 Governance Structures	There are 612 local school boards. There are city school district school boards, exempted village school district school boards, local school district school boards and a municipal school district school board in the Cleveland school district. City school district school board members, exempted village school district school board members and local school district school board members are elected. The members of the municipal school district school board in the Cleveland school district are appointed by the mayor of Cleveland.
Oklahoma : K-12 Governance Structures	There are 543 local school boards. There are elementary school boards and independent school boards. Local school board members are elected.
Oregon : K-12 Governance Structures	There are 199 local school boards. Local school board members are elected.
Pennsylvania : K-12 Governance Structures	There are 501 local school boards. There are first class school boards, second class school boards, third class school boards, fourth class school boards and joint school boards. Local school board members are elected, although several school districts are currently governed by appointed panels. In Philadelphia, a 5-member school reform commission consists of 3 appointees of the governor and 2 appointees of the mayor. Two other school districts, Harrisburg and Chester Upland, operate under the authority of state-appointed boards of control. In each of these instances, the locally elected school board continues to serve but with limited authority.
Rhode Island : K-12 Governance Structures	There are 33 local school boards. Local school board members are elected. However, local school board members for the Providence school district are appointed by the mayor and local school board members for the Central Falls school district are appointed by the state.
South Carolina : K-12 Governance Structures	There are 85 local school boards. Local school board members are either appointed by certain governmental bodies, such as county school boards, or elected.
South Dakota : K-12 Governance Structures	There are 172 local school boards. There are operating K-12 school boards and contracting K-12 school boards. Local school board members are elected.
Tennessee : K-12 Governance Structures	There are 136 local school boards. There are city school boards, county school boards and special school boards. Local school board members are elected.
Texas : K-12 Governance Structures	There are 1,043 local school boards. There are common school district school boards, common consolidated county-line school district school boards, common consolidated school district school boards, independent school district school boards, municipal school district school boards and rural high school district school boards. Members of 1,038 local school boards are elected, and members of 5 school boards, which are located on military bases, are appointed by the state board of education.
Utah : K-12 Governance Structures	There are 40 local school boards. Local school board members are elected.
Vermont : K-12 Governance Structures	There are 281 local school boards. There are incorporated school boards, interstate school boards, joint school boards, town school boards and union school boards. Local school board members are elected.



Virginia : K-12 Governance Structures	There are 134 local school boards. There are city school boards, county school boards and town school boards. There is 1 school board that is a combination of a city and a county. City and town school board members are either appointed by the governing body of the city or elected. County school board members in counties with a county manager or a county board form of government are appointed by boards of county supervisors. County school board members in single county school districts are appointed by a school board selection commission or elected.
Washington : K-12 Governance Structures	There are 296 local school boards. Local school board members are elected.
West Virginia : K-12 Governance Structures	There are 55 county school boards. County school board members are elected.
Wisconsin : K-12 Governance Structures	There are 426 local school boards. There are common school district school boards, elementary school district school boards, unified school district school boards and union high school district school boards. Local school board members are elected.
Wyoming : K-12 Governance Structures	There are 48 local school boards. There are elementary school boards (K-8) and unified school boards (K-12). Local school board members are elected.



# No Child Left Behind

## Teaching Quality

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### Initial Findings and Major Questions About HOUSSE

By Jennifer Azordegan

January 2004

The No Child Left Behind Act (NCLB) of 2001 requires states to ensure all public school teachers are “highly qualified.” The “high objective uniform state standard of evaluation,” or HOUSSE, is a key component to the definition of a highly qualified teacher. It is a system through which existing teachers can demonstrate knowledge of their subject area without necessarily having to undertake further training or take a test.

The HOUSSE can be used by elementary teachers as an alternative to a subject-related test, and by middle and secondary teachers as an alternative to an examination, major, major equivalency, graduate degree or advanced certification in the core content area taught. States have been given the latitude to create a HOUSSE that is unique to their licensure standards and teaching landscape, thereby making it the most flexible part of the federal law’s teacher provisions.

