

EDUCATION DAILY

The education community's independent daily news service

Roberts vague about views on church, state separation

Judge **John G. Roberts** apparently would like the **U.S. Supreme Court** to be more consistent in its approach to issues concerning the separation of church and state. But that's as far as he was prepared to go when pressed for comments about the issue during his **Senate** confirmation hearings this week.

Education law experts say it remains unclear whether the nominee to replace the late **Chief Justice William H. Rehnquist** will be able to clarify when and how religious beliefs can be expressed in public schools.

Education leaders have looked to the Supreme Court for clear guidance to fend off costly lawsuits backed by religious libertarians. Plaintiffs say principals and school boards don't understand the Constitution and improperly restrict students and staff from freely expressing their viewpoints.

Reaction to recent cases illustrative

Sen. Jeff Sessions, R-Ala., asked Roberts about the issue shortly after a federal judge in California ruled that reciting the Pledge of Allegiance in public schools was unconstitutional. Sessions also referred to two recent Ten Commandment cases in South Carolina, in which the court allowed the Ten Commandments to be displayed on public property in one case and not in the other.

While characteristically refusing to give his own views on the issue, Roberts told the hearing, "That is an area in which I think the Court can redouble its efforts to try to come to some consistency in its approach."

However, **Tom Hutton**, staff attorney for the **National School Boards Association**, said that's easier said than done.

"The dynamics among nine people are complex," Hutton said, and it's not always easy to tell from Senate hearings how a justice will rule. Justices' views can change over time. They can be swayed and influenced by others sitting on the court. And at the end of the day, Roberts would have only one vote.

The separation of church and state within public schools is not one that lends itself to a one-

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Today's Highlights

Vol. 38, No. 165 • Friday, September 16, 2005

EARLY CHILDHOOD EDUCATION

The negative effects of low wages on educators' qualifications may hinder children's ability to build a strong foundation for success later in school and life, according to a new report **Page 2**

CONSTITUTION INSTRUCTION

Mandating recognition of the document in schools is much needed, supporters say, but others don't think it should be a requirement **Page 3**

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10 items, including:

- Panel pushes for pact among NYC teachers, union
- Lawsuit over Red Lake massacre in the works

Education insider

PEN: Public engagement key to school reform

Wendy Puriefoy was not a candidate to run the newly formed **Public Education Network** in 1991; she was in charge of finding a chief for the group. But her colleagues on the search committee had made up their minds after the last round of interviews — they wanted Puriefoy to take the job.

"I wasn't particularly interested in being in D.C.," said Puriefoy, who was the executive vice president and chief operating officer of **The Boston Foundation**.

David Hornbeck, chairman of the PEN board, was insistent. "We are not going to go forward and select somebody else until you say no to the position," he told Puriefoy.

Fourteen years later, Puriefoy's leadership has helped PEN grow as the nation's largest network of community-based school reform organizations.

The history

PEN is a national association of local education funds working to improve public schools for

(See **PURIEFOY** on page 6)

Low wages drive down quality of early childhood education

Persistently low wages in the early childhood education field have driven down qualifications to the point that only 30 percent of center-based teachers have at least a high school diploma.

That does not bode well if children are to get the high-quality early education needed to provide them with a foundation for success in school and life, warned the **Economic Policy Institute**, the **Keystone Research Center** and the **Foundation for Child Development** in a report released Thursday.

The number of staff with college degrees has dropped significantly in the past 20 years, the report said. Thirty percent of teachers and administrators in center-based schools had high school diplomas or less in 2004, up 6 percent since 1985, the report said. However, the number of staff with college degrees has fallen from 43 percent to 30 percent.

“Students and the community as a whole will ultimately pay the price for low teacher quality,” said report coauthor **Stephen Herzenberg**.

The qualifications of early childhood educators are important because high-quality ECE improves long-term academic outcomes for children that far outweigh the costs, the report said.

Those benefits include lower costs for subsequent education, increased taxes paid once children mature and enter the workforce, and reduced social costs.

More daunting still, the most educated early childhood educators are now in their late 50s and preparing to retire. That will make it even more difficult to maintain a qualified early childhood workforce.

