

EDUCATION DAILY

The education community's independent daily news service

Budget 2006

Spending increases not expected to materialize

Compromise budget resolution may omit \$5.4 billion in education funding

Congress is nearing agreement on a fiscal 2006 budget resolution that reportedly closely tracks **President Bush's** request, dashing advocates' hopes for a significant increase in education spending this year.

A final compromise had not been reached as of press time yesterday, and budget lawmakers declined to discuss the details.

However, **Edward Kealy**, executive director of the **Committee for Education Funding**, said the resolution includes only \$843 billion for overall discretionary spending — suggesting that a **Senate** amendment to add \$5.4 billion for education programs (ED, March 18) was not part of the deal.

What's next: Senate leaders are pressing for a speedy compromise so they can finish work on the budget resolution by Friday, before they leave town for a one-week recess.

A conference report could be filed as soon as today, and will likely be filed no later than tomorrow, said **Senate Budget Committee** spokeswoman **Cara Duckworth**.

Grim outlook

"It really will make the appropriations process pretty grim," Kealy said. "It will give them very little room to do much more than restore the president's cuts and really not do much in the way of significant increases for Title I or Pell Grants or [the Individuals with Disabilities Education Act]."

Although Congress has so far expressed support for preserving most of the 48 programs that President Bush is seeking to eliminate (ED, Feb. 8), a stringent budget resolution may tie their hands.

"It would foretell a sort of musical chairs problem for those programs that were on the

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Today's Highlights

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- Paige, Petrilli join Fordham Foundation
- Maine may join legal challenge to NCLB

NCLB implementation

Spellings says merit pay will close achievement gap

President Bush's \$500 million merit pay proposal to help attract highly qualified teachers to underperforming schools (ED, Jan. 5) will help close the achievement gap, **Education Secretary Margaret Spellings** said yesterday.

ED to organize panel to examine growth model, p. 6

"If we expect results for every child, we must support teachers who are getting the job done in America's toughest classrooms," Spellings said at the **Milken Family Foundation's** annual meeting.

It was the first speech the secretary has given on the merit pay plan since the Bush administration released its 2006 budget proposal (ED, Feb. 8).

Spellings delivered the speech to an audience with more than 100 award-winning teachers invited by the foundation, which recognized quality teachers in underperforming schools with cash prizes of \$25,000 (ED, May 6, 2004).

Spellings said some of the \$500 million would be reserved to help states and districts develop performance-based teacher compensation systems

(See **GAP** on page 6)

Legal watch

Wrongful death case reaches Louisiana Supreme Court

Overweight student collapsed and died after P.E. basketball game in hot gym

What started as a simple game of basketball during a physical education class quickly turned deadly. Nearly seven years later, a wrongful-death lawsuit stemming from the incident has been appealed to the **Louisiana Supreme Court**.

In *James v. Jackson, et al.*, No. 2004-CA-0912 (La. Ct. App. 03/02/05), the **Louisiana Court of Appeal** upheld a trial court decision awarding \$560,000 in damages to **Juanita James**. The **Orleans Parish School Board** has appealed this ruling to the state high court, but the court has not yet decided whether it will accept the case.

Juanita James is the mother of the late **Darrell James**, who was a 16-year-old student at **Frederick Douglass Senior High** in New Orleans. He weighed 327 pounds and took part in a basketball game in a gym that was not air-conditioned and, as a result, the temperature soared past 90 degrees on Sept. 21, 1998.

The factors that ultimately led to the lawsuit being filed could prove useful for other schools seeking to minimize the chance of a student being injured or dying during a physical education class (see sidebar).

"People tend to not be very careful about heatstroke," said **Lisa Soronen**, a staff attorney with the **National School Boards Association**. "People tend to be ignorant about basic first aid and issues like that. It's a real problem."

District did not exercise 'reasonable care'

A substitute art teacher conducted the physical education class that day. The teacher participated in the game himself and did not ask or require students to take water breaks.

