BILL EAST: Welcome to NASDSE's 2011/2012 professional development series. I'm Bill East, executive director for the National Association of State Directors of Special Education, or NASDSE. Speaking on behalf of the NASDSE board of directors and president Bambi Lockman, we want to thank you for joining us as we address the topic today, We're Better Working Together: Recommendations for Improved Coordination Between Title I and the IDEA. Title I and special education are the two largest United States Department of Education investments to support children and youth with special needs in our nation's schools. Laws providing direction for these programs are the Elementary and Secondary Education Act, or ESEA, and the Individuals with Disabilities Education Act, or the IDEA, or IDEA.

The U.S. Department of Education has promulgated numerous regulations and written many documents regarding these laws. States have added their own rules. However, many times there is confusion at the district and school levels because of inconsistent definitions for the same terms, data collections done at different times, and a general lack of understanding about how these programs should work together. In this conference, leaders from the Kansas Department of Education and two national organizations will discuss the problems and recommended actions that could occur at the national, state, and local levels to help these programs work better together.

I am very pleased to have three people working with me today on this conference. I'd like to introduce them now. To my left, Colleen Riley. Colleen is director of special education services for the Kansas Department of Education. She is experienced as a principal in a year-round kindergarten through sixth grade school. She's been a local director of special education. She's been a teacher of students with specific learning disabilities and maybe a few with challenging behaviors along the way. At the local level, you'll be interested in knowing this about Colleen. She has implemented school-wide programs in both positive behavioral supports and multi-tiered intervention in reading. At the state level, she has provided the leadership to bring Kansas up to scale with their multi-tiered system of supports framework. Colleen is a member of the NASDSE board of directors and developed these recommendations, and so we're so pleased to have you with us today, Colleen. Thank you.

Judi Miller, to Colleen's left, is assistant director for toddler programs and services for the Kansas Department of Education. There she coordinates the Kansas Elementary and Secondary Education Act services that includes Title I. She is the past president of the National Title I Association, and reading her resume I see that she has held all the positions there of secretary, treasurer, president-elect, president. She is also a member of the Title I IDEA workgroup that developed the recommendations that we will share with you today. She has served on boards of directors for the

Interstate Migrant Education Council and the Kansas Youth Authority. And she has experience at the local level too, having taught middle and high school students in Nebraska and Kansas. Welcome to our conference.

And to my right, Richard Long. Rich is executive director for government relations for the National Title I Association. He has worked with Title I directors since 1995. Rich has a doctorate in counseling from George Washington University. He has experience on the Hill with working with congressmen as a staff director. He has been the director of multidisciplinary interventions at George Washington University reading center. He's also the director of government relations for the International Reading Association, so he has Title I and reading credentials. And most interestingly has been a consultant for a number of organizations such as the World Health Organization, National Council on Teachers of Mathematics, USA Today, and others. And he has written extensively and is currently working on a book on how lessons of history have been applied to federal education policy, which should be very interesting.

Okay, one thing about our conference today as we get started, we're not going to have presenters just talk about their topic for a while and then go to the next one. We're going to be interactive all the way through. So panelists will be talking, interacting with others, with comments, because we want to make sure that we get information from the national level, the big framework, the big picture, but also get the very valuable information about what does this mean at a state and what does this mean at a local level as people try to implement these two laws together?

So I want to start by just taking just a moment because we mentioned NASDSE as an organization and the National Title I Association to talk about, you know, what is NASDSE? Well, we're a not for profit member organization. Our members are comprised of special education directors, state directors from the 50 states and 11 federal jurisdictions. And our mission is to assist state education agencies to provide improved educational outcomes for students with disabilities. Rich, tell us about NASTID, N-A-S-T-I-D. What's that?

RICHARD LONG: NASTID is also a not for profit organization, and we are the organization of state directors of Title I, as Bill has mentioned an integral part of the Elementary and Secondary Education Act. Our membership is made up of state education agency officials who are responsible for the administration of Title I. The mission of the association is to enable disadvantaged youth to meet high academic standards. And this is extraordinary important as we look at what's trying to be accomplished through both IDEA and Title I, and we're very excited to be sharing with you in this conference today.

BILL EAST: Thank you, Rich. You know, I mentioned in my introduction that the two laws that we're implementing in states and trying to work together, one is the IDEA and one is Title I. So let's hear about what these two laws are all about. First let's go to Colleen to talk about the IDEA.

COLLEEN RILEY: You bet, Bill. The IDEA is the individual entitlement program that ensures the proper identification and services for students with disabilities. It also allows for specially designed, individualized instruction for students to allow them access to core curriculum in order to make progress in the general curriculum as well. These services serve approximately seven million students in the United States ages birth through 21, with a $12 billion appropriation.

BILL EAST: Okay. Going to Judi now, enlighten us about Title I.

JUDI MILLER: All right. Title I is the major program in the Elementary and Secondary Education Act. And many know it as a poverty program. The dollars are generated to serve students in buildings that have high poverty, and it's been around since 1965, when President Johnson had his war on poverty. And Title I provides primarily supplemental services in the areas of reading and mathematics to children in the high poverty schools. Approximately 17 million students receive services through Title I with over a $14 billion federal allocation. And for those that are not in Title I schools, they're very familiar with it because all the accountability provisions of adequate yearly progress, et cetera, are part of Title I.

BILL EAST: Thank you very much. You know, when I was a state director of special education in a state and I worked with my colleague over in Title I, you know, that did not occur very frequently because special education would do their thing and Title I would do their thing. And we'd very rarely ever run into each other. You know, times have changed. We've learned that we must work together now to be successful. But there have been a lot of influences today that have impact on how we work and how students learn and so forth. And we want to take the time to go through a few of those. And I encourage, you know, our panelists to just help me talk about these as we go through.

Some of the major influences on education delivery today. The first one is knowledge explosion. Now you talk about this in two -- really two different ways. One is the tremendous knowledge, the content that our students and our teachers are expected to know and be able to work with today has expanded greatly. And so a major job for those of us that are in leadership roles is to manage that knowledge and provide information to our teachers and to our administrators in the local level to pick out the evidence-based strategies and practices that teachers and others need to be using. Some major role difference than the way it was a few years ago.

And we've learned so much about how people learn. And Rich, you may want to expand on this a little bit. We've learned so much from the studies of the brain and so forth about how students learn. And we take that information, you know, and couple it with vast amounts of knowledge, and this is a major deal that we're working with today.

RICHARD LONG: The fMRI studies are just absolutely phenomenal, what we're gaining from them in trying to ascertain exactly what this means. And one of the interesting things I think about our worlds now is that what we're learning from the special ed community by way of what the executive function system is and how to apply that into the general education provisions and how to help children become more effective learners and meet the high standards that we want is absolutely critical. But also, Bill, I think it's really interesting to note, I was with a member of congress a few weeks ago and he was asking me about why is it that when he was going to school, which was before 1964, a fellow could sit down and read good books and become a well-educated person. And why can't we just do that today?

Well, as you mentioned, explosion of knowledge. Toffler* even in *Future Shock*, which is now 40 years old, talked about we have 1000 new titles coming out a day. And as David Brooks also points out in his book, this is the age of cognition. The explosion is out there and all of our kids have to be able to get a handle on it.

BILL EAST: Also a major impact today is around technology. And just as we're all struggling with trying to stay up with technology, you know, and making it available to our children, there are many issues that come up in schools as we try to implement curriculums. How much technology can students use in the school day? Will it be disruptive to the education process? And many schools for that reason are limiting the use of technology in schools. But when students go home and do their homework, they're on their iPhones, their iPads, their laptop computers. They're talking to peers as they do their homework. And so they use technology in a much different way than our generation, my generation did. But the explosion of technology, as it changes almost weekly, daily, weekly, has had a great impact on the teaching/learning process in schools. And just as it has for general ed students, it has for students with disabilities and special needs as well.

Also, you know, I'll just mention the next bullet item is the way students learn. You know, that has changed tremendously. You know, as we talk about preparing new tests in the future, these are -- many of these are being developed to take online. So, and they take their iPads and their laptops to do these kind of things. Students just learn differently than they used to.

One thing that I find very interesting is how we work as professionals. I mentioned earlier that in times past, you know, I could go in my office and I could do my job and take care of special education administration. Teachers went in their classrooms and closed the door and took care of the Title I kids' instruction or the special ed kids' instruction. We don't do that anymore. We work in a different way. To be successful, we've got to work together. And so we see communities of practice, of stakeholders that are working with groups of children. We see communities of practice of adults and youth working together to learn, to teach and learn today. Rich, you had a comment about that?

RICHARD LONG: Well, this way we learn and way we work together, so much of this is now being talked about in terms of 21st century skills, but it's also an enormous opportunity. The reality is, and this is one of the reasons why we come together to talk about these things, is we're trying to find ways to be more efficient and more effective. But most importantly, we can learn from each other's programs, each other's ideas, and become more effective. And this, Bill, I think what you're talking about here is both a challenge and an opportunity for us. And that's one of the reasons I'm glad we're here today.

