

SIIA Government Affairs Backgrounder

To: Government Affairs Council

From: Mark Schneiderman, Director, Education Policy

Subject: **Policy Update: Education & Workforce Development**

Date: November 28, 2007

***This memorandum is for background information only.
It does not reflect an official position of the SIIA.***

SIIA PRIORITIES:

SIIA supports a long-term and comprehensive national education and workforce development strategy that will provide the United States with a citizenry ready for the 21st century. All citizens must have the knowledge and skills to succeed in today's highly competitive and information technology driven economy. Education and training through and about technology are vital to this effort. SIIA member companies are partnering with educators at all levels to provide innovative technology-based educational tools, but a successful national strategy requires federal and state government to enhance their investment in this challenge.

SIIA priorities are centered on the following:

- Investment in education technology and its integration into teaching and learning.
- Reform of outdated regulations in favor of 21st Century e-learning policies.
- Support for education technology research and development through government-industry partnership, not government competition with the private sector.
- Targeted education, training and other workforce development policies to meet the economy's, and SIIA members', needs for a skilled high-tech workforce.

SIIA is the only national advocacy organization focused on the specific needs of the education technology industry, especially those providing educational software, digital curriculum and related technologies to schools and universities. This provides SIIA with a unique opportunity to inform the policy debate representing companies with a dual interest in the education and training market – as technology providers working to improve teaching and learning; and as high-tech employers seeking high-skilled workers.

2007 ACCOMPLISHMENTS (Select Sample)

- EETT Funding – Led coalition which successfully defeated pending elimination of Enhancing Education Through Technology (EETT) grant program.
- ATTAIN Act – Led coalition which drafted, won bipartisan sponsorship, and gained inclusion in Committee draft NCLB reauthorization of the Achievement through Technology and Innovation Act to revamp the existing EETT program.
- Federal Education Software Study – SIIA countered negative news reports on a U.S. Department of Education software study, providing talking points and speaking to reporters
- Competitiveness Initiative – Successfully advocated for some inclusion of educational technology and e-learning in COMPETES Act.
- Textbook Adoption Reform – Only outsider invited to participate in meeting of the National Association of State Textbook Administrators to discuss the updating of state policies to better support state adoption of electronic learning resources.
- Governor Napolitano Keynote – Successful in recruiting Arizona Governor Janet Napolitano to keynote SIIA Ed Tech Industry Summit, including discussion of her NGA innovation initiative.

2008 AGENDA

SIIA expects a slowed 2008 policy agenda, especially at the federal level, due to the Presidential election year, while expecting to remain at the forefront of important education-related initiatives impacting the education software and digital content industry. SIIA sees a public policy climate gradually shifting toward enhanced recognition and support for the role of technology, including around data and assessments, differentiated instruction, and 21st century skills. SIIA's broad and proactive advocacy effort in support of education technology investment and integration will include both continuation of an existing agenda of unfinished business from recent years, as well as several new challenges and opportunities. SIIA's Education and Workforce Development policy agenda will again serve as the blueprint (See Attachment #1).

SIIA's top priority will be reauthorization of the No Child Left Behind Act, including a revamping of the Title II-D Enhancing Education Through Technology (EETT) grant program and integration of technology throughout the bill. A related continued priority will be funding for the EETT program, toward which SIIA has devoted considerable resources to ensuring continue program funding, including by helping lead a coalition of education and industry stakeholder organizations. A third priority will be development and possible launching of an enhanced state-level agenda aimed at promoting awareness/support for education technology, and ultimately for support of related state policies (i.e., funding, regulations, initiatives, etc.).

Other federal priorities will be:

- E-Rate – This important program will continue to face several legislative challenges, including Telecom Act reauthorization and the need again for exemption from federal accounting rules that led to a program hiatus in 2004.
- Ensuring an Appropriate Federal R&D Role in Education Technology, including issues around government competition, SBR and WWC
- General Advocacy for Technology’s Effectiveness in Improving Education, including the USED National Math Panel

At the state level, SIIA has made progress on its State Textbook Adoption Reform for Electronic Learning Resources initiative, with most key states now aware of the barriers in current laws and regulations. SIIA will continue to target key states of Texas, Florida and California, as well as work with the National Association of State Textbook Administrators.

As noted above, SIIA will explore an enhanced state initiative, perhaps built around showcase forums highlighting the role of technology in education and aimed at driving supportive state policies, regulations and funding.

SIIA Government Affairs also continues to support the SIIA Education Division on a number of projects that stand at the intersection of public policy and the market. These include:

- Development of Industry Guidelines for Conducting and Reporting Research on the Impact of Education Technology
- Publication of a white paper on content interoperability and interoperability standards as an alternative to multiple, unique state and local technical requirements
- Possible development of developer tools for design of accessible and universally designed electronic educational software
- Launch of the SIIA Vision K-20 project, including evidence of impact.

As SIIA continues to pursue these and other advocacy efforts, federal and state support for SIIA's education technology and workforce preparation goals is continuing. However, this support is again tempered by several major challenges:

- tight federal and state budgets;
- questions about the effectiveness of education technology, especially due to the increased focus on accountability in the federal K-12 NCLB education law;
- an antiquated and entrenched educational system/process that is slow to adopt to new technology-driven ways of education; and
- isolated cases of abuse (i.e., e-Rate fraud) and failed product implementations.

Finally, evolving technology models and government efforts continue to pose potential challenges to publishers with regard to business models, technology standards and the appropriate government role.

ISSUE ANALYSIS:

I. Education Technology Investment

A. Federal Appropriations -- Enhancing Education Through Technology (EETT, NCLB II-D)

SIIA continues to successfully lead a coalition effort aimed at defeating President Bush's fiscal year 2008 budget proposed cuts to the \$272 million Enhancing Education Through Technology (NCLB II-D; EETT). EETT is the primary federal technology grant program for K-12 schools and provides critical investment and leadership. SIIA is co-chairing the Mission Critical Campaign, a coalition of education and industry organizations lobbying for EETT funding, as well as other related goals.

