

No Child Left Behind in TEXAS

A Harbinger for the Rest of the Country?

TEXAS NCLB HEARING

George Washington Carver Museum & Cultural Center Theater • Austin
January 12, 2006 • 4:00–7:30 PM
Local hearing partner: Austin Voices for Children and Youth

PARTICIPATING ORGANIZATIONS

Houston A+ Challenge, Houston • Texas Business and Education Coalition, Austin • Citizens Commission on Education Excellence, Austin

HEARING OFFICERS

Tanny Berg, CEO, Jack Berg Sales, El Paso, TX • **Ronald Cowell**, President, Education Policy & Leadership Center, Harrisburg, PA • **Roberto Gonzalez**, CEO, Employment & Training Centers, Inc., Houston, TX • **Ann F. Utley**, CEO, Textorder.com, Austin, TX

STUDENT WITNESSES

Darius Brewer, Austin • **Andy Peterson**, Springwoods High School, Austin • **William Luton**, Houston • **Rachel Perez**, Southwest Texas Junior College, Eagle Pass • **Eric Graves**, Bellaire High School, Houston • **Donovan Bozan** (*no school given*) • **Manuel Lope**, Cashmere Senior High School

PARENT WITNESSES

Cheryl Knockless, Austin • **Diana Herrera**, San Antonio • **Linda Murray**, Houston • **Minerva Camarena Skeith**, Austin • **Lee Williams**, Austin • **Jose Guerrero**, Austin

COMMUNITY WITNESSES

Angela Valenzuela, Education Committee Chair, Texas League of United Latin American Citizens (LULAC), Irving • **Luis Figueroa**, Staff Attorney, Mexican American Legal Defense and Educational Fund (MALDEF), San Antonio • **Anna Land**, Vice President, Texas Afterschool Association, Austin • **Ken Zornes**, Deputy Executive Director, Texas Business & Education Coalition, Austin • **Daveta Daniels**, Principal, Hartsfield Elementary School, Houston • **Ted Melina Rabb**, Texas Federation of Teachers, Austin • **R.C. Polk**, Retired Teacher, Austin • **Kay Perry**, Houston Area Alliance of High School Educators, Houston • **Carla Jones-Taylor**, Instructor, Anderson Elementary School, Houston • **Linda McKenna**, Teacher, Austin • **Ginger Harrison**, Executive Director, Citizens Commission on Education Excellence, Corpus Christi • **Benjamin Kramer**, Assistant Principal, International High School, Austin

This is not a system that is working for our kids. It is not working for our teachers. And if you want to save our public school system, you will do all you can to turn this law around.

Austin PTA President

The Texas test-based accountability system – the wellspring of the federal No Child Left Behind (NCLB) law – has turned sour, and Texas residents are desperate to find ways to make it right. Through sometimes angry testimony mixed with frustration, witnesses revealed what happens when policies do not align with the public’s values and aspirations.

Themes common to all PEN hearings surfaced during the three-hour hearing held in Texas: that NCLB has put the focus on education, and that the challenge everywhere is to close the achievement gap while simultaneously expecting higher achievement from all students. But, as lead-off witness Louise Deretchin, director of higher education for Houston A+ Challenge, explained, Texas schools have multiple issues to contend with: a school finance equity court ruling yet to be settled by the legislature; a decrease in funding with a corresponding increase in the number of low-income students; low Hispanic graduation and college-entrance rates.

What makes Texas unique among the states, however, is its long experience in using tests as a high-stakes strategy throughout most grades. The issue of high-stakes testing dominated the Texas hearing that gave students, parents, and community leaders – audiences very much affected by the law, but usually left out of the policy debate – an opportunity to tell their side of the NCLB story.

Testing & NCLB: A Student Perspective

Student panelists from Austin, Houston, and El Paso made it clear that their schools have not been communicating the role of testing under NCLB. They did their own research on NCLB and had firm opinions about the effect of standardized testing in general and the Texas Assessment of Knowledge and Skills (TAKS) in particular.

The assumption that one test can determine what every student knows “tells me how really clueless some adults are about the individual needs of students,” testified Austin high school student Andy Peterson. He spoke as a student with a learning disability, who was never told that he could be tested with accommodations. Unlike most students who struggle with testing, he can write but “freezes” over multiple-choice questions. He is always the last student to finish a test, he said, and he is convinced that standardized testing can never assess students accurately because it does not consider the unique ways students learn.