BILL EAST: Well, thank you very much for that comment. You know, we also have a lot of national initiatives today that we did not deal with before. You know, the common core standards and the assessments that are being developed as a result of those. Initiatives coming out of Washington. Initiatives coming out of states with new governors and new chiefs of education bringing their initiatives in. So we're dealing with all of that at the same time we're looking at curriculum and instruction to make our programs work.

One only needs to go to the morning newspaper to read all about the impact that the economy is having on education. Finding the resources, both human and fiscal, today is a challenge. And so while we've had quite a bit of resources and increasing resources in the past, over on the IDEA side Colleen, you know, that's leveled off now. While the costs, Rich, keep going up and up. And so that has had a great impact. In times past, we could look to our federal government for increased funding when state budgets were tight. Now state budgets are tight and so is the federal government's budget. So we've got to learn to do more with less, and that's the reality, you know, that we're facing.

And finally, one more point I want to make is actions or inactions by Congress and the White House and the Department of Education has had a great impact on what we do. You only need to look at the recent debate about the debt ceiling and the debate that's going on now about having continuous resolutions to fund government to keep it going for another week. And what are we going to do, for goodness sakes, about the budget for FY '12? So all those discussions have to be made. We're sitting

here in education and with people with special needs, and we're thinking, well, what impact is that going to have on us, on our programs? Do we have to cut back? Do we have to operate with less teachers? And we're starting a new school year without a budget, and so we're anxiously waiting to see what happens there.

JUDI MILLER: And Bill, right along with that, Title I, of course, is up for reauthorization and it's actually four years beyond the time it was supposed to be reauthorized. So you put that into play and then you also have the cut in the resources for Title IID*, education technology, just at a time when we're recognizing technology could be a way to really integrate it into the classroom and impact student learning. So you're right, all of these factors affect what's happening today and why we need to work together.

BILL EAST: You know, some people would say, well, you know, we've heard for the last two years that education has all this money as a result of the American Recovery and Reinvestment Act, the ARRA. And that was money for the fiscal year 2009 and 2010, and it pumped great money into the IDEA in states. But people also talk about the funding cliff. You know, you have money to do things for a couple of years, and then all of a sudden you're back to a budget that you had three years ago. And if you built your program and built numbers of teachers around that, then now how are you going to, you know, pay for those going forward?

You know, some other factors is the tremendous amount of turnover and the impact that that may have on programs. We know that there are 29 new governors. There are 27 new state education chiefs. There are about 20 new state directors of special education within the last year. A lesser number -- I don't know what you're doing right over in Title I, but there's a smaller turnover, about eight of those over the last year. And we know the impact that changes in states. If you have a new governor with initiatives coming in about education, you have a new special education director, you have a new chief of education coming in, you have new initiatives, they have great impact on how we work.

So we've talked about all these factors to kind of set the stage for some of our recommendations that we're going to have, realizing that these factors may have bearing on, you know, what we can do and how fast we can do them. You know, some time ago, Rich and I started talking about we needed better coordination between our programs. And so Rich, why did we -- well, did we see the urgency? Why is better coordination needed?

RICHARD LONG: Well, it's absolutely critical. And you know, there was a classic book in the 1970s, you know, *In the Best Interest of the Children.* We have an overlap of about two and a half million kids who are served both by IDEA and by Title I. These kids have multiple needs, are in the school, one school, with one set of administrators, with a set of teachers there who are all trying to help them. It is really inconceivable to think that we would be saying, okay, for part of the day you're going to go this way, and part of the day you're going to go that way. We need to be marshaling all of our resources to make it as simple as possible for the professionals to work in the best interests of these children.

The worst thing we can do is to ask our most vulnerable kids in one place to put something together, in the next place to put it apart, and to expect them to figure out what the right way to do it is. And because of these different silos that we talk about with IDEA and Title I being in existence, we have administrative requirements that overlap, that are often duplicates, sometimes are contrary. And the lack of clarity, and we're very sensitive to the fact that we have local administrators who are trying to administer both programs and seeing the exact same words in each program have different meanings. And they're supposed to figure this out. Why?

So you know, Bill and I decided after much discussion that we had the opportunity here to have a major impact to bring what people have been talking about for many, many years, how to bring our ideas together. Not to merge them, because there's some very important reasons for each one of these programs, but rather allow them to integrate, to coordinate, to be congruent, and at the very least knowledgeable about why there are differences and how to make these differences and these coordination work for the best interest of children.

BILL EAST: You know, you can tell by looking at Richard, myself, we're been around quite some time and we've seen a lot of laws being developed and regulations being written. And you know, a simple truth is that we can't regulate our way to success. You know, we can't come up with a regulation or a new law to solve every problem. The way that we solve problems is making connections that we do between our programs, establishing relationships, building trust, and only after we do that can we do shared work to solve common problems and advance the policy and practice in the states that's going to make a difference for the populations we serve.

To me, and this is just my thinking, there is really three levels of collaborative leadership that we must consider. And Rich and I have gone through these levels in working together. One is being seen together. The second one is doing some kind of work together, and we've talked at each other's conferences, so people have seen us doing that. But the real critical point is leading our programs and

projects to work together at the national, state, and local levels of scale. And so our real purpose for doing this conference today is to try to encourage states and local districts to have that same kind of collaborative leadership that will help the people that are in the classrooms with our children to have better programs. And we can only do that if we -- you know, if we work together.

So I'll end this little segment of our presentation by saying that we are better together. And this collaboration is about addressing the common work that we have before done separately and learning how to do it together in a better way at all levels of scale: at the national, state, and local levels. So we've not only worked together, Rich, but we've done quite a bit of work, you know, with our organizations. And would you explain that to set the stage for our recommendations?

RICHARD LONG: Well, I think one of the most important features that NASDSE has done for the wider community is convened a community of practice. It actually went on for many, many years. This convening of this community of practice brought together professionals from various associations to begin working together. We began finding out where our differences existed where we didn't understand, and began building in a sense a common agenda, a common history of moving forward.

And from these initial meetings, Bill and I convened a Title I/IDEA working group. And during this time period of beginning to come together, we also decided it would be good to seen at each other's conferences, as Bill has recommended. So we've shared the [inaudible] in both of our national meetings to talk about the common purposes indeed that we have. The reason that we're in this business is to make a difference. It isn't for the program. It's about the kids.

We also have brought together a working group, representatives of both our associations. And we had a two-day meeting in Bill's office in January last year. And what was absolutely phenomenal is that, one, we didn't have a really good understanding of each other's statute. Two, we had much more in common than we had that was actually separating us. And three, we were finding that there were common things that we needed to do together in order to be effective in each one of our separate programs. And through that, we then put together this paper that we're talking about here today, but that's really just the beginning of a much more extensive, deeper set of talking points.

Where we're trying to go with this is we've seen now the Department of Ed is working with us as a partner. They have a committee of people from the special ed section and from the Title I section meeting with us. So it's not only government and non-government, but it's both communities coming

together to find out where our commonalities are, where our differences are that are quite legitimate and quite important, and how we can use knowledge in order to make a difference.

BILL EAST: Thanks, Rich. You know, I've got on the screen now, you know, the improved coordination between Title I and the IDEA, the paper that we developed. And it came out in June. You know, one of the things that Judi and Colleen and other colleagues came in to look at what coordination was possible, you know, we discovered that there's no way that we could look at everything in both laws. You know, we had to start somewhere and come up with a few recommendations that if we did these things, it would improve things. It may give us the impetus to go on and have other collaboration and make other changes that would improve our programs. So what we're going to be sharing with you today is not everything that we could do or everything that's in the law, in our laws that could be improved upon, but it's just those that we thought that we could work on and get some action in a relatively shorter period of time.

And one of the things we discovered that there were some areas that overlapped between our laws. And then we talked about what would it take, what actions would it take to get change around those areas that overlapped? And I want Rich to come back and talk to us about those two things. What areas did overlap, as we had our discussions? And what are the ways that we see that change needs to occur?

RICHARD LONG: Well, Bill, as you remember, when we were working on this initial draft and beginning to go over what the critical elements are for us, we began to realize that we had to focus. In fact, if you remember, we had a document to work from that had well over 150 pages worth of different rules, regulations, statutes, and guidance of these areas that involved accountability, compliance and outcome requirements, program requirements, and integrated instruction. And so we decided that these were the areas where we would begin our focus, and to look at each one of these programs -- or areas rather, themes if you will, and to say what it is we would want to talk about in the way of making some progress for our two communities.

Now the next area, what we found was, though, that you know, not all the issues were -- we say, well, this is the statute that caused that. Some of these were, indeed were going to require statutory change. We have things in black letter law that are very specific and reflect a need that was very important 20, 30, 40 years ago. We need to change some of these things, not all of them.