As educated women have found more career opportunities in other fields, low pay has made it more difficult for prekindergarten programs to attract highly educated workers, the report said. Research also demonstrates that high-quality ECE programs require educated and experienced teachers.

Among the findings:

- 95 percent of prekindergarten staff in 2004

Areas for improvement

An **Economic Policy Institute** report says the qualifications of prekindergarten teachers are declining as pay scales stagnate. The report recommends:

- Phasing in higher standards for educators.
- Boosting research to find the most effective mix of formal education and structured work-based learning.
- Pairing experienced college-educated head teachers with new, less-educated workers.
- Raising pay to attract quality teachers.

were women.

- Teachers and administrators in center-based early childhood schools averaged \$10 per hour, compared with \$19.23 for female college graduates in other fields.

- Even college-educated teachers and administrators earned only \$13.35 an hour in 2004, for an annual salary of less than \$28,000.

- A quarter of center-based teachers and administrators have incomes below 200 percent of the poverty level, roughly the minimum necessary to pay for basic necessities without public assistance.

- Only a third of center-based ECE educators received health benefits. Only a fifth participated in any kind of pension plan.

College-educated teachers and directors who entered the profession in the 1960s and '70s are retiring, the report said, with few college-educated teachers taking their place.

“We need public investment to turn around these trends,” report coauthor **David Bradley** said. He also called for more investment to improve early childhood education across the board, “and deliver benefits that research demonstrates will far exceed the cost.”

The report, Losing Ground in Early Childhood Education: Declining Workforce Qualifications in an Expanding Industry, 1979-2004, is online at www.epi.org.

—**Stew Magnuson**



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'Constitution Day' aims to broaden knowledge of document

Though the U.S. Constitution will be 218 years old on Saturday, this year marks the first congressionally mandated recognition of the founding document in the nation's schools.

Constitution and Citizenship Day is the brainchild of **Sen. Robert F. Byrd**, D-W. Va., who inserted a provision in the 2005 appropriations bill calling for an annual day for instruction on the Constitution.

"While our educational system is good at ingraining feelings of respect and reverence for our Constitution," Byrd said, "that same system is in need of great improvements in teaching what is actually in the Constitution and just why it is so important to our daily lives. That's the focus of my legislation."

The senator, who says he always carries a copy of the Constitution, called it "a fragile, almost intangible thing that cannot survive without the dedication and constant support of citizens."

The Byrd provision requires all schools that receive financial assistance to create a Constitution Day program for their students. Federal workers are also required to participate in some form of educational activities.

Supporters say the program is needed. They cite this year's National Assessment of Educational Progress, which showed that 57 percent of high school seniors fell below the basic level of

achievement in U.S. history. They were unable to identify the most familiar figures, events and documents in American history.

In a survey last year, about one-third of 100,000 high school students said the First Amendment goes "too far" in guaranteeing free speech. Only 50 percent thought the press should have the right to publish freely without government interference.

Nevertheless, not all education professionals believe in requiring some kind of program to teach the Constitution. "We do not fault Byrd's intention," said **Mary Kusler**, senior legislative specialist with the **American Association of School Administrators**.

But, she added, "Mandating that it happens every Sept. 17 doesn't seem like the way to go," because it further burdens a school year already stretched thin by numerous other federal, state and local directives (ED, Jan. 3).

Lynn Cheney, wife of **Vice President Dick Cheney**, will host a special Constitution Day program today for 4th-graders at **George Washington's Mount Vernon Estate** in Northern Virginia.

The Education Department offers a list of resources for Constitution Day at www.ed.gov/free/constitution/index.html.

—David Hubler

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size-fits-all decision, Hutton noted. **Justice Stephen G. Breyer** expressed the view in one opinion that there was no way to resolve the issue in one stroke. "It's depressing to hear, but the court's approach has been 'context is everything,'" Hutton added.

John Whitehead, president of the **Rutherford Institute**, which often advocates on the side of religious liberty, said that whether a Roberts-led court could provide clarity depends largely on the type of justice he would be.

If he becomes a "majoritarian" like his mentor Rehnquist, "he's more likely to uphold the pledge, not so much because it is religious, but because it's the act of a governmental body," and popular with the public, Whitehead said.

