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...The lower court admonished plaintiffs and asked for "objective" evidence rather than anecdotes and a clear showing that spending disparities resulted in unequal educational opportunities for children in schools and in classrooms.

Coming Around Again: Equity Litigation and Wisconsin Rural Finance

Deborah A. Verstegen

This research was funded by the Rural School and Community Trust, a private non-profit organization dedicated to strengthening rural public schools and the communities they serve. The conclusions and opinions contained in the report are the author's and not necessarily those of the Rural School and Community Trust.

The Wisconsin Constitution, adopted in 1848, provides that "The legislature shall provide by law for the establishment of district schools, which shall be as nearly as uniform as practicable..."¹ For over 150 years the legislature has grappled with the question of how to achieve this mandate, particularly as social, economic and demographic changes have conditioned concepts of what is "as nearly as uniform as practicable"²

Today, this question has once again returned to the top of policy agendas, propelled by the onset of the information age, technological revolution and global economy. At the same time, a challenge to the constitutionality of the Wisconsin education finance system is currently awaiting review by the Wisconsin Supreme Court.³ The finance system was upheld by the high court in 1989 in *Kukor v. Grover*.⁴

This chapter discusses the impact of school finance litigation on rural and small schools in Wisconsin. First, the 1989 supreme court decision on the constitutionality of the state finance system is discussed. Next, social, economic and demographic changes in Wisconsin over the 1990s are reviewed. Third, the Wisconsin school aid system is examined and analyzed. Finally, the current challenge to the constitutionality of the state aid system, is reviewed and a summary is provided. Throughout, issues related to rural and small schools are highlighted.

Study Method

Data for this study were taken from documents available in the field, the analysis of finance information produced for this study, and interviews with individuals in Wisconsin chosen on a positional and reputational basis.⁵ A snowballing interview technique was used: respondents were asked to name other individuals knowledgeable about the issues of interest. Most interviews were undertaken by telephone;

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a limited number occurred face to face. Data were collected in the field during a trip to Wisconsin;⁶ at that time, knowledgeable individuals were contacted and discussions occurred around areas of particular interest related to school funding. For analysis purposes, findings from interviews, documents and data analyses were triangulated. The overarching purpose was to determine whether school finance litigation had an impact on rural and small schools and districts, what that impact was, and what continuing issues have emerged over time. The study proceeded in three stages: exploration, description and verification.

School Finance Litigation

Kukor v. Grover (1989)

Over a decade ago, in 1989, the Wisconsin Supreme Court handed down its opinion upholding the Wisconsin school finance system in the case, known as *Kukor v. Grover*.⁷ The court stated that: 1) the statutory system of determining state aid to public school districts did not violate the uniformity requirements of the state constitution simply because it resulted in certain districts having inadequate funds to provide specialized programs and meeting particularized needs of impoverished students; and 2) the state financing system did not violate the equal protection provisions of the state constitution, because disparities in per pupil expenditures were rationally based upon the preservation of local control over education as mandated by the supreme court.⁸

The high court held that education was a fundamental right under the Wisconsin constitution and entitled a student to a basic education- but not uniform financing or extra funds for high costs. A basic education was defined under Article X, section 3: the "character of instruction" was required to be uniform as defined by state minimum standards, such as teacher certification, minimal school days and standard school curriculum.⁹

The court found that districts with a high concentration of students from families living in poverty were required to spend more per student but had fewer available resources to spend.

The wide expenditure and tax effort disparities in Wisconsin school districts lead to a substantial lack of equality and uniformity in the program of instruction available to all the school children in the low spending districts, and as we have observed act as a drain on the regular program of instruction in districts with very high poverty concentrations.¹⁰

Nonetheless, the plurality ruled that the finance plan was sound as a matter of constitutional law, there being no requirement to meet the particularized needs of disadvantaged students beyond the provision of basic education programs¹¹. Coming to these conclusions, the majority upheld the decision of the circuit court that had sustained the constitutionality of the plan despite serious misgivings as to its adequacy in addressing the needs of the poor.¹²

The majority noted that during litigation select programs addressing poverty for some children were enacted by the legislature. However, the high court took the opportunity to mention that although variations across school districts in special needs and their associated costs were not found unconstitutional, more assistance for special needs was necessary and desirable, to wit: "...while the greater uniformity in educational opportunities is, in the opinion of both parties, desirable and necessary, it is not something which is constitutionally mandated under the uniformity provision."¹³

Further, the high court opined:

We recognize that more and improved programs are needed in the less affluent or overburdened districts but find that these legitimate demands may not be correctly described as claims for uniformity under [the] Wisconsin Constitution, Art. X, sec. 3... such claims must be made to the legislature.¹⁴

The finance system was upheld by the plurality using the rational basis test; local control and deference to the legislature on education spending matters were the legitimating rationales.

In a concurring opinion, J. Steinmetz underscored this issue, writing: "This case has been a public cry to the legislature, disguised as a constitutional attack, that additional funds are necessary to improve education in some districts."¹⁵

The minority opinion, written by J. Bablich representing three members of the court, took issue with the main tenets of the majority opinion but found special needs of high cost children compelling. The dissent found that the issue in the case was not "spending disparities" but whether the state, through its finance system, met its constitutional obligation to provide an equal educational opportunity for all children within the state, "rich and poor alike." According to the dissent: "it has not". This conclusion was based on an "ample" record, it said, including four points that all members agreed on.¹⁶ These included:

- 1) it is a fundamental right of each child in the state to have an equal opportunity for education,
- 2) the state is constitutionally mandated to provide that opportunity,
- 3) the method the state has chosen to fulfill this responsibility is the statutorily created system of financing K-12 education,
- 4) the trial record clearly established that the educational needs of a significant number of school children in this state, primarily those from high poverty districts, are very great, and these needs are not being met. These children come to school unready to learn. Compensatory education programs are unavailable to remedy their learning deficiencies. Supportive services and exceptional educational needs are insufficient to assist them. The little money that is channeled to these programs comes at the expense of the regular educational programs, thereby "shorting" the regular programs.¹⁷

The "fundamental flaw" in the system, the dissent said, was "dollars without regard to educational needs." The result, it said, was: "a significant number of school children in this state are denied an equal opportunity to become educated people."¹⁸ The mandate of Article X, section 3, Wisconsin Constitution, it said:

is that the state provide a character of instruction in the state schools such that all children are provided with a uniform opportunity to become equipped for their future roles as citizens, participants in the political system, and competitors both economically and intellectually.¹⁹

Social, Economic and Demographic Changes

Over the past decade, social, economic and demographic changes occurred in Wisconsin, that impact rural and small schools and districts in the state and the context in which the legislature must decide whether the finance system is "as nearly as uniform as practicable." These indicators are shown in Table 1 and include ranks to determine the position of Wisconsin compared to other states in the country.²⁰

Wisconsin is a fairly large state with a sizable school population. In resident population, Wisconsin ranked 16th in 1990 (4.9 million) compared to other states within the U.S.; but this fell to 18th in 1998 (5.2 million). Projections indicate the population will continue to decline to a rank of 20th by 2025. Sixty-eight percent of the population lived in metropolitan areas in 1990; this fell slightly to 67.7% in 1998. Approximately 26% of the population were under 18 years in 1990; a figure that held steady over the decade, ranking Wisconsin 21st.

School-aged persons (aged 5 to 17) numbered 860 thousand in 1990, but 870 thousand in 1995. This is 19.7% of the U.S. school population, ranking Wisconsin 17th. Persons 65 years or older made up about 13% of the population over time, ranking Wisconsin 21st (1995).

In 1995, income per capita (\$22,379) was slightly below the U.S. average (\$22,379). The percent of the population in poverty was 8.5%; this is below the U.S. average of 13.6%. However, children made up a disproportionate share of poverty: 13.9% were under age 18 and 16.7% were under age 5.

Wisconsin's state and local general revenue in 1993-94, the latest year data were available, ranked 13th. Tax revenue from the property tax was high- Wisconsin ranked 8th; state individual income tax was high- Wisconsin ranked 7th; but the general sales tax was average, Wisconsin ranked 20th. State and local expenditures on public welfare ranked 15th, health and hospitals, 33rd; police protection, 14th; fire protection, 14th; highways, 16th; but revenue for local public schools, ranked 9th- ranking Wisconsin high in the country in terms of spending on schools.

School revenue for 1996-97 averaged \$8,157 per pupil in ADA (average daily attendance) ranking Wisconsin 11th. Of this, 41.1% was derived from local sources; 54.5% from state sources; and 4.5 % from federal sources. Currently two-thirds of all school funding is paid for out of state coffers; one-third is funded locally.

In 1998-99 there were 426 school districts in Wisconsin, including ten Union High School Districts, that received incoming 9th graders from several of the 47 underlying elementary (K-8) districts. These districts enroll 881,248 students.²¹ The school population was 82.27% White; 1.37% American Indian or Alaskan Native; 9.71% Black; 3.64% Hispanic, and 3.01% Asian American or Pacific Islander.

A significant number of school districts in Wisconsin are rural or small. Of all 426 school districts, 83 had enrollments of 1-499 students; 125 had enrollments of 500-999 students; 115 had enrollments of 1,000 to 1,999. At the other extreme, 11 districts had enrollments of 10,000 or more. For secondary schools only, 47 had enrollments of no students; 138 had enrollments of 1-299 students; 90 had enrollments of 300-499 students; and 87 had enrollments of 500-999 students. Only 64 districts had secondary enrollments above 1,000 students. According to an expert in school finance: "the wealthy rural and small districts are in the Southeast. Most are K-8 or Union High School Districts. The rural poor are in the Northeast and Southwest."

Table 1. Rankings of Wisconsin.*

| WISCONSIN | Rank | State | U.S. | Table |
|---|-------------|--------------|-------------|--------------|
| DEMOGRAPHICS | | | | |
| Resident population in 1995 (in thousands) | 18 | 5,123 | 262,755 | (A-1) |
| Percent age 5 to 17 | 17 | 19.7% | 18.7% | (A-6) |
| Percent age 18 and over | 31 | 73.6% | 73.8% | (A-7) |
| Percent age 65 and over | 21 | 13.3% | 12.8% | (A-8) |
| ECONOMY | | | | |
| Personal income in 1995 | | | | |
| Total (in millions) | 18 | \$114,628 | \$6,137,879 | (D-1) |
| Per capita | 23 | \$ 22,379 | \$ 23,348 | (D-3) |
| As % of national average | 23 | 95.8% | 100% | (D-4) |
| Per pupil in ADA | 24 | \$143,298 | \$ 150,452 | (D-12) |
| GOVERNMENT REVENUE | | | | |
| State and local general revenue from own sources in 1993-94 | | | | |
| Per capita | 13 | \$ 3,614 | \$ 3,399 | (E-2)* |
| Per \$1,000 of personal income | 9 | \$ 171 | \$ 153 | (E-3)* |
| State and local tax revenue in 1993-94 | | | | |
| Per capita | 9 | \$ 2,698 | \$ 2,402 | (E-4)* |
| Per \$1,000 of personal income in 1994 | 5 | \$ 127 | \$ 108 | (E-5)* |
| Tax revenue by major source in 1993-94 | | | | |
| Per capita | | | | |
| Local property tax | 8 | \$ 994 | \$ 725 | (E-7)* |
| State individual income tax | 7 | \$ 768 | \$ 478 | (E-13) |
| State general sales tax | 20 | \$ 502 | \$ 504 | (E-14) |
| Per \$1,000 of personal income in 1993-94 | | | | |
| State and local property tax | 5 | \$ 47 | \$ 34 | (E-9) |
| State individual income tax | 4 | \$ 34 | \$ 20 | (E-15) |
| State general sales tax | 24 | \$ 22 | \$ 22 | (E-16) |
| GOVERNMENT EXPENDITURE | | | | |
| State general expenditures in 1993-94 | | | | |
| Per capita | 22 | \$ 2,839 | \$ 4,125 | (G-1) |
| Per \$1,000 of personal income in 1992 | 16 | \$ 204 | \$ 186 | (G-4) |
| State and local expenditures by major function in 1993-94 | | | | |
| Per capita | | | | |
| Local public schools | 9 | \$ 1,096 | \$ 949 | (H-8) |
| Public welfare | 15 | \$ 739 | \$ 691 | (G-5) |
| Health and hospitals | 33 | \$ 276 | \$ 386 | (G-6) |
| Police protection | 14 | \$ 221 | \$ 210 | (G-7) |
| Fire protection | 27 | \$ 93 | \$ 124 | (G-8) |
| Highways | 16 | \$ 351 | \$ 277 | (G-9) |
| SCHOOL FINANCE EFFORT | | | | |
| School revenue in 1994-95 | | | | |
| Per \$1,000 of personal income in 1995 | 9 | \$ 52 | \$ 45 | (F-5) |
| School expenditures in 1994-95 | | | | |
| Per \$1,000 of personal income in 1995 | 8 | \$ 46 | \$ 40 | (H-13) |
| SCHOOL FINANCES (CURRENT YEAR) | | | | |
| School revenue in 1996-97 | | | | |
| Per pupil ADA | 11 | \$ 8,157 | \$ 7,141 | (F-4) |
| Percent of total from | | | | |
| Local | 28 | 41.1% | 44.5% | (F-8) |
| State | 20 | 54.5% | 48.7% | (F-10) |
| Federal | 45 | 4.5% | 6.7% | (F-11) |
| Current expenditures in 1995-96 | | | | |
| Per pupil ADA | 13 | \$ 6,782 | \$ 6,133 | (H-14) |

*Data Source: NEA (1998). *Rankings of the States, 1997*. Washington D.C.: Author, 1998.

Wisconsin State School Aid System

Changes have also occurred in the Wisconsin finance system over the decade. The state of Wisconsin funds primary and secondary schools using a guaranteed tax base system. The main goal of the finance plan is to equalize the ability of local residents to raise funds for schools by equalizing property tax bases, but to leave the decision over how much to spend to the people or their elected representatives.

The basic concept of equalizing differences in local property tax bases of school districts, in an effort to provide equity for taxpayers and children, has been promoted through Wisconsin's general school aid formula since 1949, but the current finance system has its genesis in legislative changes enacted in 1973-75. The system was restructured in 1995. At that time, the current three tiered guaranteed tax base system was adopted to replace the previous two tiered system. Also, the state committed itself to funding two-thirds of the cost of primary and secondary schools and revenue controls were made permanent.²² (These changes are discussed further below.)

Equalization aid is the primary source of state aid; as stated, it is distributed to school districts through a Guaranteed Tax Base system (GTB). Under a GTB, the state guarantees a certain amount of property wealth behind each pupil for different levels of spending. If a district's property tax base falls below the guarantee, state aid is provided to make up the difference.²³

Table 2 shows the current guarantees for Tiers I, II, and III for the 1998-99 school year. Localities determine spending and tax rates; the state makes up the difference in the amount of funding raised from the local tax base to the guaranteed tax base level, but places a limit on per pupil expenditures that are assisted by state aid. As shown, the first tier (primary aid) guarantees a tax base of \$2,000,000 per pupil for the first \$1,000 per pupil spent on schooling. The second tier (secondary aid) guarantees a tax base of \$676,977 per student for spending ranging from \$1,001 to \$6,285 per pupil. The third tier (tertiary aid) guarantees the state average tax base, \$263,240 per pupil for local spending above \$6,285. In addition, 37 categorical aids are added to basic aid, and are distributed by the state as a flat grants (a uniform amount of aid). Despite the large number of categorical aids provided by the state, there is no extra funding for rural and small school districts, nor does the state provide adjustments in basic aid for school or district size.

Table 2.
Wisconsin's Three-Tiered GTB 1998-99 State Aid Year

| | Guaranteed Tax Base per Member | Shared Cost Ceiling per Member |
|---------------|---|---|
| First Tier | \$2,000,000 | \$1,000 |
| Second Tier | 676,977 | 1,001-6,285 |
| Tertiary Tier | 263,246 | none |

The purpose of Guaranteed Tax Base System is to provide taxpayer equity or equal yield (funding) for equal effort (tax rates). Usually these finance systems include a sliding scale that provides increased amounts of state aid for each increase in local resources and a maximum and a minimum level of local resources is specified. Also,

negative aid is assumed, that is, districts raising more than the guarantee are required to return the additional funding back to the state for redistribution. Currently only Wisconsin and Indiana use Guaranteed Tax Base systems to pay for public elementary and secondary schools.²⁴ Since the 1970s, states using some variant of this type of system to fund primary and secondary education have fallen almost 70%.

Issues Related to Wisconsin School Aids

According to scholars, education officials and individuals who were interviewed for this study, pupil and taxpayer equity is compromised under the Wisconsin school aid system for several reasons.²⁵ First, is the lack of negative aid. Second, is the provision of "minimum aids" under Tier I— also called the primary guarantee. Third, are the 37 categorical aids that are provided to school districts as flat grants regardless of local ability-to-pay for schools or tax rates. Fourth, levy credits reduce equalization aid while assisting mostly high wealth districts—in direct opposition to the goal of taxpayer equity which demands revenue be based on equalized tax rates not the amount of tax dollars paid by localities. Likewise, special adjustment aid, provided to cushion changes in aid from year to year, has the effect of limiting the equalization by off-setting the link between revenue and taxes.

Other major disequalizers in the funding system include the underfunding or nonfunding of special needs. When state funding is inadequate to pay for the excess costs of high need students, local districts essentially have two choices: to take revenue from the general education budget to pay for the special needs of students thereby lowering funding available for the general school program, or to ignore the needs of those students who most need special programs and services. The encroachment of these programs on general aid restricts taxpayer equity by lowering funding for general education due to the size of the special (bilingual/poverty) population—an irrational feature that results in those districts with fewer special needs students garnering more state aid. This signals a lack of vertical equity and wealth neutrality in the system. In essence, when a child has special educational needs, or a school district has uncontrollably higher costs, the quality of a child's education is a function of local not state wealth, in contradiction to wealth neutrality principles that are presumed to undergird state aid systems.

According to Wisconsin's Department of Public Instruction:

In a perfectly equalized formula, actual levy rates and "theoretical" or calculation rates would be one and the same. However, not all school costs are shared through the general aid formula in Wisconsin. Categorical aid programs fund costs outside of the equalization aid formula. These programs and other disequalizing factors contribute to differences between the calculation rate and actual equalized tax rates. Other disequalizing factors in Wisconsin's general aid formula are: the provision that primary aid may not be reduced by negative non-primary aid, cancellation of negative primary aid, payment of special adjustment aids, payment of special transfer aids from the equalization aid appropriation, and use of prior year rather than current year, membership, costs, and property value for computation.²⁶

Comparison of Two Small School Districts: Rich and Poor.

A comparison of two small school districts, one rich and one poor, illustrates these issues. In addition, critics charge that wealthy districts in Wisconsin can tax low and spend high; poor districts, in contrast, tax high but spend low.

In 1997-98, Gibraltar, a small, wealthy school district with \$1.7 million per pupil in equalized property value, received \$225 per pupil in general aid (primary aid \$136 per pupil and special adjustment aid of \$89) and \$464 in categorical aid from the state. Local property taxes were \$4.15 (mills) per \$1,000 equalized value and raised an additional \$8,460 per pupil. The total expenditure in Gibraltar was \$9,140 per pupil.

Bowler, a small, poor school district with \$88,193 per pupil in equalized value and 621 students, received \$4,867 in state general aids (\$955 primary aid; \$4,382 secondary aid; \$110 tertiary aid) and \$321 in categorical aid. Bowler taxed at \$8.63 per \$1000 in equalized valuation, and raised \$690 per pupil in local revenue. The total expenditure from state and local sources of was \$6,587 per pupil. Bowler taxed twice what Gibraltar did, yet total expenditures from state and local sources were only 70% of Gibraltar's expenditures. This difference amounts to over \$1.5 million per year or an advantage for Gibraltar of \$2,562 per pupil. These are nontrivial differences.