There are also some regulatory changes that there have been interpretations, have been practices that, frankly, the community has grown beyond. The idea now that a child, just because they have some special learning needs, some unique learning abilities, would be not in general education is an anathema for many, many places. But yet there still needs to have a certain part of those regulations there. There's also actions that can benefit from specific guidance from the U.S. Department of Education. We're in a very complex business. Education has rules and regulation that are from the federal level that has several different dimensions. The cost of not being in compliance with a particular part of the statute is pretty high. And having guidance is terribly important to help you go forward and try some new ideas and some new programs in a way that it's clear that you won't in a sense make an unintended error that will cause another set of issues for.

Then there are frankly some just other areas that would benefit from better information. And that's what's so exciting about this kind of discussion that we're having today, because some of the changes that need to be done are things we have to do. We have to change how we're thinking about this, how we're approaching this. As Bill mentioned earlier, the exciting changes in learning theory with fMRIs. Well, you can't draw conclusions from them yet. There's some really interesting stuff there, and that tells us a lot that we can be growing towards and making greater utilization.

BILL EAST: Now Rich mentioned that there are really four focus areas that the Title I/IDEA workgroup addressed: accountability, compliance outcome requirements, program requirements, and integrated instruction. And the first one we're going to talk about today is accountability. But before we do that, I think it's important that we go to Judi and Colleen for you to tell us about what is normally seen as accountability within our laws. So Judi, let's go to you. What is accountability in Title I?

JUDI MILLER: Well, the goal of Title I is to help ensure that children that are in schools of high poverty have the same opportunities and can reach the same state content standards, assessment standards, that achievement standards that are expected of all kids. And we also have to identify how well students are doing toward making progress every year of the goal of having, at a minimum, all students proficient. And as probably every one of us knows, the magical 2013/14 is just on the horizon and we're all striving to help our schools reach 100% of students being proficient in reading and mathematics.

However, we also know that we are in a time of transition. But under the current statute, if a school, a Title I school, does not make the progress that they're supposed to, part of the accountability says that you will identify schools for improvement, and that there are certain sanctions and interventions that have to be implemented in these various schools. So the whole issue of accountability

affects both Title I schools and non-Title I schools. The accountability system also was one in which it said we are going to use state assessments, state standards, and we're going to start disaggregating data.

And so there you begin to see the connections with students with disabilities. That's one of the groups of students that we have to look at when we talk about Title I accountability. whether they're in a Title I school or not a Title I school, we're looking at kids across the entire state, across the entire nation. And so the accountability is huge. It affects every public school in the nation.

BILL EAST: You know, we've been working for years under the Secondary Act, or No Child Left Behind as it's commonly known, of moving toward that magic 2013/2014 school year when all students are to be proficient. We know that there has been quite a bit of discussion of that and the reality of that happening and with a new administration that has been more open to flexibility. And just this past week, on September 23rd, 2011, there was a meeting at the White House to talk about the possibility of flexibility. And Rich, you may want to start out talking a little bit about that. And we'll get Judi's take on it, but there might be some flexibility that school districts may have the Elementary and Secondary Act.

RICHARD LONG: Yes, Bill. As Bill and I were both invited to attend President Obama's announcement on the acceptance of waivers being granted to the states once the states apply. One of the things that's very exciting about this is that we're hoping and expecting that this will relieve the states and locals from the sanctions, but not necessarily the responsibilities that we're talking about under No Child Left Behind by way of data being collected, disaggregation of that data so that we can identify the students that are most at need. But the reality is here, as Judi has mentioned. We're in a state of flux. We don't know exactly what this flexibility is going to look like in the specific. And each state in fact will have a specific different way that they're going to articulate this.

BILL EAST: And we're real concerned that [inaudible] for children that receive the IDEA services is the category. We need the categories of service so that we won't lose the focus on students with disabilities, students that have English as a second language, and so forth. So it's very important that we keep the focus on those.

You know, keeping in mind that special education students are also general ed students and the comments we've made about the flexibility under the ESEA applies to them as well. Let's go to the IDEA and talk about what is generally considered, in addition to that, accountability under the IDEA. Colleen?

COLLEEN RILEY: Thanks, Bill. Judi did a nice job talking about the accountability aspects of ESEA, but most people don't understand that when IDEA was reauthorized in 2004, there were specific accountability features of that federal legislation as well. The state performance plan measures 20 specific indicators of students and their performance in the general education setting. And these are all specific indicators that drill down to the district level and are reported annually. There are sanctions as well as rewards that come along with these specific accountability features of IDEA as well. And basically the crux of these accountability features is to ensure that every student who is identified as being eligible for IDEA receives a free, appropriate, public education in the least restrictive environment.

BILL EAST: Okay, now we want to go to the part of our presentation where we actually get into the 16 recommendations that we have. And we mentioned earlier, the first area of overlap is around issues and recommendations for accountability. And so the workgroup came up with five areas around this area to discuss. One was assessment. Second, adequate yearly progress, or AYP. Third, universal design for learning. The next one, graduation rates. And then several recommendations around data collection. And so let's get to those. Rich and I will take the issue in the recommendation, and then we'll hear from our state people about what does this mean. What does this mean to me as I do my work? What does it mean to the local district teachers and administrators as they do their work?

So the first one we will get into is around assessment. The issue is in some states, not all, but in some states assessment results are returned late in the school year, too late for teachers to make adjustments in their teaching that year. So what is the proposed change there, Rich?

RICHARD LONG: Oh, Bill, what we're proposing is to impact instruction. And again, that's really key here. And to ensure that assessment results are shared with teachers in a way that are both timely and useful. And again, what we're recommending here is something that we think is going to require some statutory change, so it's a complex requirement, although at its core it's how can the assessment be useful for instruction?

BILL EAST: Has the timing of tests been a problem in Kansas? Colleen or Judi?

JUDI MILLER: Kansas is probably very unique in two different ways when it comes to the assessment system. One is the fact that we have a six-week window for giving assessments. It's not a single day, but it's a period of time in which assessments are given. And the assessments are all computerized, so that's one reason why you have a long window, in order to give plenty of time based on the availability of the equipment and stuff. But when the student takes the assessment on the computer, the teachers have

the results for that individual student almost immediately so that they can look at it and they know whether or not the kids are doing well or what they might need to adjust.

So in Kansas, it is unique. When we were with paper and pencil, of course it was a little more difficult. We also are fortunate in that our testing contract is with the University of Kansas Center for Education -- Evaluation -- Educational Testing and Evaluation. I'm used to the initials, so I had to remember what it was. Whereas many states are using just a few of the national testing providers, and so that's why sometimes the results bog down, by the volume of what they have. So you know, districts and states need to continually look at what are ways in which they can ensure the results are back in a meaningful and timely manner.

BILL EAST: You know, I suppose, Colleen, that when you're looking at our students with disabilities and those with IEPs, and many times, you know, the program, the offerings need to change constantly based on the students' performance. You know, that timely test results has been useful in special education as well.

COLLEEN RILEY: Yes, it has. Also helping teachers understand that there are proper accommodations and modifications that would be in place for students with disabilities. But our partnership, as Judi mentioned, with the University of Kansas, has been extremely beneficial for us. It's close to our state assessment team, and so people can get together rather quickly and talk about what adjustments need to be made, if necessary. And so it's been very, very productive for us as a state.

BILL EAST: Oh, excellent. You know, we're going to go to our second recommendation in just a moment, but you know, as we look at assessments, I want to remind the audience and so many of you were involved in our NASDSE professional development series last year. And you know that we had representatives from the National Governors Association and the Council of Chief State School Officers here talking about the common core standards, what they were, and what impact that they would have going forward. And the concept that was initially embraced by 48 states and the common core standards of course covers math and reading language arts in kindergarten through grade 12. And so on your screen there is a website to go to if you want to know more about the common core standards.

But during that conference, the presenters also talked about the development of common core assessments that went along with the standards, and that over the next year or so these would be developed. Actually, there are four consortiums that are working on the development of these common core assessments. There are two for general ed and two alternate assessments. The Partnership for

Assessment of Readiness for College and Careers, or the PARCC assessment, is one for general ed. The other is the Smarter Balance Assessment Consortium. On the alternate assessment side, the two consortiums there are the National Center and State Collaborative Partnership and the Dynamic Learning Maps Alternate Assessment System Consortium.

And I know that we all have been involved with providing feedback or learning more about these. And fortunately, they're not being developed in a vacuum. States have signed up to be involved in the development of these assessments. And so I know Kansas has that experience, so I want to hear from our Kansas representatives about how have you been involved with the assessments that are being developed.

COLLEEN RILEY: I'm personally very excited about the way that this movement has gone. You know, it's very nice to have special education representation at the table from the beginning. And the work that's being conducted right now is considering the needs of all students, including students with disabilities, from the beginning. And so we are very pleased in Kansas that we have staff from our assessment teams as well as our special education teams that participate on both the Smarter Balance Assessment Consortium as well as the Dynamic Learning Maps Alternative Assessment System Consortium.