When **Sen. Orrin Hatch**, R-Utah, asked Roberts whether he considered himself a majoritarian, he replied, "I do not have an overarching judicial philosophy that I bring to every case."

Hutton said Roberts may have the opportunity to hear the Pledge of Allegiance case soon.

Michael Newdow, who lost his case before the Supreme Court in 2004 because he lacked standing as a noncustodial parent, joined forces with custodial parents in the most recent case.

Two families who joined the lawsuit were allowed to proceed with their claims after **Judge Lawrence K. Karlton** said he was bound by the **9th U.S. Circuit Court of Appeals'** ruling that a public school district's policy requiring daily recitation of the pledge was unconstitutional.

Even though the policy allowed students to abstain, Karlton underscored the 9th Circuit's observations that the policy "places students in the untenable position of choosing between participating in an exercise with religious content or protesting."

The decision likely heralds a Supreme Court showdown, as the **4th U.S. Circuit Court of Appeals** last month ruled a Virginia law requiring a daily Pledge of Allegiance in public schools was constitutional.

Now that Newdow has standing, that case appears to be on the fast track to the Supreme Court, Hutton said.

—Stew Magnuson

Daily Briefing

Across the Nation

New York

Panel nudges city, teachers union toward pact

New York City's public school teachers soon may see a long-awaited pay increase after an arbitration panel recommended raises of 11 percent over three years. The increases would be tied to lengthening the school day by 10 minutes and curtailing some seniority rights in staffing decisions.

Though the panel's recommendations are nonbinding, both the **United Federation of Teachers** and **Mayor Michael Bloomberg** seemed inclined to use the findings as a roadmap to a deal.

"We just received the document and are reviewing it," **Edward Skyler**, Bloomberg's spokesman, told *The New York Times*. "Some of it we agree with, and some of it we don't, but we aren't going to discuss the negotiations publicly."

In a statement, **Randi Weingarten**, the UFT president, said, "The recommendations from the independent fact-finding panel have the potential to form a basis for a negotiated contract settlement. It is a document that has its pluses and minuses."

Kansas

Changes to sex education guidelines delayed

The **Kansas State Board of Education** debated this week whether to change the state's sex education guidelines, finally delaying the matter when it couldn't reach consensus.

The debate centered on whether sex education classes should be mandatory, with parents given the opportunity to sign waivers so their children don't have to attend, or voluntary, with parents who want their children to receive sex education opting-in, *The Kansas City Star* reported.

Right now the decision is made at the school board level. Most school boards make it a mandatory course with an opt-out policy.

Supporters of the current policy have said that students who are most at risk of teen pregnancy and risky behavior might be less likely to get permission from their parents, while health educators said that sex ed is necessary in today's culture. Opponents cited sexually transmitted diseases and teen pregnancy rates as evidence that the current policy isn't working.

South Carolina

Official loses job after Katrina comment

An administrator at **Greenville Technical College** is out of a job after calling students who were displaced by Hurricane Katrina "yard apes" at a staff meeting.

Renee Holcombe, who worked in student services, told *The Associated Press* the remark wasn't

meant as a racial slur. She wouldn't say whether she was fired or resigned, but confirmed she was no longer working for the school.

The school's president said that the comment was made at a meeting discussing registration for the displaced students.

Hawaii

State will oversee own school restructuring

The **Hawaii Department of Education** has announced that its own staff, not outside contractors, will oversee the restructuring process for schools that continue to fail to make adequate yearly progress under the No Child Left Behind Act.

"There will be a savings," **Kathy Kawaguchi** of the department's **Office of Curriculum, Instruction and Student Support** told *The Honolulu Advertiser*. "Now that we're through one year [of restructuring], we understand there are strengths in our schools." Officials will look for areas of need "and target those schools," she said.

Restructuring cost the state \$9 million this year.

Legal Watch

Lawsuit over Red Lake massacre in works

Attorneys representing families of the victims of the Red Lake, Minn., school massacre have notified state and district officials of their intent to file wrongful death lawsuits.

Randy Thompson, who represents seven families of victims of the March 21 shooting on the Red Lake Reservation, filed an official notice with the potential defendants stating that they "may claim compensation," according to the *St. Paul Pioneer Press*.

