

*Prevailing federal educational policy and funding
challenges to public K-12 schools*

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Introduction

Schools and public health organizations charged with resolving many complex dilemmas are increasingly asked to do so in an unpredictable fiscal environment, particularly with reference to populations who are economically disadvantaged. To be fair, no single agency or group could possibly promote the fundamental changes in perception and practice required to achieve educational, health, and economic parity for poor children. Public health networks, private corporations and foundations, schools, as well as the research community play pivotal roles in the mitigation of the short- and long-term consequences of child poverty on health and educational capacity (Richardson, 2005a).

Despite the noteworthy successes of school-based health care centers relative to delivering preventative, primary and mental health care to children and families, there remains a significant barrier to perpetuating success - stable funding streams. In an effort to secure a more reliable fiscal foundation for centers, the grantees of the School-Based Health Centers Policy program seek to forge collaborations particularly with schools that will aid in sustaining current facilities and expand sites (Geierstanger & Amaral, 2004).

This first of four educational policy deliverables is designed to provide a research-based overview of prevailing demands on schools, focusing primarily on the governance and funding policies of public K-12 schools at the federal level. Attention to federal governing bodies will assist grantees of the School-Based Health Care Policy program funded by the W.K. Kellogg Foundation in identifying strategic partners.

Educational institutions are relevant to this initiative in many ways, one of which is the propensity of under- or uninsured children attend urban and low-income rural

schools in significant numbers (U.S. Department of Education National Center for Education Statistics, 2004). School systems such as those in the nine grantee states, who serve substantial numbers of low-income and minority youth are documented as disproportionately under funded, and reflect a representative sample of dilemmas facing states throughout the nation.

In addition, the relationship between health and academic achievement will be explored to build the compelling case for collaboration between educational and health policy makers relative to the funded initiative. Particular attention is paid to the role of The No Child Left Behind Act of 2001 and the Individuals with Disabilities Education Act of 2004 because their edicts have strained already burdened educational budgets, forcing many districts and states to shift funds away from worthwhile programs to ensure accountability compliance.

An in depth analysis of poverty stressors and their attendant impact on optimal health and academic achievement are beyond the purview of this report. However, given the significant numbers of children living at or below the U.S. poverty level, it is worth noting the relationships between and among economic deprivation, health prospects and learning capacity in children (Guo & Harris, 2000a; Richardson, 2005b). In 2002, more than 11 million children (16% of all youth under 18) lived in poor families. Most children who come from low-income families have parents who work, but their income or types of jobs held preclude access to employment-based health insurance (Fletcher, 2004; Raphael, 2005).

Children, because of their unique developmental processes and their inability to care for themselves, are most susceptible to the multiplied disadvantages associated with poverty (World Resources Institute, 1999). The longer children live in poverty the lower their educational achievement and the slower their general maturation processes, not necessarily because of innate deficits, but because of susceptibility to preventable diseases, toxic exposure and malnutrition (Guo & Harris, 2000b).

Even short bouts of poverty at critical junctures, can permanently diminish cognitive capacity. Children faced with inadequate health care, food insecurity, and poor housing quality experience concomitant threats to childhood educational potential because of the schools they attend. Rather than schools being a haven from the challenges of economic deprivation, they are instead magnifiers of the inadequacies of the very social systems designed to mitigate dimensions of low status. For example, African American, Hispanic and Native American youth are most likely to attend high-poverty schools (i.e. schools serving a population predominantly poor). These schools also tend to serve majority minority populations and are poorly funded when compared to their suburban counterparts (U.S. Department of Education National Center for Education Statistics, 2004). Furthermore, cognitive and behavioral consequences of poor health can result in additional spending on educational interventions; unfortunately, high poverty schools are the very institutions commanding the fewest resources (Richardson, 2005b).

School-based health care sites (SBHCs) make important contributions because they mitigate health disparities that are a function of income and, in partnership with schools, could have a profound effect on learning outcomes. The difficulty lies in quantifying relationships between health and educational attainment (Geierstanger,

Amaral, Mansour, & Walters, 2004). Despite inconclusive causal relationships documented in research, the initiative's premise is well grounded in public health, medical and educational literature, i.e., health markers particularly in children can directly and indirectly influence cognitive potential. There is in addition a preponderance of evidence that academic performance is related to issues such as absenteeism (particularly with asthmatic youth), disruptive behavior, attention spans and participation in extracurricular activities (Fletcher, 2004; Geierstanger et al., 2004; Guo & Harris, 2000a; Raphael, 2005; Schettler, Stein, Reich, Valenti, & Wallinga, 2000).

Disagreement relative to the quantifiable links between health and learning outcomes aside, it seems intuitive to deduce that children in good health are in a better position to maximize their intellectual prowess than children battling health issues such as asthma.. As per the Foundation for Child Development, good health, cognitive and literacy skills, and motivation are key predictors of academic achievement in the third grade. Third grade performance in turn is an important predictor of future educational success to include high school graduation. As per the Foundation, childhood access to health services is crucial to facilitating transition to productive adulthood (Takanishi, 2004).

Asthma is one example of a malady disproportionately impacting schools partially because of the numbers of children affected. Asthma is the most common chronic disease children experience and affects as many as five million youth under 18 years of age. Approximately three million hospital visits and 200,000 hospitalizations are associated with childhood asthma annually. Relative to schooling, asthmatic youth tend to be absent from school three times more than non-asthmatic children (Geierstanger et

al., 2004; Hamm, 2004). Medication prescribed to ease symptoms may interfere with the learning process because of side effects such as diminished ability to concentrate, and feelings of agitation, depression or anxiety (Hamm, 2004). If children are not in school or do not feel well, their prospects of learning and performing optimally are diminished.

As a result of the interaction among and between income, health, and cognitive development introducing health facilities in schools holds the potential of high returns on investment. Given the cognitive diminishing impact of ill health, children may demonstrate difficulty coping academically and behaviorally in traditional school settings. SBHC interventions, conversely promote early diagnoses of preventable or treatable health dilemmas thereby theoretically improving academic performance.

School districts are natural partners relative to the grant foci because they face some of the same challenges as school-based health care sites, i.e., unstable funding, escalating public scrutiny and accountability. Consequently, collaboration will benefit the centers, schools and the communities they serve. However, prior to approaching schools about the initiative, there is a need to understand the challenges facing public schools and their respective governance and funding structures. This series of reports will enable grantees to present proposals grounded in realistic expectations of what schools and districts can contribute.