William Luton, a student from the Houston area, noticed changes taking place at his school, such as more advisories and after-school tutoring, but he was never told why these changes were happening. What he did observe was that TAKS, which is used to determine if schools meet adequate yearly progress (AYP) under NCLB, is poorly designed and disturbs the academic program. As Luton explained:

“The part that puzzles me about this is why students sitting in a Chemistry II AP class should have to go to their Biology I ninth-grade teachers and ask them questions about the TAKS test....I understand the importance of retention, but I don’t think people should be held accountable to remember every last detail from a course that they were taught three years ago...And, yes, TAKS will keep us from graduating, but the tenth-graders don’t know that, the eleventh-graders know that. But it’s the tenth-grade tests that also affect the school’s rating. So, why are the students who are the ones being judged for the school not the ones being held accountable?”

Students said they lost block scheduling and hands-on learning because of the state’s testing program and they objected to being tested on discrete facts instead of broader knowledge. “You may not be able to remember the exact date the Constitution was signed,” remarked Luton, “but you should be able to explain why it was signed, and that’s not on the test.” The skills that students spend so much time reviewing, he said, are not those like abstract thinking that will help in college. They aren’t even the skills employers want. Someone applying for a job will not be asked to recall little facts, he said, but will be asked about skills and if they have good work habits.

For Rachel Perez, a community college student, standardized testing as a prerequisite for graduation was a demoralizing factor and even caused some other students to drop out. “All the effort that they have put into school since elementary school, and it just comes down to a simple test that grades you on stuff that you don’t remember to the exact detail, and they just say they can’t do it and drop out,” she said. Test prep does not help much, she explained, and when students fail the test, they give up and leave school.

Statistics	Total Schools ¹	% fail to make AYP	% schools in improvement	# LEAs	% LEAs fail to make AYP	% LEAs in improvement	Graduation rate ²	Per pupil expenditure ³
Texas 2003–04	7,813	5.0%	1.2%	1,227	6.7%	0.2%	81.2%	\$7,214
United States 2003–04	90,237	24.7%	11.4%	13,959	28.5%	12.8%	74.9%	\$8,308
Texas 2004–05	7,020	11.6%	2.5%	1,229	10.7%	1.1%	84.6%	\$7,142
United States 2004–05	89,493	25.6%	12.9%	13,878	23.7%	12.4%	Not avail.	\$8,618

Testing & Accountability: The Adult View

Many adults were disturbed about the effect of test-based accountability and described dramatic differences in instruction over time. One parent with children out of college and a child in sixth grade said her younger child was far behind her older children at the same grade level because teachers no longer have time to teach content, only test skills. Lila Levinson, mother of a high school student and a sixth-grader, was even more pointed in her criticism:

“When my oldest son was in the third grade, they read Little House on the Prairie, and they had an interactive unit...in which they learned how pioneers lived, they did dramatizations and artwork. It was a very rich and engaging curriculum. When my younger child reached third grade, they didn’t read a single novel. Not only that, they didn’t do any writing at all. Why? Because their total focus was on drilling for the test, worksheet after worksheet. My son stopped reading at home that year...My older son is totally bored and stressed a the same time because there is quantity of work rather than engaging work....”

¹ Title I Report, Vol. 7 Iss. 4 (LRP Publications 2006). Data for columns 1-6 were taken from this report.

² Percentages take from Texas State Academic Excellence Indicator System (AEIS) report, available at: <http://www.tea.state.tx.us/perfreport/aeis/2005/state.html>.

³ National Education Association, *Rankings & Estimates Update (2005)*. Figures are computed from NEA Research, Estimates databank. The figures are based on reports through August 2005.

For Diana Herrera, a former teacher who moved her children from private elementary schools into public schools because she thought the latter did a better job of differentiating instruction, the environment has changed. Along came NCLB, said Herrera, and now her high school daughter, “bored out of her mind,” is forced to “circle, highlight, and underline because these are test-taking strategies” even though she has passed TAKS and is ready to graduate. “My children are losing out on a strong educational program,” she testified, “that will not prepare them for the future.... Public school reform should be not adding mandates, setting strict guidelines, and cutting funding.”