BILL EAST: You know, I think that's very important, and I know a lot of states are involved in this. And we look -- really look to see what happens with them because, you know, anytime you develop a national standard or national test, people in states and local districts get nervous because they already have tests that they have relied on for some time. And so as we make this transition, it's important that we all stay up to speed on what's going on. And to help us do that, NASDSE is going to have a professional development conference this spring and bring people, representatives that are developing these tests together to talk about the progress that has been made.

JUDI MILLER: Bill, if I might, I would suggest that those that are listening, we're talking about coordination and collaboration. And sometimes folks in one office may not know to invite folks from the other office to different events that are going on. So I would put the responsibility on those that are listening to these various -- this conference this afternoon to, in your state, find out what's happening with the common core standards. Find out if there's any training that's going on.

I know in Kansas we had a series of workshops across the state this summer in which people really got to dig into the standards to understand what does it look like for the classroom. And administrators got into the common core standards to really understand it. And you know, we need to

make sure that teachers of students with disability and regular classroom teachers and Title I teachers and teachers of English language learners all understand the new standards because that's what the design of the curriculum will be around, will be those standards. And so we need to be working together so they all can understand it. So I would put the responsibility on the people participating that if you haven't heard anything about it in your state, start asking the questions so that you can be involved. The same way with the assessment development because I know the Smarter Balance Assessments are supposed to be piloted in '13/'14 and I think ready for actual, full implementation in '14/'15, so the conversations have to happen now because the assessments will be around the standards and you need to know the standards.

COLLEEN RILEY: One more comment about that, Bill. Judi makes a really good point. And the other thing that we've done in Kansas that I think has been very beneficial is that all educators are going to the training at the same time, so we're not having separate training for special educators and then parallel training for general educators. We're taking this approach that the common core are common core standards for all students. And so all educators should be attending those trainings together. And the out of that, they look at what are appropriate accommodations and modifications that may be necessary for the students to succeed in instruction, and then also with the assessment.

BILL EAST: You know, common training and working together is very important. We have to keep in mind that the majority of our seven million students that have IEPs are actually in general ed and will be taking the general ed assessments. We can't forget that. Rich?

RICHARD LONG: The common core is one of the most exciting elements, I think, that we're seeing in education right now. It is going to be challenging all of us to be changing our practices, changing our thinking. Because when you look at what is being emphasized, in the past in No Child Left Behind, we're talking about, you know, were you making adequate yearly progress on reading and mathematics? That's not the point of the exercise anymore. the point of the exercise now is going to be, are you making progress to become college and career ready in the content of the classes? So it isn't -- like take reading for example. It isn't are you -- is your vocabulary score going up? Or is your comprehension score going up? Useful ideas, but the purpose now is going to be to apply them in these content area classes.

The other thing that we're all going to be challenged with is transitioning from, quote, the old system to the new system. And this is going to be very, very difficult. And part of that, again, Judi points out is whose responsibility is it anyway? Well, one of the things I think many of us are finding is that

each one of us are becoming aware of the standards at different times. And we need to increase our awareness of the standards across the board because these are going to be -- even if your state isn't adopting these college and career ready standards, these ideas are going to be what's driving curriculum for the next 10 to 20 years.

BILL EAST: Thank you. All right, we've been mentioning adequate yearly progress, or AYP, all day, so let's get into one of the issues that our workgroup brought up. AYP does not measure individual student performance from year to year. Rather, it compares how well a school is making progress toward reaching the goal of having all students proficient by school year 2013/14. That's the issue. Rich?

RICHARD LONG: Well, Bill, and this is something that is probably going to be impacted by the approach on waivers that many states are going to be looking at. But we recommend that we work together to determine how best to balance a focus on individual student growth, which is an idea that's really been developed in the IDEA and now also being talked about by way of value added. But also with the improvement from year to year in a single grade, which is something in ESEA. But again, not thinking about the group, but thinking about the individual as a group.

BILL EAST: Okay, Judi and Colleen, you're dealing with this every day. I mean, it's a big part of -- it's your job. You're dealing with this every day. What's your take on AYP?

JUDI MILLER: Well, I think one of the big issues is that we need to remember that the current law is the version of ESEA that says all kids will be proficient by 2013/14. So we know that we have to continue to use current state assessments and calculate AYP the way we have for the last eight years, eight, nine, ten years I guess it is.

And so we have to keep that in mind, but we also have to look at the future. We're in a time of transitions. States may or may not be asking for the waivers from the U.S. Department of Ed on some of the accountability provisions. AYP, there will still be a way in which we have to make measurement of schools, which are the lowest performing schools, the lowest 5%, 10%, whatever. We also know that reauthorization is happening in bits and pieces. And so what will look like, we don't know. So our recommendations here may very much be incorporated into whatever comes out of Congress. But we're in a time for some states of, no, we're going to keep going the same way we've always been going until reauthorization. And then there are other states that are going to say, wow, we're going to jump onto this flexibility and change. So again, it'll be important for people to stay very focused and know what's happening and understand what's going on.

The other thing that I would suggest is that one of the things we've learned is, again, that whole issue of working together. Because when you start analyzing the data on AYP, remember, it's about how well did a school do and the groups of students within a school. And so often it's the students that are English language learners, the students of poverty, those that are on free and reduced lunch, or students with disability that tend to be the group that doesn't quite meet the target or make safe harbor or whatever.

And so we need to continue to work together to make sure that all the teachers know how to work with all the kids in all the appropriate ways, that it doesn't become a your children versus our children. And it may have been the English language learners that caused this school not to make AYP, but the question is, what's happening with our curriculum, our instruction, our design with all teachers that are working with the ELLs, not just one group.

COLLEEN RILEY: I would concur. Judi described what we're trying to do in Kansas very well. It's looking at what's happening within that school structure, not just with individual students. And how can we improve the access to instruction for all students?

BILL EAST: Okay, our next recommendation is around universal design for learning, or UDL. And I thought I would share what UDL is before we get into the recommendation. And it is simply a set of principles for curriculum development that gives all individuals equal opportunities to learn. It's really around flexible approaches to individual needs. For example, if a student needs to have text read to them through technology, a student can make that available as they go through. If a student needs to have a term -- they run across a term and they don't understand what it means, you know, they can highlight that term and click on it and have a definition that is read to them. Those kinds of accommodations are just priceless for students with disabilities that are struggling to understand the curriculum. So that's what UDL is all about. So here's our issue with UDL. Students do not always have a curriculum and assessment materials in a format that's accessible to them.

RICHARD LONG: And Bill, what we think the proposed change should be is principles of UDL should infuse both instruction and assessment across all education programs. And we think this is both a statutory change and an informational change.

BILL EAST: Colleen, I know -- you know, are we seeing UDL around the country? How about Kansas?

COLLEEN RILEY: We really are. And what's so exciting about this is it provides educators an opportunity to get materials, curriculum, instruction to students in a manner so that they can actually access the

content. And that's what's been so critical is we want to make sure that when we are providing instruction or when we are assessing students, that they have had access to the appropriate content. And so using UDL is critical to that end.

BILL EAST: Thank you very much. You know, the next thing we're going to talk about is the graduation rate. And you know, we all could have a lot to say about that because it's a big issue for students with special needs. And Rich mentioned earlier that all students should have access to a quality education that helps them graduate college and/or career ready. And that's very important, but we know that some students need individualized instruction. Some students need more time to complete their curriculum and transition services. So that's the issue that we see around graduation rates.

RICHARD LONG: Well, and before I go onto the proposed change and specific, during our discussion on this point, one of the things we found extraordinarily confusing was the idea that if a student in school is working in the best interest of a child under IDEA and has a graduation target, they're working towards a target, progress is being made, and the ESEA requirements are different, this is an example of the silos. Are rules getting in the way of, again, the best interests of the child?

So what we propose is to provide a common definition of graduation rate and a single data collection point. And we think this is a statutory requirement, that ESEA regulation should recognize that under IDEA, some students may need additional time. And this is both regulatory and informational in our minds.

BILL EAST: How do you handle time and the graduation rate in Kansas?

JUDI MILLER: Colleen and I could both talk about this quite a while, so we appreciate your comment about not to talk too long on it because it's been a really critical focus for us for the last year and a half, I believe it is. We've had a workgroup, a collaborative workgroup in our agency across all the teams, talking about graduation. One of the issues, and probably most states are aware of it now, is this is when we move to the four-year adjusted cohort graduation rate. The report cards that came out based on the 2011 assessments should also be reflecting the new four-year adjusted cohort graduation rate. And then beginning this next year, you start using that four-year adjusted cohort graduation rate for making AYP decisions, adequate yearly progress decisions.

So if you stop and think about it, now all of a sudden we're supposed to take a group of kids that the first time they're ninth graders, how many of them graduate four years later? Doesn't matter if they're English language learners, students with disabilities, whatever. However many of those kids

started as ninth graders, four years later how many of them actually graduate? So right there, as Rich mentioned, you have kind of a disconnect because we're saying doesn't matter whether another law says you should be able to stay in until 21 based on IEP -- you know, the way it's written and all of that. Doesn't matter, we're going to -- at the time four years hits, we're going to count you as a non-graduate.