EETT was funded at over \$690 million in FY02-04, cut to \$496 million in FY05, and cut again the last two years to \$272 million. In FY08, the House and Senate both level-funded the program in the pending bill, rebuffing the Bush Administration's continued zero-funding of the program. However, President Bush vetoed the Labor-HHS-Education appropriations bill On November 14 for spending some \$9 billion more than his budget, and so it remains possible that EETT and other programs could see further funding cuts to close that gap.

In the face of a challenging fiscal climate and a shift in the Congressional majority, the lobbying and grassroots advocacy campaign so far succeeded in convincing key lawmakers that education technology and the EETT program are mission critical for both addressing the goals of the federal No Child Left Behind Act as well as ensuring students have the learning environment and 21st century skills needed in today's global, high tech marketplace. 2007 SIIA and MCC coalition efforts included the following:

- Another bipartisan Dear Colleague sponsored by Representatives Biggert (R-IL) and Kind (D-WI) was sent April 27, 2007 to the House Appropriations Committee urging EETT funding
- Another bipartisan Dear Colleague sponsored by Senators Snowe (R-ME) and Lieberman (I-CT) was sent March 30, 2007 to the Senate Appropriations Committee urging EETT Funding
- An industry/education coalition letter to Congress was sent May 18, 2007 and signed by some 30 national education and high-tech organizations and large companies (See Attachment #2)

SIIA will continue to advocate for EETT funding as Congress completes FY08 appropriations, and SIIA will continue to advocate in 2008 for restored funding in FY09.

B. COMPETES Act

The "America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science (COMPETES) Act" was signed into law in August, 2007 to enhance

the ability of the United States to compete globally in the 21st Century. SIIA issued a press release on August 1, 2007 congratulating Congress for agreement on this milestone innovation initiative. Its goal is to enhance scientific and technological innovation through improving K-12 math and science instruction (and teacher training), encouraging advanced scholarship in the STEM (science, technology, engineering and mathematics) fields, and increasing federal R&D investment. It does so through addition and expansion/modification of dozens of programs throughout several federal agencies, including the U.S. Department of Education (USED) and the National Science Foundation (NSF). Most programs and funds are focused on R&D and advanced STEM studies, but several key initiatives and regulations would address K-12 STEM and critical foreign language education, including through teacher training and program additions/expansions such as authorization of President Bush's Math Now program.

The COMPETES Act responds to the view among national policymakers of a growing inadequacy of the nation's STEM education and R&D capacities relative to the growing global competition and need for innovation. Among those advocating for change were the 2005 National Academies report *Rising Above the Gathering Storm* and the Tapping America's Potential (TAP) coalition, which includes SIIA. These and other efforts signaled a pending crisis, and urged a set of federal policies aimed at improving STEM education and scholarship as well as increasing R&D investment targeted at basic and high-risk research. (Note: Other pending policy goals not addressed include immigration reform, including for foreign students.)

In 2006 and 2007, the U.S. House and Senate passed a series of bills addressing these issues, including the PACE Act, National Innovations Act, and the National Competitiveness Investment Act, while President Bush introduced his American Competitiveness Initiative. Throughout, SIIA advocated for the role of educational technology and (student and teacher) technology literacy as important components of these initiatives. The final comprehensive legislation, was supported by SIIA and others.

While "technology" is a core component of STEM and of this Act, the term in this context more generally refers to technical/engineering knowledge and skills, rather than the means to gain those skills through instructional technologies. Nonetheless, SIIA successfully advocated for the inclusion several places of educational technology, software, digital content and related educator training. Where educational technology is not specifically noted, technology-based products and services will most likely be appropriate use of funds under broader categories.

The extent of opportunity will depend largely on matching federal funds, since the COMPETES Act only authorizes funding and separate appropriations legislation is needed to provide resources for these programs. Increased appropriations are expected to fund these new and expanded programs, but the exact amounts are yet to be determined for most. The COMPETES Act may also create an indirect interest in STEM education and critical foreign languages, with the direct federal funding encouraging and leveraging other local, state and institutional investments.

The COMPETES Act also includes a number of regulatory provisions of interest. For example, there are extensive guidelines and restrictions around both conflict of interest and federal curriculum control, both in response to related problems identified with implementation of the Reading First program. In addition, the Math Now program requires that programs be “research-based and reflect a demonstrated record of effectiveness” rather than the NCLB “scientifically based research,” while the differences in intent and impact remain to be seen. The law would also create an expert panel to identify promising practices in STEM teaching, perhaps building on the work now being done by the National Math Panel.

C. E-Rate

Now in its 10th year, the E-Rate program seems to have weathered its greatest challenge since its creation as part of the Telecommunications Reform Act of 1996, and prospects appear to be improved from just a couple of years ago. The e-Rate program provides about \$2.25 billion annually in discounts to schools and libraries off the purchase of telecommunications, Internet access and networking services. The program has contributed significantly to the wiring of the nation’s schools, and is established as critical to school technology infrastructure and access, and therefore to the market for SIIA member’s software and digital content. Advocacy efforts from both education and industry stakeholders have so far been successful to ensure the program’s continued success, while the new Democratic Majority should serve to strengthen Congressional support. In light of the program’s importance, SIIA helped sponsor a 10th Anniversary E-Rate Celebration and report in February on Capitol Hill. The report was distributed widely on Capitol Hill and released at a Congressional forum, while the celebration event featured remarks by Senators Snowe and Rockefeller, as well as several FCC commissioners.