As stated, the Wisconsin school aid system includes approximately 37 categorical aids that are distributed without regard to local ability-to-pay or tax rates. In 1998-99, Gibraltar, with over 20 times the property tax base of Bowler, received \$464 per pupil in categorical aid; Bowler received only \$321 per pupil. Special education is the largest categorical aid. Special enrollments in Gibraltar comprised 11.1% of enrollments (83 students); special education children in Bowler comprised 15.1% of enrollments (86 students). Nonetheless, Bowler with greater needs and lower ability-to-pay for education out of local sources, received fewer dollars than did Gibraltar.

Over time, state aid in Wisconsin has shifted to equalization aids, and away from categorical aids. In 1989-90 equalization aid was 79.1% of state aid; categorical aid was 17.0%. In 1994-95 equalization aid was 80.8% of state aid; categorical aid was 15%. In 1998-99 equalization aid was 87.1% of state aid; categorical aid was 10.8%. The shift in aid has eroded funding for students in districts with relatively more special needs students that impose higher costs on school systems. Viewed from another perspective, however, according to an interviewee: "There has been an unwillingness to continue to plow a lot of flat aid money into wealthy districts. Wealthy districts get more flat aids under categorical [than from general aid]."

Special Education Assistance.

Categorical aids in Wisconsin are not only disequalizing but also underfunded or not funded at all. For example, in special education, the gap between appropriations and authorizations has grown over time. In FY 1997-98, state categorical aid for special education was 31.3% of costs. If special education was fully funded, it would support 63% of the costs of special education costs. Special education costs that are not reimbursed by federal or state categorical aids are eligible for reimbursement under state general equalization aids. In 1997-98, special education costs paid by general equalization aid amounted to \$196.2 million. Because increases in costs occurred after the establishment of state revenue limits that restrict total education spending, "increases in special education spending have

reduced the spending authority available for regular education in some districts."²⁷ According to a 1999 report submitted to the Joint Legislative Audit Committee Members:

Special education costs not paid by federal or state categorical aids are eligible for reimbursement under state general aids, but school district officials note that costs included under general aids are controlled by state-imposed revenue limits. Therefore, *some districts must reduce regular education spending in order to fund special education*, which is mandated by federal and state law (emphasis added).²⁸

On average, federal aid pays 4.9% of special education costs. State categorical aid pays for only 31.3% of special education costs; 39% comes from the general education budget. For example, targeted state funds for special education in Bowler cover only 30.8% of the cost. Bowler pays 60% of its special education costs from general aids, thus reducing funding for children in general education programs. Mellen, another small, poor district, receives only 29.6% of its special education funding from state categorical aids. It takes an additional 51.2% from general aids to cover the mandated costs of special education.²⁹

According to one school district official: the "[underfunded] categorical draw down regular education funding". Another pointed out that,

we don't have any money for the normal kids. The average student is losing, falling by the wayside, because we're frozen [with revenue limits]. The mandated [programs such as special education and Limited English Speaking] get the money and the others get lost. The revenue limits keep us from raising money. That is the problem.

Assistance for Limited English Speaking and Economically Disadvantaged Pupils.

Not only does special education encroach on regular education; this is also the case with programs for Limited English Speaking (LES) students and economically disadvantaged children. Although the state provides some funding for these children and youth, these programs are not fully funded and do not cover all eligible children and youth. Programs for Limited English Speaking students for example, are reimbursed at only 21.3% of costs; this figure has fallen from 28% in 1995-96.³⁰

For economically disadvantaged children and low achieving children, there is a patchwork of programs that reach some school districts and some school children, mainly in large urban districts. Preschool to Grade 5 grants fund programs in Beloit, Kenosha, Milwaukee and Racine. Children at risk programs, based on prior year drop-out rates, fund pupils that meet certain requirements, such as attendance and the number of credits earned. It is provided to 18 districts. Student Achievement Guarantee, created in 1995, awards five year grants to school districts with at least one school with an enrollment made up of at least 50% low-income pupils, for the main purpose of reducing class size in K-3 to 15 pupils and providing a rigorous curriculum. Eighty schools in 46 districts participate. This program has been expanded but fails to reach all eligible students and schools across the state. For example, in 1998-99, only 7,500 children were supported from SAGE grants; this is less than one percent of children in poverty in the state.³¹ It was estimated that 222 schools from 39 school districts were eligible but not funded.

In addition, transportation aid is limited. It is based on a scale that reimburses mileage; the upper limit is 18 miles. This disadvantages sparsely populated school districts that transport pupils in excess of the reimbursed mileage. According to a superintendent:

Transportation costs take a larger amount for rural [districts]. The per mile payments for students haven't changed [and they top off at] 18 miles. The state pays for oil, gas, things like that. We have some kids 30 miles from school [one way] in two different directions. I got \$29,000 from the state– I spent \$260,000.

Revenue Limits.³²

The underfunding or nonfunding of categorical aid programs is exacerbated for some low-spending school districts due to the school district revenue limits. Under the limits, the annual increase in a school district's revenue from general aids (equalization aids, integration aid, special adjustment or hold harmless aid) and property taxes is restricted to \$208.88 per pupil in 1998-99; it is adjusted for inflation in future years. Additional funds excluded from revenue limits include federal aid, categorical aid, co-curricular/enterprising funds, and additional aid that is provided for consolidation (for five years if consolidation occurred after July 1, 1995).³³ A special "catch-up" provision allows districts with less than \$5,600 to raise spending to that amount by 1996-97 and subsequent years. School districts may exceed the revenue limit with voter approval.

According to a small district superintendent, revenue limits have exacerbated disparity among school systems:

Since *Kukor* the state has imposed revenue limits. Small, rural and low spending districts are basically frozen. High spending districts continue to do that so disparity between the fiscally conservative and high rollers is exacerbated.

Consolidation Aid.

Also, under the state aid system, incentives are provided for school districts to consolidate. For no less than five years, consolidated districts are guaranteed additional aid of no less than the total amount of general aid received by the separate districts in the year prior to consolidation. They also receive a 10% increase in the equalization aid formula's guaranteed valuations and primary cost ceiling which is funded through equalization aids.

Rural and Small District Allotments and Cost Index.

The state aid system provides no state funding for a school district's uncontrollably higher costs– such as differences in the cost of doing business; or adjustments for small and rural districts or districts with high enrollments in metropolitan areas– such as Milwaukee public schools. As a superintendent explained: the "state never reimbursed small/rural [districts based on size but] fixed costs as a percent of the budget are higher." However another interviewee believed that: "It has been a local control issue..." "they could consolidate," [the state seems to think] "if those dummies want to continue– that's their problem." Still, this individual said, there were many benefits accruing to students from small schools– such as more student involvement and higher outcomes.

Finally, another provision that is not provided for under the Wisconsin finance system is a cost index; it would adjust funding for variations in the cost of doing business across the state. These

indices are utilized in a handful of states including: Florida, Alaska, Missouri, and Texas. According to a finance expert, when asked about the desirability of including this factor in Wisconsin's system: "Perfection is the enemy of what's possible."

Analysis of the Wisconsin School Finance System

Have conditions improved for rural and small districts since the supreme court ruling in *Kukor*? According to a superintendent, who expressed the sentiment of several other rural and small school district officials: "No...in my opinion, things have gotten worse. There is more of an imbalance since *Kukor*." Another observer explained: "*Kukor* is being interpreted to mean absent a complete denial of education then the system is ok." Also, an interviewee pointed out, there are some basic problems with the formula, mainly the assumptions that "all kids cost the same to educate, and the revenue controls that assume a static student base." As one individual explained: When the court upheld the finance system, the reaction of the state was to "dig in its heels;" However, a finance expert opined: "it's better now– more money is flowing. The state provides two-thirds of costs and most of it is general aid."

Given the changes in the state funding system that have occurred over time, and the sentiments of interviewees, researchers and others concerning equalization, analyses were performed to determine the level of equity in the system, and whether district tax rates were linked to spending on children in schools. The state aid system has as its primary goal equity for tax payers. This means that equal tax rates across the state should provide equal funding for students regardless of local ability to pay for education. As education is considered a fundamental right in Wisconsin, another important goal of the funding system is to provide equal opportunities to children that are not conditioned on irrelevant factors, such as local ability to pay for education out of real estate taxes.

Tax Rates and Spending

An analysis was undertaken to determine the extent to which tax rates would explain variations in school funding among school districts with the state. Tax rates on local property used for schools were compared to school district revenue per pupil. Revenue included general and categorical aid and the gross property tax levy. Transportation aid and special education funding were deleted, as these aids are provided out of state categorical aid for special educational needs of districts or students– legitimate bases for differentiation.

Findings of the analysis are shown in Tables 3 and 4. They showed that the relationship between tax rates and school district spending was moderate ($r = .55$). A bivariate regression analysis indicated that a district's tax rate explained less than one-third of the variation (30%) in state and local revenue in 1997-98. These findings suggest that taxpayer equity– equal yield for equal effort– is compromised under the Wisconsin Guaranteed Tax Base System.

FISCAL EQUITY ANALYSIS

Two fiscal equity analyses, using multiple statistics, were undertaken to determine the extent to which fiscal equity existed in the Wisconsin school finance system. Univariate equity statistics were computed for total state and local aid, including general aid, categorical aids (minus state special education aid and transportation aid) and the gross property tax levy.³⁴ The first set of computations measured variations in revenue per pupil. However, because of

concerns related to the need for funding based on a child's special educational needs, a second set of computations were completed to determine variations in aid for weighted pupils. Pupils were weighted based on research estimates of the cost of special adjustments.³⁵

Each child receiving special education and related services was weighted 2.3;³⁶ Limited English Speaking students were weighted 1.2;³⁷ and compensatory education students who were receiving free and reduced price lunches, were weighted 1.2.³⁸ For each of the two analyses, findings are reported for all school districts, and for K-12 districts only.³⁹ The data computed univariate statistics that were adjusted for the number of students rather than districts, as is suggested by research and best practice. Measures of funding changes for all pupils were reported in nominal dollars, which accounts for some legitimate variation related to inflationary changes over time. Data are reported for all districts.

Analysis of Per Pupil Funding—Unweighted Pupils.

Findings of the fiscal equity analysis are shown in Tables 5 and 6. They compare funding in 1991-92 to funding in 1997-98 for all school districts and for K-12 school districts only.

The findings present a mixed message related to equity in Wisconsin school finance. For all districts in 1997-98, the data indicated reduced equity based on the range, range ratio, and the Atkinson Index. Other measures indicated a slight improvement in equity over time. As indicated in Table 5, in 1991-92 the range in revenue between the highest and lowest spending districts was \$5,531; there was two and four-fifths more revenue in some districts than in others. In 1997-98 there were differences of \$10,454 per pupil between high and low spending districts within the state- or over \$300,000 for every classroom of 30 students. The range ratio indicated that there was over seven and one-half times more funding available to students in wealthy districts than students in poor districts.

Table 3.
Correlation Analysis of Education Revenue and Property Tax Rates

| Simple Statistics | | | | | | |
|---|-----|-------------|-------------|------------|-------------|---------|
| Variable | N | Mean | Std Dev | Sum | Minimum | Maximum |
| Revenue | 426 | 7132.027958 | 733.399565 | 6132345863 | 5456.737243 | 13041 |
| Taxes | 426 | 11025 | 2023.762870 | 9479632796 | 2545.000000 | 20490 |
| Pearson Correlation Coefficients / Prob > R under Ho: Rho=0 / N = 426 / WEIGHT Var = PUPILS | | | | | | |
| | | | REVENUE | TAXES | | |
| | | REVENUE | 0.0 | 0.55196 | 0.0001 | |
| | | TAXES | 0.55196 | 1.00000 | 0.00000 | |

Table 4.
Regression Analysis: Education Funding and Property Tax Rates

| Analysis of Variance | | | | | |
|----------------------|-------------|--------------------|----------------|-----------------------|-----------|
| Source | DF | Sum of Squares | Mean Square | F Value | Prob>F |
| Model | 1 | 140897686077 | 140897686077 | 185.770 | 0.0001 |
| Error | 424 | 321583845607 | 758452466.06 | | |
| C. Total | 425 | 462481531684 | | | |
| Root MSE | 27540.01572 | R-square | 0.3047 | | |
| Dep Mean | 7132.02796 | Adj R-Sq | 0.3030 | | |
| C.V. | 386.14565 | | | | |
| Parameter Estimates | | | | | |
| Variable | DF | Parameter Estimate | Standard Error | T for HO: Parameter=0 | Prob > T |
| INTERCEP | 1 | 4926.748317 | 164.50234299 | 29.949 | 0.0001 |
| TAXES | 1 | 0.200026 | 0.01467567 | 13.630 | 0.0001 |

However, the restricted range, the difference between the district spending at the 95th percentile versus the 5th percentile, fell. The restricted range ratio was 1.43 in 1991-92 but 1.34 in 1998-99, suggesting a narrowing of the gap in spending when very high and very low spending districts were not taken into consideration.

The *coefficient of variation* (COV), for 1991-92 was .12; it was .11 in 1998-99 indicating that two-thirds of all pupils were within 11% of the average per pupil revenue amount of about \$6,100 per pupil, and about nine-tenths were within 20% of the average. The *Gini Coefficient* and *Theil Index* showed similar results: funding for all pupils was slightly more equitable in 1997-98 than in 1991-92. The *Verstegen Index*, which measures equity the upper portion of the revenue distribution (above the median), was 1.11 for all pupils in 1998-99; it was 1.12 in 1991-92. The *McLoone Index*, which measures equity for the lower portion of the revenue distribution, was .96 in 1997-98; a slight improvement from 1991-92, when it was .96– but the *Atkinson Index*, also measuring equity for the lower portion of the distribution indicated movement away from equity over time. Because 1.0 indicates spending at the median for the Verstegen and McLoone Indices, these data indicate most of the dispersion in revenues in 1998-99 was located above the median, as the Verstegen Index was 11 points above 1.0, but the McLoone Index was only 4 points below 1.0. Thus, while districts below the median are rather tightly clustered; those above the median are more widely dispersed in terms of revenues.

Table 6 shows cross-time revenue deciles for all districts and K-12 districts. As shown, the spread of the distribution increased over time at all levels. Interestingly, the variation in funding almost doubled between the 90th and top decile, in 1997-98.

Equity Analysis of Weighted Per Pupil Funding.

Findings of the fiscal equity analysis are shown on Tables 7 and 8 for unweighted (ADM) and weighted (WADM) pupils for all school districts and for K-12 districts only, for 1997-98. The weighted pupil analysis incorporates vertical and horizontal equity considerations, or the notion that people in similar circumstances should be treated similarly (horizontal equity) but individuals can be treated differently based on relevant and justifiable differences (vertical equity).⁴⁰

In school finance this means that the goal is not absolute equality in spending among districts; but fairness in the distribution of revenues (expenditures). Vertical equity permits more to be spent on some students (districts) if their needs are greater and entail higher costs. By weighting students (districts), vertical and horizontal equity analyses occur simultaneously; this is the preferred method of comparison.

Table 7 shows statistics for ADM and WADM in 1997-98. A more inequitable aid distribution was found when the excess costs for students with special needs (WADM) were taken into consideration. For example, the range ratio for weighted students was 8.24; for unweight students it was 7.61. Thus, when the costs of special

Table 5.
Equity Statistics for Wisconsin School Finance, 1991-92 and 1997-98: Regular Education (Debt Service Included).*

| WISCONSIN EDUCATION FINANCE | | | | |
|-----------------------------|---------------|----------|----------------|---------|
| Measure | All Districts | | K-12 Districts | |
| | 1992-92 | 1997-98 | 1991-92 | 1997-98 |
| Range | \$5,531 | \$10,527 | \$4,263 | \$8,104 |
| Top | \$8,501 | \$12,037 | \$7,233 | \$9,413 |
| Bottom | \$2,970 | \$ 1,582 | \$2,970 | \$4,603 |
| Range Ratio | 2.86 | \$ 7.61 | 1.70 | 2.04 |
| Restricted Range | \$1,658 | \$ 1,870 | \$1,489 | \$1,795 |
| 95% | \$5,571 | \$ 7,313 | \$5,424 | \$7,215 |
| 5% | \$3,912 | \$ 5,443 | \$3,935 | \$5,419 |
| Restricted Range Ratio | 1.43 | 1.344 | 1.38 | 1.33 |
| Federal Range Ratio | 0.4240 | 0.3436 | 0.3786 | 0.3312 |
| Mean | 4,607 | 6,133 | 4,585 | 6,093 |
| Coefficient of Variation | 0.1185 | 0.1098 | 0.1078 | 0.9432 |
| Gini Index | 0.0615 | 0.0538 | 0.0578 | 0.0493 |
| Theil Index | 0.0067 | 0.0057 | 0.0057 | 0.0043 |
| Atkinson's Index | | | | |
| 18 | 0.9610 | 0.4444 | 0.9646 | 0.4450 |
| 110 | 0.9502 | 0.3343 | 0.9543 | 0.3350 |
| McLoone Index | 0.9379 | 0.9571 | 0.9400 | 0.9565 |
| Verstegen Index | 1.1125 | 1.1050 | 1.1050 | 1.0924 |

*For 1991-92: General Fund, Debt Service Fund, State Transportation, and State Exceptional Education *Minus* State & Local Transportation and State & Local Exceptional Education Expenditures. Norris excluded due to data anomalies. As Norris was the lowest expenditure district, it is probable that the above weighted disparity measures underestimate inequalities between districts. For 1997-98: Equalization aid, categorical aid, and property tax levy minus transportation and special education. Norris excluded. N = 792,475 for all districts; N = 791,864 for K-12 districts (1991-92). N = 859,832 for all districts; N = 828,036 for K-12 districts (1997-98).

Table 6.
A Comparison of Revenue Deciles For All Districts and K-12 Districts for Wisconsin School Finance, 1991-92 and 1997-98: Regular Education (Debt Service Included).*

| WISCONSIN EDUCATION FINANCE (ADM) | | | | |
|-----------------------------------|---------------|---------|----------------|---------|
| Pupil Decile | All Districts | | K-12 Districts | |
| | 1991-92 | 1997-98 | 1991-92 | 1997-98 |
| 0% | \$2,970 | \$1,582 | \$2,970 | \$4,602 |
| 10 | 4,094 | 5,544 | 4,104 | 5,561 |
| 20 | ** | 5,659 | ** | 5,670 |
| 30 | 4,260 | 5,812 | 4,260 | 5,820 |
| 40 | 4,386 | 5,907 | 4,369 | 5,927 |
| 50 | 4,494 | 5,948 | 4,485 | 5,948 |
| 60 | 4,641 | 6,086 | 4,617 | 6,076 |
| 70 | 4,754 | 6,286 | 4,741 | 6,264 |
| 80 | 4,994 | 6,544 | 4,974 | 6,470 |
| 90 | 5,244 | 6,869 | 5,180 | 6,799 |
| 100 | 8,501 | 12,036 | 7,232 | 9,413 |

*For 1991-92: General Fund, Debt Service Fund, State Transportation, and State Exceptional Education Minus State & Local Transportation and State & Local Exceptional Education Expenditures. Norris excluded due to data anomalies. As Norris was the lowest expenditure district, it is probable that the above weighted disparity measures underestimate inequalities between districts. For 1997-98: Equalization aid, categorical aid, and property tax levy minus transportation and special education. Norris excluded. N = 792,475 for all districts; N = 791,864 for K-12 districts (1991-92). N = 859,832 for all districts; N = 828,036 for K-12 districts (1997-98).