U.S. Public K-12 Education

As the cursory discussion of the ramifications of health and educational consequences above implies, student outcomes are influenced by the needs of children external to school settings. The U.S. Department of Education (2004) reveals another challenge, meeting the needs of a diverse pool of learners. Most of America's children

attend publicly funded K-12 schools. In the academic year 2002-2003 there were 14,465 public school districts and 95,615 schools. Of the 48.2 million students served, 4.1 million (8.5%) were limited in their English proficiency and 6.4 million (13.4%) were served by federally supported programs for the disabled. Nearly 52% of U.S. public school students attend suburban schools, 31% attend urban schools and 17% are enrolled in schools considered rural. The racial distribution of the student population is 18.1% Hispanic, 17.1% African American, 4.4% Asian/Pacific Islander, 1.2% American Indian/Alaska Native and 59.2% White. The two largest school districts are New York City and the Los Angeles Unified school districts, which together account for 22% of the nation's students and 16% of the country's schools. Finally, the states with the largest percentage of minority students are California, Hawaii, Louisiana, Mississippi, New Mexico and Texas (U.S. Department of Education, 2004).

Public education is not governed at the federal level, but rather by each state. There is no explicit reference to education in the Constitution. On average only six to ten percent of public school budgets tend to be supported with federal funds. Federal legislative bodies and agencies do, however, influence schools through incentive programs that tie funding to certain programs or practices. As a result, state governmental bodies and agencies, followed by local educational agencies, primarily prescribe, monitor and fund school operations. Judicial decisions relative to schooling issues, such as access and desegregation, have historically mandated changes in practice through the interpretation of existing law. The judiciary's influence is not particularly relevant to this project and as such will not be discussed in depth.

At this juncture it is germane to make a distinction between the terms policy and politics because both are applicable to the educational governance lexicon and will be discussed in more depth in the fourth deliverable. Politics refers to decisions determining, “who gets what, when, where, how and why” (Colmers, 2002). Children are subject to politics by virtue of the fact that they are at the mercy of adults who assign value to their well-being and determine the distribution of limited assets. Policies are the collective actions and inactions of bodies designed to address social problems (Dunn, 1994). It should be no surprise that without demonstrative political will and a long-term commitment to devote necessary resources, the health and educational challenges of children might remain unresolved (Garrett, 2000).

Appendix A provides a synopsis of the many governing and funding bodies involved in the educational enterprise. It should be noted here that schools for Native Americans are overseen by the Secretary of the Interior’s Bureau of Indian Affairs and more specifically the Office of Indian Education Programs, which will be discussed in its own section.

Congress (The House of Representatives and the Senate) can influence schools through tying standards to funding. For example, some federal funds are available only to schools in compliance with various legislated acts, such as the Civil Rights Act of 1964 and the Individuals with Disabilities Education Act (IDEA) of 2004. In this way, Congress can directly impact aspects of school operations. Federal agencies such as the Department of Education are charged with ensuring the enforcement of legislated mandates through the establishment of regulations. As such, its policy departments and departments of research provide valuable information concerning the compliance status

of educational institutions at all levels in the nation. The Department of Education also is the depository of volumes of statistical data generated by and about educational institutions, their students and faculty. The President, influences the operation of schools through Executive Orders and approving legislation submitted by Congress (Wirt & Kirst, 2001).

The courts at all levels exert their control over schools as they are petitioned to interpret laws. Court decisions are just as political as other venues since judges are either appointed by elected officials or are themselves elected. Cases that come to the courts are the result of some social conflict that was not resolved in other venues, such as the *Brown v. Board of Education* decision of 1954. A verdict may resolve one aspect of discord while creating other forms of social disagreement.

Governors, like the President, exert an indirect influence on schools. Their power is tied to their approval or veto of bills and the appointments they make to policy making bodies as provided in their state's constitution. State legislatures have the broad prerogative to pass or delegate to other bodies, such as a state department of education or boards of education. They can also pass education laws that distribute funds; govern state licensure of teachers and administrators; delineate school districts; and, prescribe and evaluate curricula. State boards of education are called upon to implement and enforce the mandates set forth by the state legislature or its designees. Consequently, the most influential bodies relative to schools are found at the state level.

Local school boards and educational agencies interpret the state mandates, manage the operating funds, and in some cases physical capital coming from federal, state and local sources. School districts tend to be headed by a superintendent who serves

as a chief executive officer. Schools with their administrators, faculty and support staff are in turn charged with the implementation of directives from federal, state and local authoritative bodies.

Federal Government’s Role in Education

As articulated in the previous section, even though the federal government does not have direct jurisdiction over the operation of schools, it does operate, as a "silent junior partner" (Earley, 2000). The “right” to a publicly-funded education is never mentioned in the U.S. Constitution. Instead, in the tenth amendment to the Constitution, the responsibility for schooling is interpreted to be relegated to the states in the verbiage, “powers not delegated to the United States by the Constitution nor prohibited by it to the states are reserved to the states respectively or to the people” (Jones, 2001 p. 27). State constitutions are the documents that articulate the creation and structure of public education systems within their respective jurisdictions (Valente & Valente, 2005). Examples of project specific state constitutional language are below in Table 1.

Table 1: Relevant State Constitution Provisions for Public Education

State	State Constitution Education Language
California	The legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months every year. (California Const. Art. 9, Sec. 1)
Louisiana	The general assembly shall establish free public schools throughout the State. (Louisiana Const. Title VIII, Sec 136)
Maine	Legislature shall require towns to support public schools...and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools. (Maine Const. Art. VIII, Sec 1)

State	State Constitution Education Language (cont.)
Maryland	The General Assembly...shall, by law establish throughout the state a thorough and efficient system of free public schools. (Maryland Const. Art. VII., Sec. 1)
Massachusetts	(I)t shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them...public schools and grammar schools in the towns. (Massachusetts Const. Ch. 5, Sec 2)
Michigan	The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. (Michigan Const. Art. VIII, Sec. 2)
New Mexico	A uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained. (New Mexico Const., Art. XII, Sec. 1)
New York	The legislature shall provide for the maintenance and support of a system of free common schools wherein all the children of the state may be educated. (New York Const., Art II, Sec. 1)
Oregon	The legislative Assembly shall provide by law for the establishment of a uniform and general system of common schools. (Oregon Const. Art. VIII, Sec. 3)

Adapted from : (Jones, 2001)

While the specificity of language differs from state to state, the general premise is the same, states have formally assumed the responsibility of providing public k-12 education to its citizens. Additional sections of said constitutions also create enforcement bodies for compulsory attendance and curricula.

In a contemporary sense, the role of the federal government in public education evolved more as a gatekeeper of civil rights and liberties as a function of the Fourteenth Amendment. For example, the Fourteenth Amendment protects citizens against infringement of their constitutional liberties by school officials and provides equal

protection under the law, to include children (often summarized as antidiscrimination laws).