SIIA and other E-Rate supporters devoted much of their effort in recent years to gain the program’s permanent exemption from the Anti-Deficiency Act (ADA). While stakeholders had sought permanent exemption, Congress has passed a series of one-year exemptions. ADA is the internal federal accounting rule that caused the program’s temporary suspension in the Fall of 2004 when collected revenues exceeded funding obligations to schools and libraries. With broader Telecom Act legislation moving slowly, E-Rate supporters are seeking passage of a stand alone ADA exemption bill. Without the legislation, the e-Rate governing agencies would be forced to raise universal service fees on phone bills that may undermine the program’s support. Recently though, there have been indications that ADA will be less of a threat. The FCC has recently sent signals both that E-Rate funding is sufficient for now, and that the Administration may support further accounting rules clarifications to exclude E-Rate from the ADA.

Among the reasons permanent exemption was not approved is that some Members of Congress (and perhaps the Bush Administration) sought to use the ADA challenge as leverage to ensure more dramatic changes to an E-Rate program that some view as fraught with waste and abuse, no longer necessary, and/or an inappropriate federal initiative in the first place. Among the proposed changes are a shift to a formula, appropriated program,

while also a challenge is overall funding for the universal service programs in the face of change technologies. Reform to the E-Rate and the broader Universal Service Fund programs is before Congress as part of the broader, stalled Telecommunications Act reauthorization.

Pending committee bills include permanent ADA exemption as well as some appropriate accountability rules. Among these are tougher sanctions on those found in disregard of program rules, as well as new performance provisions by which recipients set and are measured by their own goals for use of program-funded technology and Internet access.

II. No Child Left Behind Act

The "No Child Left Behind Act of 2001" (NCLB) has been a dominant factor shaping K-12 education and education technology policy. The law is due for reauthorization in 2007, but after two years of hearings and bill introductions, major policy concerns from all sides and political considerations are threatening to greatly delay, if not derail, the reauthorization of NCLB (though the law would continue under an extension).

SIIA has been very active on the reauthorization. SIIA's efforts have included: (1) co-chairing an education-industry Mission Critical Campaign coalition which has introduced legislation to renew the Title II-D Enhancing Education Through Technology (EETT) program; (2) advocating for other enhancements to the law around use of technology, formative assessment, differentiated instruction, and workforce skills; and (3) participating in the efforts of the National Business Coalition for Excellence in Education (led by Business Roundtable and US Chamber). A number of SIIA recommendations have been included, while it is hoped that others will be incorporated as the process moves forward.

SIIA's NCLB efforts began this year with development of principles, developed with great input from SIIA members and shared with Congress in March, 2007. [Note: This and other SIIA NCLB comments are posted at <http://www.siia.net/govt/issue.asp?issue=EDTK#7>]. At SIIA's 2007 Ed Tech Industry Summit, sessions on NCLB along with meetings with key Congressional offices and Administration staff helped set the stage for development of SIIA's NCLB reauthorization recommendations. SIIA's principles included: focus on differentiated instruction, including technology-based formative assessments and adaptive software; enhanced, integrated and ongoing teacher professional development, including through online training and training in the use of technology; leverage technology and e-learning; enhance support for local and state data-driven decision making and data systems; encourage K-12 standards, assessments and curriculum frameworks to better align to what all students must know to graduate from high school ready for college and the workplace; and add flexibility to NCLB accountability by allowing alternative AYP models that measure year-to-year student growth.

SIIA also submitted to Congress a more detailed set of legislative changes to current law, with a focus on the key Title I program, which provides some \$10 billion annually to school

districts across the country. SIIA's recommended changes focused on increasing the use of technology under program plans and uses of funds, while also indirectly supporting technology through support for differentiated instruction, formative assessment and use of data.

Meanwhile, SIIA was co-chairing an effort to craft legislation aimed at revamping the EETT program. The need for change in this core ed tech program was made apparent in light of EETT funding cuts in recent years. SIIA worked primarily with three key education groups – CoSN, ISTE and SETDA – to develop a framework, draft legislative language, and gain sponsors. The resulting Achievement Through Technology and Innovation (ATTAIN) Act was introduced in the House and Senate with bipartisan support, including from Members on both the relevant authorizing and appropriations committees. Among other things, it would focus funds on professional development and systemic reform that leverage 21st century technologies, prioritize funding to schools in need of improvement, and require states to assess whether students have attained technological literacy by the eighth grade. HR 2449 was sponsored by Reps. Roybal-Allard (D-CA), Hinojosa (D-TX), Biggert (R-IL) and Kind (D-WI). S.1996 was sponsored by Senators Bingaman (D-NM), Burr (R-NC), and Murray (D-WA). The bill was endorsed by an education-industry coalition of some 25 organizations (see Attachment #3).

Most importantly, the ATTAIN Act has been included in both the House and Senate draft reauthorization bills introduced in September and October, 2007. In the Senate, the bill has been included unchanged from S.1996. In the House, a number of modest but significant changes were made. On September 14, SIIA submitted comments (with coalition partners ISTE, CoSN and SETDA) thanking the Committee, but encouraging several changes to further align it with the ATTAIN Act (HR2449) as introduced. Notable changes from HR 2449 are: (1) reduction of state research/evaluation funds; (2) elimination of minimum local formula grant (\$3,000); (3) reduction in professional development set-aside (from 40% to 30%); and (4) elimination of 8th grade technology literacy assessment (though states must still report progress). SIIA has been working with the Committee and sponsors to address these differences, and expects that a revised bill will "correct" a number of these issues.

In reaction to the House and Senate draft reauthorization bills, SIIA also provided to each a set of comments and recommendations consistent with SIIA's principles. While the bills did address some of SIIA's initial views and suggestions, there remained significant opportunity for improvement. In the House, SIIA submitted its views on September 5 and September 14. In the Senate, SIIA submitted its views on November 9.