**For 1991-92: Milwaukee spanned percentiles from 19% to 31%, thus there was no observation for the 20%. For 1997-98, Milwaukee spanned percentiles from 43% to 56%.

students were considered, some districts had over eight times more to spend than others. Likewise, the coefficient of variation was .13 for weighted pupils, compared to .11 for unweighted pupils— thus, the disparity is larger when weighted pupils were considered. The Gini Index, Theil Index and Versteegen Index also show less equity when weighted pupils were taken into consideration. The Gini Index was .05 for ADM but .06 for WADM; the Theil Index was .0056 for ADM but .0081 for WADM. The Versteegen Index was 1.11 for ADM but 1.13 for WADM.

Measures for the lower portion of the distribution were mixed. The McLoone showed less equity for WADM; the Atkinson Index showed more— but this miniscule. This indicates that when the costs of special needs students were considered, the relative position of poor districts deteriorate because special needs students were a larger proportion of the population. This assumption was borne out to some extent. Table 8 shows revenue deciles for weighted (WADM) and unweighted (ADM) pupils. All values were depressed when the high costs of special needs students were considered (WADM). A difference of 21% between funding for unweighted versus weighted students was found at the 20th percentile signifying the largest concentrations of special needs students were located there. Other

differences in values between ADM and WADM ranged from 17% (lowest percentile) to 19% (40th percentile), except at the top of the distribution where differences were 16% and 10% for the 90th and 100th percentile, respectively. Thus, special needs students were spread throughout the revenue distribution, but the largest proportions, and therefore highest costs, are located at the bottom of the distribution.

Overall, these findings raise questions over whether the state aid system is “as nearly as uniform as practicable” and provides equal educational opportunities to all children and at all schools. They also raise questions over how the system might be restructured to provide greater equity— for both children and taxpayers while meeting the needs of all children— rich and poor, rural and urban, special needs and those in general education programs.

Current School Finance Litigation

*Vincent v. Voight*⁴¹

Issues related to equity for students and taxpayers feature prominently into a current challenge to the Wisconsin finance system. A decade after *Kukor*, this new challenge has been brought on behalf of poor school districts and others and is awaiting review by the Wisconsin Supreme Court. It is discussed below.

Circuit Court Decision

One hundred and eighty-one plaintiffs brought the case, *Vincent v. Voight*,⁴² including school districts, parents, students and taxpayers. Intervening plaintiffs consist of the Wisconsin Education Association, teachers, and school administrators from school districts across the state. The defendants are the State Treasurer, the State Superintendent of Public Instruction, the Department of Public Instruction, the Secretary of the Department of Revenue, and the Department of Revenue. The facts of the case are undisputed.

Plaintiffs and intervening plaintiffs claim— that the system was unconstitutional under the education article and the equal protection clauses of Wisconsin Constitution and U.S. Constitution— were denied in lower court action because “the school funding plan is constitutional under *Kukor v. Grover* which was controlling in this case.”⁴³

Plaintiffs alleged that districts that spent more per pupil were able to provide their students with more opportunities in a variety of areas, and that students in less wealthy districts did not have equal educational opportunities. They stated that,

...many districts have eliminated or reduced advanced foreign language, science and math classes, advanced placement classes, gifted and talented classes, and elective classes. Some school districts are unable to keep up with text-book replacement⁴⁴

The plaintiffs explicitly noted that “small, remote” districts were negatively affected by the state aid system. Although “distance learning enabled small, remote school districts to provide their students with opportunities for broader course offerings” ...some of the districts that could benefit had only non-interactive distance learning or “no distance learning at all”.⁴⁵ Moreover, plaintiff districts were forced to eliminate teaching positions, not replacing retiring teachers, and increasing class sizes and an inadequate number of counselors. An inability to raise funds under the finance system resulted in increased class sizes and:

...classes are sometimes being taught in partially condemned buildings, house trailers, basements storage

Table 7.
Equity Statistics for Wisconsin School Finance, 1997-98: Regular Education (Debt Service Included).*

| WISCONSIN EDUCATION FINANCE | | | | |
|-----------------------------|---------------|----------------|----------------|----------------|
| MEASURE | All Districts | | K-12 Districts | |
| | 1997-98 (ADM) | 1997-98 (WADM) | 1997-98 (ADM) | 1997-98 (WADM) |
| Range | \$10,454 | \$ 9,497 | \$4,811 | \$4,747 |
| Top | \$12,037 | \$10,807 | \$9,413 | \$8,093 |
| Bottom | \$ 1,582 | \$ 1,310 | \$4,603 | \$3,345 |
| Range Ratio | 7.61 | 8.25 | 2.04 | 2.42 |
| Restricted Range | \$1,870 | \$ 1,707 | \$1,795 | \$1,652 |
| 95% | \$7,313 | \$ 6,148 | \$7,215 | \$6,088 |
| 5% | \$5,443 | \$ 4,441 | \$5,419 | \$4,436 |
| Restricted Range Ratio | 3.91 | 1.38 | 1.33 | 1.37 |
| Federal Range Ratio | 0.3436 | 0.3845 | 0.3313 | 0.3723 |
| Mean | \$6,134 | \$5,018 | \$6,094 | \$4,976 |
| Coefficient of Variation | 0.1095 | 0.1321 | 0.9360 | 0.1146 |
| Gini Index | 0.0537 | 0.0654 | 0.0492 | 0.0602 |
| Theil Index | 0.0056 | 0.0081 | 0.0043 | 0.0063 |
| Atkinson's Index | | | | |
| 18 | 0.8658 | 0.8677 | 0.9757 | 0.9657 |
| 110 | 0.7113 | 0.7188 | 0.9699 | 0.9575 |
| McLoone Index | 0.9573 | 0.9388 | 0.9567 | 0.9395 |
| Verstegen Index | 1.1050 | 1.1269 | 1.0923 | 1.1141 |

*For 1997-98: Equalization aid, Categorical aid, and Property Tax Levy Minus Transportation and Special Education; WADM. Norris excluded due to data anomalies. N = 859,832 pupils for all districts; N = 828,036 for K-12 districts. ADM=average daily membership. WADM=weighted average daily membership.

Table 8.
A Comparison of Revenue Deciles For All Districts and K-12 Districts for Wisconsin School Finance, 1997-98: Regular Education (Debt Service Included).*

| WISCONSIN EDUCATION FINANCE | | | | |
|-----------------------------|---------------|----------------|----------------|----------------|
| Pupil Decile | All Districts | | K-12 Districts | |
| | 1997-98 (ADM) | 1997-98 (WADM) | 1997-98 (ADM) | 1997-98 (WADM) |
| 0% | \$1,582 | \$1,310 | \$4,603 | \$3,345 |
| 10 | 5,544 | ** | 5,544 | ** |
| 20 | 5,655 | 4,479 | 5,655 | 4,477 |
| 30 | 5,812 | 4,591 | 5,806 | 4,587 |
| 40 | 5,907 | 4,765 | 5,907 | 4,750 |
| 50 | 5,948 | 4,858 | ** | 4,846 |
| 60 | 6,092 | 5,027 | 6,076 | 5,001 |
| 70 | 6,286 | 5,180 | 6,264 | 5,155 |
| 80 | 6,544 | 5,383 | 6,470 | 5,383 |
| 90 | 6,869 | 5,750 | 6,799 | 5,716 |
| 100 | 12,037 | 10,806 | 9,413 | 8,092 |

*Norris excluded due to data anomalies both years. For 1997-98: General Aid, Categorical Aid, and Property Tax Levy Minus Transportation and Special Education. N = 828,036 for K-12 districts (1997-98).

**For 1997-98, WADM, Milwaukee spanned percentiles from 4.9% to 17.9%. For ADM, 43% to 55%.

rooms, hallways, auditorium stages, unused shower facilities, elevator shafts, and janitor's closets. Some buildings do not meet the Americans with Disabilities Act requirements for handicapped accessibility. Maintenance is being delayed on many buildings resulting in leaking roofs, unsafe ventilation systems, antiquated heating and cooling systems, inadequate lighting and water running through the walls.⁴⁶

All sides moved for summary judgement; all agreed that education was a fundamental right in Wisconsin. The problem, the court noted, was that "courts have not offered clear guidance as to what that right entails and how it is to be achieved."⁴⁷

According to the lower court, the plaintiffs mistakenly framed the issue as whether the state distributes its school money in a manner that disequalizes local budgets rather than whether children are being denied an education. This, the court said, means that plaintiffs have challenged legislative acts, with their presumptive validity, and makes the court reluctant to interfere. Thus,

courts will bend over backwards to avoid having to declare a statute unconstitutional. Courts will avoid the issue altogether if possible... when forced to confront the issue, courts will stack the deck against the challenger of the statute...[this] reluctance to invalidate legislative acts is compounded when the challenge is to the taxing or spending laws, with all of their accompanying political compromises.⁴⁸

Although plaintiffs contended that the finance scheme was unconstitutional because it “fails to equalize the tax burden of the various school districts, and less wealthy or property poor districts are required to make a more burdensome tax effort than property rich districts for the same expenditure per pupil, the court found the plaintiff case was wanting. This was so because the education article “at one level... tolerates a great deal of disparity of tax effort among school districts.”⁴⁹ However, the court pointed out:

...it is stating the obvious to say that the situation confronting the framers was different from that which exists today... the issues presented here... required the court to be faithful to both the language and intent of a document which neither directly speaks to nor anticipates conditions which exist 150 years later. It comes as no surprise that the Supreme court was highly divided [in *Kukor*] in its efforts to apply the provisions of Article X to modern school finance schemes.⁵⁰

The lower court agreed with the majority in *Kukor* that “so long as there is no fundamental failure in the ability of the districts to provide their children with a basic education... the school finance scheme is sound.”⁵¹ It pointed out that the dissent’s definition of a “sufficient” basic education did not provide guidance in “how to define” it, creating a risk that “purely subjective standards” would be used. The plurality defined a basic education as one that complied with legislatively required minimum standards, such as minimum school days and teacher certification.⁵² The court noted that the dissents’ test was qualitative; the plurality, quantitative; but these were not “irreconcilable.”⁵³

Plaintiffs in *Vincent* asserted that the basic education standards cited by the plurality in *Kukor* were the “bare minimum”, and wealthier districts could provide much more. However, the lower court said, “in the absence of any effort by the parties” to show these were inadequate, it “felt” bound by *Kukor* thus disposing of the challenge to the education article.

As related to equal protection arguments, the lower court said they were “largely redundant” to rights provided under the education article. It pointed out that the fundamental flaw in plaintiffs arguments provided “very little statistical evidence (and very little of any kind of evidence apart from anecdotes and conclusory opinions) on the crucial question of whether children are actually being deprived of a basic education.”⁵⁴ In a strongly worded statement the court baldly stated:

The Court cannot provide Plaintiffs with the drastic remedy they seek– the sacking of the State’s entire system of financing schools throughout the State on such an unevenly developed record.⁵⁵

The lower court elaborated at length, stating that the plaintiffs’ case did not provide an overview of “how much money goes to which districts– it only made comparisons of the richest and poorest districts.” As with “a curved mirror, Plaintiffs have presented the Court only with a view of the distorted edges.”⁵⁶ The court noted that even using this evidence was not useful, because it showed that poorer districts received more equalization aid than nonpoor districts, the system was highly progressive, and at all levels provided more funding than was available to districts in the *Kukor* challenge. The analysis changed little when categorical aid was factored in– but here, plaintiffs and intervening plaintiffs were at odds. Plaintiffs criticized

the use of categorical aids as disequalizing. Intervening plaintiffs criticized the legislature’s turning away from categorical aid. Moreover, these funds, including integration aid, only make up 12.7% of all state aids; although they have decreased as a percentage amount, in dollar terms they have increased. Categorical aids cited in the complaint– integration aid, the levy credit, revenue limits, special adjustment aid– were sustained by the court.

The final question entertained by the court was whether the plaintiffs could establish that basic education resulted in unacceptable disparity, with special education diverting funds from regular education. The court said that the plaintiffs’ case was weaker than that provided in *Kukor*, when the system was upheld. Moreover, there was no evidence of the impact of disparity on children in schools. The court said helpful analysis, considered “crucial” would have included:

...rates at which high school graduates go to college, drop-out rates, the percentages of children requiring remedial education, comparison of the wages of those who do not go to college, comparison of standardized test scores such as the college entrance exams or standardized test scores in the lower grades, audits and like evidence.⁵⁷

The court called for “objective guidance” in defining a basic education stating “it must be something more than ‘we know its bad when we see it’” and admonished plaintiffs that:

This Court... cannot take the drastic step of nullifying the State’s entire scheme of paying for education in the absence of a systematic analysis which identifies the nature and scope of the problem and the State’s finance scheme, and which provides a framework for the steps which the legislature must, and realistically can, take to rectify the problem. That evidence has not been presented here.⁵⁸

Plaintiffs have undertaken no effort, the court said, to differentiate between the basic education required under the education clause and the additional educational opportunities localities may provide under that same article– but,

...the Court cannot evaluate equal opportunities against some greatest common denominator standard... The laws clearly does not require that the State provide for the opportunities some localities have elected for their children in areas like college level classes, electives, extra-curricular activities and computer education. Yet it also seems that in light of ever growing technological demands on the work force, an equal opportunity in education ought to require that at least some of these be available to students. Plaintiffs have not given the Court the tools to draw the line.⁵⁹

Interestingly, the court said that “even if institutional constraints could be overlooked and the court were willing to suspend deference to the legislature on budgetary authority,” plaintiffs did not provide enough guidance. “What Plaintiffs are really trying to establish is that the legislature does not give some local districts enough money to provide for an adequate education, but they have drawn attention to no evidence as to what an adequate education is or how much it costs.”⁶⁰ The court acknowledged the “grave” pressures faced by school districts today:

...the diseconomies of scale faced by smaller and shrinking districts, the high concentration of high needs students in inner cities. The court does not doubt that these problems have a serious adverse impact on the education received by many of Wisconsin's children.⁶¹

In conclusion, the court pointed to the many benefits that were derived from an educated citizenry— and the “stake we all have in the State's education system;” and the lack of a meaningful standard by which it could evaluate equal opportunities, calling on the supreme court to enunciate one.⁶²

Court of Appeals Decision

The lower court ruling in *Vincent v. Voight* was appealed to the Wisconsin Appeals Court; and on December 21, 1998 a decision was released that affirmed the lower court's holding.⁶³ The court of appeals said that to reach a conclusion that contradicted *Kukor* the plaintiffs must demonstrate that the system materially differs from the finance system that existed in *Kukor*— but they had not done so.

The court reviewed the record in the case and the system of funding education in Wisconsin; then discussed precedent under *Buse v. Smith*⁶⁴ and *Kukor*. *Buse*, the case that struck down negative aid provisions in Wisconsin, established that absolute uniformity was not required, and a minimum level of schooling was required. *Kukor* plaintiffs argued the system did not take into account the fact that some children had differing educational needs requiring certain districts to provide greater financial resources to provide them the same level of education; and that those districts with greater needs had lower ability to raise education funds. The majority agreed that the system did not violate the constitution but “could not agree why”,⁶⁵ the appeals court said.

The lower court record was reviewed including its holding that it was bound by *Kukor*, and that the statistical record did not provide the evidence necessary to prove that the current system created greater disparities among lower and higher property value districts than existed at the time of *Kukor*.

Plaintiffs asserted, on appeal, that the finance system was different than what existed in *Kukor* and there was no clear majority opinion in *Kukor* so it was not controlling. They asked for a different result based on these assertions.

The court of appeals first determined the weight that should be given to *Kukor* but found that a majority did prevail, given that the three-justice plurality opinion was joined by a single justice who also concurred on three major points while rejecting the plurality's local control justification. First, absent a showing that the legislature unconstitutionally denied a uniform opportunity for education or treated students unequally, the court should defer to the legislature. Second, they agreed that education was a fundamental right, but plaintiffs did not assert they were being denied that right. Third, they stated that the uniformity clause did not require the legislature to maintain absolute uniformity.

The court of appeals concluded that 1) Article X, section 3, requiring the Wisconsin state aid system to be “as nearly as uniform as practicable” did not require absolute uniformity; 2) the legislature was entitled to great deference when determining what degree of uniformity is “practicable”; and 3) equal access to education is a fundamental right but equal access to allocation of resources was not. Finally, it said that the proper standard of review was not strict

scrutiny and that the court of appeals was prohibited from reaching a different conclusion than the supreme court in *Kukor*.

The appeals court pointed out that for plaintiffs to prevail they must establish that the system differed materially from the finance plan reviewed in *Kukor*. Plaintiffs, in turn, alleged that differences were made in the funding system through a first tier hold harmless provision, in the categorical grant system, in the school tax levy credit system, and in the implementation of revenue limits.

Although the plaintiffs argued that the first tier was disequalizing because it maintained or widened the gap by providing equalization aid to districts spending well above the state average, the court of appeals found that the plaintiffs failed to show that the resulting disparities were substantially greater than the disparities that existed in *Kukor* and the evidence provided did not establish this fact either. The plaintiff's assertion that categorical aid was disequalizing, has fallen as a percent of funding, and disadvantaged poor districts who have meager ability to provide local funds, the court of appeals said, failed to show that the system was distributed on a basis that favored wealthy districts; categorical aid was a small portion of overall funding and the actual dollar amount has increased. This reasoning was also applied to special adjustment aid— no evidence was provided that it contributed to the denial of equal opportunities in education. Levy credits, by the plaintiffs' own assertion, was not viewed as state funding for schools.

Finally, revenue limits, introduced in 1993, were challenged by plaintiffs because most school system costs were fixed regardless of the size of the student population. When a “struggling district loses students, it has less money available to pay for those fixed costs, and they generally must cut programs in order to pay for them.”⁶⁶ Revenue limits also provided difficulties for poor districts when they had an influx of special needs students, who required state and federally mandated programs. The resources needed were quite expensive and struggling districts needed to cut other programs and services to comply with the mandates. Further, plaintiffs asserted that the revenue limits perpetuated disparities, by limiting spending.

The court of appeals found that the plaintiffs failed to present evidence that the revenue limits resulted in substantial spending disparities or that certain children were denied a basic education. Plaintiffs have not presented “objective” proof of how poor districts were impacted by low spending, other than testimonials, affidavits and the like.

Thus, the appeals court concluded, decisions on how to distribute state aid are left to the legislature and state supreme court. After *Kukor*, the court of appeals said, it was “limited to determining whether the system allows children access to a basic education.”⁶⁷ However, “plaintiffs have provided no comparative evidence that the system denies children access any more than it did when that case was decided.” In fact, the “evidence suggests that the state is providing greater aid to school districts than it did at the time *Kukor* was decided.”⁶⁸ Unless evidence could show that greater disparities exist under the current system, and that some children were denied a basic education, the court of appeals said it had “no choice” but to affirm the lower court's decision, upholding the Wisconsin school finance system.

Discussion

The impact of school finance litigation on children in the state of Wisconsin— including children in rural and small schools and districts— is not yet definitive due to the ongoing challenge to the state school finance system that is awaiting review by the high court. Many of the plaintiff school districts are composed of rural and small school districts from across Wisconsin. The plaintiffs allege that the finance system fails to provide equal opportunities to all children, and that there are substantial funding disparities among districts indicating the plan is not as “nearly as uniform as practicable.”

The highly divided Wisconsin Supreme Court previously upheld the finance system in *Kukor* (1989) despite the educational overburdens imposed on many districts because of the high costs associated with children with special educational needs that required higher costs for programs and services to reach a basic standard. Thus, the court noted that the constitution did not require funding for special needs children, but failed to address the fact that the costs associated with special needs children were encroaching on regular education programs and services, because programs to address these needs (such as special education, and limited English speaking) were mandatory. This means that education programs for general education students were conditioned on the size of the population of special needs students— an irrational factor that erodes the equity of the overall finance system for all children. Although the court usually deferred to the legislature on matters of funding, it took the opportunity to point out that more revenue was needed for poor districts.