Most recently, federal influence pervades schools because of the subsidies made available to states and districts in compliance with federal priorities and laws (Valente & Valente, 2005). Examples of the fiscal influence of the federal government on schools tied to legislation would be the No Child Left Behind Act (2001) and the Individuals with Disabilities Act (2004), which will be discussed at greater length later. States in receipt of (or wishing to receive) federal funds must comply with federally imposed conditions. Conversely, noncompliance provides grounds for the federal government to restrict distribution and recapture (demand repayment of) fiscal resources.

Another way to influence educational systems at the federal level is through Executive Orders. Most executive orders are directed to various federal administrative agencies or departments of the executive branch. Presidents also influence educational policy through their appointments to key positions, such as the Secretary of Education and the Secretary of the Interior (the agency overseeing Native American education). The Department of Education is responsible for policy development, program oversight and evaluation, and research. On a regular basis the Secretary of Education, reports on the progress and ongoing challenges of educating American's children to Congress.

The fiscal influence of the federal government can be divided into six categories; General aid, differential funding, regulations, promotion of new knowledge, support of services and finally, moral persuasion. General aid refers to “no-strings” money dispersed to states or localities. To date, Congress has never approved general-aid in the form of a legislative bill. Differential funding would be aid earmarked for specified

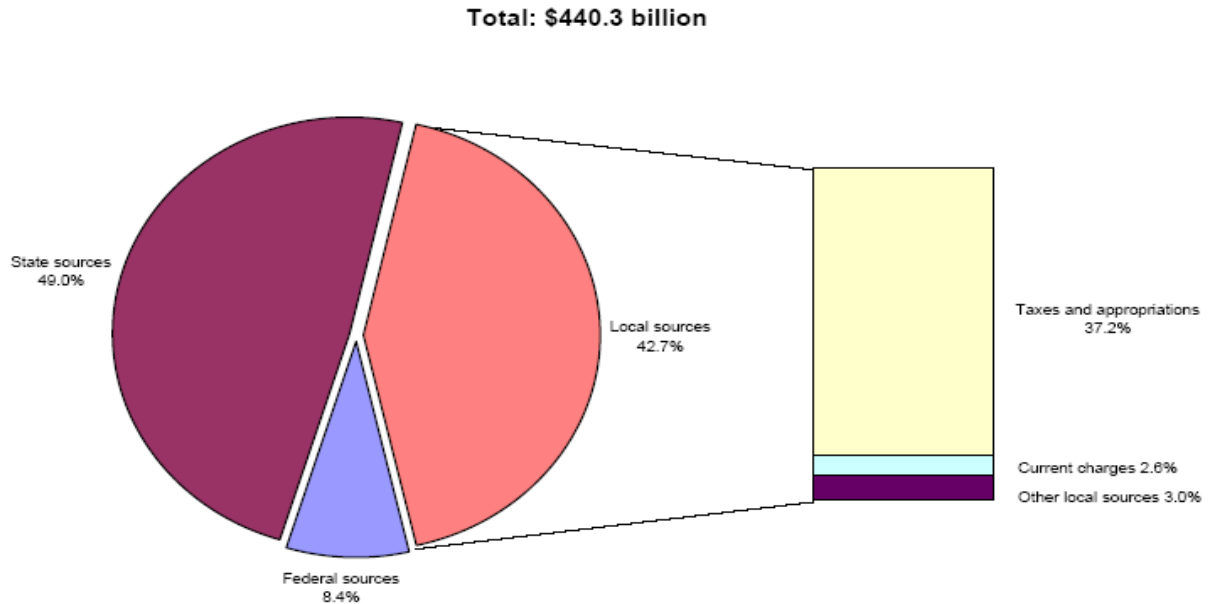
projects or services such as those noted in NCLB and IDEA. The federal government can also regulate school practice or behaviors contrary to federal law, such as discrimination on the basis of race or gender.

New knowledge creation is most often funded through a competitive grant process when prospective projects align with federal priorities. Federal agencies are required to provide technical assistance to ensure states and divisions meet federal guidelines. An example of technical assistance would be the Office of Civil Rights assisting school districts' development of desegregation plans. Finally, speeches (often referred to as the "bully pulpit") of the President or other elected and appointed federal officials can act to influence education systems (Wirt & Kirst, 2001).

We can see from this overview the principle influence of the federal government on public education systems is tied directly to funding. As a result, it becomes important to grasp how much money states risk losing or gaining as a function of compliance in order to fully comprehend why school districts are reallocating resources and personnel from worthwhile endeavors to meet criteria set forth in NCLB and IDEA.

Figure 1 depicts the average percentage distribution of school systems' budgets which were supplied by federal, state and local resources in the 2002-2003 academic year.

Figure 1: Funding Distribution for Academic Year 2002-2003

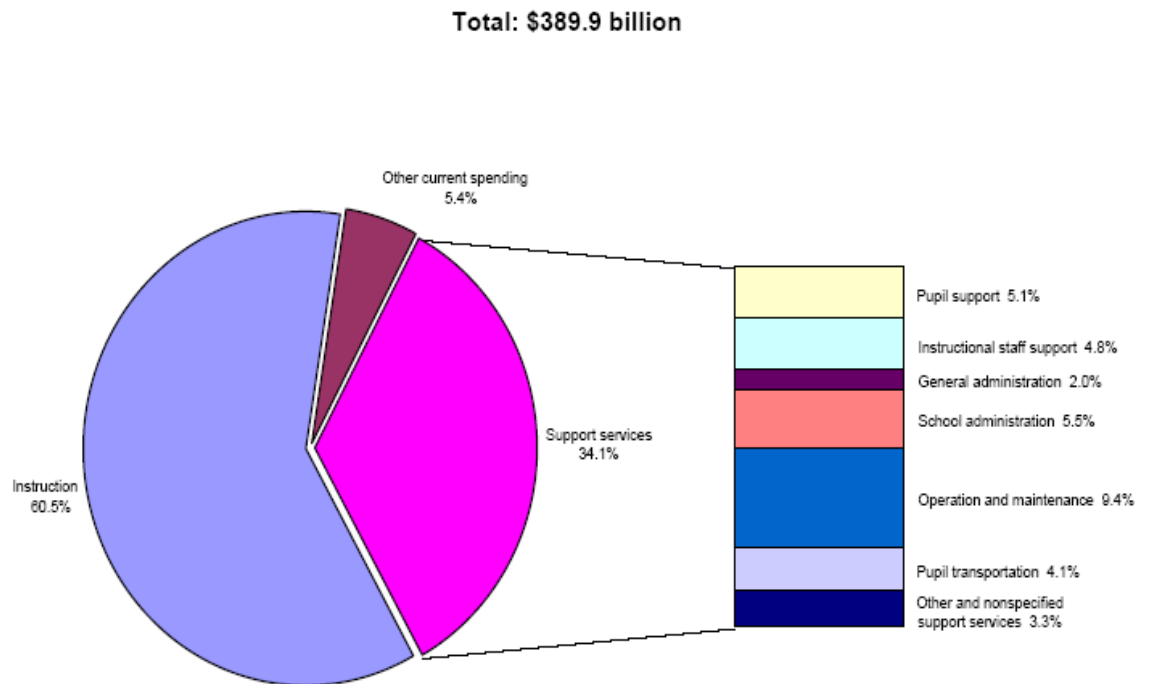


Adapted from : (U.S. Census Bureau, 2005)