The law is explicit, however, in insisting that the HOUSSE system “be aligned with challenging state academic content and student academic achievement standards” and provide “objective, coherent information about the teacher’s attainment of core content knowledge in the academic subjects in which a teacher teaches” [ESEA Section 23(c)(ii)]. Each state’s charge, then, is to create an evaluation that strikes a balance between rewarding experienced teachers for years of subject-specific knowledge, efforts and services, while creating or maintaining rigorous but fair content standards for all teachers – whether novice or veteran.

#### ***The ECS HOUSSE Database***

The Education Commission of the States (ECS) has been gathering information about HOUSSE systems to analyze how states are interpreting this part of the highly qualified teacher definition. The information has been compiled into a unique online, interactive database ([www.ecs.org/HOUSSEdatabase](http://www.ecs.org/HOUSSEdatabase)) that shows which states are implementing HOUSSE systems, how they are interpreting the NCLB guidelines and how they are progressing. Some states are still tackling the design of their highly qualified teacher definition and may or may not develop a HOUSSE. Thus far, ECS has been unable to locate HOUSSEs for 17 states.

#### ***HOUSSE Types Defined***

While there is no completely uniform definition for the types of HOUSSE systems being designed, ECS found that the tools coming out of the states fall loosely into several general categories.

**Point System:** An existing teacher accumulates points for various professional activities, usually relating to the subject taught. Frequently used categories include coursework, professional development, services to the profession, student achievement data, and awards, recognition or publications.

**Professional Development:** A teacher can meet competency by participating in a certain amount of professional development. Often teachers will determine what is needed to meet competency and submit those requirements in a plan to be completed by the end of the 2006 school year.

**Performance Evaluation:** In most cases, an already existing performance evaluation system is used. It may include observation and review by peers, a panel or a supervisor, or by the teacher herself. Content knowledge is usually one criterion among others such as classroom management and instructional skills.

**Portfolio:** A collection of evidence from the teacher’s practice and primarily from the classroom that demonstrates his or her competency in the subject taught. As defined throughout the HOUSSE systems, a

portfolio is more likely than a point system to contain observation/evaluation notes, student work and classroom artifacts.

**Student Achievement Data:** This category is a means of measuring the teacher’s effect on student achievement or learning through scores on particular assessments.

**Initial Findings and Quick Facts**

ECS also summarized some of the trends emerging from the data and noted questions related to the systems’ design and implementation and their fit within the spirit of the law. Initial findings include the following:

- Unlike the highly qualified teacher definition for middle and secondary teachers, the definition for existing elementary teachers does not include the options of a major, major equivalency, graduate degree or advanced certification in the core content area taught. The majority of states, however, have simply adopted these options as part of their elementary HOUSSE.
- Most states are offering a variety of options in their HOUSSEs. The chart below gives a sense of the most popular ones.