After Darrell played basketball for 20 minutes without stopping, he complained of a headache. He rested briefly, then began having seizures and collapsed. He was pronounced dead

Lessons learned

National School Boards Association staff attorney **Lisa Soronen** said the case, *James v. Jackson, et al.*, No. 2004-CA-0912 (La. Ct. App. 03/02/05), highlights two important legal vulnerabilities for schools.

The most critical factor, she said, other than the heat and the student's physical condition, was the substitute teacher's inexperience. "In an ideal world, you get a sub who is certified or qualified in that area," she said.

Knowing that is not always possible, the next best thing may be to ensure that a potentially dangerous activity does not take place on the day a substitute is in charge. This applies to more than just physical education.

"If you have a science experiment scheduled for a certain day, and you have a sub who is not certified in that area, don't do it," Soronen said. "For example, if in chemistry we were supposed to blow up plants, don't do it the day the sub is there."

The case also illustrates the importance of physical exertion, particularly by students who are obese and playing in hot conditions.

"Schools might want to think harder about being more diligent in getting qualified subs in P.E. classes, or even have cheat sheets telling subs to watch the kids if they are playing violent or strenuous sports," Soronen said.

at a local hospital. A cardiologist testified that Darrell contracted heatstroke, then suffered cardiac arrest due to a heat-related illness.

Given all these facts, the court said, "Clearly, the defendants breached a duty to exercise reasonable care and supervision over Darrell James."

—Jason Wermers



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Students' economic literacy on rise, but gender gaps persist

Boys twice as likely as girls to get high grade on test of basic financial knowledge

Teenagers today are more financially savvy than they were before high-profile financial scandals, such as Enron, and heated economic debates, such as Social Security privatization, a new study suggests.

The **National Council on Economic Education (NCEE)** released the results of its second economic literacy survey Tuesday. More students and adults understand the basic economics and finance concepts on the 20-question quiz than did in the first survey in 1999 (see chart, below). The number of students scoring an "A" or "B" has nearly doubled, from 11 percent in 1999 to 21 percent today.

However, males are twice as likely as females to get one of the two highest grades, and 67 percent of women failed the test, compared to 54 percent of men.

Alan Krueger, NCEE chief economist, said he believes economics has gotten more attention in the past six years, both from stock market scandals and from more professional development opportunities for math and economics teachers.

Economic literacy provides life skills

In spite of the media attention, however, Krueger warned that half of students and

nearly one in four adults didn't know the purpose of a stock market, which he said would leave many people open to stock scam artists (ED, March 3).

"Too many people think economics is what you do at Princeton, not the decisions you make around the kitchen table," said **Robert Duvall**, NCEE president and CEO.

"We're beginning to realize that an ownership society requires an economically literate society, and economic literacy means economics and personal finance must be taught in school," Duvall said. "You either learn it in school or in the school of hard knocks."

While 97 percent of adults and 93 percent of students believed high schools should teach economics and personal finance, only half of students said they had been taught economics in school — down from 59 percent in 1999.

Polling firm **Harris Interactive** conducted the test using 2,242 high school students and 3,512 adults older than age 18. Harris developed the test based on 1998 national content standards for basic financial literacy.

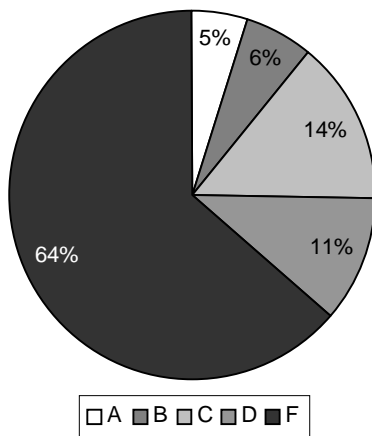
For more information, see www.ncee.net.