Of the \$440.3 billion dollars spent in elementary and secondary education in the school year 2002-2003, only 8.4% came from federal coffers. Forty-nine percent of school budgets were supplied by state sources and nearly 43% came from localities. The primary source of local monies is real estate taxes and state sources come various tax assessments and in some cases lottery proceeds. Thus proportionately, the federal contribution to school districts is comparatively minimal. However, in districts where the needs of students exceed resources, eight percent is too much to risk losing.

Figure 2 shows the average distribution of the \$389.9 billion dollars spent on educational services other than capital.

Figure 2: Public Elementary-Secondary Spending by Function: 2002-2003



Adapted from: (U.S. Census Bureau, 2005)

The greatest percentage of school budgets were devoted to instruction (60.5%) in 2002-2003, with over 34% devoted to support services. Support services include pupil transportation (4%), operation and maintenance of schools (9%), general and school-based administration (7.5%) instructional staff support (5%), pupil support (5%) and other support services (3%). These resources translate at the student level to per pupil expenditures. Per pupil expenditures are generally calculated using a formula of district operating expenses and the numbers of pupils supported by federal, state and local monies. Categories of operating expenses included in the per pupil expenditure figure are below and are not limited to:

- Administration

- Athletics
- Attendance
- Fixed Charges
- Food
- Health
- Instructional
- Plant Maintenance
- Student Body Activities
- Transportation (Massachusetts Department of Education, 1997).

There is great disparity in per pupil expenditures between states and between districts within states principally because of local tax bases. Reflect on the 43% of school budgets that come from principally real estate taxes. If a district has a large number of rental as opposed to owner-occupied units, or is heavily industrialized, or home to upper-income versus low-income families one can begin to see the roots of fiscal disparity. As an example, consider the table below that reports the average state per pupil expenditures associated with this project.

*Table 2: Per Pupil Expenditure By State : 2002-2003
(in dollars)*

State	Per Pupil Expenditure
California	7,691 *
Louisiana	6,868*
Maine	8,847
Maryland	8,921
Massachusetts	10,223
Michigan	8,588
New Mexico	6,870*
New York	12,140
Oregon	7,460*
United States Average	8,019

*States with per pupil expenditures below the national average
Adapted from: (U.S. Census Bureau, 2005)

The national average per pupil expenditure for the academic year 2002-2003 was \$8,019. Of the nine states included in the SBHC Policy program, four (California, Louisiana, New Mexico, and Oregon) spend less than the national average per student. Upon further investigation, one sees that while federal contributions to state education systems is relatively low as a percentage of total budgets, it also varies greatly among and between states. Tables 3 and 4 show the dollar and percentage contributions of federal, state and local monies to relevant state budgets.

Table 3: Summary of Public School Finances for Elementary-Secondary Education by State: 2002-2003 (in dollars)

State	Total Budget	Federal Sources	State Sources	Local Sources
California	\$57,969,123	\$5,795,655	\$33,617,766	\$18,555,702
Louisiana	\$5,476,441	\$739,078	\$2,638,985	\$2,098,378
Maine	\$2,076,759	\$163,516	\$874,208	\$1,039,035
Maryland	\$8,694,495	\$571,108	\$3,317,403	\$4,805,984
Massachusetts	\$11,484,596	\$712,487	\$4,757,632	\$6,014,477
Michigan	\$17,764,257	\$1,357,006	\$11,227,903	\$5,179,348
New Mexico	\$2,624,302	\$383,513	\$1,905,419	\$335,370
New York	\$37,863,254	\$2,591,430	\$17,509,618	\$17,762,206
Oregon	\$4,579,435	\$407,432	\$2,348,070	\$1,823,933
Total	\$148,532,662	\$12,721,225	\$78,197,004	\$57,614,433

Adapted from: (U.S. Census Bureau, 2005)

Table 4: Summary of Public School Finances for Elementary-Secondary Education by State: 2002-2003 (in percent)

State	Total	Federal Sources	State Sources	Local Sources
California	100.00%	10.00%	57.99%	32.01%
Louisiana	100.00%	13.50%	48.19%	38.32%
Maine	100.00%	7.87%	42.09%	50.03%
Maryland	100.00%	6.57%	38.16%	55.28%
Massachusetts	100.00%	6.20%	41.43%	52.37%
Michigan	100.00%	7.64%	63.21%	29.16%
New Mexico	100.00%	14.61%	72.61%	12.78%
New York	100.00%	6.84%	46.24%	46.91%
Oregon	100.00%	8.90%	51.27%	39.83%

Adapted from: (U.S. Census Bureau, 2005)

Of the states included in the study, California and New York receive the most federal aid in dollars. However as a percent of total budget, New Mexico and Louisiana receive the most assistance. What do these numbers tell us? There is need to investigate more systematically the difference between states to determine why they may receive

more or less federal assistance. One of the ways to do this is to dissect the two principal laws which provide federal assistance, NCLB and IDEA.

The No Child Left Behind Act 2001

The No Child Left Behind Act of 2001, also referred to as NCLB, is actually the reauthorized Elementary and Secondary Education Act (ESEA) (Wright, Wright, & Heath, 2004; Yell & Drascow, 2005). The law represents an unprecedented increase in federal mandates complete with punitive consequences for noncompliance. Some have said that the law represents the most significant imposition of the federal government into public pre-K-12 education. As was the case with its predecessor statutes, NCLB provides funding through appropriations and grants in exchange for accountability standards (Wright et al., 2004).