After significant legislative activity for much of 2007, the NCLB reauthorization now appears to be in limbo due to impasse over major policy issues proving it difficult for the Chairmen Kennedy and Miller to form a bipartisan (or even a partisan) majority that can pass a bill. The Bush Administration appears to be seeking only marginal change in the law, contending that the program is working. Kennedy and Miller are seeking to expand programs aimed at helping low-performing schools and students, believing that NCLB has been too focused on testing and accountability without providing support for improvement. At the same time, they seek to maintain the core testing and accountability focus, while

adding some flexibility aimed at addressing criticisms that the law is too test-centric and is narrowing the curriculum to math and reading. The greatest challenge is over testing and accountability provisions, with many professional education groups (including teachers unions) in support of “multiple measures” for determining adequate yearly progress, while the business community (SIIA signed onto the original principles), some civil rights groups, President Bush and House Committee Ranking Member Buck McKeon are raising concerns that this expansion/flexibility could be obfuscating and undermine the legislative intent.

III. Education Technology R&D, Evaluation and Government Competition

With the integration of technology into teaching and learning at a relatively early stage of development, SIIA supports the need for public R&D investment to both enhance education technology products and services as well as ensure its effective implementation. At the same time, SIIA is concerned that such public efforts are too often competing with existing private entities and products, or are employing inappropriate processes to select and impose a sole source provider.

To most efficiently and effectively address needs and goals, SIIA believes public resources must be appropriately targeted and designed to supplement industry’s significant capital investments to research, develop and evaluate education technology. To that end, SIIA urges that federal efforts not go to picking winners and losers but instead adhere to the following governing principles focused around public-private partnerships: (1) empowerment – provide educators with resources to meet their needs and thus drive the market; (2) R&D - target federal R&D to address market gaps, and ensure such government efforts do not distort or weaken market dynamics and incentives; and (3) evaluation & technical assistance – focus on providing educators with information they need to make their own decisions. SIIA will continue to work with the U.S. Department of Education and other stakeholders to ensure federal R&D efforts include technology, do not compete on the development side with private sector efforts, and include publishers as appropriate in the competitive grants process for R&D funding. Appropriate use of federal technology transfer protocol is also key.

These issues and SIIA policy goals have arisen in a number of different forms as follows:

A. U.S. DoED Development of Free English Language Software

The Comprehensive Immigration Reform Act of 2007 (S.1348) included a provision requiring the U.S. Department of Education to develop an Internet-based software program to enable English learning. It was included, apparently at the request of the Bush Administration, to help ensure immigrants gaining citizenship under the bill would have opportunity to learn English. With the immigration bill pulled from the Senate floor after failure to reach agreement, the provision is also off the table at this time.

While the bill was being considered, SIIA supported an amendment by Senator Ensign (R-NV) to strike the provision. SIIA sent a letter to the Senate on June 5, 2007 in support. (See

Attachment #4) The proposed initiative would require the Department of Education to develop a free electronic program, useable on personal computers and through the Internet, to teach the English language. SIIA believes that, while this legislation is well intentioned to meet the English language learning needs of our current and potential new citizenry, this public initiative will ultimately serve to undermine these very policy goals. SIIA believes the proposed program would be an inappropriate expansion of the Federal Government to perform responsibilities best performed, and already undertaken, by the private sector. SIIA later proposed a compromise alternative, which was being considered by sponsors, but was never fully debated as the bill was first pulled from the floor.

If and when this or similar legislation is introduced, SIIA will continue to make the case regarding the appropriate government role and the importance of not competing with private sector initiatives.

B. Digital Opportunity Investment Trust.

Legislation has been continually re-introduced to create a new federally funded Trust to support R&D and other activities around the creation of digital educational content as well as the digitizing of existing educational content. Past legislation would have dedicated revenues generated from federal sales of the electromagnetic spectrum, including that expected to be made available upon the conversion to digital television. With such spectrum funds apparently already dedicated for the foreseeable future, supporters have turned to a scaled down program supported through annual appropriations.

In October, 2007 Congressmen Yarmuth (D-KY) and Regula (R-OH) introduced the National Center for Learning Science and Technology Trust Act (HR3631), to create a 501(c)3 within the Department of Education. This legislation was added by a voice vote amendment on November 15, 2007 to the House Higher Education Act reauthorization (H.R.4137). Uses of funds would include: (1) digitization of collections/holdings of museums, libraries, cultural institutions, etc.; (2) support of basic and applied e-learning research; (3) creation of prototype instructional applications; and (4) assessment of legal, regulatory, and other issues that must be resolved to ensure rapid development and use of advanced learning technologies. The overseeing Board would award grants and contracts to nonprofits and public institutions, while, with some limited exemptions, the resulting properties and materials shall be freely and nonexclusively placed into the public domain.

While SIIA generally supports the goals, we are concerned such a Trust would create and freely distribute products and services similar to those already provided, or best provided in the future, by the private sector. SIIA has therefore expressed to supporters that it seeks inclusion of clear non-compete and technology transfer provisions. SIIA has held several meetings with DOIT lobbyists, and will continue to advocate for changes to this proposal to ensure SIIA recommendations are included.

C. National On-Demand Digital Education Media Service

The Senate NCLB reauthorization draft includes a new program, National On-Demand Digital Education Media Service, as Title V, Part D, subpart 8. The purpose is to “develop and operate a national [online] on-demand digital education media service that provides . . . digital content . . . at low or no cost.” In SIIA’s November comments to the Senate H.E.L.P. Committee, SIIA stated: “SIIA appreciates this section’s recognition of the important role of digital education in meeting teaching and learning needs. However, these goals and activities are already being addressed by numerous free and fee-based online services provided by educational institutions, non-profit providers and for-profit providers. As such, this new program would be duplicative and would compete with and undermine the efforts of existing programs and providers that do not have federal investment and/or offer fee-based services. The result would be creation of a disincentive to these other entities in their further investment and development of digital education media services, leaving students and educators with fewer and inferior choices to what they would otherwise have.” SIIA will continue to oppose this program as NCLB moves forward.

D. Federal Product Evaluation & Selection

Perceptions that education interventions are too seldom based on sound research and proven practices has caused Congress and the Bush Administration to expand the federal research and evaluation role. These efforts raise a number of questions and concerns from publishers, as well as educators and researchers, regarding federal prescription. SIIA continues advocating legislation and federal practices that ensure an appropriate balance that empowers customers and market forces and does not violate government principals for competitive neutrality or against national curriculum.