The supreme court in *Kukor* said that the state must provide only a basic education to all children to meet the constitutional command. A basic education was defined as a minimum educational program, including a minimum number of days children attended schools and minimum teacher certification requirements. Thus, the high court appeared to be invoking an age-old minimalist standard of educational adequacy set in the sole U.S. Supreme Court case on education finance equity, *Rodriguez*, decided nearly a quarter of a century ago: that because all students had access to a minimum, basic education, the finance system was not constitutionally infirm despite disparities in educational quality and equality. That significant changes have occurred in society and the economy over the past quarter century appears unacknowledged. However, the *Kukor* court left the door open to another challenge should this standard be violated stating: “Our deference would abruptly cease should the legislature determine that it was ‘impracticable’ to provide to each student a right to attend a public school at which a basic education could be obtained, or if funds were discriminatorily disbursed and there was no rational basis for such a finance system.”⁶⁹

The dissent found that the issue in *Kukor* was not “spending disparities” but whether the state, through its finance system, met its constitutional obligation to provide an equal educational opportunity for all children within the state, “rich and poor alike.” According to the dissent: “it has not”. The “fundamental flaw” in the system, the dissent said, was “dollars without regard to educational needs.” The result, it said, was: “a significant number of school children in this state are denied an equal opportunity to become educated people.”⁷⁰

The mandate of Article X, section 3, Wisconsin Constitution, it stated:

is that the state provide a character of instruction in the state schools such that all children are provided with a uniform opportunity to become equipped for their future

roles as citizens, participants in the political system, and competitors both economically and intellectually.⁷¹

Have conditions improved for rural and small districts since the 1989 supreme court ruling in *Kukor*? Reactions from interviewees were mixed. According to a superintendent, who expressed the sentiment of other rural and small school district officials: “No... in my opinion, things have gotten worse. There is more of an imbalance since *Kukor*.” Another observer explained: “*Kukor* is being interpreted to mean absent a complete denial of education then the system is ok.” Also, an interviewee pointed out, there were some basic problems with the current formula, mainly the assumptions that “all kids cost the same to educate, and the revenue controls that assume a static student base.” However, a finance expert opined: “it’s better now—more money is flowing. The state provides two-thirds of costs and most of it is general aid.”

The Wisconsin state aid system for funding primary and secondary education challenged in *Kukor* is a Guaranteed Tax Base system that aims to provide equal funding for equal tax rates. However, several components of the system worked against this goal, including changes made to the system in 1995 after the supreme court handed down its opinion. These included: the new first tier of the system, a movement away from categorical aid further eroding limited funds for special needs students, and the combined effects of this underfunding when considered in tandem with recently implemented revenue limits. Because school districts had a limited number of students, when enrollment changes occurred or new special needs students were added, limitations on funding increases and underfunded categorical operated to disadvantage these districts. According to one school district official: the “[underfunded] categorical draw down regular education funding”. Another pointed out that, “we don’t have any money for the normal kids. The average student is losing, falling by the wayside, because we’re frozen [with revenue limits]. The mandated [programs such as special education and limited English speaking] get the money and the others get lost. The revenue limits keep us from raising money. That is the problem.”

Data analysis undertaken for this study, revealed that there are large disparities between the highest and lowest spending districts in Wisconsin, although the shape of the system was quite flat for districts from the 20th percentile in funding to the 90th percentile. However, when weighted pupils were incorporated into analysis to represent the high costs of special needs students, movement away from equity was apparent for all children. Moreover, a regression analysis showed that there was little relationship between tax rates and spending in Wisconsin ($r^2 = .30$). These data (discussed more fully in the body of the paper) raise serious questions about the equity of the system, particularly for poor, rural and small schools and districts.

An example illustrates these issues. In 1997-98, Bowler, a small poor school district, taxed twice what Gibraltar did, yet total expenditures from state and local sources were only 70% of Gibraltar’s expenditures. This difference could not be accounted for by differences in special education funding. The difference amounts to over \$1.5 million per year or an advantage for Gibraltar of \$2,562 per pupil. These are nontrivial differences and suggest the finance plan is not “as nearly as uniform as practicable” as mandated under the Wisconsin Constitution.

Similar equity issues are raised in the active court case on school finance equity, awaiting review by the Wisconsin supreme court,

Vincent v. Voight. Thus, almost ten years after *Kukor*, another challenge to the constitutionality of the state aid system is moving through the judicial system. Both the circuit court and the court of appeals have upheld the current Wisconsin school aids system, pointing out that *Kukor* was controlling unless plaintiffs could show that the finance system had changed in the interim; that children were being denied an equal educational opportunity; and that disparities were greater under the current system than under *Kukor*.

Plaintiffs spoke of the difficulties small districts faced under the current finance system, to wit: when a “struggling district loses students, it has less money available to pay for those fixed costs, and they generally must cut programs in order to pay for them.”⁷² Likewise, the lower court in *Vincent* specifically spoke to the difficulties faced by small school districts because of “diseconomies of scale” and noted that social, economic and demographic conditions had changed vastly since the constitutional framers debated the needs and requirements for financing education in the state of Wisconsin. Nonetheless, the lower court admonished plaintiffs, and asked for “objective” evidence rather than anecdotes, and a clear showing that spending disparities resulted in unequal educational opportunities for children in schools and in classrooms. The lower court asked how to measure equity and adequacy in the system if not by the minimum education standards established by the state and cited in *Kukor*. The lower court pointed out that absent a compelling justification, there was no choice but to uphold the system. The court of appeals agreed with this rationale, calling on the supreme court to determine what constituted an equal educational opportunity.

Thus, for rural and small districts to prevail, it appears that what is needed is a clear showing of disparities in education spending that impact children in schools and in classrooms; a showing that opportunities for these children infringe on their ability to be “citizens and competitors” in the labor market in the 21st century; and a showing that the current finance system is inadequate and structures inequality under the law.

References

1. Wisconsin Constitution, Article X, Section 3, emphasis added.
2. See, Rossmiller, R. A. (September 1990). “As Nearly As Uniform As Practicable”?: *A Historical Review of Wisconsin’s Equalized Aid Formula*. Madison, Wisconsin: Wisconsin Association of School District Administrators. pp. 1 ff.
3. *Vincent v. Voight*, (date). Memorandum Decision and Order (Summary Judgement), Case No. 95-CV-2586, Trial Court. *Vincent v. Voight*. Court of Appeals Decision, Dated and Filed December 21, 1998, No. 97-3174. Note: Appeals Opinion is Subject to Further Editing.
4. *Kukor v. Grover*, 436 N.W.2d 568 (Wisc. 1989).
5. Approximately ten individuals were interviewed, including school district officials, policymakers and staff, academics, and individuals from Wisconsin’s Department of Public Instruction.
6. Fieldwork was completed in July 1999 on site.
7. *Kukor v. Grover*, 436 N.W.2d 568 (Wisc. 1989).
8. *Id.*, at 569.
9. Wisconsin Statutes, section 121.02, defining minimum state standards.
10. *Kukor*, 148 Wis. 2d at 522.
11. *Kukor*, 148 Wis. 2d at 509-10.
12. 148 Wis. 2d at 483 n.8, cited in *Vincent v. Voight*, at 16.
13. *Id.*, at 577.
14. *Kukor*, at 585.
15. *Kukor*, at 587.
16. *Kukor, Id.*, at 587.
17. *Id.*, at 587-88.
18. *Kukor, Id.*, at 588.
19. *Kukor, Id.*, at 590.
20. Data are taken from: National Education Association (1998). *Estimates of School Statistics*. New Haven, CN: NEA Library. U.S. Census Bureau (1999). Model-Based Income and Poverty Estimates for Wisconsin. Washington, D.C.: <<http://www.census.gov/hhes/www/saife/estimate/cty/cty55000.htm>>; U.S. Census (1999). Statistical Abstract of the United States, 1998. Washington, D.C.: <<http://www.census.gov/statab/www/states/wi.txt>>
21. Department of Public Instruction (1999). *Basic Facts: About Wisconsin Elementary and Secondary Schools*. Madison, WI: DPI.
22. For a discussion see: Wisconsin Legislative Fiscal Bureau (January 1999). Informational Paper #27. *Elementary and Secondary School Aids*. Madison, WI: Wisconsin State Capitol. Busch, C., Kucharz, Kl., and Odden, A. (1997). Wisconsin Public Education and Property Tax Relief in the 90’s. *Educational Considerations*. vol. 25, no. 1, 52-58.
23. For example, if District X has a tax base of \$800,000 per pupil or 40% of the primary state guaranteed tax base (\$2 billion), the state will assume the remaining 60% of the district’s per pupil expenditure, up to \$1000 per pupil. The equalization formula is as follows:

$$\text{State Aid} = 1 - \frac{\text{Equalized Valuation Per Member}}{\text{State Guarantee}} \times [\text{Shared Cost}]$$
24. See: Verstegen, D. A. (1990). *School Finance at a Glance*. Denver, CO: Education Commission of the States. Gold, S., Smith, D. & Lawton, S. eds., (1995). *Public School Finance Programs of the United States and Canada 1993-94. Volume I*. American Education Finance Association and Center for the Study of the States, State University of the States. Verstegen, D. A. (1993). *Restructuring School Finance: A Time for Action*. Paper presented at the American Education Finance Association’s Annual Conference. Albuquerque, New Mexico.
25. See, for example: Rossmiller, “As Nearly As Uniform”; Odden, A., Busch, C. and Hertert, L., (Winter 1996). The Intricacies of Reforming School Finance and Providing Property Tax Relief in Wisconsin, *Journal of Education Finance*, 21, 321-342; Reschovsky, A. (1995). The Two-Thirds Initiative: A Reform Opportunity Lost? *La Follette Issues*. Madison, WI: University of Wisconsin, Robert La Follette Institute of Public Affairs; Wisconsin Department of Public Instruction (1999). *Basic Facts About Wisconsin’s Elementary and Secondary School Schools*. Madison, WI: Department of Public Instruction.
26. Department of Public Instruction, *Basic Facts*, p. 153.
27. Mueller, J., State Auditor (May 1999). *An Evaluation: Special Education Funding*. (A Report to the Joint Legislative Audit Committee Members- Letter of Transmittal). Madison, WI: Wisconsin State Capitol.
28. Joint Legislative Audit and Review Committee, p. 3 ff.

29. Mueller, J. (State Auditor). (May 1999). An Evaluation: Special Education Funding. *Report to the 1999-2000 Joint Legislative Audit Committee Members*. Madison, WI: Wisconsin State Capitol, Appendix III.
30. Wisconsin Legislative Fiscal Bureau (January 1999). *Informational Paper #27: Elementary and Secondary School Aids*. Wisconsin State Capitol, Legislative Fiscal Bureau, p.19.
31. See also, Joint Committee on Finance (May 20, 1999). *Student Achievement Guarantee in Education (DPI—Categorical Aids)* (Paper #778). Madison, WI: Wisconsin State Capitol.
32. See, for example, Blair, J. (January 27, 1999). "Wis. Districts Chafe Under State's Revenue Limits. *Education Week*, 1, 15.
33. Wisconsin Legislative Fiscal Bureau (January 1999). *Local Government Expenditure and Revenue Limits*. Madison, WI: Wisconsin State Capitol.
34. Data were collected from the Legislative Fiscal Bureau, Wisconsin State Capitol and cross-referenced to information from the Department of Public Instruction (1999). *Basic Facts, 1997-98*. Madison, WI: Department of Public Instruction.
35. Using this approach, "weights" are derived based on the ratio of excess costs to general program costs; they are driven off the cost of the general education program, which is the level of 1.00 in the system; and they are empirically derived. Thus, a child with special educational needs would be weighted based on research-based cost-differentials that establish the ratio of excess costs to special program costs. For example, a child enrolled in a program that costs half again as much as the general education program is weighted 1.5; another 50% in funding is required.
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38. Levin, H. M. (1989). Financing the Education of At-Risk Students. Cooper, B. & Speakman, S. (Ed.) *Educational Evaluation and Policy Analysis*, 11(1) 47-60. See also, Verstegen, D. A. (1996). The Assessment of Equal Educational Opportunity: Methodological Advances and Multiple State Analyses. (pp. 127-148). *Advances in Educational Productivity*, vol. 6.
39. It should be noted that findings for all districts include Union High School Districts and K-8 Districts, which can confound results.
40. Bivariate statistics were not computed as K-8 and UHS districts do not have discrete property values which can confound results.
41. This section draws heavily on a brief prepared for Council for the Plaintiffs, March 1999, Jacksonville, FL.
42. *Vincent, et al. v. Voight, et al.* Circuit Court Branch 6, Dean County, Memorandum Decision and Order (Summary Judgement), Case No. 95-CV-2586, p. 1 (mimeo).
43. *Vincent, et al. v. Voight, et al.* Circuit Court Branch 6, Dane County, Memorandum Decision and Order (Summary Judgement), Case No. 95-CV-2586, p. 1 (mimeo).
44. *Vincent*, at 7.
45. *Id.*, at 7.
46. *Id.*, at 8.
47. *Id.*, at 8.
48. *Id.*, at 9.
49. *Id.*, at 13.
50. *Id.*, at 13.
51. *Id.*, at 21.
52. *Id.*, at 22, ff., quoting Section 121.02 Wisc. Stats.
53. *Id.*, at 23.
54. *Id.*, at 26.
55. *Id.*, at 26.
56. *Id.*, at 27.
57. *Id.*, at 36.
58. *Id.*, at 37.
59. *Id.*, at 38.
60. *Id.*, at 39.
61. *Id.*, at 39.
62. *Id.*, at 40.
63. The decision was nonpublished thus not precedent setting.
64. *Buse v. Smith*, 74 Wis.2d 550, 247 N.W.2d 141 (1976).
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66. *Id.*, at 32.
67. *Id.*, at 33.
68. *Id.*, at 33.
69. *Supra* nt. 12, *Kukor*, at 582.
70. *Kukor, Id.*, at 588.
71. *Kukor, Id.*, at 590.
72. *Id.*, at 32.

...We must brace ourselves for long term endeavors to invent a new way to educate at a time when state legislatures are less able to provide support and to remain stable.

Beyond Legislative Schizophrenia: Sustaining Long-Term Educational Reform and Short-Term Viability

Susan B. Trimble and Carolyn Herrington

Introduction

A major challenge facing contemporary educational reform is the extended timeframe necessary to achieve substantive and demonstrable results (Fuhrman, 1993). Five years after the publication of *A Nation at Risk*, Firestone, Fuhrman & Kirst (1989) pointed to the fragmentation of reform efforts and the need for comprehensive and systematically aligned approaches. The same year Elmore and McLaughlin (1988) argued persuasively that real reform was accomplished only through slow 'steady' work. The now almost 15-year-old resolve to improve public schooling in this country has brought with it an increasing sophistication regarding the difficulty of the task. Recognizing this, some of the most promising state reform efforts to date have explicitly acknowledged the need for an extended timetable (Herrington, 1993). For example, Kentucky's education reform package, considered by many to be the most cohesive of state efforts, lays out a time table that effectively charts a twenty year table for improvement. Florida, in 1991, targeted the year 2000 for attainment of improved educational objectives.

However, the extended timeframe required for educational reform may be at odds with what many fear may be a weakened capacity for policy making among the group most responsible for guiding public school reform, the country's 50 state legislatures. Not known for their ability to maintain a long term perspective in the best of times, today's legislatures face a series of daunting challenges including having to deal with a range of issues previously handled at the federal level and with a severely constrained institutional capacity brought on by constitutionally-imposed term limits. Questions surrounding the capacity of state legislatures to sustain long term educational reform is a critical area of inquiry which, while acknowledged, to date has received little empirical analysis from educational researchers. Failure

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to acknowledge, analyze and manage this presumed clash between reform requirements and legislative institutional capacity poses considerable risk to sustainable improvements in public schools. Ambitious and demanding state educational reform packages risk foundering on the shoals of a legislative capacity weakened by institutional instability as evidenced by leadership turnover, shifts in partisan control and membership volatility.

In an analysis of the evolution of standards-based systemic reform in the United States in the mid 1990s, Massell, Kirst and Hoppe (1997) document over a 10-year period the remarkable rise of the concept of standards-based systemic reform in the United States. They note the virtually unprecedented spread of a controlling idea for reform in the mid-eighties and its persistence through the mid-nineties despite being challenged by anti-government rhetoric and despite significant changes in state political leadership. However, the political dynamics of the policymakers and their lawmaking institutions are not explored. The question we wish to address in this article is, *How has state political leadership addressed and, if successful, resolved pressures to respond to continuous demands for reform with new and different reform paths?* In other words, politically, how have state legislatures managed to stay the course of educational reform.

To explore and better delineate these tensions, we selected for investigation the state of Florida. Florida had committed itself in 1991 to a standards based reform strategy, one which emphasizes the development of curricular standards and assessments at the state level and the decentralization of practice at the local level and a state which appeared to be staying the course of the reforms it had set for itself. We believe Florida would prove a revealing site for inquiry because its past political culture and its current institutional capacities appeared at odds with the need for continuity and persistence required for real reform. We believed that Florida would provide a revealing case study of the ability of states to retain a commitment to reform over the long haul.

To do so, we selected as a point of investigation the year 1996, a year of re-election for a substantial number of state legislatures and the mid-point between the passage of a large comprehensive reform package entitled *The 1991 Blueprint 2000: School Improvement and Accountability Act* and its targeted full implementation in the year 2000. In order to examine the intensity and the nature of pressure on lawmakers to modify the course and direction of reform, we analyzed the content of all educational bills enacted during the mid-point year, 1996, according to whether they supported or weakened the state's new reform strategy.

The Case of Florida: Background

During the 1970s and 1980s, Florida developed a rather strong and distinctive political culture, particularly regarding educational reform, enacting a quantity of bold legislative actions during the 70s and the 80s (Turnbull, 1981). Florida was frequently signaled out as having the most active state legislature in the area of education in the country (Turnbull, 1981; Rosenthal & Fuhrman, 1981), as being willing to employ highly directive policy instruments (Wise, 1979), and as having a reputation as one of the most highly professionalized and technologically advanced legislative systems in the country (Huckshorn, 1991). This culture was made possible by a powerful set of legislative leaders who had strong convictions regarding educational reform and the political strength to see their ideas put into law.

Almost every legislative session in Florida in the 1970s had resulted in major educational policy enactments, including a new state aid formula; state-wide assessments of students and teachers; a high school graduation test; a state compensatory education program; a program to enhance the primary education program; and the beginning of a statewide, student-based management information system. This pace continued unabated in the 1980s. Florida adopted almost all of the reform efforts that other states passed out including a requirement of 24 credits for graduation; a longer school day; a merit pay program for teachers; a merit schools program; a performance-based evaluation system for principals; an alternative teacher certification program; a modernization of the curriculum through more emphasis on math, science and computer education, a reduction in teacher-pupil ratios in the early years, middle school enhancements; and a minimum GPA. Interstate comparisons have shown that the Florida proposals were the most numerous of any state (McCloskey, Provenzo, Cohn, and Kottkamp, 1991; Firestone, 1990).

There was also a high degree of consensus within the legislature, a consensus that cut across political, ideological and geographic spectra on the basic need for reform and the legitimacy of the state in using its powers to impose across-the-board solutions. In place was a highly cohesive set of legislative leaders, all veteran policymakers who considered themselves well-informed about the state's educational system and who enjoyed the political power to force their definition of the problem and their solutions. The reforms of this period are characterized by the concentration of power in the hands of a few veteran political leaders and by across-the-board application of reforms (Herrington and Cistone, 1994).