The articulated goals of NCLB are to increase student achievement by requiring that 100% of students demonstrate proficiency in core subjects by the academic year 2013. Between 2001 and 2013 schools must achieve what is called “adequate yearly progress” (AYP), which is a predetermined percentage improvement in student performance defined at the state level and submitted to the U.S Department of Education. Student performance it should be noted is generally demonstrated via standardized test scores. NCLB mandates 100% proficiency of 100% of student bodies, which requires schools close achievement gaps between socioeconomic, racial and ability groups (Yell & Drascow, 2005). For example, students who are in need of individualized education programs (IEPs) because of emotional, mental or physical disabilities are expected by the academic year beginning 2013 to demonstrate core subject proficiency at the same levels as “mainstream” students (U.S. Department of Education, 2004). NCLB also demands

“highly qualified” teachers teach all students; that all youth are to be educated in safe and drug-free schools; children with limited English prowess become proficient in English; and, that all students graduate from high school (Yell & Drascow, 2005).

For the most part, proof that schools have achieved AYP is measured by standardized test scores some of which are idiosyncratic to states and some which are national examinations (e.g. New York Regents versus National Assessment of Educational Progress examinations). More specifically, AYP is the minimum improvement from year to year that schools must achieve. As per NCLB, states must establish standards that;

- (a) describe what students will be able to know and do, (b) include coherent and rigorous content standards, and (c) encourage the teaching of advanced skills (Yell & Drascow, 2005 p. 21).

States must also articulate and define at least three levels of achievement; advanced, proficient and basic. Statewide assessment systems are to be aligned with state curricula and standards in reading, mathematics and eventually science and in addition be consistently applied throughout the state.

All public schools must participate in the statewide assessments and test at least 95% of students. Beginning in the school year 2005, reading, language arts, and math are to be assessed/tested annually between grades three and eight and once between grades 10 and 12. During the next academic year (2006) science tests are to be applied to the same grades. Additionally, NCLB requires that in alternating years states administer fourth and eighth graders a reading and math test designed by the national assessment of

educational progress (NAEP) to a random sample of students (Wright et al., 2004; Yell & Drascow, 2005).

Special groups of students may require test environment modifications, but must be tested at the same intervals as mainstream or traditional students. One such group would be youth with disabilities as defined by IDEA criteria. Accommodations are defined in each child's Individualized Education Plan (IEP). An IEP is required for every child receiving services under IDEA and is an individualized plan developed in collaboration with teachers, parents, administrators, and other professionals. Its purpose is to improve the educational achievement levels of children, who without special consideration might not maximize their educational potential. Districts and schools must then report the percentage of students taking tests with modifications or taking alternative assessments (Yell & Drascow, 2005).

Students with limited English proficiency must also be included in statewide assessments. Initial accommodations may be extra time when taking a test, small-group administration, the use of dictionaries or audio taped instructions in native languages. However, if a child has attended school in the United States or Puerto Rico for three consecutive years they must take all examinations in English without modifications (Yell & Drascow, 2005).

Test scores and other school and district data are compiled and published annually in what is called a school report card. This is also a mandated activity of NCLB. Test data are to be disaggregated by student subgroups (limited English proficiency, economically disadvantaged, race, and ethnicity, for example) and made available to the general public. There are two levels of report cards that are required under NCLB, state

and district. Minimum requirements of state report cards include data such as, the most recent two year trend in student achievement of students in all grades and subject areas, graduation rates by subgroup, aggregate teacher qualifications (provisionally certified or highly qualified) and the performance of specific districts across the states. District report cards provide information about the specific schools relative to AYP within said districts (Wright et al., 2004; Yell & Drascow, 2005).

Schools that do not achieve AYP face punitive consequences which accrue if AYP is not met in consecutive years. The first year a school fails to meet its AYP a technical assistance plan is to be developed in conjunction with parents and experts. The purpose of the technical assistance plan is to improve academic performance by incorporating research-based strategies, provide targeted teacher professional development, and learning enhancement activities. If a school fails to meet AYP for two years in a row, the state must provide the technical assistance and post in the statewide report card, that the school is identified as “needing improvement “(Yell & Drascow, 2005).

By year three, the school district is obligated to provide technical assistance and to offer school choice. Restated, schools must provide supplemental educational services and funding for parents to send their children, if they so choose, to an alternative school on their respective state-approved list. Educational service providers could be public charter schools, faith-based schools, nonprofit or for-profit entities. In the fourth year of noncompliance, in addition to providing supplemental education services and offering parents the option of transferring their children to a public school choice, the school is also noted on the statewide and district report card as “needing corrective action”. At this

point school staff can be replaced, curricula changed, appointment of outside advisors or extensions of the school day or year are all viable options. If a school fails to make AYP after five consecutive years, the states are to take over the school and proceed with a major restructuring (Yell & Drascow, 2005). As in previous versions of ESEA, threats of fiscal withdrawal for noncompliance exist. However, the consequences of noncompliance are articulated more specifically than in the past.

Part of the political fury surrounding NCLB is the disagreement relative to whether federal support to states has increased or decreased in light of the expensive and extensive testing and accountability reporting. As per federal government sources, funding under NCLB increased almost 25% from the funding levels of ESEA (Yell & Drascow, 2005). However, many states and municipalities would argue significant reallocations of funds have left states and school districts with budget gaps, yet still requiring districts to comply if they are to retain their federal money. Given reported state and district shortfalls, NCLB is commonly referred to as an unfunded mandate requiring additional services and duties without the requisite funds to meet established goals (Baines & Stanley, 2004; Richard & Davis, 2005).

Governors and the National Conference of State Legislatures have decried the pressures of NCLB compliance on state budgets because of spiraling Medicaid and other health-care expenses which deplete funds for public education (Odland, 2005; Richard & Davis, 2005). This is particularly problematic in light of rising costs associated with NCLB accountability standards, i.e., significantly higher testing costs (Richard & Davis, 2005). For example, it has been estimated that 5.5 to 14 percent of every dollar spent for

public schools is now being spent on testing and test administration services (Baines & Stanley, 2004).

For purposes of the School-Based Health initiative, the most important aspect of NCLB is this, school districts and states are preoccupied with meeting the criteria of NCLB because failure to do so place 6-10% of school budgets at risk. Furthermore, in order to comply, states and municipalities have to divert funding from other programs that might have been successful, in order to meet NCLB standards.

Table 5 provides a synopsis of the ten titles articulated within the NCLB legislation. Each focuses on different aspects of the educational process. In addition, it is important to note that some of the programs are funded through competitive grants. Technically more money could be provided under NCLB that is not attainable by all school districts because of the grant submission process. This helps explain how the federal government reports a 25% increase in funding and states in consider NCLB under- or unfunded.

