



ISSUE BRIEF
Reading First

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The Reading First program took center stage on April 20, when Chairman George Miller (D-CA) convened the House Education and Labor Committee to hear testimony from the Department of Education Inspector General and key Administration officials and contracted experts regarding allegations of mismanagement and conflicts of interest in the Reading First Program.

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Hearing Summary

CHAIRMAN MILLER HOLDS HEARING ON READING FIRST MISMANAGEMENT

On April 20, Chairman George Miller (D-CA) convened the House Education and Labor Committee to hear testimony from the Department of Education Inspector General and key Administration officials and contracted experts regarding allegations of mismanagement and conflicts of interest in the Reading First Program. Chairman Miller was joined at the hearing by Ranking Republican Howard “Buck” McKeon (R-CA) and other Members of the Committee. Witnesses at the hearing included John Higgins, Inspector General at the Department of Education; Dr. Edward Kame’enui, Commissioner of National Center for Special Education Research at ED; Chris Doherty Former Director of the Reading First Program; Dr. Roland Good, Associate Professor at the University of Oregon; Dr. Deborah Simmons, Professor at Texas A&M University; and, Dr. Starr Lewis, Associate Commissioner for the Kentucky Department of

Education. Miller made it clear to the witnesses that this was an investigative hearing, not an oversight effort, and for that reason they would be sworn in before testifying. He also acknowledged that counsel accompanied some witnesses, and while they were welcome at the hearing, they could not participate during the testimony.

According to Miller, Department officials and their contractors had, through mismanagement and deliberate disregard for the law, created an uneven playing field in the Reading First program, marked by bullying and unfair decision making that left the Department open to criticism by the American public. His purpose in convening the hearing was to gather more information about the very troubling findings of the Inspector General's recent report. In sharp contrast, Congressman McKeon, in his opening remarks, spoke about the increases in student reading achievement that the public had gained through the federal investment in Reading First. He acknowledged that absent this controversy surrounding the implementation of the Reading First program, the results could have been even greater. He hoped this hearing would result in a stronger Reading First, noting that identification of certain problems by the IG has already helped improve the program. Building on this intent, he announced that on Thursday, he and Congressman Mike Castle (R-DE) had introduced the "Reading First Improvement Act", based in large part on the IG's recommendations.

The hearing was remarkable for its length—it started at 9:30 am and did not adjourn until mid-afternoon, although it did recess for a number of floor votes. Chairman Miller and other members of the Committee repeatedly and aggressively questioned former Reading First Director Chris Doherty on whether or not he willfully broke the law and if he understood what constituted a conflict of interest regarding the guidance the Department provided to states under his leadership. He insisted that all rules and regulations were adhered to and conflicts of interest were treated with the highest degree of seriousness. His many emails, which contradicted his statements that the letter of the law was followed and that he was "proud" of his work at the Department regarding Reading First, were read throughout the hearing. They could most charitably be described as "unprofessional". Other witnesses were also questioned as to whether or not they benefited financially from programmatic decisions made and guidance provided in the course of administering the program and operating the peer review system that the law required.

For a complete copy of the testimony presented see the House Education and Labor Committee website at <http://edworkforce.house.gov/index.shtml>.

Education Daily – April 23, 2007

HEARING ADDRESSES MISMANAGEMENT OF READING FIRST

by Kris Kitto

Rep. **George Miller**, D-Calif., zeroed in on alleged extralegal maneuvering by former Reading First Director **Chris Doherty** and other **Education Department** employees at a

House hearing Friday that was meant to investigate possible ethical violations in the administration of the federal government's flagship literacy program.

But **Education and Labor Committee** ranking member Rep. **Howard "Buck" McKeon**, R-Calif., took a different approach to witness cross examination — looking to Inspector General **John P. "Jack" Higgins** for recommendations on how to safeguard against conflicts of interest and mismanagement of the program in its upcoming reauthorization as part of the No Child Left Behind Act.

Several members of the **Education and Labor Committee** said they recognize the program's successes in spite of the controversy and want to see the program continue, but with better oversight.

The hearing fleshed out the complicated connections between the department and the experts who were involved in getting Reading First up and running. It also revealed other sources of possible pressure and ethically questionable actions from department officials higher than former director Doherty.

It was Doherty's first opportunity to address the stream of allegations that have been directed at him for several years.

He said he felt he and other department officials had remained within the law during what he called an "energetic" implementation of the program — an approach he said was needed to overcome the grey areas in the statute's instrumental requirement of scientifically based reading research.

Doherty said in his written testimony that the point in such a position wasn't to endorse certain reading programs but to "comply with the law and maximize the program's impact on children learning to read."

Miller questioned Doherty's explanation, saying, "You don't get to override the law because you're turning the law into a program."

Both Miller and Doherty made references to strong-arming from Doherty's superiors to push certain reading programs.

Doherty said **Susan Neuman**, a former assistant secretary, was pressuring him for "not being bold enough" in the program's implementation.

The hearing also shed light on a widely used assessment for the literacy program, with three experts involved in both the assessment and the reading initiative's implementation denying any conflict of interest but admitting they've received royalties from the test itself or from related materials.

Roland H. Good, one of the authors of the *Dynamic Indicators of Basic Early Literacy Skills* assessment, told the panel he's a 50 percent shareholder in the test company which has received royalties in excess of \$1 million from it.