Jeff Weise, a 16-year-old student, killed seven in the **Red Lake High School** after killing three others at his home. He then took his own life.

District officials said they have been communicating with the victim's families in order to work out an "amicable solution."

Study Hall

Forecast grim for Great Lakes AYP performance

A reported funded by the **Great Lakes Center for Education Research and Practice** predicts that states in the Great Lakes region — Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin — will have high percentages of schools failing to make adequate yearly progress by 2014. That's the year all schools are supposed to be proficient under the No Child Left Behind Act.

Using three models for each state to project high, moderate and low test performance growth rates, the report found that even using the most optimistic predictions, AYP failure rates for schools would range

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from 49 percent in Ohio to 68 percent in Illinois.

The models' data are conservative because they do not consider subgroups of limited English proficiency students, students with disabilities or economically disadvantaged students. In reality, a school fails to make AYP if even one of those subgroups doesn't make AYP.

The report can be downloaded at www.greatlakescenter.org/testing.htm.

Education Department

Teacher Training Corps applications accepted

The **Education Department** is accepting applications for its recently announced Teacher-to-Teacher Training Corps (ED, Sept. 9).

Members of the corps will support district-level professional development by providing demonstrations on how to improve academic performance through increased content knowledge and improved pedagogy.

ED is looking for presenters who combine content and pedagogy and employ research-based classroom strategies that help teachers differentiate instruction, work well with English-language learners, use technology to help meet standards, use data to increase student achievement, and take advantage of learning strategies that improve student behavior.

Proposal requirements include a PowerPoint presentation and handouts.

Applications must be received by Oct. 10.

To apply for the corps, visit www.teacherquality.us/TeacherToTeacher/CallForTrainers.asp.

ED seeks input on voc ed appeals process

The **Education Department's Office of Special Education and Rehabilitative Services** requests public comment on the information collection request, as required by the Paperwork Reduction Act, for an **Office of Management and Budget** review of annual Protection and Advocacy of Individual Rights (PAIR) program assurances.

The 57 PAIR grantees must submit the assurances to be part of the protection and advocacy system established in each state under the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

Deadline: Oct. 14.

Contact: Rachel Potter, desk officer, ED, Office of Management and Budget, 725 17th St. N.W., Room 10222, Washington, DC 20503.

Web: http://edicsweb.ed.gov/browse/browsecoll.cfm?pkg_serial_num=2810.

E-mail: Kathy.Axt@ed.gov.

Funding Alert

ED announces funds for striving readers

Scope: The **Education Department** invites applications for projects aimed at raising the reading

achievement of middle- and high-school-aged students in high poverty schools.

Funds: \$1 million to \$5 million each. The project period is five years.

Eligibility: Local education agencies that are eligible to receive funds under Part A of Title I of the Elementary and Secondary Education Act and serve students in one or more grades from six through 12.

School districts may apply individually or with other school districts, public or private higher education institutions, intermediate service agencies and/or public or private organizations with expertise in adolescent literacy or rigorous evaluation.

Areas: Projects must serve only the designated grades in eligible schools and support a comprehensive reading program that features school-level strategies that integrate reading instruction throughout the curriculum and school; intensive, targeted interventions for struggling readers; and a rigorous evaluation by an independent evaluator of the targeted interventions and the school-level strategies.

ED will hold a series of briefings on the competition, See www.ed.gov/progrfams/strivingreaders for dates and times.

Deadline: Nov. 14.

Contact: Kathryn Doherty, (202) 205-6272

E-mail: StrivingReaders@ed.gov.

Web: www.ed.gov/news/fedregister. Go to "Announcements," then look under Aug. 15.

Legal Brief

Psychologist loses harassment bid, can pursue retaliation claim

Case name: *Nye v. Roberts, et al.*, 105 LRP 37390 (4th Cir. 08/05/05).

Ruling: A school psychologist lost her sexual harassment and constructive discharge claims against a district. But the **4th U.S. Circuit Court of Appeals** allowed her retaliation claim to proceed, noting a reasonable jury could find that the district retaliated against her for engaging in a protected activity under Title VII.