New Roles at the State and Local Levels: Centralization versus Decentralization

Blueprint 2000 appeared in 1991 as a reaction to dissatisfaction with the centralized, top down reforms of the 1980s. The end of the decade had witnessed a slow erosion of the political consensus concerning the nature of educational reform, the economic climate of the state and the level of optimism about the state's future. There was growing uncertainty about the efficacy of the earlier activities, declining fiscal resources accompanied by tax-payer resistance, and an increasingly partisan cast to reform debates. A consensus that had prevailed for almost 15 years on the efficiency of state mandated reform weakened in the face of implementation difficulties and the lack of student achievement gains as a result of the earlier reforms.

The 1991 *Blueprint 2000: School Improvement and Accountability Act* was a response to these perceived weaknesses in the design of earlier reforms. It attempted to free up local schools and school districts from higher-level restrictions and to enable them to pursue school reform based on local analyses of problems and local convictions of appropriate responses. Radically decentralizing in its thrust, *Blueprint 2000* attempted to redefine the duties of the state and the local schools regarding reform. The state's role was no longer to mandate specific behaviors and thus it eliminated most of the categorical programs created over the previous two decades including the statutes and regulations that prescribed them, and the funds that financed them. State mandates were limited to a narrow set of policies designed to force attention to school reform at the local level but not to force any particular approach to reform. *Blueprint 2000* required all schools to engage in school-based management, appoint school advisory councils, develop school improvement plans and

report to the public on school effectiveness. Schools were given three years in which to document improvement prior to the invoking of sanctions. The state's role was redesigned as well. It converted to a more narrow and strategic role of assuring accountability through standard-setting and performance assessment .

Weakened Legislative Institutional Capacity

Blueprint 2000 created a new relationship between the state and local educational communities: the state would be responsible for setting standards and assessing their attainment; local school and school districts were responsible for determining how to do this. They were to be granted maximum discretion by the state in operating their schools. Against the backdrop of a new commitment to decentralization in educational reform, however, was a political environment that was becoming increasingly volatile and unstable. The 1992 and 1994 elections (due to redistricting and due to Republican gains, respectively) resulted in remarkably high levels of turnover of House and Senate membership and leadership. For example, in 1992 the Senate experienced a 50 % turnover in membership and in 1994 one of the legislative bodies came under the control of Republicans for the first time in over a century. The elected Commissioner of Education changed hands three times between 1991 and 1996 and switched party affiliations as well. Only the governor's office remained the same between 1991 and 1996. This new group of policymakers differed considerably from those that had gone before. They lacked the cohesiveness of the previous leadership which had developed over a lengthy tenure of office. They were also more partisan in their analysis of educational reform, particularly around controversial issues of pay for performance and school choice. Perhaps even more significantly, a large number of the new legislators had not experienced the disillusionment with state-directed reforms that their predecessors had undergone. Nor had they been in office and therefore had not been part of the debate or the voting on the *Blueprint 2000* reform package when it was passed in 1991.

Given this unstable political environment, we wanted to investigate if, and if so how, a state could stay the difficult path of reform. Prior to the nineties, the political environment in Florida had enabled a strong and relatively stable legislature which supported a highly centralized and direct role for state government in defining educational reform. By the mid-nineties, Florida policymakers faced a challenge in two ways. One, a temptation to return to the state's previously dominant educational reform mode- centralization- which would be considerable if results from decentralization were not quick in coming. Two, a weakness in legislative leadership due to high turnover in membership and turnover in partisan control which would make it less likely that the leadership would be able to or would want to stay with a commitment made five years earlier by different members and under different leadership.

Methodology Data Sources

The data for this study consisted of a content analysis of all the substantive (non-fiscal) bills relating to education that were enacted by the Florida legislature in 1996 to determine if they evidenced a weakening in the state's commitment to a decentralized educational reform mode or a return to a centralized, top-down approach. The year 1996 was chosen because it was the mid-point in the educational reform timetable and a year of substantial activity in educational policy.

In fact, education was the dominating interest of the legislature that year. The years right after the passage of *Blueprint 2000* in 1991 were characterized by a low level of activity in the state legislature regarding education as the focus shifted from policy to implementation. Also other issues crowded out education, in particular, an extraordinary preoccupation with criminal justice issues. Toward mid-decade lawmakers' enthusiasm for incarceration as a solution to society ills had waned, and there was a growing understanding that large outlays for prisons was short-sighted and that those funds might best be invested in the education sector. In addition, there was a growing backlog of educational issues that had gone unapprised and were pressing on the agenda. As a result, a large number of educational bills (over 30) were enacted in the 1996 legislative session.

Analysis

For analytical purposes, we created a matrix of the conceptual framework underlining Florida's reform initiative, *Blueprint 2000*. This framework delineates the two major assumptions behind *Blueprint 2000*; first, that the state's efforts should focus on standards and assessing outcomes and not process, and concurrently, the local district should be granted maximum flexibility in terms of how they run their schools. The framework distinguishes between the foci of control, whether state or local, and among the domains of control, *standards*, *accountability/assessment*, and *operations* (see Table 1). We picked these three domains of control because of their centrality to the concepts undergirding *Blueprint 2000*. The first two domains, *standards* and *accountability/assessment*, are clearly areas in which state activity is to be intensified. This is key to the concept of greater accountability. The state should identify and disseminate standards of performance for public education. This domain could include learning standards for students, professional standards for teachers and administrators, and district standards for schools. The second domain of *accountability/assessment* is also key to this new vision of the state role. This would include assessment of student performance, teacher performance, and system performance, in addition to an accountability system for regular reporting of performance levels. The third domain, *operations*, is, as the word suggests, the actual activities of the school system geared to meeting systems' objectives.

As presented in Table 1, if the state was remaining true to the concepts of *Blueprint 2000*, one would expect legislative activity in the shaded areas of state and local control to increase. One would expect legislative activity in the blank areas to decrease.

Table 1.
Conceptual Framework for Florida's *Blueprint 2000*

| Domains of Control | Foci of Control: State | Foci of Control: Local |
|---------------------------|------------------------|------------------------|
| Standards | | |
| Accountability/Assessment | | |
| Operations | | |

To investigate whether the state five years after major reform legislation was holding fast to the underlying principles of its reform initiative, we attempted to quantify the number of bill provisions that supported or undermined its intent. For bill analysis, we used individual provisions of the bills, rather than the bills themselves, as the unit of analysis. That is to say, we examined all the provisions to determine whether they enhanced the state's role in standards setting and accountability/assessment and whether they enhanced local schools' flexibility in managing their school system. If so, the provisions were deemed supportive of *Blueprint 2000*. If a provision weakened the state's role in standard-setting and accountability/assessment and if a provision weakened local flexibility to manage operations then that provision was deemed counter to reform intentions.

To compile bill provisions that supported or weakened the intent of *Blueprint 2000* by domain, we placed them in the thematic matrix by the three domains *standards*, *assessment/accountability*, and *operations* and by foci of control, state or local (see Table 2).

Results

We found that approximately 70 percent of the bill provisions supported the reform intent. Table 2 presents a listing of bill provisions within each category. In the category of *standards*, the list includes bill provisions that supported the intent of the reform package by granting control to the state involving improvement of low performing schools, academics, the Welfare Reform Wages Act, the use of reasonable force, and high standards. Also in the category of *accountability/assessment*, bill provisions that supports the intent of the reform package included giving authority to a state agency to review a school districts' management (Voluntary Performance Review), requiring a district to report use of lottery fund (Lottery Post Secondary Tuition Program), and adding an eighth goal of parental involvement (School Improvement Education Accountability). Likewise in the category of *operations* many bill provisions supported the intent of *Blueprint 2000* by granting control to districts. These bills provisions included authorizing charter public schools (Charter Schools), deleting termination date and authorizing waivers for five years (*Blueprint 2000* Waiver), authorizing expulsion or other disciplinary action for students who make false accusations against school staff and who commit criminal offenses on school property (student behavior), revising the age and offense criteria for committing a juvenile offender in an intensive residential treatment program (juvenile offenders), and authorizing discipline or expulsion of a student if the court determined he or she committed a felony or a delinquent act considered a felony if committed by an adult (expulsion option).

However, we also found that a number of bills' provisions did not support the reform intent (see Table 3). Whereas the intent of the legislature as articulated in *Blueprint 2000* was to leave operations to local control, the 1996 legislature increased the authority of the state in three areas of operations, areas broad enough to be considered significant constraints on local flexibility. We have categorized these areas as child health and welfare, student behavior and parental choice.

For example, the topic of student behavior included bill provisions related to discipline, student crime watch programs, juvenile offenders, dropout prevention, and penalties for assault/battery charges upon school employees. In this area, the legislature increased state authority contrary to the intent of *Blueprint 2000* to increase local authority

Table 2.

Bill Provisions Layout of Blueprint 2000 By Domains and Loci of Control (Shaded areas refer to foci of control as intended by Blueprint 2000)

| Domains of Control | Foci of Control: State | Foci of Control: Local |
|----------------------------|---|---|
| Standards | <p>Improvement Low Performing Schools: Public school accountability & extends school day; DOE data base for terminated school employees with fingerprinting of teachers and checking for crimes of moral turpitude (HB 1009)</p> <p>Academics: Raises GPA, limits Level I courses, requires algebra and course district performance standards (HB 1041 - vetoed)</p> <p>Welfare Reform Wages Act: Requires creation of minimum performance standards and standards-based outcomes to be applied to community child care programs (SB 1661)</p> <p>Use of Reasonable Force: BOE must adopt standards for the use of reasonable force by school personnel to provide guidance on the limitations of liability under current law (HB 341)</p> <p>High Standards: Provides funds for scholarship in keeping with high standards (HB 2405)</p> | |
| Accountability/ Assessment | <p>Voluntary Performance Review: Gives authority to a state agency to review a school districts' management with no requirement to follow recommendations (HB 1839)</p> <p>Lottery Post Secondary Tuition Program: Requires a district to report use of lottery funds (HB 2405)</p> <p>School Improvement Ed. Accountability: Adds eighth goal of Parental Involvement (SB 240)</p> | |
| Operation | <p>Student Behavior: Allows teachers to remove a student from class and to withhold consent to return the student; creates a placement review committee (two teachers and one principal designee) to determine placement of students removed from classroom; authorizes instructional personnel to have a stronger role in classroom management; teacher and bus driver recommendations - requires principals to consider teacher and school bus driver recommendations when referring a student for discipline (HB 341). Defines habitual truancy as 15 unexcused absences within 90 days; allows students who meet the definition and criteria of habitual truancy to be assigned to a second chance school; requires a cooperative agreement between school districts and the Dept. of Juvenile Justice to delineate the role and responsibility of each agency and to reduce the duplication of services; authorizes teachers to remove disruptive students and to refuse readmission into the classroom; creates a placement review committee to determine the best available placement of a student (HB 1009)</p> <p>Juvenile Offenders/Residential Treatment: Provides for education of students serviced by the Dept. of Health & Rehabilitation Services; provides for educational services in Dept. of Juvenile Justice programs; prescribes responsibilities of school districts to include summer school program (SB 792)</p> <p>Penalties for Assault/Battery Charges Upon School Employees: Revises provisions; provides for enhanced penalties; requires school boards to adopt rules for expulsion and alternative school placement who violate s. 784.041, F.S. (HB 459)</p> <p>Student Crime Watch Programs: Requires school boards to implement a student crime watch program (SB 970)</p> <p>Dropout Prevention: Requires assignment of a student to a second chance school if such a school exists in the district and if the students meets specified criteria (HB 559)</p> <p>Welfare Reform Wages Act: Requires a simplified point of entry to the child care service system; modifies the eligibility criteria for the Pre-K program; allows state Pre-K funds allocated to school districts to be used only pursuant to the plan developed in consultation with the District Interagency Coordinating Council. Sanctions may be applied for noncompliance. Depending on the passage of the federal block grant welfare reform package, all districts will be mandated to participate in the Vocational Performance-Based Incentive Funding Program (currently optional); districts will be partners in establishing the Teen Pregnancy Prevention Community Initiative; requires school districts to make reasonable efforts to provide extended day and extended year services to children and their families (SB 1662)</p> <p>Schools Providing Medications: Establishes requirement related to medications (HB 483)</p> <p>Personnel: Revises definition of instr personnel (HB 2449)</p> <p>Open Enrollment: Requires school districts to develop a plan of controlled open enrollment and to factor in parental preferences in school assignments; requires DOE to develop a Parental Choice Incentive Program (HB 403)</p> | <p>Charter Schools: Authorizes charter public schools (HB 403)</p> <p>Blueprint 2000 Waiver: Deletes termination date & authorizes waivers for five years (HB 1041 - vetoed)</p> <p>Student Behavior: Authorizes expulsion or other disciplinary action for students who make false accusations against school staff and who commit criminal offenses on school property; honors out-of-state expulsions; authorizes the school board to honor expulsion by another school (HB 341) SB 792</p> <p>Juvenile Offenders/Residential Treatment: Revises the age and offense criteria for committing a juvenile offender in an intensive residential treatment program; allows a child less than 13 years to be eligible to the program. Reclassifies the residential program for serious habitual offenders as a high-risk</p> <p>Student Behavior & Expulsion Option: Authorizes discipline or expulsion of a student if the court determined he or she committed a felony or a delinquent act considered a felony if committed by an adult. After third offense, permits expulsion of a student who possessed or used an illegal substance off school property even if a waiver condition is met (HB 1009)</p> |

Table 2. Continued**Bill Provisions Layout of *Blueprint 2000* By Domains and Loci of Control** (Shaded areas refer to foci of control as intended by *Blueprint 2000*)

| Domains of Control | Foci of Control: State | Foci of Control: Local |
|---------------------------|---|-------------------------------|
| Operation (cont.) | <p>Home Schooling: Provides eligibility requirements & insurance for home education students to participate in public schools' sports (HB 2505); extends dual and vocational enrollment (HB 186)</p> <p>Private Transportation: Requires districts to report on number of students using private car transportation (HB 2719)</p> | |

Table 3.**Bill Provisions in Violation of the Intent of *Blueprint 2000***

| Child Health & Welfare | Student Behavior | Parental Choice |
|--|---|--|
| <p>Welfare Reform Wages Act: Requires a simplified point of entry to the child care service system; modifies the eligibility criteria for the Pre-K program; allows state Pre-K funds allocated to school districts to be used only pursuant to the plan developed in consultation with the District Interagency Coordinating Council. Sanctions may be applied for noncompliance. Depending on the passage of the federal block grant welfare reform package, all districts will be mandated to participate in the Vocational Performance-Based Incentive Funding Program (currently optional); districts will be partners in establishing the Teen Pregnancy Prevention Community Initiative; requires school districts to make reasonable efforts to provide extended day and extended year services to children and their families (SB 1662)</p> <p>Schools Providing Medications: Establishes requirement related to medications (HB 483)</p> <p>Home Schooling: Provides eligibility requirements & insurance for home education students to participate in public schools' sports (HB 2505); extends dual and vocational enrollment (HB 186)</p> | <p>Student Discipline: Allows teachers to remove a student from class and to withhold consent to return the student; creates a placement review committee (two teachers and one principal designee) to determine placement of students removed from classroom; authorizes instructional personnel to have a stronger role in classroom management; teacher and busdriver recommendations - requires principals to consider teacher and school bus driver recommendations when referring a student for discipline (HB 341)</p> <p>Student Crime Watch Programs: Requires school boards to implement a student crime watch program (SB 970)</p> <p>Juvenile Offenders/Residential Treatment: Provides for education of students serviced by the Dept. of Health & Rehabilitation Services; provides for educational services in Dept. of Juvenile Justice programs; prescribes responsibilities of school districts to include summer school program (SB 792)</p> <p>Penalties for Assault/Battery Charges Upon School Employees: Revises provisions; provides for enhanced penalties; requires school boards to adopt rules for expulsion and alternative school placement for students who violate s.784.041, F.S. (HB 459)</p> <p>Dropout Prevention: Requires assignment of a student to a second chance school if such a school exists in the district and if the student meets specified criteria (HB 559)</p> | <p>Open Enrollment: Requires school districts to develop a plan of controlled open enrollment and to factor in parental preferences in school assignments; requires DOE to develop a Parental Choice Incentive Program (HB 403)</p> <p>Private Transportation: Requires districts to report on number of students using private car transportation (HB 2719)</p> |

in operational matters. Similar action was taken with other topics that included regulation or district policies governing open enrollment, schools providing medications, home schooling, extended day and year service to children, extension of dual enrollment, private transportation, referral policies, and the requirement of a simplified point of entry to child care service system (Welfare Reform Wages Act). In all of these areas, the state either removed or constrained previous discretion at the local level or introduced to new state mandates.

Discussion: Was Florida Staying the Course?

Does the examination of the data as assembled in Table 2 suggest that the state of Florida was staying the course of a decentralizing reform strategy or was it reverting to its previous reliance on state mandates? Was it assuming its responsibilities in the areas of standards-setting and assessing outcomes? Was it leaving the running of the school districts, local operations, to the districts themselves? An initial examination of the bills revealed a mixed pattern. There was consistency in the provisions regarding setting standards and assessing student achievement. In these areas, the new state provisions all strengthened the state's role, as consistent with *Blueprint 2000*. However, in areas of operations, a number of provisions imposed new state mandates, in direct contradiction to *Blueprint 2000*.

Our first interpretation of these findings was that the state lawmakers were unable to refrain from continuing to modify state's reform because of pressure to respond as new issues arose. For example, House Bill 403 required school districts to develop a plan of open enrollment, contrary to the intent of increased local authority in operational matters, and required local districts to permit the creation of charter schools. Similarly, in the area of dropout prevention, the state imposed requirements to the districts regarding the assignment of students to a second chance school.

Upon closer examination, however, an underlying pattern emerged that caused us to modify our original interpretation. The provisions under the *operations* domain that ran counter to *Blueprint 2000*, with the exception of only one— Personnel policies—, could be grouped in three categories: child health and welfare, student behavior and parental choice. These provisions, for the most part, shared the common property of being topical, highly visible and politically 'hot' issues on which the public or lawmakers had well articulated or intense opinions. For example, the area of student behavior, according to the logic of *Blueprint 2000*, should be under local control. However, new legislated provisions required school districts to create a student placement review committee and prevented schools from rejecting a teacher's request for student removal. Revised provisions also enhanced penalties for assault/battery charges upon school employees and required school boards to implement a student crime watch program. These legislative provisions were clearly targeted responses to public concerns about personal safety which have reached record levels in this decade.

Of equal importance, however, the two areas most critical to the thrust of *Blueprint 2000*, state control in the area of standards-setting and outcomes assessment and local control in the determination of teaching and learning practice, remained largely untouched or were strengthened. The state did not back off; in fact, it strengthened its responsibility regarding setting standards for educational performance and devising the means to assess student attainment. Nor did the state encroach upon local discretion in the key areas of teaching and learning. It did not resurrect its more directive regulations of the previous decades such as new requirements regarding length of school day or number of periods in the day, for example.

Conclusion

Florida, despite a history of aggressive state-level activism in education policy, had reversed its own political culture committing itself in 1991 to a ten-year deregulatory reform strategy. This strategy called on the state to limit its role as regulator and to ascribe more responsibility and authority to schools and districts to initiate their own locally-determined improvements. This reform package posed two challenges. One, it required the state to maintain a political orientation (deregulatory) that bucked a twenty-year tradition of high-level state activism in educational reform and two, it required a hands off posture on the part of the state for approximately a decade as the local districts were allowed to design and implement their own reform strategies. Within three years of enacting the legislation and still six years away from full implementation, the state political environment had undergone significant turnover in legislature membership, state-level educational leadership, and partisan political affiliation. This raised provocative questions regarding the ability of the legislature to stay with a reform path which had been enacted by a previous legislature

whose political affiliations, leadership and membership had changed significantly since the bill had been debated and enacted.