These include the following:

- NCLB Reauthorization – SIIA has made a number of suggested changes to pending bills, including: (1) striking state and local uses of funds around development of instructional materials, and shifting legislation instead to “curriculum” development; (2) shifting state role away from “selection” of instructional materials to assistance in implementation; and (3) shift from “reflect a demonstrated record of effectiveness” and replace with “based on the best available evidence of effectiveness”. Most significantly, SIIA has suggested language adding a new section to General Provisions, titled “Appropriate Federal Role” that would: (1) provide that the policy of the federal government in the implementation of the Elementary and Secondary Education Act and the General Education Provisions Act is that the federal government should not compete directly, or through grants or contracts, with the private sector in the development and delivery of products and services, including instructional materials, technologies, and assessments, where such activities are not inherently governmental and are already, or best, carried out by non-federal entities. & (2) Institute a Review Policy and Process to achieve this goal.

- What Works Clearinghouse and Doing What Works – SIIA has been engaged in ongoing efforts to both shape the WWC and ensure there is not an explicit connection between it and NCLB SBR provisions. SIIA is especially concerned the WWC will act as gatekeeper for the use of federal funds for products and services. With US DoED recently awarding a new WWC contract, SIIA will continue to provide input aimed at ensuring an appropriate federal role and balanced research standards. SIIA has also engaged with senior USED officials – Assistant Secretaries Tom Luce and Bill Evers -- regarding the Promising Practices Initiative, which was recently launched as Doing What Works. SIIA aimed to ensure any new initiative would be open, fair and avoid problems faced with other federal evaluation efforts such as the What Works Clearinghouse. SIIA helped ensure this initiative will focus on systemic solutions to overall problems and NOT on vendor products. Doing What Works now includes a notice that: “the examples provided on DWW – including any products named in school materials or found on websites referenced on DWW – should not be construed as an endorsement by the U.S. Department of Education of any products, programs, or curricula.”
- Federal Restrictions -- GAO and US DoED IG reports found the U.S. Department of Education’s NCLB Reading First program in violation of statutory program requirements and prohibitions against exercising any direction, supervision, or control over school curriculum or program of instruction. This included influencing state and local selections of reading programs. SIIA and many other entities had been expressing these concerns for several years. Largely as a result, the COMPETES Act and pending NCLB reauthorization include conflict of interest, peer review, and other provisions further limiting federal influence in curriculum.

E. Other R&D

- “The Federal Role in Education R&D: Innovator or Regulator?” -- SIIA, along with the American Association of Publishers and the Knowledge Alliance, are hosting a Capitol Hill forum to address one evolving debate about the federal role in education --- how should federal policies drive the use of evidence and the balance between restrictive regulator and enabler of innovation. It is sponsored by Representative Rush Holt (D-NJ). A panel of researchers, developers, practitioners, and policy makers will address whether federal policies stifle or stimulate the use of innovative practices and products, and to what degree evidence should be translated into regulations of local practices and interventions. Speakers will include Bill Evers, Assistant Secretary for Planning, Evaluation and Policy Development, U.S. Department of Education. Originally scheduled for October, 2007, the event is being moved to February, 2008.
- National Math Panel -- After lobbying for this Bush-appointed panel to consider technology as it reviews and makes recommendations around math (pre-algebra readiness) math curriculum and instruction, SIIA and several SIIA members were invited in November, 2006 to present a panel testimony. As a result, among the Math

Panel's preliminary findings reported on September 18, 2007 are that "Use of technology shows promise, using certain technologies, under certain conditions in particular areas of mathematics. More research is needed."

- US DoED Research Priorities in Technology -- The U.S. Department of Education's Institute of Education Sciences' federal education research priorities included two key SIIA recommendations made in response to request for public comment on the original draft. First, SIIA was successful in raising education technology as a priority for study. The priorities now include: "delivery mechanisms including technology." As a result, IES has held a number of competitions for research into learning technologies, including a National Research and Development Center on Instructional Technology and an Education Technology Research program.

IV. State Regulatory Reform to Support Electronic Learning Resources

One of SIIA's primary policy goals is an improved regulatory environment that supports the full potential of technology- and Internet-based education, including the reform of existing rules and the absence of new and inappropriate barriers. One such issue is the treatment of electronic learning resources, as compared to textbooks and other print-based materials. The broad goals are to ensure policies: (1) neither prejudice nor inappropriately favor technology-based education; and (2) rely to a great extent on consumer empowerment and market competition to meet education needs.

SIIA continues its advocacy campaign aimed at reforming state K-12 textbook adoption regulations and processes. The goal is to update systems employed by states to review and approve K-12 instructional materials that were originally designed for print-based materials and often do not sufficiently consider issues unique to electronic instructional materials. Among the challenges identified by SIIA are requirements for physical distribution depositories, prohibition on content changing during the 6 year adoption cycle, state review criteria and processes that fail to recognize unique technology issues, and lack of support for many licensing and subscription contract issues unique to electronic resources.

Among SIIA's 2007 activities were:

- SIIA was the only outsider invited to participate in the Winter meeting of the National Association of State Textbook Administrators to discuss the updating of state policies to better support state adoption of electronic learning resources. This roundtable discussion provided SIIA with great opportunity to explain the challenges, build awareness and understanding among state officials, and work collaboratively to develop solutions.
- SIIA submitted comments on March 13, 2007 to the California Department of Education in response to an NPRM, Amendment to Title 5, California Code of Regulations, Regarding Instructional Materials. (<http://www.sii.net/govt/docs/pub/SIIAletter123CDEch9NPRM.pdf>) Frustratingly, it appears that these proposed changes were not accepted, and that legislation will likely be

needed. This, despite the fact that the CA State Superintendent of Education had announced interest in these issues when speaking at SIIA's May 2006 education conference.