And so one of the things that we have found is you have to think about your language. We don't use the word in Kansas dropout when we're talking about graduation rates because it puts a different focus. And I'm sure we all know how labels can impact. So we use the term non-graduate because these students are still in school, but they haven't graduated. They haven't met the requirements in the four years. But in Kansas, we'll have an extended year and we'll try to pick them up in the fifth year. But also as one of our recommendations, you know, talking about a common graduation rate. You commented about the SPP. And so there's a graduation rate there. Career and tech ed has a graduation rate. IDEA -- I mean ESEA, we have a graduation rate. So one of the things we need to do through working collaboratively is make sure we're using the same goals, the same rates, the same targets so that we don't all of a sudden say, well, for this purpose, the group is making graduation. But oh, for this purpose over here, they're not.

And so one of the things we found this summer when the Title I directors had a meeting was, first of all, how few people understood about the four-year graduation cohort, the fact that the data would be counting students with disabilities as non-graduates at the four-year point if they did not graduate. And so it's not only should folks that work in the world of students with disabilities become familiar with it and work with it, but everybody should have a better understanding because I really do think we're going to have to make some effort to get some changes. I understand the purpose. It is more of an emphasis on graduation and make sure kids do graduate. But there are so many unintended consequences with people pushing kids out or not taking in these kids that aren't doing very well, but want to come back to school, because you know they won't graduate in the four years. So there's really a place for collaborative work.

COLLEEN RILEY: Judi has summed up our work very nicely. And it's really important for districts as well as state agencies to understand that there are a group of students who do deserve and need those transition services between the ages of 18 to 21. And that's what IDEA provides for a small group of students. And to have those students not be -- or to count against a district or a state with the graduation calculation is really what is needing to be changed. They are students of the district. They are

students that are making the progress as per their IEP. And there needs to be some type of allowance for that.

BILL EAST: Okay. In the interest of time now, we're going to shift our process here a little bit. There are five recommendations around data collection. Obviously the workgroup had a lot of issues about that, and one reason they had a lot of things to talk about is because some of these can be changed, you know, easily without statute. So Rich and I are going to go through the issues and recommendations for numbers five through nine. And then we'll go to the state of Kansas and say, what's your take on this? What's the reality on the ground? Are these problems? Is this realistic as we look at our recommendations?

So let's look at -- Rich, let's look at data collection. The first issue that our group talked about was around -- you know, under IDEA, similar data are collected at different times and some data are reported under EDFacts, which is a system that the U.S. Department of Education use to collect data, while annual performance report, or APR data, under the state performance plan are not. And then you go over to the Title I side and state reports under a consolidated state performance report, or CSPR, that is submitted through EDFacts. The different reporting dates with different terms or different definitions for similar data points is really most confusing to people that are implementing these two laws. So what did our group propose to do about that?

RICHARD LONG: Well, Bill, this is -- the data collection is expensive and it's important. And so we have one of these balancing acts. We're trying to figure out how to most appropriately do. When I talked about this at the U.S. Department of Education, they pointed out to me, yes, that some of the data collection is requirement of Congress, some of it's required through regulation. And they were most interested to know, Bill, where the data collection was being burdensome. And I said, look, we are all in favor of data collection and informing -- using data to help with change. But there are data that are being collected by the U.S. Department of Education that even the U.S. Department of Education doesn't have the resources to process.

So one of the things we need to address is what is the data being collected for? And to do that, what we're recommending here is that we need to be collective in our thinking on this, and that is the Congress, the Department of Ed, and the community to identify five to ten points. We're not being -- you know, we're not saying seven. We're not saying three. You know, we're giving a range here. This is to be very deliberate. What data points are the most critical? Graduation rates, dropout rates to give an idea of a few that can be used in both Title I and IDEA, part of the reason being that for each statute, the

timing is a little different, so that means that a local school has to sometimes collect the same type of data twice: once in October, once in November, because it's going to be different. So what we're saying is we need to include all the stakeholders here and make a report at the federal level about what's important and to make some decisions. And we think this is a statutory change.

BILL EAST: You know, you mentioned the burdensome nature of some of the data. And the next issue that the workgroup dealt with was looking at the fact that many states report hiring multiple staff exclusively for meeting the Title I and/or IDEA data collection responsibilities. And the cost really around that is unclear. We know it's a lot because people have hired people to do this. So the workgroup came up with a recommendation about that that probably is realistic.

RICHARD LONG: Well, what we're recommending is the Government Accounting Office, which is essentially a neutral body, make a report as to what these cost factors are and to put it on the table. We also know that, as Bill's pointed out, that not only is the states having to hire people just for data collection. In order to hire people, they've had to fire program people. So at a time when we're trying to use data to improve instruction, improve effectiveness, we're losing the people to be able to actually do that.

BILL EAST: And the next one is around, you know, the data are collected sometimes in a piecemeal fashion by individual programs. I mean, we've talked about that. And as a result, the sharing of data across programs is a real challenge. Many of our data systems in states, they're of course now on computers, but the computers can't talk to each other. It's real problematic. So that's an issue, sharing data across systems.

RICHARD LONG: EDFacts is an idea that we think needs to be further expanded and developed in order to not only serve as a repository for all data so that we know where to go to get it, but also essentially to anticipate what the requirement's going to be so that we're asking people to do this less, but get more out of it.

BILL EAST: The next one is really, really frustrating to people that work in the states. It's the timing of the data. Many policy decisions are based on outdated data. For example, in the IDEA, states were often cited for violations that have already been corrected because the data are two and three years old they were making policy decisions and monitoring decisions around. So that's really problematic.

RICHARD LONG: And basically, just as you outlined in the issue, it's making the data as current as possible with the new technologies, with the data collection systems that are out there. But it's not just

that those tools are out there. We have to make use of these things. The federal government has to make use of these things. And this is both a statutory and regulatory change.

BILL EAST: And the last one around data, not all data collected are currently being used due to the immense volume. Or they're limited in the way we can use them because we spend so much time collecting the data and reporting the data, we don't have any time to deal with the data and use the data to make important decisions and to change things that need to be changed as we implement programs.

RICHARD LONG: All the data needs to be linked to specific anticipated actions. We should be able to say -- when the feds say, we're collecting this data, they should also be able to complete the sentence by saying, this is what it's for. And this we think is as much a guidance issue as anything else in that they should be addressing this in everything that they're doing.

BILL EAST: Okay, Rich and I did the easy part, talking about the issues and the recommendations. How does this play out? And what are the issues? Are we correct about the issues that we've explained? Are the proposals realistic? How do you see it from the -- how do you see it from the Kansas point of view? Who's going to start?

COLLEEN RILEY: Well, as Rich mentioned, you know, it is important to do data collection. But what is challenging is the overwhelming amount of data that is collected, as well as the duplication of the data. Between our two departments alone, Title has requirements, special education has requirements. The basic factor is students with disabilities are students. And so if you're collecting data for graduation, for example, why not have that data be for all students rather than having the specific data collection for students with disabilities as well as separate reporting requirements? Because it's not just the data collection, but then it's the separate reporting that also comes along with this.

Now the Department of Ed has made some changes, most importantly in the area of graduation and dropout, the last couple of years. It is the same data, but there's still duplicative reporting requirements that come along with that. You also mentioned the --

JUDI MILLER: Cost?

COLLEEN RILEY: The cost, yes, the shortages. Thank you, Judi.

JUDI MILLER: See, we collaborate.

COLLEEN RILEY: That was so good. She could read my mind. We really have as a state had to make significant changes in our IT department in order to meet the requirements of the data collection. And Judi and her team will go to the IT department and say, we need to have these changes made because of the data collection and reporting requirements. And we'll be doing the same thing. But it's the same group of people that need to be putting these systems in place. Or we need to let others go. And so that has become very burdensome in the states.

BILL EAST: Okay Judy, I know you want to add to this too.

JUDI MILLER: Well, and one of the things to remember is that the data that we're collecting for Title I and for IDEA, it's only a piece, a small piece of all the data that's being collected and reported. For all the programs in ESEA, for the Perkins and all the other aspects of things that the feds are doing. So when you have limited resources and you -- and Kansas has the luxury of having a phenomenal IT department. I mean, a director that had a vision to build systems and find ways to build systems so that we are able to use the technology to collect the data and then report the data. It's great, but again, it takes staff, it takes time.

And the question does arise, how much is the data being used that does get funneled through this wonderful system that we've referred to as EDFacts? Who's using it? Why do you need to know how many students in Title I also happen to be students with disability or English language learners? I mean, is someone really using that data or not? If it's being used, then that's fine.

The other issue that we're running into and bumping up against is there's more of an emphasis on FERPA, students' privacy. You know, and we're supposed to be more transparent in the data that we report on our report cards, on our websites. You know, all sorts of things. And data requests we get, we have to all of a sudden become very, very careful that the data we're putting out there and the data we're submitting to the U.S. Department of Ed is not then turned around and used in a way that would potentially violate some FERPA rights. And so we have concerns around that.