<b>HOUSSE TYPE DISTRIBUTION</b>		
<i>States are using <u>one or more</u> of the options below in their proposed or final HOUSSEs.</i>		
<b>HOUSSE Type</b>	<b>Middle Grades</b>	<b>Secondary</b>
<b>Point System*</b>	<b>17 states</b> AL,AZ,CA,GL,KS, KY,MD,MA,NJ,NY,NC, ND, OH, OK,TN,TX,UT	<b>17 states</b> AL,AZ,CA,GA,KS, KY,MD,MA,NJ,NY,NC, ND,OH, OK,TN,TX,UT
<b>Professional Development</b>	<b>9 states</b> AR,IL,LA,MI,MS, NV,NH,OH,TN	<b>8 states</b> AR,IL,LA,MI, NV,NH,OH,TN
<b>Performance Evaluation</b>	<b>9 states</b> FL,GA,MI,NH,NM, NC,VA,WA,WV	<b>9 states</b> FL,GA,MI,NH,NM, NC,VA,WA,WV
<b>Classroom Experience</b> (Please note that no states, except SD, are solely using this option.)	<b>9 states</b> IL,LA,MI,NV, NM,NC,OR,SD,TX	<b>8 states</b> IL,LA,MI,NV, NM,NC,SD,TX
<b>Portfolio</b>	<b>3 states</b> LA,NH,NM	<b>3 states</b> LA,NH,NM
<b>Student Achievement Data</b>	<b>3 states</b> CO,TN,VA	<b>3 states</b> CO,TN,VA
<b>No HOUSSE</b> (Does not include HOUSSEs under development)	<b>2 states</b> ID,WI	<b>3 states</b> ID,OR,WI
* In cases where a point system included the other options (professional development, student data, classroom experience, etc.), those activities were not counted as <u>separate</u> types offered. Additional ECS analysis on the specifics of the point systems will be available soon.		

- Of the 17 states that have decided to use some sort of rubric or point system for middle and secondary grades, 13 are offering this as the only HOUSSE option. (AL, AZ, CA, KS, KY, MD, MA, NJ, NY, ND, OK, TX, UT)
- The amount of experience required to meet the HOUSSE requirements varies considerably by state. For instance, North Carolina requires as little as six months of teaching experience, while Michigan requires three years and New Mexico requires five.
- At least two states – Wisconsin and Idaho – assert their teacher licensure policies already assure teachers certified in those states are highly qualified, and therefore have no HOUSSE.

## **Major Questions and Issues**

As ECS has reviewed the current collection of HOUSSE systems, several questions have been raised regarding their design, implementation and fit within the spirit of the law.

- To what degree are states demanding the level of subject-matter expertise envisioned in the law?
- What is the research support for the use of point-based and portfolio teacher competency assessments?
- What steps are schools and districts taking to ensure objectivity in the administration of the HOUSSE? Is there, or should there be, a role for a state in ensuring this same objectivity?
- Are states demanding the level of academic rigor intended and defined in the law?
- Would it be advisable for other states to explicitly tie their HOUSSE tool to content standards, as North Carolina and Ohio has done?
- While National Board for Professional Teaching Standards (NBPTS) certification requires a rigorous preparation, should an NBPTS certificate in a broad discipline suffice when applied to middle and secondary teachers?
- How can rural schools be supported to develop a teaching core that more appropriately meets the NCLB challenge?
- In states where elementary and middle grades certification is so similar, is the HOUSSE being used to differentiate between these levels and elevate content expectations?
- Would states other than Oregon profit from being explicit about the sort of coursework required to meet the HOUSSE?

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The ECS HOUSSE database may be accessed at [www.ecs.org/HOUSSEdatabase](http://www.ecs.org/HOUSSEdatabase). For more information, please contact Jennifer Azordegan at [jazordegan@ecs.org](mailto:jazordegan@ecs.org) or 303.299.3650.

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### Education Lottery – State Web Sites

Of the 40 states with a lottery, 22 earmark at least a portion of the proceeds for education.

State	Name	Website	Proceeds Earmarked for Education?	Legislation/Regulations/Distribution
<b>Alabama</b>				
<b>Alaska</b>				
<b>Arizona</b>	Arizona Lottery	<a href="http://www.arizonalottery.com/">http://www.arizonalottery.com/</a>	No	Fiscal Year 2003: <ul style="list-style-type: none"> <li>• Prizes – 55%</li> <li>• Funding for state programs – 29.7%</li> <li>• Operations – 9.7%</li> <li>• Commission to retailers – 6.7%</li> </ul>
<b>Arkansas</b>				
<b>California</b>	California Lottery	<a href="http://www.calottery.com/">http://www.calottery.com/</a>	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.
<b>Colorado</b>	Colorado Lottery	<a href="http://www.coloradolottery.com/home.cfm">http://www.coloradolottery.com/home.cfm</a>	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) and funds in excess of this go to school health and safety issues.
<b>Connecticut</b>	CT Lottery	<a href="http://www.ctlottery.org/">http://www.ctlottery.org/</a>	No	<ul style="list-style-type: none"> <li>• Prizes – 61%</li> <li>• General Fund – 30%</li> <li>• Commissions to retailers – 5%</li> <li>• Operational costs – 4%</li> </ul>
<b>Delaware</b>	Delaware Lottery Games	<a href="http://lottery.state.de.us/nonflash.html">http://lottery.state.de.us/nonflash.html</a>	No	The Delaware Lottery contributes profits to the state General Fund. In fiscal year 2003, the lottery's contribution was \$213 million.