Background: The psychologist complained that the principal sexually harassed her. After filing a formal charge of sex discrimination with the **Equal Employment Opportunity Commission**, she alleged she was retaliated against.

She also received a formal letter of reprimand chastising her for filing a complaint in which she alleged another school psychologist was sexually harassed.

Though the district contended she was only reprimanded for communicating to the EEOC without that employee's permission, the court concluded a reasonable jury could find that the district was retaliating against her for engaging in a protected activity under Title VII.

PURIEFOY (continued from page 1)

poor and disadvantaged children. LEFs are community-based organizations positioned to engage the public in education reforms. These groups are nonprofit, are independent from their school districts, and have boards of directors that reflect their communities.

PEN has doubled its membership since 1991. Its network now includes 89 local education fund members in 34 states, the District of Columbia and Puerto Rico, serving more than 11.5 million poor students in 18,000 schools. The goal is to expand the network's reach to all 50 states. PEN's international affiliate also serves 293,000 children in the Philippines.

The first LEFs were established in 1983 through the support of the **Ford Foundation**. Between 1983 and the late '90s, the foundation invested about \$10 million in identifying community-based groups for local education funds to benefit schools. The philosophy behind Ford's project was that "the success of public schools is a critical strategy in affecting the economic outcome of people's lives," Puriefoy said.

While she was at the Boston Foundation, Puriefoy helped create the Boston Plan for Excellence, an LEF supported by the business community. In 1998, Ford invested another \$1 million in the project and set up the **Public Education Fund Network**, based in Pittsburgh, a predecessor of PEN. Over time, the mission of LEFs broadened to focus on systematic reform in schools in addition to helping individual teachers and principals.

PEN's mission

When Puriefoy arrived in Washington in 1991, PEN was housed in a 300-square-foot office space with one staff member and a \$300,000 budget. Since then, the organization has grown to 18 staffers with a \$7.8 million operating budget. PEN is primarily funded by foundations.

In the last 14 years, PEN has given more than \$200 million to LEFs to support school reform and public engagement. PEN's overall mission is to build public demand and mobilize resources for quality public education through a national network. Over the last few years, the mission has deepened, Puriefoy said.

"Local education funds are now focusing on building a more knowledgeable constituency for public education," she said. "Before, more time was spent inside the school dealing with the mechanics of teaching."

PEN understands that the success of public schools goes beyond the classroom. "The public has a primary role to play in whether school reform fails or succeeds," Puriefoy said.

Working with LEFs

The heart of the **Public Education Network's** mission is to help and promote local education funds. As the head of PEN, **Wendy Puriefoy** works closely with all 89 LEFs and has visited every one of them in her 14 years with PEN.

With grants provided by PEN, the **Foundation for Lincoln Public Schools** in Nebraska, which joined PEN in 1992, was able to initiate projects that produced lasting positive effects on schools and students.

Barbara Bartle, executive director of the foundation, said the group was able to start a community learning center initiative in 2000 with planning funds from PEN. The project has grown from four centers to 19 at various schools. These centers open their doors after school hours to students and their parents, offering tax services, workforce development and health programs, among other services.

Before joining PEN, the foundation's primary mission was fund raising, but the network has "really stretched our vision," Bartle said, citing PEN's technical supports and leadership opportunities through conferences, training and consulting.

To that end, PEN has launched multimillion-dollar public engagement initiatives focused on teacher quality, standards and accountability, school and community services. They helped community members understand the role played by elected officials on school boards and state and local governments, and how their votes affect public schools.

The outcome has been encouraging. Since 1996, LEFs have boosted resources for public schools through tax and bond referenda, resulting in more than \$4 billion in public funds.

How PEN works

Under PEN's direction, LEFs have grown in capacity with an average annual budget increasing from \$190,000 to \$2.4 million. Some LEFs have endowments as large as \$34 million.

PEN works with LEFs and the community primarily through three areas — policy and program; strategic and position; and membership development and research. In addition to providing technical assistance to LEFs, PEN has developed and is field testing a new model of public engagement in 14 communities and the state of West Virginia.

"Whether schools are successful is an indicator of how effective our democracy is," Puriefoy said. "More people need to participate in the improvement, and in stabilizing and sustaining of public education."

—Katherine Shek