You know, we are very much in a world of data, but it seems as though since we have technology, people figure we can just have people collect more and more and more data. And sometimes folks forget the timing it takes to build the systems to collect data. Colleen mentioned making a change. You make a change for next year, you have to start it a year in advance almost of what you want. And so any data changes that the U.S. Department of Ed makes, they have to be timely and thoughtful in order for us to build it into our systems. And again, this takes time away from providing

support, technical assistance to schools and to teachers and to administrators. And I know people in the field are probably saying the same thing. Yeah, you guys are collecting way too much data from us and we're spending too much time producing all of this data and filling in all these reports when we should be working with the kids.

And I do know in the flexibility, the waivers that we've asked for, one of the -- not asked for, that we could ask for. One of the final areas that you have to address is how will the state reduce its data collection and reporting requirements. And the thought that went through my head when I saw that was, well, I'm not too sure that states have a lot of their own data collection. It's all connected to federal requirements. I mean, if we go through the data that we collect, I would say probably 90% of it is driven because of federal requirements and not because of state requirements. So data is a huge issue, and we do have to work together to make sure that we're not having duplicative reporting requirements that were fragmented, that we're using resources in ways that could be designed better.

BILL EAST: You know, managing of the data is a huge area of concern because we want to strike that proper balance between how much to collect and how much is used to make a difference. You know, you made a couple of points in your conversation, Judi, and I want to make sure that our audience understands some terms, a couple terms that you used. One, you said FERPA, which is the Family Education Rights and Privacy Act. And that controls how information can be shared between programs and with outside entities. And you also mentioned Perkins as another area where data is collected. You want to expand on that and tell people what Perkins is?

JUDI MILLER: Sure. That would be your tech ed, career and tech ed programs. Used to be called vocational education. We don't use that term anymore. But they have all their data requirements, just as we do. Title III for English language learners, they have data collection requirements. I mean, just about every program. And I guess what we need to remember most of all is probably the most important data that needs to be collected is the data that the classroom teachers are going to use to improve instruction for kids. And that's not what we collect.

RICHARD LONG: I think, Bill, what we're talking about here is we need to change the system and how these ideas are determined. And we need to have a much better understanding of the concept of utility. The cost of doing this, does it impact the benefit that we're trying to achieve? And unfortunately, as Bill and I working in Washington have seen, many of the education advocacy groups, they go out there, get a member of Congress, and say, we need to measure how many times a right-hand hitter facing a left-handed batter on a snowy, rainy night can hit a hanging curveball. You know, some things just aren't

that important. And we have a lot examples through here of that. And what we're saying is let -- this is a reality. Let's get on top of it.

COLLEEN RILEY: Exactly. Because as Judi pointed out, the critical piece of data that we really want is that progress monitoring data that's occurring at the classroom level. You know, how is the student progressing? That goes to the end of the positive outcomes for students.

RICHARD LONG: We had a discussion with our friends in the mathematics community. And in the Title I -- to give you an idea how sometimes data actually has you go to the wrong point, we were talking with them about how to improve mathematics instruction in the Title I community. And one of our directors said, well, we understand that one of the things we're trying to achieve is get as many kids as possible taking algebra by the eighth grade. And we'd all nod and say, yes, that's good. The mathematics community would say to us, no, that's not the purpose of the exercise. What you should be measuring is how many kids are taking things like multiplicative reasoning in the fourth grade. So it's what's important to get you to your goal. Are we actually asking that question? And again, sometimes we mix up the data with the goal.

BILL EAST: Okay, in order to get to all our other recommendations, I guess we better cut this one off and move on. The next area, and this is the second area of overlap that the workgroup dealt with, was issues and recommendations for compliance and outcomes. And we only have -- we have two areas that we want to make recommendations here. One is around maintenance of effort and the other is supplement, not supplant. And we'll explain what those are.

In the area of maintenance of effort for local school districts and schools. Now there are different requirements between our two laws. Under the IDEA, maintenance of effort means that a local school district must spend an amount equal to or greater in the current year as they did the previous year. And there are a few exceptions that are spelled out in the law where they can deviate from that. For example, if they have a less number of students during one year. If there is some catastrophic event like a national disaster. If several of your higher paid, experienced teachers retire and they're replaced by new teachers. If you make some large equipment purchase in one year, and then the next year you don't need that. There's legitimate reasons that you can reduce your effort. But they're limited.

And so the issue around maintenance of effort is they're defined differently in the two laws and it creates confusion at the local level about how to administer programs in compliance with the two sets

of requirements. So Rich, if you would tell us a little bit about what is maintenance of effort around Title I, and then go into our proposed change.

RICHARD LONG: Well, I think Judi would probably be better on the specifics of maintenance of effort. On this proposed change, though, this is an example of where there's really good reason to have two separate definitions. What isn't a good reason, though, is not having the guidance provided to both programs so they understand, especially at the local level, why the same term is being defined two different ways for two different programs. And this is a type of thing that we can easily change and use as an example to provide good information about how the differences should be maintained.

BILL EAST: Okay, well, let's turn to Judi and Colleen for any comments you may have.

JUDI MILLER: Title I maintenance of effort is actually looking at whether or not a district is maintaining its effort to finance education for general education kids. It's not about how much money was spent in Title I, but it's about money for the regular education program. And it actually looks at prior years, comparing -- and you can't have more than a 10% decrease in those resources. And if you do, then you have to reduce federal resources the same proportion in which you exceeded the amount for maintenance of effort. So one of the big differences is IDEA is looking at how much was spent on educating students with disabilities, whereas Title I maintenance of effort is about general education.

So you can have a district that makes maintenance of effort for Title I, but they don't make maintenance of effort for IDEA or vice-versa. And it gets very confusing. And it was a real aha to me when I finally understood how IDEA maintenance of effort was calculated. And it is something that you really have to think about and understand. One is on expenses and one is for a specific group, and the other is on expenses for the entire population.

BILL EAST: Okay, the next area here is supplement, not supplant. And the idea, though it may be complicated to implement, it's really a simple concept, is you cannot supplant existing dollars that are being used in the program with federal dollars. You can only supplement those with additional federal dollars to enhance the program. And so the issue again here is really around the measurements for supplement, not supplant are different for each of our programs. In Title I, there are differences between school-wide programs and targeted assistance programs.

RICHARD LONG: Oh Bill, you got it.

BILL EAST: And I need help in understanding what those are because I'm not in Title I. So Rich, why don't we start with you. Then Judi can clear up anything.

RICHARD LONG: Yes. Supplement, not supplant is a core legal requirement of Title I. And frankly, the reason has been much related to maintenance of effort in some regards, is to make sure that funds aren't moving away. We have federal emphases in certain areas, and this is to help schools to supplement the education of disadvantaged kids who are low achieving. We then have state and local resources migrate to other important areas. What we've proposed is that we need to have guidance on supplement, not supplant so to clarify the differences between each programs and include recommendations on how states can support the use of response to intervention or multiple-tiered system of supports, MTSS, without violating the supplement, not supplant requirements. And we think this is both guidance and informational that this is a fairly new set of ideas or a philosophy about education that we need to then adapt both the black letter law, but also to how it's interpreted.

BILL EAST: Judi, you have anything to add to that?

JUDI MILLER: Sure, sure. When we talk about supplement, not supplant for Title I, as Bill -- or excuse me, as Rich mentioned, if a school receives $100,000 of general state aid and all of a sudden it gets Title I money, you want to make sure that that school still gets its $100,000, that the district doesn't decide, well, since they're Title I and they're going to get an allocation from Title I, we're going to reduce this school's general allocation to $90,000 or $80,000. So the intent behind Title I is it's supposed to be supplemental. It's in addition to what the school is already receiving.

Now there are several situations. It's not just about the dollars, as you mentioned with special ed, but it's also the situation tied to the dollars. For example, with Title I, one of the tests that you have to look at is to whether it's supplanting or not supplanting is whether it's something that's being mandated. So if it's a district or a state mandate, that's supposed to be funded by the district or the state, not Title I. Now there are exceptions to all of these. I won't get into them right now, but there are exceptions to all of this. The other thing that's very important is if something was funded previously with local dollars or state dollars, you cannot turn around and now fund it with Title I. Again, there are exceptions, but I won't go into those right now. Talk to your Title I director if you want to know about those.

Where we're really bumping into the issues in our state is the fact that we have a lot of schools that are implementing in other states that might be called RTI response to intervention. In Kansas, we have a whole systemic framework that's called multi-system of supports, MTSS. And we're finding that schools are implementing this system, a way of designing curriculum, organizing the schools, and all of that. But they really have to be careful if they are a Title I targeted assistance school. In a Title I targeted

assistance school, the dollars go specifically to Title I identified students. In a Title I school-wide, the entire school has been organized around a school-wide plan. And all the kids are Title I kids, all the teachers are Title I teachers, and you don't have as much of an issue with supplanting in a Title I school-wide. But in a targeted assistance school, you have to be very careful that you're not using resources to provide services to kids that are not the identified Title I kids.