The analysis in this paper, looking at legislative provisions enacted during a mid-point year in 1996, found that indeed the state was unable to keep from imposing new requirements upon schools and districts, in direct contradiction to the philosophy of *Blueprint 2000* but that the requirements were focused on a limited number of policy areas and did not significantly alter the reform areas of teaching and learning. We argue that legislation passed by the 1996 Florida Legislature despite its seemingly schizophrenic nature reflects a highly rational coping strategy that addresses simultaneously issues of extreme urgency to voters and sustains and reinforces the reform initiatives enacted five years prior.

Arguably, these coping strategies have a number of tangible benefits: first, they allow a highly visible response to hot issues helping to combat increasing public skepticism about the efficacy of legislative bodies, and they leave issues of teaching and learning to educators. In doing so, they release pressure emanating from voters for responses to areas of concern to them, and they buy time for long-term reform to take effect.

Legislators stand at a cross-point having to justify their time in office as having produced tangible products (i.e. laws) that address constituent concerns and also needing to support strategies, often instigated under former legislatures, for stimulating and sustaining long-term reform. A recognition of the structure of these tensions may help explain the apparent "schizophrenic" behavior we observed of politicians in Florida. What appears to be schizophrenic behavior in the short term can be seen as a rational coping strategy that enables law-makers to reconcile the necessity of sustaining the course of reform efforts over the long-term and the pressures of their constituents for immediate responses to certain issues. In this case, the same legislature was willing to exert the strong arm of the state in issuing mandates regarding areas such as suspension and referral policies, stronger deterrents to student misbehavior, open enrollment, charter schools, and child care for women enrolled in training programs at the same time leaving to the discretion of local educators the vast array of other operational issues relating to teaching and learning.

Sustaining Long-Term Reform

As the U.S. educational reform movement approaches its third decade with no sign of abatement, the challenges of sustaining commitment to a long term reform strategy takes on greater importance for a number of reasons. One, there is a growing realization among all the actors committed to substantial reform— elected officials, educators, and the business community— that true reform will only be accomplished through slow steady work. Quick fixes have not worked; magic bullets have misfired. Two, reform efforts risk a slow and fatal erosion of credibility among educators if one set of reforms are continuously replaced with another set. This challenge to stay the course is arising at the same time that the political environment for elected officials has become less stable, less predictable and more turbulent, all factors that suggest a weakened capacity to focus on long-range policy strategies. Increased turnover of elected officials, increasing partisan polarization of reform strategies, and increased skepticism by the electorate in the ability of elected bodies to produce results, all mitigate against staying the course and increase the possibility of rapid and frequent changes in direction.

This study of one state's coping strategy for sustaining long-term reform suggests a successful strategy to buy time to sustain long-term endeavors. Though elected officials are often better informed than their constituents about state education policy and reform legislation and thus often appreciate the need for sustained educational reform efforts better, they are still forced to respond to the conflicting and at times competing demands of their constituents to maintain political viability. As a country we are moved from relying on quick fixes and approaches to a growing consensus that major long term reform, even radical reform, will be required to build a new educational system that is capable of meeting the much greater demands that are placed on it today. We must brace ourselves for long term endeavors to invent a new way to educate at a time when state legislatures are less able to provide support and to remain stable. Our findings suggest that the tensions inherent in the process of organizational reform and the structure of contemporary political bodies can be balanced and the direction maintained.

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...Since 1994, when the equity lawsuit was filed, there have been changes in the funding for low wealth school districts: i.e., Robeson County has already seen positive results from the lawsuit.

Savage Inequalities in Robeson County Schools, NC

Enid B. Jones and Mary Chavis

Introduction

This paper is being used to report on an exploratory study on intradistrict distributions of resources in elementary schools in a low wealth county/district in North Carolina. The study was designed to discern the way resources are distributed at the school level, to determine how the community perceived the resources available to elementary students in different parts of the county/district, and to judge perceived inequities that could affect the achievement level of the student based on the place of residence in the county. Interest was developed in the issue because of several editorials in the local newspaper, as well as, because of the implementation of the new accountability evaluation model by the state department of education.

Background on North Carolina

The current education program in North Carolina is based on the new ABCs Plan which was developed by the state board of education in response to direction from the 1995 General Assembly to focus more on basic subjects, efficiency and better local control over educational decisions (The New ABCs, 1995). Implementation of the plan began in 1996-97 school year for grades K-8 where reading, writing, and mathematics were monitored. Under this program, individual schools are held accountable for student performance, and staff in each school must take responsibility for the education of each student. In each case a year's worth of growth for a year's worth of schooling will be expected. School growth is the expected growth rate for that school based on previous performance statewide. All schools achieving performance standards will have the opportunity to receive incentive awards which will be allocated based on the number of certified staff at the school. Those schools that do not meet their expected growth standard and are low performing will receive assistance. If assistance efforts do not result in improvement, intervention through the replacement of the principal and loss of jobs for teachers, or school board take-over of the school could occur—the latter would be a last resort strategy.

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Prior to action taken under the ABCs plan to address intra-district inequity and inadequacy (though the latter might have been unintentional) as a result of the 1996-97 end-of-grade tests, a mostly traditional method of school finance and governance was used. Education finance plans and strategies were centered mainly around inter-district inequities. Intra-district inequities and variations were rarely examined for horizontal or vertical equity compliance. However, as Stiefel, Rubenstein, and Berne (1998) put it, with increasing interest in schools as centers of management and budgeting authority, more attention is being given to resource allocation at the school rather than the district level.

The Public School Forum of North Carolina (1997) found that in North Carolina low wealth supplemental funding helped to close the spending gap, but only slightly. There was a significant discrepancy between end-of-grade and end-of-course testing for grades 3-8 reading, and mathematics. The percentage of students at or above grade level in reading and mathematics was 71% and 72% in the state's top 10 spending counties, and 57% and 58% in the bottom 10 spending counties. The Forum concluded that the state needs to develop a comprehensive system of school finance that connects funding to the state's standards and goals for student outcomes. In a recent article in a local newspaper (Jones, 1998, February 20), the Forum is quoted as saying that the secret to a turnaround that occurred in low performing schools in poor districts between 1996-97 and 1997-98 was money. The additional expertise and manpower that came with the intervention assistance teams were seen as just the kinds of things poor school systems say they cannot afford.

Literature Review

The emphasis in education finance has shifted from the traditional cry of equal funding to include the concept of adequacy while ensuring equity. A major inequity in school funding according to Burrup, Brimley and Garfield (1996) is the difference in quantity and quality of services provided in the country's thousands of school districts. Usually such discrepancies are seen as occurring between districts, but the level of awareness of these differences within districts was raised as far back as 1971 in the Washington, DC case *Hobsen v. Hanson*, in 1974 in an equity lawsuit, in New York in the case *School Board of Education, Levittown v. Nyquist*, in 1971 and as recently as 1991 in *Abbott v. Burke* in New Jersey, as well as in 1994 in North Carolina in *Leandro v. State of North Carolina*. Intra-district inequities have taken on new life in the light of the accountability models being developed by state education departments to evaluate students, teachers, principals and in fact entire school systems.

Equity is defined in educational finance literature as the state, ideal, or quality of being just, impartial and fair. (Swanson & King, 1997; Odden & Picus, 1992, and others). The distinction is often made between horizontal and vertical equity, both of which if achieved concurrently would create the ideal funding situation. Adequacy on the other hand can be seen as the provision of resources in sufficient amounts to achieve stated education goals. This view of adequacy is supported by Burrup, Brimley and Garfield (1996) who point out that one danger of the accountability movement is that taxpayers may expect the schools to be accountable, at the same time ignoring their own responsibility for providing adequate funds for achieving the comprehensive goals of education.

Since individual schools do not have revenue raising responsibilities or individual tax bases on which to draw, a new set of equal opportunity issues have become important at the school level. These might include relationships between resources and student characteristics, or between resources and a school's geographic location within a district, and between distribution of resources and students' race or ethnicity. (Stiefel, et al 1998). A student's socio-economic status may well be a factor to consider if it is a symptom of several other factors affecting the student's performance. Further, no debate on adequacy can take place without reference to the impact of the courts, the degree of poverty, race/ethnicity, or ruralism and their concomitant problems.

The Courts and Equity

Relief has been sought for school inequity in both legislative and judicial systems. Elementary and secondary schools are in a funding crisis as gross disparities exist in per pupil expenditure because the funding of these schools relies on local property tax revenues. School systems have turned increasingly to the courts to help solve the funding inequities (Colwell, 1998). The courts have challenged school equity since the early 1970s and since then over 70% of the states have been advised that their methods of funding do not meet legal standards for the delivery of instructional services to the children of poor school districts. (Firestone, Goertz, & Natriello, 1997). In fact the quality of educational instruction and facilities, increasing property taxes, lack of state financing for mandated programs and the reduction of state funding to local school districts are currently topics of political debate. Robeson county is one of five school districts who are plaintiffs in an equity law suit in North Carolina. These school systems allege that children in their poor school districts are not receiving a sufficient education to meet the minimal standard for a constitutionally adequate education. (*Leandro v. State of North Carolina*, 1997). This same suit includes five plaintiff-intervenors who are seeking additional funds for urban areas within the districts.

Poverty

Poverty is addressed in the literature on inter-district inequity but can also be addressed in intra-district analysis as well. Woolf (1980) saw poverty as the state in which one lacks a usual socially acceptable amount of money or material possessions and poverty-stricken means very poor or destitute. The impact of poverty on school outcomes is well documented. Children from poor families tend to have lower than average achievement and higher than average dropout rates according to a report on children poverty (Children and poverty, 1998). There is a strong relationship between low family income during the preschool and early years and completion of high school. Children living below the poverty level are more likely than non-poor children to be classified as "learning disabled" or "development delayed." A difference of 6- to 13- points in I. Q. score was present in many poor children even when controlled for maternal age, material status, education and ethnicity (Children and poverty, 1998).

Further, it costs more to educate children with special needs as they do not have the same opportunity to equal education as their normal peers because their readiness skills are impaired (Verstegen, 1998). Hence, it could well cost more to educate children in schools located in poor neighborhoods than those in schools in wealthier neighborhoods within the same district. In recognition of this the federal government provides additional funds through Title I of the

Elementary and Secondary Education Act to school districts based on the number of poor children they serve (ESEA, 1994). Much of the funds are used to provide additional educational services to low achieving students.

Ruralism

Another factor to be considered in intra-district analysis is the extent to which some areas are more rural than others. Rural areas have many problems not faced by more metropolitan areas. Twenty five percent of American children in rural areas live below the poverty level. Their academic achievement is below that of children living in other areas and the school buildings tend to be older. This situation is recognized by the federal government as evidenced by the provision of grant funds by the federal government to help schools located rural areas for financial assistance, restructuring of rural schools and to support telecommunication technologies in these areas.(ESEA, 1994).

The distressed economic situation in rural areas is particularly difficult when recruiting teachers as they want to avoid professional isolation that can occur in such areas- this is less likely now with modern technology. Also, because of the low economic status buildings tend to be substandard, but there are also the problems formerly associated with large cities such as increased drug abuse and violence. As Butler (1991) states, by almost every measure, rural residents are disadvantaged when compared with their urban residents. In 1991 the U.S. Department of Commerce reported that the rural poverty rate had increased to 16.1% compared to 12.7% in metropolitan counties.

Location, Facilities and Resources

Kozol (1995) summarizes the disparity in funding in many states when he stated that depending where the child lives the minimum spent on him could be as low as \$1,500 or as high as \$15,000. The inequity is demonstrated in the facilities, quality of teachers, instructional materials, distribution of resource positions such as counselors, social workers, and custodians, as well as in the distribution of basic supplies such as toilet paper. Inequity in school funding leads to inadequate school facilities. According to a report from the United States Department of Education (1998), the physical building conditions have a definite impact on students. Peeling paint, crumbling plaster, non-functioning toilets, poor lighting, inadequate ventilation and inoperative heating and cooling systems affect the morale of students and staff, as well as their health. Lower test scores were reported in the District of Columbia due to poor building conditions. Environmental factors such as climate control and acoustics lowered the effective performance of students and teachers. Dilapidated buildings affect the teachers' sense of safety. Despair and frustration are evident when leaking roofs and burned out lights are not fixed. Overcrowded conditions affect students ability to concentrate and limit the amount of time teachers can spend on innovative teaching methods. Many teachers struggle constantly to maintain order in their overcrowded classrooms.

In some instances, as the literature shows, providing more money for schools does not produce the desired results. Sixteen elementary schools in East Austin, Texas were given \$300,000 each in addition to normal school spending. A court case ordered this money as part of a resolution to a desegregation case. Five years later, 14 out of the 16 schools reported that student attendance and school achievement remained low. The article states that the fourteen schools used their

money for reducing class size, but did not improve what was happening in the classrooms. The other two schools used their money for staff development, incentives for teachers who improved their teaching, and established clear goals. This may have made the difference in the two schools which actually increased test scores and student attendance (Murnane & Levy, 1996).

Summary of the Literature Review

The purpose of this literature review was to provide a basis for the comparison of schools within Robeson County. Based on the literature, the authors were not surprised to find that inequity and inequality exists in all areas of the United States. Disparity exists between states, within states, and within school districts. The wealthier school districts can pay more and they also expect more.

Characteristics of Robeson County/School District

Robeson county population comprises 40,500 Native Americans, 37,800 Whites, 26,000 African Americans, 704 Hispanics, and 239 Asians (United States Bureau of the Census, 1994). There are clear lines of demarcation between wealthy and poor neighborhoods in the county/district which is designated as low wealth according to the state-aid school finance formula, in that the personal income per capita of \$14,024 is below the state figure of \$18,679, and about 30% of the population live in poverty. Local education agencies are eligible for low wealth supplements from the state if the county wealth is less than 100% of the state average wealth (North Carolina Public School Allotment Manual, 1996). In the 1995-96 tax year the county had a property tax rate of .99 per \$100 assessed property value which lowered to .82 after numerous complaints (personal communication, July 24, 1998). The county has a reputation for violent crimes, alcohol and drug abuse, and domestic violence. In 1996, 8,914 juveniles were arrested for these crimes (State Bureau of Investigation, 1996). This is significant in the light of the fact that 97% of youths in the county attended the local public schools.

Ruralism in Robeson County/School District

Initially, there were six school districts in Robeson County, five so called city districts and one county district as follows: Maxton City-poor; St. Pauls City- rich; Fairmont City- poor; Red Springs City-poor; Fairmont City- poor and Robeson County- rural and mostly poor. These city districts were small and rural by most city standards, and within Robeson County itself there were pockets of high wealth. Hence, many intra-district inequities are mirrored in the combined Robeson county school district such that the single school district carries the divisions with which it began in 1989. No real effort has been made to create a cohesive whole so the inter-district inequities became intra-district divisions and a single per pupil expenditure amount designed for a homogenous county cannot meet the needs of the areas that were behind in the first place.

As was mentioned earlier, Robeson County is one of five school districts currently involved in an equity lawsuit in the state superior court where the plaintiff alleged that the state has not provided adequate funding for low wealth or low capacity counties to attain the minimum foundation level of education required by the state despite adjustments to state-aid formula for low wealth counties. The case also includes five plaintiff intervenors, high capacity counties, who allege that the high cost of urban areas within their district has not been taken into account by the state-aid formula. So it is clear

that the issue of intra-district inequity and inadequacy is prevalent in North Carolina. (*Leandro v. State of North Carolina*, 1997)

The Issue of Race in Robeson County/District

Robeson County/District is one of 100 school county/districts in North Carolina and one of 119 school districts which include 19 city districts. The 41 schools (33 elementary) have an average daily membership of 23,337 students with approximately 18% in exceptional children's program. The state's percent is 18.6 of state average daily membership of 1,208,047. The racial/ethnic breakdown of students is given in Table 1 below:

Table 1.
The Racial/Ethnic Composition of Students in Robeson County School District and North Carolina, 1997-98

| Race | Robeson County | NC |
|------------------|-----------------------|-----------|
| Native American | 44% | 1.5% |
| African American | 31 | 30 |
| White | 23 | 65 |
| Hispanic | 1.2 | 1.6 |
| Asian American | 0.3 | 1.2 |
| Multiracial | 0.1 | - |

Robeson county school district has the largest proportion of Native American students in the state. (NC Statistical Profile, 1996, Statistical Abstract of the United States, 1996).

Race has a prominent place in Robeson County/District. Since the merger of the school districts there has been an attempt to have a balanced racial makeup in personnel in keeping with that of the student body. At every school board meeting, the board members receive a "Racial Summary" in their agenda packets to consider as decisions on personnel and other matters are made. One such summary of the racial composition of employees at each school is given in Table 2 (Biank, 1997):

Table 2.
Racial/Ethnic Composition of Certified Personnel, 1997-98 School Year

| Race/Ethnicity | Number | Percent |
|-----------------------|---------------|----------------|
| White | 794 | 52% |
| Native American | 454 | 30 |
| African American | 266 | 17 |
| Other | 13 | 0.9 |

Statistics provided by Public Relations Department of Robeson County

As seen in the tables, 44 percent of the student body is comprised of Native Americans, but only 30 percent of teachers are Native American. The same is true of African-American students (31%) and teachers (17%).

During an interview with a high school counselor, she stated that about 70% of the white students at the school had been accepted to college in the 1997-98 school year. Only 40% of the Native American students and 23% of the black students had been accepted. Of these

students, it is predicted that about 85% of the white students will graduate from college, but only 60% of the Native Americans and 45% of the black students will graduate with a four-year degree (personal communication, July 20, 1998).

Although the racial makeup of dropouts for the 1997-98 school year was not available, the dropout rate was 4.5% while the absentee rate was 5.3% in the high schools. A line item in the budget states that \$22,0000 is allotted for Project Graduation. There is none listed for dropout prevention.

Poverty

Poverty is no stranger to Robeson County. The residents in this area have a per capita income of \$14,000 and a poverty level of 24% (School District Data Book, 1989). The population also reflects great diversity in socioeconomic situations with 40% of households earning less than \$15,000, 21% earning between \$15,000 and \$35,000, while only 3% earned \$75,00 or more in 1989. (U. S. Bureau of the Census, 1994). Seventy percent of the students are in the free or reduced lunch program which qualifies Robeson County/District as a Title I county/district.

Facilities and Supplies

In a recent turn of events in Robeson County/District, a consulting firm was hired to conduct a four-month study of population trends, school structuring and school building conditions in the county. The report from the firm stated that the schools are in the poorest shape of any they had ever seen. An official with the firm stated that middle schools and elementary schools buildings were inadequate. He recommended that four schools should be closed due to their poor condition and replacements should be constructed. The firm also recommended that schools should have a uniform grade level structure: kindergarten through fifth for elementary level, sixth through eighth for middle schools, and ninth through twelfth for high schools. The county/district received \$64 million from a state \$1.8 billion school bond referendum to help with reconstruction but new construction could cost more than \$239 million (Biank, April 11, 1997).

Teachers in the district complained that they almost ran out of toilet paper, supplies were limited in some schools, and little money was given for desperately needed repairs. Many classrooms have an extra trash container to hold water from leaking roofs when it rains. There are school auditoriums dating back to the 1930s and the gymnasium in some of the schools are in dire need of replacement while playground equipment is falling apart, in fact, some of the exposed metal could be considered dangerous. There are schools such as Janie Hargrave, which houses some of the county's behaviorally/emotionally handicapped. The building was so dilapidated that it appeared to be an abandoned school as the paint was peeling off the outside and inside walls. It was dark, dirty and dingy. Southside Ashpole Elementary, a school in the town of Rowland which was built in the 1930's is also one of the most depressing schools in the district. The ceiling is virtually falling down in the gym, the classroom walls are patched with plaster, and the floors are covered with several different colors of tiles, some old, some new. The building actually looks like it is self-destructing. Over 300 students attend this school. They come from rural setting where most of their parents farm the land. The wealthier parents send their children a few miles across the North Carolina state line to Avalon Academy.