Table 5: No Child Left Behind Legislative Titles

Title	NCLB
Title I	<p align="center">Improving the Academic Achievement of the Disadvantaged</p> Programs include Student reading programs; Education of migratory children; Preventions and intervention for neglected, delinquent , or at-risk children; Comprehensive school reform; Advanced placement programs; School dropout prevention; Title I assessment and other general provisions.
Title II	<p align="center">Preparing, Training and Recruiting High Quality Teachers and Principals</p> Programs included a Teacher and principal training and recruiting fund; Mathematics and Science partnerships; Innovation for teacher quality (i.e., all teachers must be “highly qualified”); and Enhancing education through technology
Title III	<p align="center">Language Instruction for LEP and Immigrant Students</p> Includes the English Language Acquisition Act; designating funding for programs intended to improve language instruction; and several general provisions

Title	NCLB (cont.)
Title IV	<p style="text-align: center;">21st Century Schools</p> <p>These programs primarily deal with providing Safe and drug-free schools and communities, Learning centers and Tobacco smoke prevention</p>
Title V	<p style="text-align: center;">Promoting Informed Parental Choice and Innovative Programs</p> <p>Provides funding for “innovative programs”, public charter schools, magnet schools, and general improvement of education</p>
Title VI	<p style="text-align: center;">Flexibility and Accountability</p> <p>Improving academic achievement and a Rural education initiative</p>
Title VII	<p style="text-align: center;">Indian, Native Hawaiian, and Alaska Native Education</p> <p>Providing for Indian, Native Hawaiian and Alaska Native education</p>
Title VIII	<p style="text-align: center;">Impact Aid Program</p> <p>Aid to districts that serve children of employees of the federal government (especially the military)</p>
Title IX	<p style="text-align: center;">General Provisions</p> <p>This section includes definitions, flexibility in the use of funds, coordination of programs, waivers, uniform provisions and unsafe school choice options</p>
Title X	<p style="text-align: center;">Repeals, Redesignations, and Amendments to Other Statutes</p> <p>This section includes repeals, designations, homeless education programs, Native American education improvements, the higher education act of 1965, and general education provisions</p>

Adapted from: (Wright et al., 2004; Yell & Drascow, 2005)

While investigation of all the Titles and subsections would be informative, the ones most relevant to the SBCH initiative will be highlighted. Discussion will follow of Titles I, IV, VI, VII, IX and X.

Title I- Improving the Academic Achievement of the Disadvantaged

Title I grants are designed to support remedial education programs for economically and otherwise disadvantaged children attending public schools. Priority funding is earmarked for schools and districts serving students with the greatest need and poorest academic achievement. Financial need is generally tied to qualifying for the federal free and reduced lunch program. A Title I school is one that receives any portion of its operating budget from a Title I grant. Nearly 90% of school districts and 60% of

schools receive these funds and there are nuances to compliance rigor when schools versus entire districts are designated in need of Title I assistance (Wright et al., 2004).

Title I has nine parts which are;

Part A: Improving Basic Programs Operated by Local Educational Agencies

Part B: Student Reading Skills Improvement Grants

Part C: Education of Migratory Children

Part D: Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk

Part E: National Assessment of Title I

Part F: Comprehensive School Reform

Part G: Advanced Placement Programs

Part H: School Dropout Prevention

Part I: General Provisions (Wright et al., 2004)

Under the provisions of Title I (Part A), all classrooms [including Limited English Proficiency programs (LEP) and special education classes] must be taught by highly qualified teachers. A highly qualified teacher, is one who holds at least a bachelor's degree in the content area taught, have full state certification or licensure and demonstrate competency, again generally through passing a standardized test such as the Praxis (Wright et al., 2004; Yell & Drascow, 2005). Content areas for example would be mathematics, biology, history, etc.

Definitions of Adequate Yearly Progress (AYP), the responsibility to disaggregate statewide assessment by student subgroups, and the consequences of not meeting AYP

are detailed in Part A. Also in Part A are criteria for state and school district report cards, testing schedules, public school choice and parental rights relative to school and district information (Wright et al., 2004).

Part C outlines programs each state must establish for migrant youth. Of particular interest to the W. K. Kellogg initiative is the section dealing with health information. NCLB establishes a national information system to keep track of immunization, health and academic records of migrant children. School personnel and parents are expected to use the collected information to forge partnerships to enhance the academic achievement of children (Wright et al., 2004).

Part D focuses on programs for neglected or delinquent youth and provides in its goals ways school-based health clinics justify their services as facilitating NCLB accountability standards. One such example would be an SBHC in an alternative school for children who present disciplinary problems in traditional school settings (Wright et al., 2004)..

Title IV – 21st Century Schools

The purpose of this title is to promote safe and drug-free schools (Part A) and attendant centers (Part B) that educate students and their families. By virtue of the expertise that is accessible in the school-based clinics these facilities make excellent partners with schools as they attempt to emphasize personal responsibility for health choices and the consequences of drug and alcohol use (Wright et al., 2004).

Title VI – Flexibility and Accountability

Most significant in this Title is the flexibility school districts have been afforded with respect to the use of up to 50% of their federal funds. To this end, if the grantees

can convince schools or school districts of the value added in partnering because of the relationship between attendance and proactive asthma interventions, for example, some financial support may be available.

Title VII – Indian, Native Hawaiian and Alaska Native Education

Indian education is going to be discussed at length in a subsequent section because its oversight is housed outside the Department of Education in the Department of the Interior’s Bureau of Indian Affairs. Relative to NCLB, Part A speaks to the need to meet the “unique educational, cultural, and academic needs of American Indian and Alaska Native students” (Wright et al., 2004), which could certainly include health promotion activities.

Title IX – General Provisions

Perhaps the most significant aspect of this section is the reiteration of the flexibility districts are afforded as per federal monies. Historically, federal funds could only be spent in the program areas earmarked before dispersal, however, now districts may transfer up to 50% of their federal support into improving teacher quality grants and innovative programs (Title II), educational technology (Title III), safe and drug-free schools (Title IV) or to Title I without first seeking federal approval (Wright et al., 2004; Yell & Drascow, 2005).

Title X – Repeals, Redesignations, and Amendments to Other Statutes

Part D of this Title states that Indian education facilities must provide the highest quality of services making them akin to those offered in other parts of the United States. More specific to this project, the Title also requires that all facilities be brought in to health compliance.

Individuals with Disabilities Education Act 2004

The second federal statute to be considered is the Individuals with Disabilities Education Act, first passed in 1975. The law was designed to provide educational support and attendant funding for children whose needs were more specialized than “traditional” students (Gartner & Lipsky, 1998). Since that time the law has been reauthorized with the most recent version approved by the President and Congress in 2004. One reason this federal legislation is of interest to this project lies in the sheer number of children involved and the disproportionate relationship between race and special education placement.