State	Name	Website	Proceeds Earmarked for Education?	Legislation/Regulations/Distribution
District of Columbia		<a href="http://lottery.dc.gov/lottery/site/default.asp">http://lottery.dc.gov/lottery/site/default.asp</a>	No	Fiscal Year 2001 distribution of lottery funds: <ul style="list-style-type: none"> <li>• Prizes – \$105.5 million</li> <li>• Money transferred to the District of Columbia General Fund – \$84 million</li> <li>• Commissions to D.C. lottery agents – \$11.6 million</li> <li>• Contracts – \$15.8 million</li> <li>• Direct costs – \$9.2 million</li> </ul>
Florida	Florida Lottery	<a href="http://www.flalottery.com/">http://www.flalottery.com/</a>	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	<a href="http://www.galottery.com/">http://www.galottery.com/</a>	Yes	According to the Georgia Lottery for Education Act and the Georgia Constitution, proceeds from lottery sales are used to solely 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	<a href="http://www.idaholottery.com/index.html">http://www.idaholottery.com/index.html</a>	Yes	Expenditures by statutory category: <ul style="list-style-type: none"> <li>• Prizes – 57.3%</li> <li>• Dividend – 21.5%</li> <li>• Administration – 12.7%</li> <li>• Retailer Commissions – 5.6%</li> <li>• Advertising, Promotions, Sponsorships – 2.9%</li> <li>• At the end of FY02, the Idaho Lottery provided \$9 million in dividend to school districts.</li> </ul>

State	Name	Website	Proceeds Earmarked for Education?	Legislation/Regulations/Distribution
Illinois	Illinois Lottery	<a href="http://www.illinoislottery.com">http://www.illinoislottery.com</a>	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 \$555 million in fiscal year 2002 represent about 7.7% of the state's contribution to schools – or 3% of the total \$18.61 billion spent on education from all sources (state, local and federal).</p>
Indiana	Hoosier Lottery	<a href="http://www.in.gov/hoosierlottery/yes.htm">http://www.in.gov/hoosierlottery/yes.htm</a>	Yes	<ul style="list-style-type: none"> <li>• Prizes – 56%</li> <li>• Profit to the State – 30%</li> <li>• Retailers and Suppliers – 10%</li> <li>• Administration – 2%</li> <li>• Advertising and Promotions – 2%</li> </ul> <p>Lottery proceeds as of January 2003:</p> <ul style="list-style-type: none"> <li>• \$293.2 million has been designated for public schools' tuition support</li> <li>• \$77.0 million has been allocated for school technology</li> <li>• \$395.1 million to Teachers' Retirement Fund</li> <li>• \$207.2 million to the Pension Relief Fund to help pay for the retirement benefits of police officers and firefighters</li> <li>• \$270.8 million to Build Indiana Capitol Projects Fund</li> <li>• \$46.2 million to local road construction</li> <li>• \$592.7 million has been used to lower license plate taxes</li> <li>• \$30.0 million has been dedicated to job creation and economic development</li> <li>• \$55.2 million has been appropriated to the Property Tax Replacement Fund</li> <li>• \$140.8 million has been transferred to the General Fund.</li> <li>• \$119.5 million to Lottery and Gaming Account</li> </ul>
Iowa	Iowa Lottery	<a href="http://www.ialottery.com/">http://www.ialottery.com/</a>	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	<a href="http://www.kslottery.com/">http://www.kslottery.com/</a>	No	<p>Of every dollar spent on a lottery ticket, 30 cents is transferred to the State Gaming Revenues Fund. Transfers, of up to \$50 million, are made from the Gaming Fund 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.</p>