V. Federal Higher Education Act & Workforce Development

SIIA's higher education and workforce development policy goals include: (1) support ability of students and adults to gain the knowledge and skills necessary to succeed in the high-tech workforce; and (2) encourage the use of educational technologies and distance learning as a means to that education. More specifically, SIIA continues to advocate for: targeted resources to improve math and science education, including through technology and improved teacher quality; increased student aid and scholarship opportunities for students pursuing high-tech related post-secondary education; reform of student aid and other policies to provide students increased options for online education; information technology industry training tax incentives; and public-private partnerships to ensure educational programs meet real-world needs.

In 2007 at the federal level, SIIA is pleased to see the advancement of many of these policy goals as follows:

- Competitiveness Initiatives (See Above)
- Higher Education Act. Congress continues to work on reauthorization of the HEA, which governs the nation's student aid, provides institutional support and supports K-12 teacher training institutions. Pending House and Senate bills include important changes advocated for by SIIA that support the role of technology and enhance flexibility through distance learning.

The Senate bill would enhance the use of technology in instruction to ensure schools of education are preparing incoming teachers for the modern classroom, and authorize new grant programs to encourage school-business partnerships for development of new curriculum and services related to high skill and high growth occupations.

The House-bill, College Opportunity and Affordability Act of 2007 (H.R 4137), voted out of Committee on November 15, would (among many other purposes):

- address teacher training in the use of technology, including through a new Preparing Teachers For Digital Age Learners program;
- expand scholarship and training programs in the STEM fields and in critical foreign languages, including for teachers in those subjects;
- address accessibility issues by creating an Advisory Commission on Accessible Instructional Materials in Postsecondary Education For Students with Disabilities, primarily focused on accessibility to textbooks for print-disabled students, and it

would also add universal design and distance learning to existing programs and policies aimed at providing access to disabled students;

- require textbook publishers to provide more information to colleges, professors and students in an effort to empower them to make decisions about textbooks to help reduce their costs;
- authorize the Digital Promise trust (see above); and
- eliminate the Learning Anytime Anywhere Partnership program, assuming that this pilot online learning program is no longer needed in light of the pervasiveness of this model.

ATTACHMENTS:

1. SIIA's Education and Workforce Development policy agenda – attached and available at <http://www.siiia.net/govt/issue.asp?issue=EDTK#46>

2. Industry-Education Coalition letter to Congress in support of EETT Funding (May 18, 2007) – attached and available at http://www.siiia.net/govt/docs/pub/MCC_EdTechFY08Approps_SenateCmteLtr.pdf

3. Industry-Education Coalition letter to Congress in support of the ATTAIN Act (HR2449, S.1996) to reauthorize NCLB, Title II-D (June 15, 2007) – attached and available at http://www.siiia.net/govt/docs/pub/ATTAIN_Coalition_HouseCmteLtr.pdf

4. SIIA letter in support of Ensign Amendment to strike e-learning provision of Senate Immigration bill (June 5, 2007) – attached and available at http://www.siiia.net/govt/docs/pub/SIIA_s1348amend1239_060507.pdf)

Attachment #1

**Software & Information
Industry Association**

www.siiia.net



SIIA Policy Agenda Education & Workforce Development

SIIA supports a long-term, comprehensive national education and workforce development strategy to provide the United States with a citizenry ready for the 21st century. All citizens must have the knowledge and skills to succeed in today's highly competitive and information technology driven global economy. Education and training through and about technology are vital to this effort.

SIIA member companies are partnering with educators at all levels to provide innovative technology-based educational tools, but a successful national strategy requires government to enhance its investment in this challenge. Policy makers should take the following steps:

Technology Integration & Investment

Public policies must ensure all students have access to technology and the Internet, and that technology applications are integrated into teaching and learning. Technology transforms education practice by empowering students and individualizing learning, and is necessary to ensure students gain 21st century literacy skills.

- **Increase direct investment** in education technology to ensure all students have access to technology-based opportunities, including through software and digital curriculum.
- **Incorporate technology into all education and training programs** to provide flexibility to achieve program goals, including implementation of No Child Left Behind (NCLB).
- **Increase resources for teacher technology training** as a critical component to ensure technology is appropriately and effectively integrated into the curriculum. Critical to the solution is reforming and improving pre-service teacher education.

21st Century Policies

Technology and the shift to anytime, anywhere, any pace e-learning hold great promise to improve educational opportunity and achievement, but adoption is often impeded by long-standing models and rules. Effective policies must adjust to the dynamic environment, and will neither prejudice nor inappropriately favor technology and web-based education over traditional models and mediums.

- **Seat-time vs. e-Time.** The shift from a fixed-time and institution-based model to learner-based e-learning requires that practices and regulations be updated. Modernization of rules for academic credit, school accreditation and student financial aid

is necessary to ensure education is not driven by outdated input measures but by flexible participation and outcome measures.

- **Adoption of Electronic Learning Resources.** Promote the market for high-quality digital tools, content and instruction by reforming prohibitively restrictive regulatory barriers (including textbook adoption rules) and empowering consumers with the flexible resources to meet their educational needs.
- **Accessibility.** Disabled students look to specialized technologies to support their individual needs. SIIA supports balanced public-private partnerships and policies to develop technologies and standards necessary to enhance accessibility, while urging against prescriptive and one-size-fits-all regulations that compromise instructional design and impede innovation and adoption.

Research & Development

Publishers are devoting considerable resources to develop interactive and engaging software tools and electronic curricular materials. Yet, e-learning stands at a relatively early stage, and greater investment will be necessary to develop and evaluate the most effective tools and models.

- **Publicly-funded R&D** can address gaps in private investment, including underserved niche markets, pre-competitive basic research, product evaluation and large-scale evaluations.
- Well-crafted **public-private partnerships** will ensure the most relevant research is funded, findings impact the consumer market, and government involvement does not inappropriately compete with existing efforts and distort market forces or the incentive for private investment.