And so there are ways to work with the schools to make sure that they are not supplanting. And one of the things we need to remember, it's very situational. You can look at a rule, but you have to hear the specifics of the situation because it may be supplanting in district A, school A, but over in district B it would be supplemental. So you have to really look at it on a case by case issue. But it is a cornerstone of Title I to make sure that the resources are in addition to what's going into the schools and for specific kids. And it is something that can really trip a school up.

COLLEEN RILEY: And what Judi just described, we realize and recognize that it takes time to sit down with school staff and agency staff and district staff and figure out whether this is an issue of supplant or not. But it is critically important that all of the parties understand what's happening so that the school and the district do not get themselves into that situation. And so putting that time in to have those conversations to figure out what the school is doing to provide additional to Title is very important.

JUDI MILLER: And I might -- if I might just add, one of the issues that we've had over the years that leads to a lot of confusion is people will say, well, because a student has an IEP and they're a student with a disability, we just won't put them in Title I, not recognizing that Title I says any student is eligible for Title I in a Title I building if they meet the particular criteria on which any child is selected for that particular program. So it could be a student with disabilities. However, if the IEP says this student needs services in reading, then special education is responsible for making sure that the services along reading are provided. Title I could be in addition to, but it can't take the place of. If it took the place of it, then it would be supplanting. So you know, there's lots of nuances to it and you have to be very careful. But we also have to work with our schools and districts to make sure that they understand students with disabilities are eligible for Title I services, whether it's a targeted assistance school or a school-wide. They are eligible under, you know, the criteria that's established by the school.

BILL EAST: This discussion has been very helpful. I want to encourage all of you out there that are on the IDEA side of this fence, cross the fence and get over there and learn what the requirements in Title I so you can work better together. It's very important that we do that.

You know, the third area that we saw some overlap and we have some recommendations are around recommendations and issues around program requirements. And we have three areas that we want to discuss with you very briefly. One is working across programs. The second area is issues around definitions. And the third we'll address paraprofessionals.

So here's the first one, working across. The complexity of Title I and IDEA requirements sometimes creates concern in schools and districts that if they collaborate like we're suggesting across programs, it will result in being cited when they have compliance reviews by their state or by the federal government. And this -- just that fact can reduce the likelihood that collaboration between the two programs can occur.

RICHARD LONG: And Bill, as we've talked about over and over in this discussion and other discussions, we believe that this is an example where the federal government, and they're talking a lot about being more collaborative, they need to be explicit about this so that people don't believe they're facing a double jeopardy.

BILL EAST: Comments from Kansas on that one? I think that one's kind of --

RICHARD LONG: I think they like working together. That's the sense that I get.

BILL EAST: They like working together, so it's not an issue for them, obviously.

COLLEEN RILEY: But even if you didn't, it's very important to do so.

BILL EAST: I know I'll get a comment or two around this next one. It's around definitions. You know, different definitions for the same or similar concepts creates confusion at the state and local levels. the lack of clarity makes it difficult for administrators to apply the laws effectively. Rich?

RICHARD LONG: Well, and again, we think this is one of those ideas where we need to be very, very explicit and encourage the Department of Education to be explicit, that they need to include in their materials, in their training, and technical assistance the acknowledgement of different definitions and that they need to provide guidance on how to reconcile these differences where it's appropriate. So it's reconciliation here, but it's also acknowledgement.

BILL EAST: I know both of you have kind of addressed this as we've gone along. Have any additional comments around definitions? It's obviously an issue for us and we need to do a better job of having similar definitions to work with between our programs.

Now let's talk about paraprofessionals. We know we have paraprofessionals that work in both of our programs. And integration of paraprofessionals into Title I and IDEA varies widely, as we know. Under Title I, paraprofessionals monitor instructional tasks that are required to either pass a proficiency test. And they have to pass a proficiency test or have an associate degree. Under the IDEA, paraprofessionals provide support in a number of areas: academics, health or behavior related activities. They ride buses. They do all kinds of things. But under the IDEA, there are no specific requirements for these paraprofessionals. The requirements come from the state level. And so what do we need to do different there, Rich?

RICHARD LONG: One of the things that I think that's very important and our group discussions uncovered for us was that there was a need for -- when professional development was being done at any level, that the paraprofessionals be included in this, either specifically the same or something comparable. And we also believe that more flexibility is needed regarding Title I aides so that they can be used in school-wide programs. And we think is consistent with the statute, and as such should be more explicit in U.S. Ed guidance, and we ought to provide more information about how to do this, Bill.

JUDI MILLER: And I just might add that in terms of Title I paraprofessionals that provide instructional support are the ones that meet the requirements. So if there is a paraprofessional that's assigned to ride the bus, they're not identified as an instructional para. They're more of an attendant para. In a school-wide, they would not have to meet the requirement of passing assessment or having the degree.

But the concept is the purpose behind having the requirements for the paraprofessionals is these are kids that are most in need of assistance in reading and mathematics. You would hope that the adults that are working with them would be ones that would be knowledgeable about teaching reading and mathematics, or supporting reading and mathematics. And so that's why Title I has the requirements. We have requirements for teachers being highly qualified. We also said we need to have expectations that our paraprofessionals can be of good assistance in teaching reading and mathematics, supporting reading and mathematics, by having at least a certain level of education.

BILL EAST: Thank you very much.

RICHARD LONG: And Bill just kind of give kind of a nod where we're looking forward. Tim Shanahan is doing a set of studies looking at school improvements. And some of the variables they're looking at is how are the adults around the students using language? How rich is that? So this isn't just a matter of, you know, what's the actual instruction being done, but it's also that whole environment. And these are

the challenges we're going to be facing in the future. And so how paraprofessionals are being seen as part of the team is part of the answer.

BILL EAST: Okay, let's go to our fourth and last area where we have issues and recommendations, and it's around integrating instruction. And really the discussion here is about response to intervention, RTI. Now we have done a number of professional development conferences here at NASDSE around RTI. Since we've done those, many states have adopted the process, but they call it by a different name. Kansas, for example, calls it multi-tiered system of supports. Florida calls it multi-tiered system of student supports. And other states have differing terms for the concept and the process that we're using. But that's what we're talking about, response to instruction or response to intervention.

And so we really have two areas that we want to talk about here with recommendations. One is around the flexibility in the use of the IDEA funds. And the other is around the flexibility of the Title I -- using funds as an exception. So let's talk about those. But before we really get into the two recommendations that we have, I've asked Colleen to talk about, you know, just what is the response to intervention model, and how have you taken that model and adapted it in a better way for Kansas? So would you go through that exercise before we get to the recommendations?

COLLEEN RILEY: Sure, Bill. The response to intervention model really has made what I think is a remarkable transformation over the past few years. Educators from across the country were very excited, I was one of them, when response to intervention was included in IDEA when it was reauthorized in 2004. And as you know, NASDSE took a very strong leadership role in promoting response to intervention, putting out the blueprints for buildings, which was just a tremendous tool in helping move response to intervention to the next level.

But it truly did start out as a way to identify students more appropriately who may have specific learning disabilities. But professionals across the country and Kansas in particular also recognize that there were broader applications, that we could really as special educators influence interventions that occurred in special education classrooms as well as in general education classrooms. And that's where it moved for a number of years was appropriate interventions. And as you can see by the model that is on the screen, the response to intervention model, there are two sides to the RTI model as it was presented at that time. The academic systems, which included reading and math, as well as the behavioral systems.

Now the next transformation that has taken place is going to a systems or a systemic change. And that is where Kansas as well as Florida and other states are at this time. The Kansas multi-tiered system of supports includes the idea that there needs to be a system of supports in place for educators as well as for students. And rather than the focus being on what are the problems with the child, the focus has been on what are the issues with the system? And making changes within that system so that all students can be successful. So as we take a look at this framework, we really do work from the outside in. And looking at how we're going to change the culture of a school, a classroom, a school district, as well as a state agency. And what professional development is necessary in order for that change to occur? And who are the leaders in that educational setting that are going to provide the leadership necessary?

And when we talk about leaders, it could be the superintendent. It could be the principal. It could be the classroom teachers. We have many educators that are in a leadership role just by the sheer power that they present within their setting and the way that they can empower and support the rest of the teachers in their building.

Then as you move into the framework, you're looking at what is the appropriate curriculum, instruction, and assessment that's available for the students? Looking at all students and then providing -- and that would be the core instruction. And then what is the supplemental supports that need to be in place, or the supplemental interventions that need to be provided for some students? And then more intensive supports that are provided for a few students.

The other thing that we've done is we've moved to this systemic change is look at incorporating reading and math and behavior together so that they're not separate entities any longer. So we've got instead of sides of the triangle, it's all incorporated into the basic curriculum that students need as well as what the teachers need. And as far as what is MTSS, this is a very long sentence, a very long definition, but each word in this definition from our perspective in Kansas is critical. Looking at is there a coherent continuum of evidence-based practices that support being able to respond to students immediately if there is an academic or a behavioral need, and using data to make those decisions, monitoring that data on a very frequent basis. And this will then empower our students to be able to achieve at the very highest standards.