—Sarah Sparks

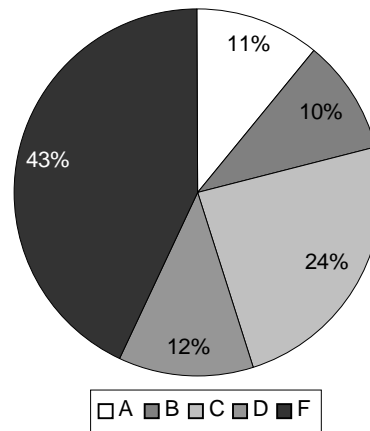
Rise in economic literacy

Harris Interactive on Tuesday released the results of its second economic literacy test, sponsored by the **National Council for Economic Education**. Students have become somewhat more financially savvy, the results show, but more than 40 percent still lack even basic knowledge of concepts such as the effects of interest and inflation or the purpose of the stock market. The charts below indicate the grades students achieved in each of the survey years.

1999 Test Results:



2005 Test Results:



Source: National Council on Economic Education.

Daily Briefing

Education Department

Newsmakers

Paige, Petrilli join Fordham Foundation

Two former top **Education Department** officials have joined the **Thomas B. Fordham Foundation** to promote the think tank's agenda of standards-based reform and school choice.

Rod Paige, former education secretary, has been elected to Fordham's board of trustees; and **Michael Petrilli**, currently associate assistant deputy secretary for innovation and improvement, will become the foundation's first vice president for national programs and policy.

"The government's loss is our great gain," said Fordham president **Chester Finn**. "They're as pumped about charters as about testing, as keen on quality teachers as on standards."

After four years at the helm of ED, Paige is currently writing a book on the achievement gap. Petrilli will lead Fordham's research programs, project development, dissemination and communications.

For more information, see www.edexcellence.net.

Federal Register

ED solicits public input on new review of Professional Development impact study

Notice inviting comment: The **Education Department's Institute of Education Sciences** is soliciting public comment for a new review of the Professional Development Impact Study — Full Study Data Collection Instruments.

Deadline: Interested persons are invited to submit comments on or before May 26.

E-mail: Bennie.Jessup@ed.gov.

Web: <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-8300.pdf>.

NAGB announces schedule for meetings

Notice of open meeting and partially closed meetings: The **Education Department's National Assessment Governing Board** announces the intention to hold meetings May 19-21 on a series of topics, including assessments; and standards, design and methodology.

All sessions will take place at the Georgia Tech Hotel and Conference Center in Atlanta.

Contact: Interested persons who wish to attend should notify ED by May 2, by contacting Munira Mwalimu, Operations Officer, National Assessment Governing Board, 800 North Capitol St., N.W., suite 825, Washington, D.C. 20002-4233; (202) 357-6938.

E-mail: Munira.Mwalimu@ed.gov.

Web: <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-8356.pdf>.

ED announces collection effort for survey of migrants, voc rehab, Indian program

Notice of proposed information collection request: The **Education Department's Office of Special Education and Rehabilitative Services** intends to review the "Survey of Grantees in Projects with Industry, Migrant & Seasonal Farmworkers Voc Rehab & American Indians Voc Rehab Service Programs Concerning Their Capacity to Implement the Common Measures."

Interested persons are invited to submit comments on the burden and/or the collection activity requirements.

E-mail: Sheila.Carey@ed.gov.

Web: <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-8301.pdf>.

Upcoming Event

Who: **Education Department's National Center for Education Statistics.**

What: Summer Forum and Data Conference 2005.

When: Forum July 25-27; data conference July 27-29.

Where: Renaissance Mayflower Hotel, Washington, D.C.

A conference of elementary and secondary education data users and providers; audience will include LEAs, schools, researchers, policymakers and federal representatives.

Contacts: Forum: Ghedam Bairu (202) 502-7304; Conference: Mary McCrory (202) 502-7394.

NCLB Implementation

Maine in line to join legal challenge to NCLB

Maine **Gov. John Baldacci** is considering joining a recent lawsuit against the federal government over funding for the No Child Left Behind Act.

Attorney General **Steven Rowe** has been considering legal action against the federal government over NCLB, said **Charles Dow**, a spokesman for Rowe's office. However, the attorney general has not decided whether to join any existing lawsuit, such as the one filed by the **National Education Association** (ED, April 20), or to file one only for Maine.