State	Name	Website	Proceeds Earmarked for Education?	Legislation/Regulations/Distribution
Kentucky	Kentucky Lottery	<a href="http://www.kylottery.com/">http://www.kylottery.com/</a>	Yes	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.
Louisiana	Louisiana Lottery Corporation	<a href="http://www.louisianalottery.com">http://www.louisianalottery.com</a>	No	<ul style="list-style-type: none"> <li>• Prizes – 50%</li> <li>• State Treasury – 35%</li> <li>• Lottery operations – 10%</li> <li>• Retailers – 5%</li> </ul>
Maine	Maine State Lottery	<a href="http://www.mainelottery.com/">http://www.mainelottery.com/</a>	No	Lottery proceeds go to the state's General Fund.
Maryland	Maryland Lottery	<a href="http://www.msla.state.md.us/">http://www.msla.state.md.us/</a>	No	<ul style="list-style-type: none"> <li>• Prizes – 55.8%</li> <li>• State-funded Programs (state General Fund) – 33.6%</li> <li>• Retailers – 6.6%</li> <li>• Operations – 3.9%</li> </ul>
Massachusetts	Massachusetts Lottery	<a href="http://www.masslottery.com">http://www.masslottery.com</a>	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 2002 the Massachusetts state lottery distributed \$790,000,000 to the cities and towns.
Michigan	Michigan Lottery	<a href="http://www.michigan.gov/lottery">http://www.michigan.gov/lottery</a>	Yes	Lottery proceeds are transferred directly to the state's School Aid Fund --a restricted state fund, which means the money can only be used for education. Lottery revenues comprise roughly 6% of this fund, with the other 94% 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	<a href="http://www.lottery.state.mn.us/">http://www.lottery.state.mn.us/</a>	No	For every dollar spent on lottery tickets in FY02, 10.2 cents went to the state General Fund to support services such as K-12 education, health care, aid to local governments and public safety.
Mississippi				
Missouri	Missouri Lottery	<a href="http://www.molottery.state.mo.us/">http://www.molottery.state.mo.us/</a>	Yes	<p>Approximately 27.5 cents of every dollar spent on the Missouri Lottery benefits Missouri's education programs. Sixty and a half cents goes back to players as prizes, 6 cents is used for administrative costs and 6 cents goes to retailers in the form of commissions, incentives and bonuses.</p> <p>When the Lottery began in 1986, proceeds from ticket sales went to the Missouri State General Revenue Fund. In August 1992, voters passed</p>