Workforce Development

Encourage and provide resources for students and adults to pursue high-tech training and careers. Promote life-long learning as the key to professional opportunity in today's dynamic economy. The nation's ability to succeed will require government's commitment to ensure all can acquire necessary new skills.

- Target increased resources to improve **math and science education** through technology and teacher recruitment and training, thereby providing students with the ability and interest in high-tech related careers.
- Increase **student aid and scholarship** opportunities for students pursuing high-tech related post-secondary education.
- Look to information technology industry **training tax incentives** as one of several solutions necessary to ensure a well-educated and trained high-tech workforce.
- Invest in **public-private partnerships**, including between industry and educational institutions, to provide training and ensure educational programs meet real-world needs.

About SIIA

The Software Information & Industry Association (SIIA) is the principal trade association for the software and digital content industry. SIIA provides global services in government relations, business development, corporate education, and intellectual property protection to

more than 600 leading software and electronic information companies. Many SIIA members provide technology products and services to education, while all depend on the nation's schools for a skilled, high-tech workforce. For further information visit <http://www.sii.net>.

May 18, 2007

The Honorable Tom Harkin, Chairman
Member
Appropriations Subcommittee on
Labor-HHS-Education
United States Senate
Washington, DC 20510

The Honorable Arlen Specter, Ranking
Member
Appropriations Subcommittee on
Labor-HHS-Education
United States Senate
Washington, DC 20510

Dear Chairman Harkin and Senator Specter:

RE: FY2008 Education Appropriations for School Technology

On behalf of the Mission Critical Campaign – a coalition of educators, state and local education leaders and public officials, and the high-tech industry – our organizations urge you to fund the Enhancing Education Through Technology (EETT) program (NCLB Title II, Part D) at \$700 million in the FY08 Labor, HHS and Education Appropriations bill to restore funding to its FY 02-04 levels. This increased funding is necessary to ensure formula grants are returned to a size that would maximize their local impact -- a goal that has been challenged in light of the nearly 40% funding cut to \$272 million over the last three years.

Educational technologies and the EETT program are mission critical to our educational success and national competitiveness. Congress included EETT as a core provision in NCLB in recognition of technology's importance in addressing the law's central goals and requirements and improving student achievement. Additionally, education technology plays an integral role in addressing the science, technology, engineering, math (STEM), foreign language and other educational gaps that lie at the heart of the Administration's and Congress' efforts to upgrade America's competitiveness.

According to the 2007 EETT National Trends Report, "findings strongly indicate that technology funding from the NCLB II D program directly supports NCLB goals in four distinct ways:

- Closing the achievement gap by providing access to software, online resources, and virtual learning aligned to academic standards for instruction and learning.
 - Closing the digital divide by providing increased levels of access and robust connectivity for students in low socioeconomic status (SES) schools.
 - Supporting the development of highly qualified teachers by providing online courses, communities of practice, and virtual communication that ensure flexibility and access.
 - Enhancing data systems to ensure that educators can utilize real-time data to inform sound instructional decisions and ensure that states meet AYP."
- (<http://setda.liveelements.net/web/guest/2007NationalTrendsReport>)

EETT funds provide schools with an important baseline of support for ensuring a competitive 21st Century learning environment. For many states and districts, these funds are also a catalyst used to leverage further investments and reforms otherwise not possible.

We urge you to support restoration of funding for the Enhancing Education Through Technology (EETT) program to \$700 million. Please contact our coalition co-chairs Hilary Goldmann (202-861-7777; hgoldmann@iste.org) or Mark Schneiderman (202-789-4444; marks@siia.net) for additional information.

Sincerely,

American Association of Colleges of Teacher Education
American Association of School Administrators
Apple
Association of Educational Service Agencies
Blackboard
California Department of Education
Consortium for School Networking
Cox Communications
Discovery Communications, LLC
Dell
EDUCAUSE
Federation of American Scientists
Information Technology Association of America
Intel
International Society for Technology in Education
Knowledge Alliance (formerly NEKIA)
Microsoft
National Association of Independent Schools
National Association of State Boards of Education
National Catholic Educational Association
National Education Association
National Rural Education Advocacy Coalition
National School Boards Association
New York State Education Department
North American Council for Online Learning
PBS
SAS
Software & Information Industry Association
State Educational Technology Directors Association
The U.S. Conference of Mayors
United States Conference of Catholic Bishops

cc: Members of the Senate Appropriations Subcommittee on Labor-HHS-Education

Attachment #3

June 15, 2007

The Honorable George Miller
Chairman
Education and Labor Committee
United States House of Representatives
Washington, DC 20515

The Honorable Howard McKeon
Ranking Member
Education and Labor Committee
United States House of Representatives
Washington, DC 20515

The Honorable Dale Kildee
Chairman
Early Childhood, Elementary and
Secondary Education Subcommittee
United States House of Representatives
Washington, DC 20515

The Honorable Mike Castle
Ranking Member
Early Childhood, Elementary and
Secondary Education Subcommittee
United States House of Representatives
Washington, DC 20515

Dear Chairman Miller, Representative McKeon, Chairman Kildee and Representative Castle:

RE: Support H.R. 2449, the Achievement through Technology and Innovation (ATTAIN) Act

On behalf of the Mission Critical Campaign – a coalition of educators, state and local education leaders and public officials, and the high-tech industry – we write to inform you of our support for the *Achievement through Technology and Innovation (ATTAIN) Act* (HR 2449), recently introduced by Representatives Lucille Roybal-Allard (D-CA), Ruben Hinojosa (D-TX), Judy Biggert (R-IL) and Ron Kind (D-WI). We ask that you include this bipartisan legislation in the reauthorization of the Elementary and Secondary Education Act. ATTAIN is intended to replace the Enhancing Education Through Technology (EETT) program, Title II-D of the No Child Left Behind Act.