State officials estimate they will have to spend an additional \$11.5 million from fiscal 2003 to fiscal 2008 because of NCLB, according to the *Associated Press*.

Some districts wary of consequences of Take Daughters and Sons to Work Day

Take Our Daughters and Sons to Work Day, scheduled for today, is running into conflict with NCLB, and the result may be that many children will indeed be left behind when their peers visit their parents' workplace.

The *Chicago Tribune* reported that district officials in Illinois, Arizona, Minnesota and elsewhere are

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coming to view the day away from class as time lost for instruction toward the annual NCLB assessment tests.

They're suggesting moving the visit day to the summer. The day off from school began some 13 years ago as a way for daughters to get ideas about future careers. Under pressure from some quarters, its organizer, the **Ms. Foundation**, added sons two years ago. The foundation expects some 16 million boys and girls to participate this year.

But a number of districts have now purposely scheduled state-mandated tests on that day to prevent what some see as students "playing hooky."

Capitol Hill

Senate resolution stresses autism awareness

Sen. Chuck Hagel, R-Neb., on Tuesday introduced a resolution recognizing the importance of increasing awareness of autism spectrum disorders. It emphasizes supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for them.

"This resolution recognizes the importance of autism awareness," Hagel said on the **Senate** floor. "It is critical to support research and improve treatments of autism that will foster the health and well-being of autistic individuals."

Hagel introduced a similar measure last year and was joined then and now by **Sen. Russell Feingold**, D-Wis., and **Sen. Debbie Stabenow**, D-Md.

Autism is typically diagnosed during the first three years of life and affects an estimated 1 in 166 children in America. The cost of special ed programs for children with autism is often more than \$30,000 annually per child.

Across the Nation

Kansas

AG and board differ on finance case

As a six-year-old school finance case gets closer to oral arguments before the **Kansas Supreme Court**, two arms of the state issued differing takes on it in court briefs this week.

State Attorney General Phill Kline said a law passed during this year's legislative session will solve the problems that brought about the lawsuit and subsequent rulings that the state's education funding formula was unconstitutional.

But the **Kansas State Board of Education** disagreed, saying in its brief that the legislation "can't be viewed as the final solution to the issues raised by the court," board attorney **Dan Biles** said Tuesday.

Even so, Biles said, the board believes the legislature was "acting in good faith." The measure should be allowed to stand, and the schools should be allowed to run for the coming school year, the board's brief says.

The board's main concern is that the law, H.B. 2247,

contains three provisions to increase school funding that rely entirely on local property taxes, not state aid.

The plaintiffs and outside parties have until May 5 to file amicus briefs. Oral arguments are scheduled for May 11.

Newsmakers

McGraw-Hill names Neal V.P./urban markets

National textbook publisher **McGraw-Hill Education** last week named **Sheryl D. Neal** vice president for urban markets.

Neal is a former teacher and executive vice president of **Voyager Expanded Learning** in Dallas, a provider of instructional materials. She will oversee marketing for educational materials for large urban districts nationwide.

Resources

Heritage Foundation launches Web site devoted to school choice issues

The conservative think tank the **Heritage Foundation** has inaugurated a Web site devoted to school choice issues. "Choices in Education" was launched last week during a reception on Capitol Hill, followed by a roundtable presentation led by Heritage's senior policy analyst **Krista Kafer** at the foundation headquarters.

The site includes news stories, research and features on school choice, voucher programs and other issues.

The Web site is at www.heritage.org/research/education/schoolchoice/schoolchoice.cfm.

Legal Briefs

6th Circuit dashes secretary's hope for assistant athletic director position

Case name: *Williams v. Eau Claire Public Schs.*, 105 LRP 9003 (6th Cir. 02/10/05).

Ruling: A federal appeals court refused to overturn a jury verdict in a gender discrimination lawsuit. The court ruled that the issue was whether a discriminatory motive prompted the adverse employment decision, and the employee had not shown that the decision was motivated, at least in part, by her gender.