In the school year beginning 2000 there were approximately 3.9 million youth (8% of all students) enrolled in public elementary or secondary schools receiving services under IDEA. At the time 22 percent of all special needs children were African American. Though their numbers were lower, Native American youth were also disproportionately designated as special education students when comparing their representation in the school population. By the academic year 2002, the number of special needs students rose to 6.4 million (13.4%) of the total student population (U.S. Department of Education National Center for Education Statistics, 2004, 2005).

There are numerous difficulties that qualify children for assistance under IDEA the most common of which are defined in Table 6.

Table 6: Examples of Conditions Qualifying Children for IDEA Support

Disability	Definition
Autism	A developmental disability significantly affecting verbal and nonverbal communication as well as social interaction.
Deafness	Hearing impairment so severe that the child is severely impaired in their ability to process linguistic information with or without amplification
Emotional Disturbance	One or more of the following characteristics adversely impact a child's educational performance: inability to learn not explained by intellectual, sensory or health factors; inability to maintain satisfactory interpersonal relationships with faculty or peers; inappropriate behavior or feelings under normal circumstances; pervasive moods of depression, etc.
Hearing Impairment	An impairment whether permanent or fluctuating that adversely affect a child's educational performance
Mental retardation	Significantly sub average general intellectual functioning, existing concurrently with deficits in adaptive behavior
Orthopedic impairment	Physical conditions that affect a child's educational performance, such as cerebral palsy, or a club foot.
Speech or language impairment	A communication disorder that adversely affects a child's learning process, such as stuttering.
Specific learning disability	A disorder in one or more of the basic psychological processes involved in understanding and or using language, spoken or written that manifest themselves in an imperfect ability to listen, think, speak, spell or do mathematical calculations, such as dyslexia.

Adapted from: (Council for Exceptional Children, 2004a).

The range of disabilities that qualify children for services are diverse. Identification is sometimes initiated by parents and other times school personnel. Once it is determined that a student qualifies for services articulated in IDEA, an IEP is developed and regularly updated. Individualized Education Plans articulate educational goals and

strategies taking into account the individual students' behavioral, physiological, health and cognitive challenges.

As noted earlier, the most recent reauthorization of IDEA was signed into law in late 2004. As states begin shifting policies and practices to accommodate new criteria, it is relevant to discuss the ten principle topics addressed the 1997 version of the bill retained in the 2004 version. The ten major provisions were:

1. High Expectations in General Education
2. Consideration of Factors Other Than Disability
3. General Educator on IEP Team
4. Decision to Exclude a Student from General Education Must Be Justified
5. General Education Curriculum the Norm
6. Performance Goals Must Be Established
7. IDEA Funds May Be Used to Benefit All Students
8. Enhanced Rights of Parents
9. Funds for Personnel Preparation of General Educators
10. Placement Neutral Funding Required (Gartner & Lipsky, 1998).

The overarching purpose of the law is to ensure that students with special needs be part of mainstream school culture and curriculum as much as possible. Until the 1997 reauthorization, it was not uncommon for special education children to be sequestered in their own rooms and rarely afforded opportunities to interact with a diverse population of students. Inclusive education, a term extrapolated from IDEA 1997, requires that

students be educated in the “least restrictive environment” (LRE), which means integrating or including special needs students and related services into traditional classrooms (Council for Exceptional Children, 2004a; Gartner & Lipsky, 1998). Educational practitioners refer to this practice as inclusion. Unfortunately, LRE was poorly defined and prompted many public schools to adopt various interpretations of inclusion. Since district definitions of LRE are arbitrary, inclusive models vary greatly (Mead, 1999).

In addition to inclusion, special needs students were to be taught as much as possible the “regular” general education curriculum. Evidence of this shift can be found in the legislative language that requires school systems to justify why physically, emotionally and intellectually challenged children might not participate with more able children in academic and nonacademic activities. Relative to funding, prior to 1997, IDEA funds were earmarked only for children in need of support services. The 2004 reauthorization of IDEA departs from the rigid fund protocols and now permits some IDEA funds to be used to benefit all the children of a school. An attendant IDEA funding mandate (in both the 1997 and 2004 versions of the bill) was that state funding formulas had to be placement neutral. In other words, state funding schema could not encourage restrictive educational environments through resource distribution (Gartner & Lipsky, 1998; Wright & Wright, 2005). Additionally, 15% of any IDEA (2004) appropriation greater than \$460 million (per state) must now be used in preschool programs as opposed to programs for birth to kindergarten (Council for Exceptional Children, 2004b; Wright & Wright, 2005).

The 2004 reauthorization of IDEA focuses a great deal on the criteria for “highly qualified” special education teachers. For example, it is widely interpreted that in conjunction with NCLB to be “highly qualified” special education teachers must have at least a bachelor’s degree in the content area they teach, as well as meeting other testing criteria. This presents interesting dilemmas for special educators and schools systems already suffering from shortages. It is not uncommon for a special education teacher to teach several core subjects such as math, social studies and English. Under the new guidelines such a teacher would need to have majored in mathematics, social studies, and English, as well as special education (Council for Exceptional Children, 2004b; Wright & Wright, 2005). Districts as one might expect are concerned that teacher shortages will be worsened by the increased credentialing requirements. As is the case with NCLB, state governments and localities are left to bridge the unfunded gap created when schools attempt to comply with IDEA.

IDEA is not as relevant to the proposed project as NCLB because there seem to be minimal ways in which schools could divert these monies to help support a school-based clinic. An exception might be the provision of health-related services for students articulated in the child’s IEP. However, given the general consensus that the mandate is already under funded, it would be difficult in my estimation to get schools to divert IDEA funds.

Native American Educational System

Indian education systems are complex in different ways than state public educational systems because of the right of tribes, such as the Navajo Nation, to enter into self determination contracts with the federal government (as per the Indian Self-

Determination and Education Assistance Act of 1975); the role of the Bureau of Indian Affairs, and federal mandates such as IDEA and NCLB that place accountability standards on schools.

As per the Bureau of Indian Affairs' (BIA) website, BIA has been authorized to administer and manage the:

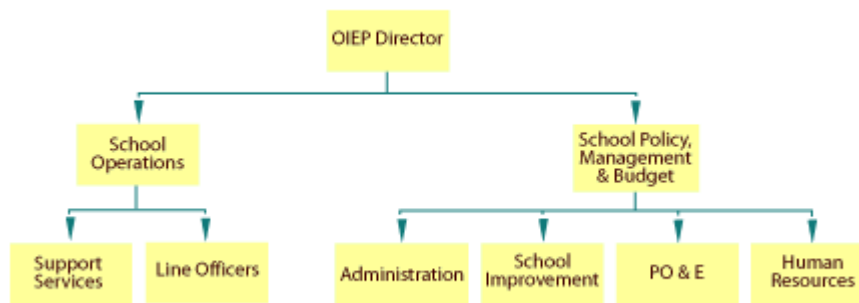
55.7 million acres of land held in trust by the United States for American Indians, Indian tribes, and Alaska Natives. There are 562 federal[ly] recognized tribal governments in the United States. Developing forestlands, leasing assets on these lands, directing agricultural programs, protecting water and land rights, developing and maintaining infrastructure and economic development are all part of the agency's responsibility. In addition, the Bureau of Indian Affairs provides education services to approximately 48,000 [preK-12] Indian students (Bureau of Indian Affairs, 2005).