State	Name	Website	Proceeds Earmarked for Education?	Legislation/Regulations/Distribution
				Amendment 11 earmarking Lottery proceeds to solely benefit public education. Each year, the Missouri Legislature and the governor determine how these proceeds will be allocated. The proceeds represent about 3% of the total funding for Missouri's public elementary, secondary and higher education systems.
<b>Montana</b>	Montana Lottery	<a href="http://www.montanalottery.com/">http://www.montanalottery.com/</a>	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.
<b>Nebraska</b>	Nebraska Lottery	<a href="http://www.nelottery.com/">http://www.nelottery.com/</a>	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 (49.5%), Nebraska environmental trust fund (49.5%), and the compulsive gamblers assistance fund (1%, plus the first \$500,000 in fund proceeds each fiscal year).
<b>Nevada</b>				
<b>New Hampshire</b>	New Hampshire Lottery	<a href="http://www.nhlottery.org/">http://www.nhlottery.org/</a>	Yes	<ul style="list-style-type: none"> <li>• Prizes – 56%</li> <li>• Contribution to State – 30%*</li> <li>• Cost of Sales – 12%</li> <li>• Operating Expenses – 2%</li> </ul> <p>* All lottery profits are designated, by the state constitution, to benefit public education.</p>
<b>New Jersey</b>	New Jersey Lottery	<a href="http://www.state.nj.us/lottery/">http://www.state.nj.us/lottery/</a>	No	<ul style="list-style-type: none"> <li>• Prizes – 55%</li> <li>• Contribution to State – 36%</li> <li>• Retailer Commission – 6%</li> <li>• Vendor Fees – 2%</li> <li>• Administration – 1%</li> </ul>
<b>New Mexico</b>	New Mexico Lottery	<a href="http://www.nmlottery.com/">http://www.nmlottery.com/</a>	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.
<b>New York</b>	New York Lottery	<a href="http://www.nylottery.org/index.php">http://www.nylottery.org/index.php</a>	Yes	The New York Constitution mandates that all lottery revenue be used in support of education. <ul style="list-style-type: none"> <li>• Prizes – 57%</li> <li>• Aid to Education – 33% (FY 2002-03 – \$1.78 billion)</li> <li>• Retailer Commission – 6%</li> <li>• Contractor Fees – 2%</li> </ul>

State	Name	Website	Proceeds Earmarked for Education?	Legislation/Regulations/Distribution
				<ul style="list-style-type: none"> <li>• Administration – 2%</li> </ul>
<b>North Carolina</b>				
<b>North Dakota</b>	North Dakota Lottery	<a href="http://www.ndlottery.org/">http://www.ndlottery.org/</a>	No	<ul style="list-style-type: none"> <li>• Prizes – 48%</li> <li>• General Fund – 21%</li> <li>• On-line vendor fees – 10.6%</li> <li>• Retailer commissions – 5%</li> <li>• Administrative expense – 5%</li> <li>• Operating expense – 3.1%</li> <li>• Advertising – 3.0%</li> <li>• Problem Gambling Fund – 2.3%</li> <li>• Prize Reserve Account – 2%</li> </ul>
<b>Ohio</b>	Ohio Lottery	<a href="http://www.ohiolottery.com/">http://www.ohiolottery.com/</a>	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.
<b>Oklahoma</b>				
<b>Oregon</b>	Oregon Lottery	<a href="http://www.oregonlottery.org/">http://www.oregonlottery.org/</a>	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 current biennium (2001-03), almost 69% of all Lottery profits, \$511 million, is going to public education. The remainder is going to economic development, parks and natural resources, and problem gambling treatment programs.
<b>Pennsylvania</b>	Pennsylvania Lottery	<a href="http://www.palottery.com/lottery/site/default.asp">http://www.palottery.com/lottery/site/default.asp</a>	No	Today, 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 2001-02, the lottery achieved sales of approximately \$1.9 billion; program contributions were over \$800 million.
<b>Rhode Island</b>	Rhode Island Lottery	<a href="http://www.rilot.com/">http://www.rilot.com/</a>	No	The revenue from the lottery goes into the state General Fund.
<b>South Carolina</b>	South Carolina Education Lottery	<a href="http://www.sceducationlottery.com/">http://www.sceducationlottery.com/</a>	Yes	As stated in current <a href="#">SC Education Lottery legislation</a> , "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."