On the other hand there are schools in the county/district with new buildings and modern architecture with landscaped lawns and inviting playgrounds. Teachers have the necessary supplies, textbooks and other materials that they need at Tanglewood, Pembroke Elementary and East Robeson Elementary Schools.

Money as an Issue in Robeson County

This past year the school superintendent was relieved of his post because of misuse of funds; consequently, a new policy was put in place to let the public know where the money is going. For many years, a list of expenditures was given as the budget. Last year, a seven-page list was given to the Board and the public while this year, a 24-page budget was made available to anyone who requested it. Improvements are being made in accountability. The county spends 19% of its budget on education, while spending 47% on human services. (North Carolina Association of County Commissioners). It ranks 12th in the state for per pupil funds provided by the federal government. The county/district is ranked 85th in per pupil capital outlay for a five year average and 110 in per pupil appropriations and supplemental taxes. Specific data for elementary schools were not available but will be examined as the study progresses.

Academics

In 1994, 62% of instructional personnel held a bachelor's degree and approximately half had a masters degree while 7.8% were classroom teachers with no prior experience— this was similar to the situation in several other districts. Robeson County/District has a poor reputation in the community for low academic achievement in the past. Biank (August, 1997) points out that year after year the Robeson county school system has ranked near the bottom in the state standardized tests. When the ABCs plan began, the schools scored poorly on the third and fourth grade assessments— approximately 12 percent of such schools in the state. Fifteen out of 29 low-performing North Carolina schools were located in Robeson county. The county/district ranked 114/118 in math and 116/118 in reading for 3rd and 4th graders. The high school test scores were not much better: Algebra I, 19.1% proficiency rate, Biology, 16.9%, History, 15.2%, English I, 27.7%, Legal and Political Systems, 21.3% (Biank, 1997).

Assistance teams were assigned by the state board of education to Rex-Rennert Elementary School and Petersen Middle School, the schools with the lowest scores. The assistance team recommended that two teachers from Rex-Rennert be dismissed by the NC Department of Instruction. The local school board rehired these two teachers on a probationary status (Fulton, 1998). The test scores showed large differences among schools in the county. For example, only 1.2 percent of fourth graders at Tanglewood Elementary (in a high wealth neighborhood) school failed to achieve at a basic mathematics level, and 5.4 percent in third grade reading failed to achieve at the basic reading level, compared with 30.3 percent in fourth grade mathematics at Fairgrove Elementary school and 44 .2 in third grade reading at Magnolia school (in a low wealth neighborhood) (Biank, 1997).

The Promise of Reform

Robeson County/District is considered to be a low performing school district which is seen in the results of the first year, 1996-97, of the ABCs plan. By 1997-98 school year with additional funds provided by the state the county results improved— 18 schools were rated as exemplary, 8 schools were proficient, 6 received no rating while 2

were low performing. The educators in Robeson county focused on the North Carolina Standard Course of Study and emphasized coaching for slower students. (Corbin, 1998, Quality Counts, 1997). The following table provides a picture of the elementary schools that were cited as exemplary in 1997-98 after the ABCs intervention plan was applied and more money was allocated to the county specifically for the intervention strategies.

Table 4.
Description of Elementary Schools Cited by ABCs Plan as Exemplary in 1997-98

| School | Description | School | Description |
|---------------|--------------------|----------------|--------------------|
| Deep Branch | poor, rural | Rosenwald | poor, rural |
| East Robeson | poor, rural | St Pauls | rich, city |
| Fairgrove | poor, rural | Tanglewood | rich, city |
| Green Grove | poor, rural | Union | poor, rural |
| Oxendine | poor, rural | West Lumberton | poor, rural |
| Piney Grove | poor, rural | | |

As a result of the findings in the first ABCs report on the county, performance improved in FY97/98. In 1996-97, \$4,755,075 was appropriated to Robeson County/District by the state board of education, while for FY 1998-99, \$25,105,073 was allotted for the school system, a difference of over \$21,000,000 since FY96/97 (Capital Outlay Budget for Robeson County). Several schools were refurbished with new floors and with some carpeting, walls were painted and new doors were installed. One item that will definitely improve in the 1998/99 school year will be supplies.

There is a \$350,000 increase for classroom supplies in this year's budget. The money will be given to schools according to enrollment. The limited amount of supplies was a major concern of both parents and teachers. In FY98-99, money has been allotted for roof replacement in seven county schools and \$750,000 has been set aside for major repairs and renovations. Some money has been allotted to construction- \$14,852,784 for new and \$25,000 for removal of old buildings. Asbestos demolition was given \$60,000 and new school furniture and equipment will be purchased with \$225,000.

The combination of the additional state funds with Title I money used for low-achieving schools seemed to have had a synergistic effect on outcomes of the second year of testing for the ABCs plan. In the 97-98 school year, the emphasis in the curriculum was placed on reading, writing and mathematics. The educators in Robeson County/District focused on the Standard Course of Study, coaching slower students and teaching for the test (Corbin, 1998).

Although equality has not been completely realized in academics as exemplary still is two levels below excellent in the ABCs scale of achievement, the county seems to be headed in the right direction. The new budget reflects the new times in Robeson County/District and can be seen as a major improvement toward equity in the county. With the line-item budget, no one has to guess what to do with the money. Improvements are being made in accountability.

Summary/Conclusion

According to members of the community (results of a preliminary telephone opinion poll conducted by the authors), the school system in Robeson county is operating at an average level in provision of instruction, materials, and in maintenance of school buildings. The problems that have been mentioned in general and in particular in Robeson County/District will not be solved through accountability measures unless these policies are backed by adequate funding and supported by other policies aimed at alleviating discrepancies that currently prevent all the schools in the county/district from playing from a level field.

The public schools of Robeson County/District have been plagued for years by problems too numerous to mention here. Some of the major problems were inherited from when there were six school districts in the county. Inequity exists from when the city schools were given generous amounts of money to construct new buildings while the county schools were often neglected. The property value in the county was low; many parents were sharecroppers and did the best that they could by just being able to send their children to school.

Until 1996, it seemed as though the North Carolina state board of education allocated only the minimal amount of money to Robeson county to keep the school door open. Since 1994, when the equity lawsuit was filed, there have been changes in the funding for low wealth school districts, i.e., Robeson county has already seen positive results from the lawsuit. The academic history of Robeson county is a sore subject. Thousands of high school graduates in this county cannot read on a third grade level. The ABCs plan is one way to guarantee that this is not repeated. One full year's growth for one year of school is now the requirement for regular education students. While preliminary evidence of new funding shows real promise, the long-term impact remains to be seen.

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...Research and best practice indicate that many successful changes are strengthened by using the talents of groups of highly trained and committed staff who have a common vision and buy-in of the district's philosophy and direction.

The PRO Program: One District's Experience With Decentralizing Staff Development

Jane B. Huffman, Dottie Caldwell,
and Katherine L. Taber

The Professional Resource Opportunities (PRO) Program is an innovative approach to school improvement that involves the leadership of the central office with the commitment of cadres of site-based leaders who are supported in school-based change with continuous assistance.

Even today after years of restructuring and reform, when staff development is mentioned, many teachers still shudder and imagine a day of lecture that has little if anything to do with providing usable and relevant skills and information. Hilliard (1997) states that staff development must "be embedded in philosophy and theory, ...be culturally salient, and ...be understood in its historical and political/economic context." Teachers and administrators must have the opportunity to design and participate in staff development programs that are research-based, site-specific and results-oriented. The programs must be directly tied to the needs of the staff to assist them in achieving the school and student goals. Success for all students requires improvements in the capacity of the organization to solve problems and continuously renew itself (Sparks and Hirsch, 1997). Furthermore, site programs that are aligned with and supported by district resources offer a greater chance for success than those that operate independently of the district leadership.

The Professional Resource Opportunities (PRO) Program is a successful plan that combines the vision and overall direction of the district's central office leadership with the interest, talent, and commitment of cadres of site-based leaders. This ambitious endeavor allows teacher-leaders, principals, and sites to achieve school-based changes, while simultaneously using the resources of the district to guide and support them in overall school reform for effective teaching and learning.

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This article examines one district's staff development plan that has successfully engaged teachers and administrators in designing and implementing relevant programs that make a positive difference for schools and students. Also discussed are evaluations from participants and from two independent evaluations. Implications for other districts involved in similar staff development efforts are also included.

History and Context

Norman Public Schools, Norman, Oklahoma, is a medium-sized district set in a university city in the rural southwest part of the United States. The district serves approximately 15,000 students, 1000 professional staff, and has 24 sites including two high schools, four middle schools, and 18 elementary schools. The district has a consistent history of valuing and prioritizing organized school improvement for the purpose of effective teaching and learning. In 1985, *Decisions for Excellence*, a long-range plan for site-based school improvement, was developed and implemented by the district leadership team (see Figure 1). This plan provides a framework that serves to organize the direction and operations of the district. Before strategies or reforms are adopted they must be consistent with the district programs, incorporate the processes already established by the district, and use the procedures to provide the necessary accountability. *Decisions for Excellence* provides a clear direction for the district and creates conditions that enable students to learn effectively to meet the challenges of the twenty-first century. It is within this organized and challenging context that the PRO Program was conceived and developed.

Development of PRO Program

To determine the content of the PRO Program, the assistant superintendent consulted the principals and asked them to brainstorm with their staffs to determine training and professional development needs of teachers (see Figure 2). The response was varied but several topics emerged as critical needs of the teachers and administrators. These topics included learning styles, appropriate pacing, assessment, and technology. The specific development and planning duties for this training were assigned to the program team which was identified and advised by the assistant superintendent for educational services with support from the superintendent. Members of the team included two principals, two curriculum directors, and the staff development director and assistant. The charge to the program team was to develop a comprehensive program that would deliver identified staff development training modules to a cadre of site leaders who would then train staff at the sites. These site leaders, selected by each faculty, would be supported by district resources thus providing ongoing assistance for each site.

This trainer of trainers model has been in use in a variety of districts including the Teacher Leaders program in Greeley, Colorado (Carter & Powell, 1991), the Models of Teaching in Richmond county, Georgia (Murphy, 1991), and the Specialist on Site (SOS) program in Richardson, Texas (Westbrook & Tipping, 1992). These programs have similar goals and all seek to "empower school leadership teams for new roles and relationships as they implement a process of school improvement within their own context" (Holcomb, 1993, p.3).

The planning for the PRO Program continued during a three year period. Once the major components of the program were identified, the group shifted its emphasis to the development of specialty areas

Figure 1.
Decisions for Excellence

| Processes | Programs | Procedures |
|---|---|---|
| Cooperative Processing Collaborative Planning Concerns Based Adoption Model Interactive Training Model Instructional Coaching | Professional Skills Continuity of Curriculum | School Profiling Action Plans Site Plan |
| SITE-BASED SCHOOL IMPROVEMENT | | |

that were defined and developed by teams. By the end of the third year the program was in final form and was ready to be implemented. The next section describes the PRO goals and responsibilities; and the three phases - the *Basic Training*, *the Content* and *the Integration*.

Goals and Responsibilities

The overall goal of PRO Program is to support and enhance district and site programs targeted toward quality classroom instruction and overall school improvement. The outcomes of the program include:

- to provide a structure that establishes a cadre of teachers trained to work with staff members in research-based strategies resulting in increased student learning.
- to encourage teachers to assume roles of leadership at their sites and within the district.
- to promote the implementation of new instructional strategies and/or the refinement of existing practices in the classroom (Fullan, 1990).

Since it is important for each participant to understand roles and responsibilities, they are clearly delineated. Responsibilities of the PRO teacher include: a) participating fully in the district program, b) meeting expectations of the program, and c) assuming a leadership role at the site in promoting the implementation of the designated instructional strategies and skills into the classroom. Correspondingly, the responsibilities of the district include: a) training the cadres of PRO teachers, b) supporting the delivery of the program to each site, and c) providing ongoing assistance to the cadre members and to the sites. Cadre members also have the opportunity to meet regularly to share experiences and learn new research information.

Basic Skills, Content, and Implementation

The PRO Program is organized into three phases: 1) *Basic Training*, 2) *Content/Skills Training*, and 3) *Integration, Change Process, and Implementation*. Once the cadre of 30-35 teachers is selected, the teachers are taken through the phases which are sequenced three to four months apart during the course of one year. The teachers are given release time for the training and substitutes are provided for their classes. Three to four facilitators train together, and each phase takes two to three days to complete. The facilitators use a wide variety of teaching strategies including mini-lecture, pair/share activities, small group discussion, role modeling, active participation such as skits and reenactments, and reflection. Follow-up and assistance is provided by the trainers on a one-to-one basis as well as the regularly scheduled district cadre meetings throughout the year. Additionally, cadre

members work together to form school/site training teams which provide ongoing support for individual members.

1) Basic Training

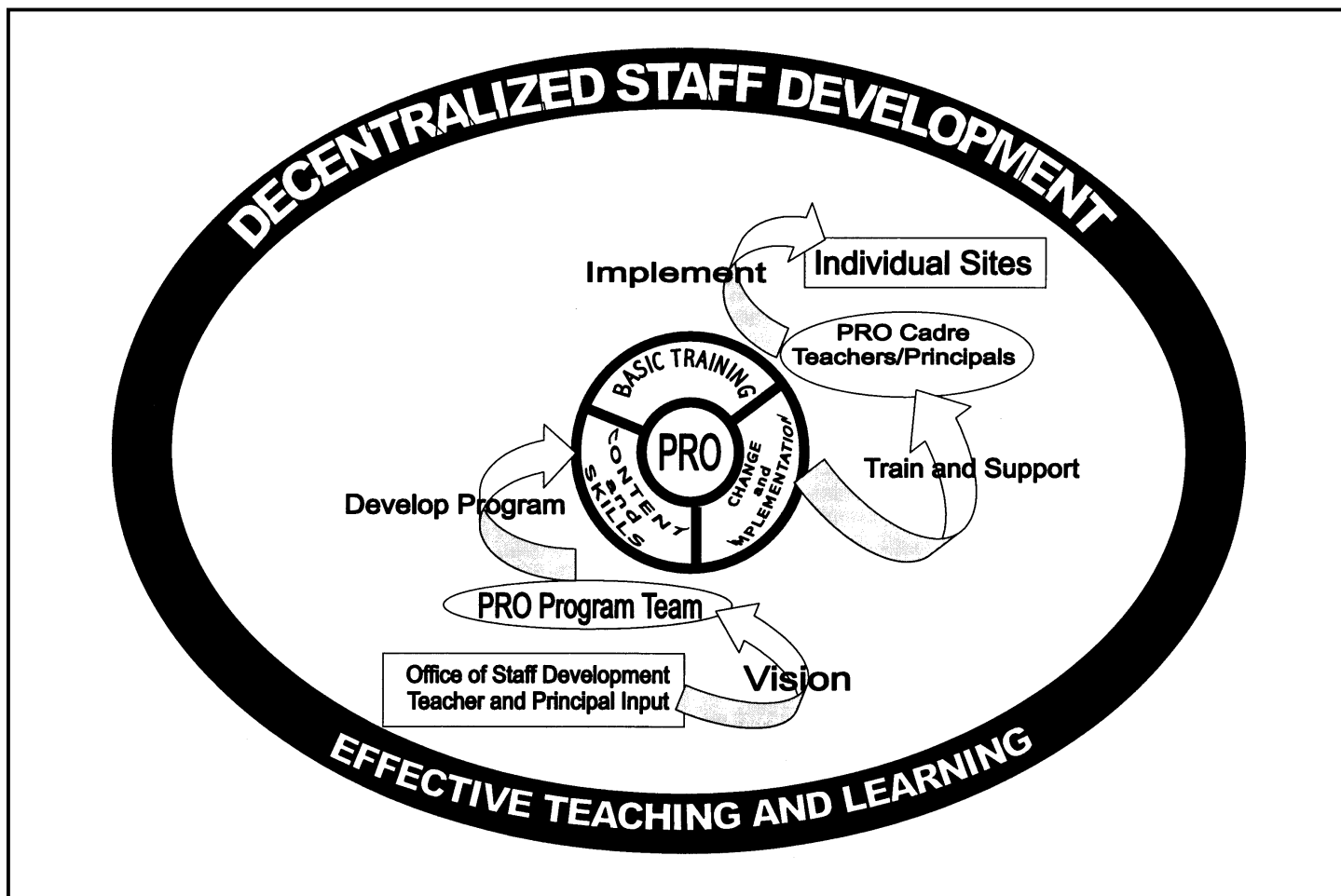
The *Basic Training* phase takes three days and includes seven modules. A brief description of each module follows:

- In the *Group Development* module, stages of group development are experienced, discussed, and analyzed (Arbuckle & Murray, 1989).
- The *Group Processing* module introduces skills and engages the participants in processing information in groups to determine collaborative solutions to problems.
- In the *Learning Styles* module, participants acquire a broad base of information about preferred styles of learning. This information assists them in choosing strategies and techniques that are most helpful to learners in processing information and in learning.
- The *Adult Learning* module includes information from sources such as Piaget, Kohlberg, and Loevinger and assists the cadre member in determining best practice in dealing successfully with the mature learner.
- The *Staff Development* module is a process that enables participants to grow and change in attitudes, skills, and practices. This module includes the latest information about the application of staff and professional development to result in meaningful training for staff (Wood, Thompson, & Russell, 1981).
- The module on *Presentation Skills* introduces and defines effective concepts, tools, and practices for useful and successful inservice presentations (Ferguson, 1989; Garmston, 1992).
- In the *Team Building* module participants work together to enhance productivity and satisfaction while dealing with diverse viewpoints and practices (Arbuckle & Murray, 1989).

2) Content/Skills Training

In the second phase, *Content/Skills Training*, the participants are introduced to a certain body of knowledge such as learning styles, or a skill area such as technology application. The topic chosen for this phase is determined by the needs and priorities of the district and the sites at that particular time. The information area chosen is consistent with the district philosophy and direction yet current and relevant to specific issues that may need to be addressed with some urgency. Generally this phase is coordinated by the program team, but actually taught by someone selected for expertise in that particular area or specialty. Also in this phase PRO cadre members practice their skills in conducting workshops, doing demonstration teaching, coaching

Figure 2.
Professional Resource Opportunities (PRO)



individual teachers, and consulting with peers (Joyce & Showers, 1980). The length of this phase depends again on the special needs of the content area. Follow-up is provided by skill demonstration and practice at the site level.

3) Integration

The third phase, *Integration, Change Process and Implementation*, is a comprehensive phase that deals with specific operational concerns. In the first part, *Integration*, Phases I and II are reviewed and the discussion centers around how to use the skills learned in Phase I with the content knowledge of Phase II. Issues about change are addressed in the second part, *Change Process*. Three models of change are examined: the Concerns Based Adoption Model (C.B.A.M.) (Hord, et al., 1987); *Making Change for School Improvement*, a game based on school situations using C.B.A.M. (Hergert, et al. 1988); and R.P.T.I.M. (Readiness, Planning, Training, Implementation and Maintenance), a model for staff development change (Wood, 1989). The third part, *Implementation*, assists cadre members with workshop development and the application of all the PRO Program information specifically to their sites. Management concerns are discussed and plans are made with the site principal for taking the program to the site for implementation.

Interactions and Reactions

The district is now training its fourth cadre of PRO Program participants, with more than 125 staff trained in Phase I, the *Basic Training* portion of the program. The PRO Program team members have personally assisted the cadre members throughout the years as they have implemented the programs at their schools. This has been done in a variety of ways, including individual contacts, group cadre meetings, print and video support, and networking with other cadre members. The response to the training and support has been extremely positive from not only cadre members, but also the principals and teachers. The principals and central office staff requested a training to be designed for them which occurred during the second year of the program.