Under the auspices of the Department of the Interior, BIA concerns itself with tracing Indian ancestry, providing higher educational scholarships, public education, business loans and Indian health services. The subsidiary agency within BIA that manages educational issues is the Office of Indian Education Programs (OIEP). OIEP's mission is to provide, "quality education[al] opportunities for American Indian People" (Bureau of Indian Affairs, 2005).

Within the Native American educational system there are 185 elementary, secondary schools and dormitories, and 27 colleges. Schools are located in 23 states and on 63 reservations (Bureau of Indian Affairs, 2005; U.S. Department of the Interior,

2005). Of those 185 schools, most are located in Arizona and New Mexico on the Navajo Reservation. As of 2004, approximately 60,000 students from 238 tribes were supported by the agency. The organizational chart below in Figure 3 provides information about the distribution of OIEP responsibilities.

Figure 3: Office of Indian Education Programs Organizational Chart



Adapted from: (Bureau of Indian Affairs, 2005)

In the fiscal year 2004, \$526 million was set aside for Indian education and services. In addition, since FY 2001 over one billion dollars has been spent to improve, construct and renovate schools (U.S. Department of the Interior, 2005). According to a federal government report, 98% of the Interior's funding for education is passed to schools and their tribal authorities that manage schools through contracts or grants. Independence from the U.S. Department of Education does not absolve Native American schools from federal government statutes. As an arm of the federal government, BIA is obligated to ensure that educational environments for Indian youth comply with relevant federal legislation, such as IDEA and NCLB (U.S. Department of the Interior, 2005).

The role of Tribal agreements and local schools will be discussed in deliverable 3 in conjunction with the New Mexico educational system. For this deliverable, an overview of NCLB Titles that speak most directly to dimensions of Indian education are

Titles I, III, VII, and X. BIA supported schools (under OIEP) qualify for assistance under Title I because of the prevailing socioeconomic status of Indian youth and the schools that serve them. Title III concerns itself with services for children with limited English proficiency and immigrant children. This is relevant because Native American tribes retain their own languages, making English the second acquired language of many children. Title III specifically mentions Native American children and the schools that serve them as eligible to receive linguistic acquisition funds (Wright et al., 2004).

Title VII principally authorizes the Secretary of Education to make grants to Tribal Education Departments (TEDs). Title X requires that the Secretaries of Education and the Interior work with tribes, Indian education organizations, and accrediting bodies to develop a study about the feasibility of creating an agency that would establish accreditation criteria and formally recognize TEDs. Various other parts of Title X provide authorization for the Secretary of the Interior to approve grants and applications to TEDs (Tribal Education Departments National Assembly, 2005; Wright et al., 2004).

Another substantive reason why Native American schools in general are of import to the grantee, are the stark health statistics of Indian populations. Health disparities between and among varying racial and ethnic groups in the U.S. are widely published. However, because the population of Native Americans as a percent of the national population is small, dire health concerns can be masked. For example, Native Americans are 650% more apt to die as a result of tuberculosis exposure than other U.S. citizens. Deaths due to diabetes among Native Americans are 318% higher than other citizens. According to a report from the Indian Health Services, it spends 50% less per person for

comprehensive health services compared to the average public and private health insurance plans (Ambler, 2003).

Conclusion and Recommendations

Schools serve a diverse population of children, families and communities that cross socioeconomic, racial/ethnic and regional partitions. That said the populations most apt to need interventions to optimize health prospects can also be found clustered in schools. As noted earlier, economically disadvantaged youth are most apt to attend schools whose population and budgets bespeak the fiscal challenges of their communities. Mandatory school attendance policies make schools in general and schools serving poor communities in particular, the most logical sites to provide health enhancing services to children and their families. Instead of spending inordinate time and resources identifying potential service populations, the client base is already sequestered in the proposed grantee sites.

Literature is replete with reasons why providers of child health care and educators should not operate in isolation from one another. As the earlier discussion indicated, poor health is directly and indirectly linked to educational outcomes. However, because of the many political and policy making bodies who exercise their prerogatives relative to public school governance, educational leaders find themselves perpetually choosing between competing sources for attention and limited resources. Given this scenario, careful consideration of educational challenges should be woven into proposals for collaboration, such as linking the school-based health care clinic services to student accountability outcomes or what is termed “seat time”. In this way, educational

decision-makers will discern potential benefits which could accrue to their students and schools.

One articulated goal of the grantees of the W.K. Kellogg Foundation's School-Based Health Care Policy program is to identify stable funding streams for sites. As per the earlier discussion, various NCLB titles provide states some discretion in the ways federal funds are allocated. Authority to make these decisions will vary greatly between and among states. Appointments and state governance structures relevant to the project [California, Oregon, New Mexico (to include the Navajo Nation), Louisiana, Michigan, Maine, Massachusetts, New York and Maryland] will be addressed in the second and third deliverables.

Educational leaders are overwhelmed with accountability criteria and compliance edicts. That is not to say that initiatives, such as those espoused in NCLB or IDEA, are unworthy pursuits. The difficulty arises from the constraints over which schools have little control. Schools for example have no control over the condition of children when they attend. Stated another way, educators exercise little influence over the environmental and health schema that enhance learning capacity.

Prior to the enactment of NCLB, school officials were charged with meeting children at their point of need and facilitating optimal educational achievement. NCLB now mandates that every child, regardless of idiosyncratic differences, demonstrate proficiency in reading, mathematics and science without (by most accounts) supplying the fiscal resources necessary to do so.

A significant challenge relative to collaborative success is convincing school officials that SBHCs can function as an integral part of federal and state compliance as

opposed to an added responsibility, i.e. activities enhancing health can bolster academic performance. In conclusion, strategic reasoning between SBHCs and educational policy makers is critical because of the limitations of time and money on those delivering educational services. Additional projects no matter how well conceived will be difficult to promote unless officials can be convinced that collaboration in school-based health clinics actually holds the promise of enhancing compliance with NCLB or IDEA or both.

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Appendix A