State	Name	Website	Proceeds Earmarked for Education?	Legislation/Regulations/Distribution
South Dakota	South Dakota Lottery	<a href="http://www.sdlottery.org/">http://www.sdlottery.org/</a>	No	The South Dakota Lottery's instant, lotto and video lottery games have generated over \$864 million for state projects and programs (through FY2001). Proceeds are directed to the General Fund, the Property Tax Reduction Fund and the Capital Construction Fund.
Tennessee	Tennessee Lottery	<a href="http://www.tnlottery.gov/">http://www.tnlottery.gov/</a>	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	<a href="http://www.txlottery.org/">http://www.txlottery.org/</a>	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.
Utah	State does not permit any form of gambling			
Vermont	Vermont Lottery	<a href="http://www.vtlottery.com/">http://www.vtlottery.com/</a>	Yes	Breakdown of where the money goes for fiscal year 2002: <ul style="list-style-type: none"> <li>• 64% = Prizes to players</li> <li>• 5% = Tri-state expenses</li> <li>• 6% = Agent commissions/bonuses</li> <li>• 20% = Profits to education</li> <li>• 5% = Operating expenses</li> </ul>
Virginia	Virginia Lottery	<a href="http://www.valottery.com/">http://www.valottery.com/</a>	Yes	Since 1999, all Virginia Lottery profits have been used for public education in the Commonwealth, for kindergarten through 12th grade. <ul style="list-style-type: none"> <li>• Prizes – 56%</li> <li>• Education – 33% (FY 2002-03 – \$1.78 billion)</li> <li>• Operations – 6%</li> <li>• Retailers – 5%</li> </ul>
Washington	Washington Lottery	<a href="http://www.wa.gov/lot/home.htm">http://www.wa.gov/lot/home.htm</a>	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	<a href="http://www.state.wv.us/lottery/default.htm">http://www.state.wv.us/lottery/default.htm</a>	Yes	Since 1989, lottery proceeds have been dedicated by the West Virginia Legislature to specific beneficiary programs, including seniors, education, and state parks and tourism.
Wisconsin	Wisconsin Lottery	<a href="http://www.wilottery.com/">http://www.wilottery.com/</a>	No	<ul style="list-style-type: none"> <li>• Prizes – 55.68%</li> <li>• Property Tax Relief – 32.53%</li> <li>• Operations – 6.59%</li> <li>• Retailers – 5.20%</li> </ul>
Wyoming				

All data was compiled from state lottery Web sites, prepared by Molly Burke, ECS researcher in The Information Management and ECS Clearinghouse department, August 2002. Last updated May 2004.

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### State Citizenship Education Policies

Updated April 2004

In recent years, a number of surveys and studies have indicated declining interest and involvement in civic affairs among Americans. This trend is especially pronounced among young people. At the same time, both the *Civic Mission of Schools* report and a study of high school transcripts detail the erosion of the high school civics curriculum. Until the late 1960s, formal civic education often comprised up to three courses, usually civics, democracy and government, in addition to U.S. history. Both studies revealed a trend throughout the 1970s, 80s and 90s to condense those civic education courses into a single course in American government, while maintaining U.S. history as a course. Most states currently address citizenship education through their social studies, history and/or civics curriculum.

Citizenship education is not necessarily the same as "civics." State civics or government standards, which guide instruction in nearly every state, generally describe the knowledge needed for a basic understanding of government and the rights and responsibilities of citizenship such as voting. Citizenship education is a more comprehensive approach aimed at instilling in students the knowledge, skills and dispositions necessary for effective civic participation.

Wide variation exists in the extent to which state policy address citizenship education. **Forty-one (41)** states' statute specifically provide for the teaching of government, civics and/or citizenship. While **41 states** and the District of Columbia have a course or credit requirement in government or civics for high school graduation, **only five (5)** of those states currently require students to pass an exit exam to graduate (Alabama, Georgia, Louisiana, New Mexico and New York). West Virginia will require four social studies credits, including one credit of civics, for high school graduation for students entering 9th grade in 2005. Alabama, Maryland, Ohio, Texas and Virginia are in the process of phasing in exit or end-of-course exams as a requirement for high school graduation.