Background: A female employee was denied a promotion. She claimed the district's decision was based on her gender and that it retaliated against her after she filed a gender discrimination charge with the EEOC. She claimed the trial court erred by failing to instruct the jury that if it found the district's proffered reason for not hiring her didn't actually motivate its decision, that alone would permit a finding that the district intentionally discriminated against her. The trial court stated the issue was not pretext, but whether she had proven intentional discrimination. The 6th Circuit agreed that her proposed instructions incorrectly stated the law.

SPENDING (continued from page 1)

chopping block,” Kealy said. “With lesser amounts of money available, there’s a higher degree of probability that someone will not have a place to sit down when the music stops.”

Impasse broken

Negotiations had been stalled for weeks over issues not related to education, such as Medicaid (ED, April 15).

On Tuesday, however, **House** leaders appointed **Reps. Jim Nussle**, R-Iowa, **Jim Ryun**, R-Kan., and **John Spratt**, D-S.C., as conferees, signaling that progress had been made in resolving the outstanding differences.

The three House representatives met yesterday with their Senate counterparts — **Sens. Judd Gregg**, R-N.H., **Wayne Allard**, R-Colo., **Pete Domenici**, R-N.M., **Charles Grassley**, R-Iowa, **Kent Conrad**, D-N.D., **Patty Murray**, D-Wash., and **Paul Sarbanes**, D-Md. (ED, April 7) — but the meeting was entirely ceremonial.

“According to House rules, the conference committee must meet in order to move forward with the budget resolution,” explained **Senate Budget Committee** spokeswoman **Cara Duckworth**. “Basically, they’re getting all their ducks in a row.”

—Michael Cardman

GAP (continued from page 1)

that expand the traditional seniority and credentials models.

“We want to help states develop pay models that reward not just experience, but also results and hard work in challenging environments,” Spellings said.

She cited the Denver performance-based pilot program (ED, April 20) and a proposed program in Minnesota as programs that would benefit from the \$500 million pot.

“We’ll give each state the flexibility to design its own system for rewarding teachers,” Spellings said. “We recognize these decisions are best left to states and districts.”

“It’s simple economics,” Spellings added. “When you have excess demand for a highly skilled position, you need to raise salaries to meet that demand.”

Pay’s not everything

Earlier in the day at a panel discussion on school reform, several of the foundation’s Milken Educator Award winners stood up to tell panelists that salaries were only one of many factors that would draw a teacher from a suburban district to a hard-to-staff, inner-city school.

One Philadelphia-based teacher said safety was another factor the panelists, which included superintendents, Milken Family Foundation Chairman **Lowell Milken** and **Assistant Secretary for Elementary and Secondary Education Ray Simon**, were ignoring.

A Detroit teacher said it was unfair for teachers to be asked to move to inner-city schools to raise achievement scores when the suburban schools had all the resources needed and the underperforming schools had virtually nothing.

“We need the resources to teach,” she said. “We can’t do our job without them.”

Milken said his foundation surveyed groups of teachers who have fled inner-city schools to

ED to organize panel to examine growth model

Ray Simon, assistant secretary for elementary and secondary education, said the **Education Department** will convene a panel to look at growth models for assessing school improvement.

“The issue of growth is only second behind the issue of special education children in questions and concerns we get” in terms of data, he said yesterday at the **Milken Family Foundation’s** annual conference.

Growth models “mean a lot of things to a lot of people” Simon acknowledged. “We think we’re limited by how much we can expand it within the law, but we can [at least expand it somewhat].”

Growth models, being used by some states already, can’t lose sight of reaching No Child Left Behind Act goals by 2013-14, he said.

ED doesn’t want growth models to set a “different end game” for English-language learners or special education students, Simon added. But the agency does want to work further with states to incorporate growth models into the law as much as possible.

The panel that will explore the issue will comprise researchers, academics and other experts from outside ED and will convene “within a few weeks,” Simon added.

wealthier suburban districts. Salaries were their biggest concern, but leadership was also a factor, he said.

Teachers want to know who the principal will be and if there will be at least seven to eight other high-quality teachers as part of the team before they would go back to a challenging school, Milken said.

—Stew Magnuson