The Phase II *Content/Skills* topics have included learning styles, assessment, technology, and service learning. Each of the cadres is skilled in specific content areas and they are all trained in the *Basic Training*. Principals report cadre members have been invaluable to them in planning, presenting, and supporting ongoing staff development at the sites. The extent of the training at each site has been varied due to the background and development of the staff, the site goals, and the priorities of the principal. However, at each site there has been staff training conducted by the PRO trainer either in the basic skills topics, the content areas, or in identified topics to assist the staff in achieving site improvement goals.

As in many districts, rapid change has also been present in this district, and the principals as well as the central office personnel have had to develop strategies and plans to deal with these critical issues of reform and restructuring. The information in Phase III - *Integration, Change Process, and Implementation*, has assisted the staffs in planning for, adapting to, and dealing with the important change issues.

Evaluations

While the district leadership and the PRO Program team have received positive reactions resulting in requests for continuation of the training, external evaluation has also occurred. Two independent evaluations have been completed and are published dissertations.

The first study by Taber (1996) was a qualitative and quantitative study that examined the impact that the PRO Program had on teachers who participated during the training. Taber reported that the PRO Program provided active learning for the participants, developed support for the group that led the group to collaboration, and helped the participants in their personal growth. It was viewed as an effective staff development tool by those involved as participants and trainers. Through interviews with the participants, Taber discovered that the cadres allowed schools to develop plans for school improvement. These plans increased the support for training at the site level and assisted the teachers in improving classroom instruction in a cost-effective manner. Additionally the participants reported they benefitted in several other areas: growth in self concept, empowerment, professionalism, networking, career opportunities, desire for further education, an improved perception of staff development, and a revitalized career. Taber concluded that as measured by recognized benefits of training of trainers programs and by personal statements of the PRO Cadre participants, the PRO Program succeeded in bringing about meaningful change in this school district.

The second evaluation, a companion to Taber's study, was conducted by Caldwell (1997). It examined qualitatively the same participants as well as their site principals during and after the PRO training. The cadre that was studied was the content area of assessment. Caldwell investigated the implementation of the assessment concepts as well as the factors that facilitated, impeded, and modified the implementation process.

Caldwell reported the changes that occurred as a result of the cadre included the physical environments of the classroom, expansion of instructional strategies, student evaluation, and the teachers' confidence. Without question the teachers felt they were better teachers. They understood the differences in learners, how to plan for instruction more clearly, and the need to provide a variety of choices and assessments to meet all students' needs.

Several findings emerged that facilitated the implementation process. These findings were: 1) provide time for professional development; 2) ensure district and principal support; 3) establish follow-up and maintenance procedures; 4) designate someone to be held accountable at all levels; 5) establish an environment conducive to change; 6) connect new information to present teaching; 7) create a core of teacher leaders; 8) share ideas through dialogue and reflection; and, 9) have a belief in what you are doing.

There were three factors that impeded the implementation process. These factors included: 1) failing to provide time for professional development; 2) omitting follow-up and maintenance; and, 3) change itself. Only one factor was found under the modified category. This

factor was the ability to modify the concepts from the cadre training to personal and site needs.

Caldwell concluded that the training of trainers program can be an integral part of the staff development process in a school district that is experiencing the need for school improvement in an era of rapid change. These findings are supported by Fullan (1994) who described change as a process, and provided a theoretical framework for understanding the complexity of staff development in educational development and reform.

Implications for Principals and Staff Developers

Developing, training, and implementing a cadre of trainers for the purposes of disseminating staff development is not the only way to achieve results in school improvement. Research and best practice indicate, however, that many successful changes and site-based reforms are strengthened and supported by using the talents of groups of highly trained and committed staff who have a common vision of and "buy-in" to the district philosophy and direction. Also, by participating in the cadre, the members have an identified network of professional friends and trainers who serve as associates and partners in the shared goals of the PRO Program. This interaction establishes the framework for increased communication and the opportunity for collaborative problem-solving. Little (1982) and Rosenholtz (1989) explain that when teachers have the opportunity to interact professionally with others, that interaction contributes to positive outcomes for teachers and students.

It has been the experience of this district that the cadre of trainers has provided an excellent model to share information and skills. Fortunately, decentralization of this staff development program has enabled principals and other site leaders to have both a consistent district message and one that is responsive and helpful for their site-specific needs and goals. The value of this PRO program is based on the collaboration of the district and site personnel for the purpose of training educators in current strategies and skills that enable them to be more successful in assisting students in relevant learning.

It is clear that this program has effectively involved site and district leadership in developing professional growth programs that assist in meaningful site change and student achievement. As the profession, the public, and the policy makers continue to grapple with the challenges of school reform, administrators can embrace programs such as this one to provide accountability for the district and positive results for students.

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...Just as first-year faculty members are required to develop, reflect upon, and improve their research agenda, so should they be encouraged to reflect upon and enrich their teaching.

Reflective Teaching Diaries for First-Year Faculty

Carolyn Gascoigne Lally

Introduction

Many practitioners believe that classroom experience alone does not provide instructors with sufficient opportunities for professional growth (Richards & Nunan, 1990; Robertson & Yiamouyiannis, 1996; Weimer, 1993). Experience coupled with reflection, on the other hand, becomes a “much more powerful impetus for [a teacher’s] development” (Richards & Nunan, p. 201).

The present article examines the role of reflection as an agent of positive behavioral change for college faculty. Specifically, this article reports on the utility and findings of a reflective teaching diary kept by an assistant professor of French during her first year of full-time teaching.

Reflections on Reflection

Maryellen Weimer (1993) believes that in order to effectively assess the impact of our teaching on student learning, input is needed from three sources: ourselves, our students, and our colleagues. Of these three sources, the most important is the teacher who is “there everyday, seeing students, responding to their questions and assessing their work” (p. 115). Efforts to increase self-knowledge and to understand our attitudes toward students can be facilitated by conscious and systematic reflection.

Certainly all teachers reflect to some extent on their teaching. Reflection can be as simple as musing to oneself about the overall success of a class period, with general thoughts such as “this was a good class,” or “things did not seem to go very well today.” However, to become a truly reflective instructor, there must be both depth and range to the questions we ask about our teaching (Robertson & Yiamouyiannis, 1996).

Donald Schön (1987) makes an important distinction between two types of reflection: reflection-in-action and reflection-on-action. The ability to think on one’s feet and to successfully navigate an unexpected situation is referred to as reflection-in-action. Because the classroom is an “indeterminate zone” (Schön, p. 16), that is, it is a supple, uncertain– and at times even conflictual– environment, teachers must be flexible. Indeed, each classroom is as unique as the many individuals (students and instructor) who give it life. It is therefore the instructor’s responsibility to adjust for any unforeseen

classroom situations, to improvise, and to reflect-in-action. This improvisation generally “takes place within the framework of instructors’ theories about teaching and learning, and through interpretations of the roles of students and instructors” (Schön, p. 142).

Reflection-on-action, on the other hand, is an intentional activity that occurs while disengaged from practice and is intended to “shape our future action” (Schön, p. 31). Reflection-on-action begins a “search for principles that underlie our teaching [and a] search for reasons which are the basis for our theory of teaching. It also begins the first steps toward identifying our uncertainty about our taken-for-granted and most precious held ideas about our teaching, and its broader purpose” (Bartlett, 1990, p. 211). For many teachers, in order to develop as instructors, it is necessary to move beyond a utilitarian type of reflection-in-action to an intentional, profound, and critical reflection-on-action (Bartlett, 1990; Robertson & Yiamouyiannis, 1996; Schön, 1987).

Systematic Reflection

Whereas reflection-in-action is likely to be as spontaneous and unpredictable as the classroom environment itself, reflection-on-action tends to be constructed within a more organized context. One means of structuring reflection-on-action is the use of a teaching log, diary, or journal.

For Porter, Goldstein, Leatherman, and Conrad (1990) the act of writing is a discovery process. It is a means of exploring, generating, and connecting ideas, as well as changing preconceived notions (p. 227). Through writing “we begin not only to observe, but we take the first step in reflecting on and about our practice” (Bartlett, 1990, p. 209).

Indeed, a teaching diary allows an instructor to further consider and process his or her teaching experience (Gebhard, 1990) and to raise cognitive questions about teaching behaviors. Also, this opportunity allows teachers to formulate questions they may not even know they had until given an opportunity to ask them (Gebhard, p. 126). Not only can a teaching diary help to unearth topics for reflection, but it can also help clarify issues once found. The data that are the journal entries can be reworked, reexamined, and reinterpreted over time.

A journal, often required of student teachers (Allwright, 1988) or of graduate teaching assistants (Bailey, 1990) can be a simple, yet valuable, reflective tool for teachers– especially first-year college faculty. Certainly, new college teachers have “too many immediate problems to solve to worry very much about general questions of educational theory. It is only after one has mastered some of the day-to-day problems that he [or she] is able to sit back and wonder why some things work and others don’t” (McKeachie, 1969, p. 182). The reflective teaching diary, however, encourages us all to take the time to “sit back and wonder” about our teaching.

The Reflective Diary and the First-Year Faculty Member

Reflective teaching, facilitated by a teaching diary, can empower new teachers to “manage their own professional development” (Wallace, 1990, p. 166). The pedagogical guidance and support often given to the novice teacher during pre-service orientation programs, or the occasional in-service workshop, is unfortunately a very limited commodity. The reflective diary can become a mechanism of auto-assessment that can be used throughout a teacher’s career. For

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Pennington (1990), the reflective diary study is distinctly suited to the novice teacher because it focuses on long-term professional development. It is a tool that inspires the new instructor to “continue to reach and to grow” (Pennington, p. 135) by encouraging the novice teacher to identify his or her “own attitudes and beliefs about learning [and by providing him or her] with the opportunity of identifying areas for further investigation” (Nunan, 1990, p.65).

The Reflective Diary of a First-Year College French Teacher

A faculty member in French at the University of Nebraska at Omaha chose to keep a teaching diary throughout her first year as an assistant professor. Because the diary study—like most forms of ethnography—is designed to be hypothesis generating, rather than hypothesis testing, this exercise began with no other expectations than the simple belief that the diary-keeping experience would help the first-year faculty member to keep track of the importance of teaching, while facing the “many immediate problems” (McKeachie, p.182) of the new teaching environment. Not only did the diary-keeping experience force the new faculty member to reflect on each of her classes, five days a week, over an entire academic year, but the post-hoc reading and reflecting upon the diary entries revealed several previously unnoticed pedagogical strengths and weaknesses that can now be addressed in the future.

The instructor (also the present author) taught four classes during her first year as an assistant professor. During the fall semester of 1997 the courses taught were an introductory French course (French 101) and an advanced French conversation course (French 403). During spring 1998, I taught French 102 and a third-year grammar and composition course (French 304). Because diary studies tend to produce “massive amounts of data” (Long, 1983, p. 19), the entries from two courses (one from each semester) were selected for review: French 101 and French 304.

The first-year French course met five days a week for fifty minutes a day. The third-year French course met three days a week for fifty minutes a day. After each class, I returned to my office and wrote down any reactions to, or thoughts about, class. There were no a priori requirements for the format of the diary entries—only that they address the courses in question. I generally spent 15-20 minutes on each entry and wrote whatever came to mind. I was not concerned with the style of the entries. The goal was simply to reflect on teaching and to record these reflections for later consideration.

Findings

One month after the end of the academic year, I began to read the diary entries for the first time since their composition. After a first reading, it appeared as though the entries were little more than a series of reconstructed lesson plans. Many entries listed each day’s activities in chronological order, supplemented by brief comments on the success or failure of a particular exercise, such as “they did well,” “this activity was fun for us all,” or “I thought this activity would have gone more smoothly.”

Initially it appeared as if there was more cataloging than reflecting taking place in the diary. Fortunately, a second and third perusal of the entries revealed more interesting and systematic information. First, in terms of form, nearly every diary entry addressed the following four points:

- 1) an articulation of the day’s goals;
- 2) an identification of the techniques used to attain the day’s goals;

- 3) a discussion of the perceived successes and failures for each activity; and

- 4) a presentation of my thoughts on what I would do differently.

Second, in terms of content, I was happy to find that every class began with either a brief explicit review, or an implicit review exercise, focusing on the material covered during the previous class meeting. This, of course, is something that I consciously try to do. However, it is certainly reassuring to learn that I had succeeded in my plans to consistently review material before beginning a new topic.

According to Bailey (1990), the “diary study process can be as rewarding as it is humbling” (p. 226). In my case, any pride I felt due to my consistent use of an opening review set was marred by what the diary revealed to be my inconsistent—and perhaps whimsical—use of other techniques. For example, I began the semester by giving the French 101 class three to four short dictations per week. I also told the students how the “dictée” was a useful means of showing them, and myself, how well they were assimilating new information (10-2-97). However, toward the end of the semester I was only giving students one or two dictées a month. In retrospect, I see how I might have been confusing students by leading them to believe that dictation was an important tool for the acquisition of a second language, and then ignoring this technique weeks later.

Second, as I composed the teaching diary, I recorded a variety of recommendations for future courses, many of which I had forgotten until rereading the entries. For example, after a meeting of the grammar and composition course (French 304) I wrote: “personalizing the activity made it more fun and got everyone more interested. I always thought that as long as there was a context—any old context—I would be all set. But it seems that the more I can relate the activity to the students’ own lives, the more successful it will be” (3-10-98). Unfortunately, this realization seemed to end right there in the teaching journal because 1) I had no memory of it, and 2) subsequent diary entries made no mention of this hypothesis, nor of any attempts to investigate it further.

Other verbalized reflections included a recommendation to stop exercises or activities that did not seem to be working, and not to feel as though I had to do everything in my written or mental lesson plan, “. . . of the three textbook exercises that we did, two were a mess and one was average. I should have skipped the others after the first one failed. But somehow I felt as though I had to finish what I started” (French 101, 11-11-97).

Most important, while reviewing diary entries, I was reminded of how difficult the French 304 grammar and composition course was for me—something that I would much rather forget. I could see how hard I worked at improving this class throughout most of the semester, and how I had given up toward the end. A brief selection of diary entries tell the story better than I.

1-12-98 “I think I’ll enjoy this class (French 304). I was nervous, of course, especially last night—It was hard to sleep ...I am really looking forward to this class.”

1-16-98 “Today we did an in-class writing exercise, but I felt like I wasn’t doing my job. I didn’t do much of anything. I watched them write... I just looked over their shoulders. Also, before they began to write I wanted to do a brainstorming activity, but I didn’t get much participation from them. Hopefully, they will speak more in the future.”

1-19-98 *"I tried to ease into class with informal conversation (in French) about their weekends. I can't get them to speak. Sure, they answer homework questions, or very short and specific questions, but it is so hard to get them to speak freely, or at length... I think this level is more self-conscious. They have invested a lot of time to get here so they want to do well and are afraid to make mistakes. It is different from (French) 101."*

1-25-98 *"Today we had a mini-breakfast (donuts, juice, etc.) and chatted in French for the first ten minutes or so before beginning class. It was the most relaxed French conversation we have had to date. I need to juice up the way we correct homework and make it more interesting."*

1-28-98 *"I don't know how to liven this class up. Even I wanted to look at the clock today. I don't know how to make it more engaging. I have, however, taken one small step. Today I arranged for us to move to a new room, one that is less sterile and more comfortable. Also, I have an idea. The new room has a TV/VCR. Perhaps we could identify certain target grammatical structures and then watch segments of French films. As we watch the films we could look for examples of the structures that we are studying. In this way, we would be seeing the structures in use, working on listening comprehension, and the storyline of the film might become fodder for later conversations or compositions... we will see."*

1-30-98 *"Today we discussed the room change and the use of films in class. They seemed all for it."*

2-1-98 *"Today was our first day in the new room and trying the film activity. First, we discussed our target structures and then we watched fifteen minutes of our film. After the film, instead of the students providing examples of our target structures, I was the only one who was on task! They admitted to being too wrapped up in the plot to pay attention to form."*

2-4-98 *"We tried it again today- new structures and more of the film. It is not working like I imagined, although they did a little better."*

2-25-98 *"We began putting exercises on the board. Then we went over compound tenses- there seemed to be neither problems with the activity, nor interest in it, so we moved on to the film."*

3-13-98 *"We got a late start because of several late students. This is upsetting."*

4-22-98 *"I am so happy that the semester ends soon."*

4-24-98 *"Today we discussed a short reading passage. They did not appear to enjoy it as much as I thought they would."*

In reviewing the entries I could see how my enthusiasm and energy dwindled. As the semester progressed, I began to accept the lack of class participation and addressed it much less frequently in the journal. In other words, I simply waited for the semester to end in the hopes of starting fresh in the fall. I would love to forget about the difficulties I faced in my French 304 class, or at least convince myself that things were not as bad as I remembered. The journal, however, not only reminds me of the situation, but it has encouraged me to actively address it, as opposed to sweeping it under the rug. Revisiting the journal entries has prompted me to seek assistance by joining a teaching circle and to begin reading about classroom motivation and participation.

A journal can also help a teacher to identify areas that he or she might want to research in the future. For example, while reading my teaching log, I "re"discovered an interest that I had articulated in the dynamics of classroom group activities. In several entries, I noted observing that my students seemed to speak more when broken into larger groups (4-6 students), than while working in pairs. This observation held for both classes, "They worked well together today. They seem to like big groups as opposed to smaller groups (French 101, 12-1-97), "Today we divided the class into two large groups for a comparison exercise—probably one of our better days" (French 304, 1-20-98).

The dynamics of small group work, a topic to which I had made reference several times in the teaching journal, has now developed into official research interest.

Discussion

As stimulating and revealing as the present diary experience has been for the teacher in question- 1) I am currently involved in a university-wide teaching circle to gain insights into motivational factors; 2) I am engaging in research on small group work; and 3) I am revising the syllabus for French 304- several recommendations must be made. Although diary studies should eschew absolute rigidity (Bailey, 1990), a teacher who is considering keeping a reflective teaching journal would be well served by identifying basic topics for reflection. Indeed, the "massive amounts of data" (Long, 1983, p.19) and the unruly nature of random entries can, at times, dissimulate more than they reveal. For this reason, the setting of a priori tasks, such as the examination of classroom climate, or the accomplishment of daily goals, will help the teacher to better manage and assimilate post-hoc entries.

Second, data from the teaching diary, in the form of written entries, can be complimented by information from other sources, such as outside observations and/or student comments. In the present investigation, student observations and overall scores from the end-of-the-semester teacher evaluations were revisited after examining diary entries. In this case, student reactions from the evaluation forms reinforced the observations made by the teacher in the reflective diary. For instance, one student in the French 303 course felt that the class needed "more variety in terms of activities."

End-of-the-semester evaluations, although a quick and easy source of student feedback, are generally too limited and structured to provide an instructor with substantive information. Other possibilities, such as student reaction papers coupled with external observation by colleagues, may prove to be a more revealing compliment to the reflective journal.

Conclusion

Just as first-year faculty members are required to develop, reflect upon, and improve their research agenda, so should they be encouraged to reflect upon and enrich their teaching. A teaching diary can help instructors to develop a conscious understanding of the principles underlying their teaching (Ellis, 1990) and pave the way for subsequent growth.

As opposed to relying solely upon external- and possibly incomplete- methods of evaluating teaching, articulated reflection in the form of a teaching diary has helped me as a first-year faculty member to clarify the actual teaching experience. The heightened self-awareness has encouraged me to identify aspects of teaching where I feel improvement is needed, such as classroom participation and group work. More important, this practice in self-discovery is something that I can replicate and extend well beyond the first year experience. Clearly, auto-reflection has the potential of affecting an entire career, rather than a single semester.

Note

The diary documented my first year as a full-time assistant professor. Prior to this point, I spent five years as a graduate teaching assistant teaching mainly first- and second-year French courses, and an occasional third-year conversation or introduction to literature course.

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