Assessment and accountability systems remain a primary focus of state education reform efforts, but less than half of state systems address civics. **Twenty-two (22)** states' assessment systems include knowledge of government or civics, while **14 states** include performance on civics/government or social studies assessments within their accountability systems.

#### State Citizenship Education Policies

**Key:**

- Course/Credit Required Government or civics course or credit(s) required for high school graduation
- Exit Exam Government or civics exit exam required for high school graduation
- Assessment System State assessment system includes knowledge of government or civics
- Accountability System State accountability system includes performance on civics/government or social studies assessments
- State Statute State statute provides for the teaching of government, civics and/or citizenship

State	Course/Credit Required	Exit Exam	Assessment System	Accountability System	State Statute
Alabama	X	X			X
Alaska					
Arizona	X				X

State	Course/Credit Required	Exit Exam	Assessment System	Accountability System	State Statute
Arkansas	X				X
California	X		X	X	X
Colorado	X				X
Connecticut	X				X
Delaware	X		X	1	X
District of Columbia	X				
Florida	X				X
Georgia	X	X	X	X	X
Hawaii	X				
Idaho	X				X
Illinois	X		X	X	X
Indiana	X				X
Iowa	X				X
Kansas	X		X		X
Kentucky	X		X	X	X
Louisiana	X	X	X	X	X
Maine	X				X
Maryland	X	2	X	X	
Massachusetts	X		X		X
Michigan	X		X	X	X
Minnesota	X				
Mississippi					X
Missouri	X		X	X	
Montana			X		
Nebraska					X
Nevada	X				
New Hampshire	X		X	X	X
New Jersey	X				X
New Mexico	X	X	X	X	X
New York	X	X			X
North Carolina	X		X		X
North Dakota					
Ohio	X	3	X	X	
Oklahoma	X				X
Oregon	X		X		X
Pennsylvania					X
Rhode Island					X
South Carolina	X		X	X	X
South Dakota	X				X
Tennessee	X				X
Texas	X	4	X	X	X
Utah	X		X		X
Vermont					X
Virginia	X	5	X	X	X
Washington	X				X
West Virginia	6				X
Wisconsin	X		X		X
Wyoming	X				X

<sup>1</sup> Beginning in 2006, Delaware's accountability system will include performance on social studies assessments.

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<sup>2</sup> Maryland students entering 9th grade in 2001 and 2002 are required to take, but not pass, an assessment in social studies to qualify for graduation. Students entering 9th grade in 2003 are slated to be required to pass the exam as a requirement for graduation, pending state board approval.

<sup>3</sup> Passage of a citizenship exam will be required for high school graduation in Ohio beginning with the class of 2005.

<sup>4</sup> A passing score on the Texas Assessment of Skills and Knowledge will be required for high school graduation beginning in spring 2004.

<sup>5</sup> Virginia is phasing in end-of-course assessments required for high school graduation beginning in 2004.

<sup>6</sup> Beginning in 2005 for 9th-grade students, West Virginia will require a course requirement for high school graduation.

#### **References:**

Carnegie Corporation of New York and The Center for Information and Research on Civic Learning and Engagement (2003). *The Civic Mission of Schools*. New York: Carnegie Corporation and CIRCLE.

National Center for Education Statistics (2001). *The 1998 High School Transcript Study Tabulations*. Washington, DC: Office of Educational Research and Improvement.

*Jennifer Piscatelli, researcher, updated this ECS StateNote, which is based upon information in the ECS National Center for Learning and Citizenship's (NCLC) interactive database on state citizenship education policies. Details on each state's policies may be found in the database at [www.ecs.org/CitizenshipEducationDatabase](http://www.ecs.org/CitizenshipEducationDatabase). This ECS StateNote will be updated biannually. For more information contact Ann Rautio at 303.299.3606 or [arautio@ecs.org](mailto:arautio@ecs.org). NCLC's Web site at [www.ecs.org/nclc](http://www.ecs.org/nclc) contains additional information on citizenship education.*

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