The ATTAIN Act is based on the view that our federal policies must help propel our schools into the 21st Century by supporting learning environments that meet the needs of digital age students and a digital world. Many of today's educational goals and requirements can be most effectively achieved by modernizing our educational practices through technology. Education technology is essential for systemically improving schools, as it plays a key role in improving student achievement, developing highly qualified teachers, providing access to rigorous coursework, preparing students for the real challenges of today's world, identifying student learning needs, and implementing differentiated learning strategies.

The ATTAIN Act would revamp EETT, improving support for disadvantaged schools and students and ensuring that teachers are properly equipped to use the technology effectively. It was developed to leverage the strengths of the existing EETT program, while addressing

several practical program challenges. More specifically, it would focus funds on professional development and systemic reform that leverage 21st century technologies, prioritize funding to schools in need of improvement, and require states to assess whether students have attained technological literacy by the eighth grade.

The ATTAIN Act would update the existing EETT program by:

- Increasing the share of state-to-local funding distributed by formula from 50% to 60% and adding a minimum grant size in order to assure that more school districts receive allocations of a size sufficient to operate significant education technology programs.
- Strengthening the program's emphasis on teacher quality and technology skills by raising the portion of formula-grants set aside for professional development from 25% to 40%, while emphasizing the importance of timely and ongoing training.
- Channeling the 40% of funds allocated for competitive grants, previously unrestricted, to schools and districts for systemic school reform built around the use of technology to redesign curriculum, instruction, assessment and data use.
- More closely aligning the program with NCLB's core mission by giving priority in competitive grant awards to schools identified as in need of improvement, including those with a large percentage of limited English proficient students and students with disabilities, as well as by focusing formula grants on students and subjects where proficiency is most lacking.
- Renewing NCLB's commitment to ensuring that students are technologically literate by the eighth grade through requiring states to assess student knowledge and skills, including through embedding assessment items in other state tests and performance-based assessments portfolios.
- Drawing state, district and school attention to the age and functionality needs of school technology infrastructure, access and applications by requiring states to provide technical assistance and guidance to districts on updating these resources.

The ATTAIN Act will help ensure our educational system adopts modern methods critical to meeting the needs and goals of NCLB – raising student achievement and preparing all students to compete in the 21st Century.

Again, we strongly support H.R. 2449 and encourage you to include it as part of the reauthorization of the ESEA. Please contact our coalition co-chairs Hilary Goldmann (202-861-7777; hgoldmann@iste.org) or Mark Schneiderman (202-789-4444; marks@siia.net) for additional information.

Sincerely,

Alliance for Excellent Education
American Assoc. of Colleges for Teacher Education
American Federation of Teachers
American Library Association
Association of Educational Service Agencies
Association of Public Television Stations
Blackboard
California Department of Education

Consortium for School Networking
Dell
Discovery Communications, LLC
EDUCAUSE
Federation of American Scientists
Intel
International Society for Technology in Education
National Association of State Boards of Education

National Education Association
National School Boards Association
Knowledge Alliance
North American Council for Online Learning

PBS
Software & Information Industry Association
State Educational Technology Directors Assoc.

June 5, 2007

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Republican Leader
United States Senate
Washington, DC 20510

RE: Support Amendment #1239 to S. 1348

Dear Majority Leader Reid and Republican Leader McConnell:

On behalf of the Software & Information Industry Association (SIIA), I am writing in support of Amendment #1239 to S.1348, the Comprehensive Immigration Reform Act of 2007. The amendment would strike a provision requiring the U.S. Department of Education to develop an Internet-based software program to enable English learning. We strongly support this amendment because it would prevent inappropriate expansion of the Federal Government to perform responsibilities best performed, and already undertaken, by the private sector.

SIIA is the principal trade association for the software and digital content industry, representing more than 800 developers and publishers of software and information products and services. All SIIA members depend on our nation's immigration policies and educational institutions for a skilled, high-tech workforce. Many SIIA members develop software and digital content used to meet our nation's education and training needs.

Specifically, Sec. 709 of S.1348 would require the Department of Education to develop a free electronic program, useable on personal computers and through the Internet, to teach the English language. While this legislation is well intentioned to meet the English language learning needs of our current and potential new citizenry, we believe this public initiative will ultimately serve to undermine these very policy goals.

A free, government-owned electronic program will provide a significant disincentive for private investment and solution development. Federal involvement and competition with existing or future private sector efforts, including just the perception that the government will give away such resources, will lead to the termination of private initiatives, thus leading to fewer citizen choices and less innovation.

Myriad instructional and curricular resources are currently offered by the private sector, including electronic programs that support the needs of non-native individuals to learn

English. Private sector publishers currently invest millions of dollars to develop and maintain software and digital content that is rich and engaging, learner-appropriate, aligned to learning needs and goals, and incorporates effective pedagogy and instructional design. They invest millions more to bring such products and services to market, host and support web-based software, provide technical and other assistance to users, and to service and update the software in light of ever-evolving technologies.

Experience demonstrates that a federal initiative like the one proposed will be unable to meet its ambitious goals, and there will be no alternative available at that time to meet continued educational needs. Government-funded products usually lack the infrastructure and sustained, annually renewed investment necessary to enter the market (e.g., marketing), sustain the product (e.g., technical assistance), and update and improve these products over multiple generations. The result has most often been failed implementation, including the failure to reach the intended audience and make it past release 1.0.

Reliance on market forces and public-private partnership is critical to ensure that the needs of our citizenry are addressed and that public funds are efficiently targeted toward sustainable ends. It is a long held premise in the United States that the Government should not compete with its citizens, and that the private sector is best equipped to provide inherently nongovernmental products and services. Public policies should seek to create an environment in which private sector and public goals coincide and providers better meet education needs. Competition between providers, in this case, will spur innovation, improve quality and reduce consumer costs.

Again, we urge support for the Ensign Amendment #1239 to S.1348. Thank you in advance for your consideration of this request. If you have questions or would like to discuss this issue further, please do not hesitate to contact me or Mark Schneiderman, SIIA's director of education policy at 202-789-4444 or marks@siia.net.

Sincerely,

Ken Wasch
President