BILL EAST: Okay, thanks for that background. Now let's get into the recommendations that we have. Under existing rules, schools using 15% of their IDEA funds for [inaudible] are not able to use those funds for tier one services. In other words, the basic services that we expect for all children in the RTI

model. Colleen, what is the -- how are we going to take care of that? What's the remedy? What's the proposal?

COLLEEN RILEY: Well, as Judi also mentioned earlier when we were talking about supplement and supplant, we want to make sure that what we're doing is providing additional support to these students who need that support. And so it's critically important that schools and districts look at what additional instruction they need to be able to provide for those students that are not meeting the requirements within the core curriculum.

BILL EAST: So the use of the 15% funds throughout IDEA across the tiers makes sense.

COLLEEN RILEY: It does.

BILL EAST: Well, I'm not even going to try to tuck all this next one on the Title I side. I'm going to go right to Rich and Judi to talk about the flexibility of this needed on the Title I side to support multi-tiered system of supports.

RICHARD LONG: Well Bill, this is a very complex area, and we've spent a lot of time talking about it. Essentially we boil down the issue to this. If a state or district requires all schools to implement RTII/MTSS, Title I funds are at risk of supplementing rather than supplanting federal, state, and local funds. Judi, what is our suggestion on how to handle this?

JUDI MILLER: Well, what we'd really like is that there be some guidance or maybe a waiver process from the U.S. Department of Ed that would allow, permit schools or districts that are implementing a robust system, a framework, a full-fledged system of RTI /MTSS, that they be allowed to have a waiver so that the resources, the Title I resources in that building may be used to support that particular model of instruction design, of curriculum, so that you don't have to worry about, oh, we can't do it in this school because this district said every school has to do it. Therefore it has to be funded with general fund money rather than Title I. And we also -- we know more and more districts and states are looking at making this the way of doing business. And so we'll start mandating it more, and right away you're bumping up against supplanting.

I might also point out that the U.S. Department of Ed did a PowerPoint with voiceover and it is posted on their website about developing an RTI model and using Title I, Title III, and the special ed funds, the EIS -- CEIS? CEIS funds, which can also be helpful. Because in Title I you also have the difference of not only if the district requires it, but is it a targeted assisted school versus a school-wide? You have a lot of flexibility in a school-wide, but within a targeted assistance, you're very restricted on

which funds. Just as with IDEA you can't use those 15% funds for the core curriculum, well, you can't do that either in Title I in a targeted assistance school. Right now there are a lot of roadblocks that are preventing us from really implementing and doing what's best for kids.

COLLEEN RILEY: Judi mentioned CEIS. That's coordinating early intervening services. Also, the other thing that Judi touched on was the -- we have to be very careful as schools and districts are moving toward MTSS. There is a very specific framework. It's a very specific way of going about instructing students. And so as we're looking at schools or districts who are saying they are doing RTI or they are doing MTSS, there are ways to be able to do checkpoints or monitoring, especially with the progress monitoring that occurs as a natural part of implementing MTSS with fidelity. And I think that's going to be a critical piece as we start moving toward what Title and IDEA will allow is ensuring that schools and districts truly are implementing with fidelity.

RICHARD LONG: And one of the things too in our recommendation, Bill, the discussion was about giving the states the flexibility to make these determinations because these are complicated and subtle differences between working in the best interest of children within the confines and requirements of these statutes, and breaching the law. And it isn't that it's impossible to do, but it has to be done, we believe, at the state level. But we also believe that there needs to be some federal guidance on this so that we have a nationwide discussion on what constitutes how to thread this needle. So it's not something that's just willy nilly, as Colleen implying that there's some people out there who in their hearts they believe that they're implementing this properly, but it's not the wild west. This is a really fascinating opportunity for us to make some real difference with kids using our resources in a coordinated way.

BILL EAST: Okay, that's our 16 issues and recommendations. And so we're going to wrap up here shortly, but I want to go to Rich. You know, our organizations have collaborated, I think, quite well. And we've done some good work and we've got a lot of follow-up to do. But in our view, you know, what's next for our organizations?

RICHARD LONG: Well, you know, first off, you say 16 is a big number to get involved in. And as we led off this discussion, it is -- we actually limited ourselves to this. We know that there's a lot more to be done. We know that working with the U.S. Department of Education's staff that we're going to be exploring how to do the informational ideas, how to do the regulatory ideas, and we're also going to be exploring [inaudible] some of these statutory changes as well. So this committee is going to help us in the near term with some of these points in this group of 16.

But looking ahead, what additional flexibility is possible without giving up quality? And you know, that's really the balance we're talking about. How do we define an effective teacher? There's a lot of literature out there about that. There's a lot of poor policy out there about that. So, but what does it mean for us? Because we're talking about some of the most vulnerable kids in our communities. And we know that the teacher is absolutely critical in making a difference in those kids' lives.

We also know that we have to ensure formative assessments and progress monitoring, how do those ideas intersect and intertwine? We know they're going to be part of the core standards. We know that they're part of where we're trying to use data to inform instruction. But we also know that these are ideas and techniques that teachers are going to need support on how to do, which also means administrators are going to have to be able to identify what's effective and what's ineffective. And we believe that we have a role at a national level as non-government organizations at making this a vigorous, informed debate that people learn from and that good policy emerges from. So that's where our challenges are, I think, Bill. And working with you in the past several years has been very exciting. We've made, I think, some impressive inroads in breaking down the silos between and among people who are trying to do good work. And I think we can go further. And you know, hopefully that we'll have more allies with us on this and we'll be able to continue to grow.

BILL EAST: Thank you. I want to go to Judi now and to talk about, you know, what can the state, district, and school level staff do to advance this work? And are we really better together? So if you'll take the next couple of slides and talk about that.

JUDI MILLER: Certainly. And when you think about the 16 recommendations that we've made, as was pointed out earlier, some of them are need for information, some are legislative changes, and you're probably sitting there in the field thinking, so what does this have to do with me? It's going to take forever for those things to happen. So there are things, however, that you could be doing immediately. I mentioned earlier, be informed about the development of your new standards and assessments. What's your role in it? Do you understand what's happening? Is your state one of those that's adopted new standards and is moving toward new assessments? If not, what are you going to do if the next version of ESEA says you have to have robust college career ready standards?

You also need to make sure you understand the similarities and the differences between Title I and IDEA requirements, including the accountability requirements. And it's not only folks on one side need to have the understanding. We need to make sure the other side understands as well. Title I has

the responsibility to have a better understanding of IDEA as IDEA folks have a need to understand Title I a little bit better.

And then I would say please be involved with upcoming flexibility options. They were just released on Friday. We don't know what it'll really look like. We don't know what's going to be involved with it. But at least be tuned into what's happening in your state because maybe you can help them. I know that there are places in which states can say what should be our interventions and consequences for the priority and focus schools using new terminology rather than calling them schools on improvement. So maybe you can help define those things. So become involved in what's going on in your state, as well as there is a role for community involvement in that.

And then again, data is such a big part of our lives anymore. Do you have common data definitions, common systems? Are you working for similar goals and targets? Or do you have separate goals on everything? Understand when variations are required. Understand when you can bring things together. It's so important because we are actually better when we work together. And we do that by building relationships, communicating, communicating, communicating, by working together so obstacles and barriers become opportunities and possibilities. And remember, we're all working in this to benefit our children.

BILL EAST: Thank you so much. And as I indicated when I did the introductions earlier, Colleen is on our board of directors and technically my boss, so I will go to you to see if you have anything to say as a last word before we wrap up here.

COLLEEN RILEY: Well Bill, I want to thank you and Rich for providing the leadership at the national level. And it is clear that your efforts together are pushing what's happening at the Department of Education and the Office of Special Education Programs. I think that's critical. Judi and I are very fortunate that we represent the same state, but two different teams within a state. And it has been so good for us to be on this workgroup together and then take what we're learning and what we're hearing this workgroup back to our state. It is not easy. Even though we have a good working relationship, there are lots of barriers. But we still have to keep moving forward. But we really do appreciate the leadership that's being provided both with our Title association and our special education association, because that will move us forward in both directions. So thank you.

BILL EAST: Well, thank you very much. I want to thank Richard Long for your participation in our conference today. And Colleen Riley and Judi Miller from Kansas. And also in wrapping up, I want to

thank our NASDSE board of directors for allowing us to do this activity, the Pennsylvania Department of Education for making it possible for us to come here to Pittsburg and tape this conference from WQED TV station here, and to all of you who have worked with us to implement these laws. Thank you so much. Good luck to you as you provide the programs throughout this school year. We've put our contact information here if you have questions or more importantly suggestions about how we can do our jobs better to make policy and practice for you more realistic and useful in your states. So again, thank you for everybody for making this conference possible, and good day.