Good worked on a department assessment committee and in a Reading First technical assistance center with **Edward Kame'enui** and **Deborah C. Simmons**, both of whom said they received approximately \$150,000 in royalties in 2006 from materials used by Reading First Schools.

All three said they were given no guidance from ED or ED contractors on conflict of interest but, on their own, complied with conflict-of-interest standards commonly followed in the world of academia.

The investigation could continue, as Inspector General Higgins said he made the **Justice Department** aware of possible criminal violations.

Education Week – April 20, 2007

READING FIRST INFORMATION SENT TO JUSTICE DEPT.

by Kathleen Kennedy Manzo

The inspector general of the U.S. Department of Education has referred some of the information gathered in a lengthy audit of the Reading First program to federal law-enforcement officials for further investigation, he said during a lengthy and contentious hearing today before the House Education and Labor Committee.

Inspector General John P. Higgins Jr. told the committee, in response to a question on whether he had recommended any criminal review, that he has made “referrals to the Department of Justice.” He declined to elaborate to reporters at the end of the hearing.

The former director of the Reading First program denied in the April 20 congressional hearing that there were conflicts of interest in the implementation of the \$1 billion-a-year federal initiative. He also denied that he and other officials and consultants had overstepped their authority in directing states and school districts on the curriculum materials and assessments that would meet the strict requirements of the grants awarded under the program.

“A distorted story has been written over the past few months based on the worst possible interpretation of events that occurred during the early days of the Reading First program,” Christopher J. Doherty, who oversaw the program from 2002 until last fall, told the education committee during the hearing.

Mr. Doherty disputed suggestions by Rep. George Miller, D-Calif., the committee’s chairman, that he and other federal officials had drafted the Reading First guidelines to institute “extralegal requirements”—as Mr. Doherty had once put it in an e-mail—that were not specified in the No Child Left Behind Act to essentially compel states to adopt certain commercial reading programs and assessments over others.

“We thought and think those [additional] components [written into the program’s guidelines but not outlined in the law] emanated from the guiding research,” Mr. Doherty said. “In no way was [the guidance] designed to lock in” one particular program, he added.

“Was your mantra, ‘Mistakes were made’?” Rep. Miller said. “You don’t get to override the law because you’re turning the law into a program.”

Mr. Doherty responded: “We thought then, and we think now, we did abide by the law.”

Rep. Miller referred to a report by the Department of Education’s inspector general last September that concluded Mr. Doherty may have stacked expert panels assigned to

review state Reading First grants with colleagues who advocated direct instruction, a scripted and highly structured approach to teaching reading. Some panelists, and consultants assigned to help states revise their grant proposals, had professional ties to commercial reading programs and assessments as well, the report stated.

The hearing was the first of two that are expected in Congress in the wake of reports by the Education Department inspector general and the Government Accountability Office that found federal officials had mismanaged the program.

“We found that the department obscured the requirements of the statute by inappropriately including or excluding standards in the application criteria,” Mr. Higgins told the committee.

Advisory Panel’s Role

Starr Lewis, an associate state education commissioner in Kentucky, told the committee that state officials felt pressured by Mr. Doherty to change their choice of assessments for participating schools, and later refused to follow his request to prohibit schools from using two commercial reading programs that were approved for use in those schools.

Ms. Lewis noted that one of the consultants providing assistance during the grant-review process had financial ties to the assessment, the Dynamic Indicators of Basic Early Literacy Skills, or DIBELS. Kentucky was asked to revise its Reading First grant proposal three times.

“We were repeatedly advised to replace our current assessment tool with DIBELS,” Ms. Lewis said.

Three members of a federal advisory committee also testified about their role in reviewing reading assessments that would meet the program’s requirements. Edward J. Kame’enui, who is on leave from the University of Oregon while he directs the Education Department’s National Center for Special Education Research, said that the assessment committee provided states with a resource to help state officials choose research-based materials and tests for participating schools.

The advisory committee, which included current and former Oregon researchers Roland H. Good III and Deborah K. Simmons, who also testified at the House hearing, was criticized in the inspector general’s report for having real or potential conflicts of interest. The advisory committee reviewed more than two dozen assessments, some of which the panel’s members had helped develop. DIBELS, the most widely used test in Reading First, was designed by Mr. Good.

“At the outset we took steps to avoid any conflicts of interest,” said Mr. Kame’enui, who also served as the director of one of three regional technical-assistance centers for the

Reading First program. He added that, in hindsight, stricter controls against real or perceived conflicts of interest should have been instituted.

Rep. Howard P. “Buck” McKeon, R-Calif., the ranking Republican on the education committee, has introduced legislation that would require the Education Department and its contractors to screen Reading First peer reviewers for potential conflicts of interest, among other provisions.

Rep. McKeon was much less hostile to the witnesses connected to the Reading First program than Mr. Miller and some of the other committee Democrats.

"I want to thank you for your service," he said. "I've been here almost 15 years, and I've seen a lot of people get crucified, and I'm really getting sick of it."

But after hearing some four hours of testimony about alleged missteps and wrongdoing in the implementation of the federal program, Rep. Miller said he would consider making his own request for a criminal investigation.

“I think this process was cooked from the very beginning,” he said.

In an interview after the hearing, Mr. Miller said: “This hearing made it pretty clear that there was a very incestuous relationship among a small group of people in the Education Department and among contractors. They were very clearly using this program ... for profit.”