The differences between TAKS and NCLB are confusing parents, said Luis Figueroa of the Mexican American Legal Defense and Education Fund (MALDEF), but even more disturbing is the “manipulation” of data that leads to inaccurate information on dropout rates and the testing of students with disabilities. Ken Zornes, deputy director of the Texas Business and Education Council, called for consistent measurements that include more than just data on the lowest performing students. “That does not give you a true picture of the school,” he said, and believes that “the people who report the information need to be better informed on how to report it. There is absolutely too much confusion when it comes to rating schools.”

	Student Enrollment ¹ 2004-2005	Per Pupil Expenditure 2004-2005	Students in Title I Schools ²	Students Eligible for Free/Reduced Lunch	Students with IEPs	English Language Learners	2002 Graduation Rate ³			
							All	Black	Hispanic	White
Texas	4,383,871	\$7,142	62.0%	47.4%	11.8%	15.5%	68%	66%	57%	77%
US	48,367,410	\$8,618	49.7%	36.3%	13.6%	10.6%	71%	56%	52%	78%

Testing mandates, and NCLB’s requirement that the test scores of English-language learners (ELLs) be included when rating school performance, are having unintended consequences for many of the 700,000 ELL students in Texas. Testing pressure, according to Elena Izquierdo, vice president of the Texas Association for Bilingual Education, is causing school districts “to implement very, very poor, hurry-up-and-learn-English classes.” Research shows that ELL students need five to six months more each year to make the same rate of progress as other students, she said, noting that they should be allowed to test for content in their native languages while being tested for annual progress in English.

MALDEF’s Figueroa called for increased funding for programs, such as migrant education and research on pedagogy for ELL students, that directly affect the capacity of Hispanic children to pass state tests. There is no substitute, he said, for long-term bilingual programs. Benjamin Kramer, assistant principal of the International High School in Austin, said lack of support and early testing in English were pushing half of immigrant students to drop out before graduating, a situation, he said, that communities all over the country will someday face.

Angela Valenzuela, chair of the education committee for the League of United Latin American Citizens (LULAC), said that NCLB does not allow for different rates of learning among children and, in doing research, she found issues of validity and accuracy in standardized tests used for AYP. The first step in making accountability fair, she said, “is to get rid of the bad effects of testing....It is unethical, it is invalid, and it is unprofessional to evaluate a student on something that concerns them so much as their retention or their failure or their graduation on the basis of a single measure.”

Many witnesses favored using standardized tests for diagnostic purposes only, and several students recommended end-of-course tests in high school instead of high-stakes graduation tests.

¹ National Education Association, *Rankings & Estimates Update (2005)*. Figures are computed from NEA Research, Estimates databank. The figures are based on reports through August 2005. This source provided the Student Enrollment and Per Pupil Expenditure data.

² Hoffman, L. and Sable, J. (2006). *Public Elementary and Secondary Students, Staff, Schools, and School Districts: School Year 2003–04* (NCES 2006-307). U.S. Department of Education. Washington, DC: National Center for Education Statistics. Data were taken from this source for the following columns: Students in Title I Schools, Students Eligible for Free/Reduced Lunch, Students with Disabilities, English Language Learners.

³ *Public High School Graduation and College-Readiness Rates: 1991-2002*, Manhattan Institute for Policy Research (2005). Figure calculated using the Greene method, which estimates the number of students who enter a ninth-grade class, makes some adjustments for changes in population, and divides the resulting number into the number of students who actually graduated with a regular diploma. It is not a four-year graduation rate; as long as there is not a substantial change in the number of students in each class that graduates in more than four years, such students are included in the calculation.

NCLB and Teachers

NCLB requires all students to be taught by highly qualified teachers in core academic subjects by 2006, a supply issue that is straining the capacity of teacher training institutions and leading to some illogical situations. Houston student William Luton described his choral teacher as “one of the best I’ve ever had,” but his parents received notification that she was unqualified because her certification was in religious music, not choral. “This letter confused all of us,” he said. Other students and parents said the definitions of a highly qualified teacher do not address the need for teachers to be culturally competent.

More troubling to some witnesses, however, is how teachers are being forced to narrow their instruction. Veronica Delgado-Savage, a youth development professional who trained with teachers said she was “amazed at so-called cutting-edge strategies....There was a whole section on highlighting as a test-taking strategy.” Students are not reading or building critical thinking skills, she said, and she worries about parents who are working two and three jobs and do not have time to help their children at home. Ted Raab, a representative of the Texas Federation of Teachers (TFT), testified that two-thirds of the teachers responding to a TFT survey strongly supported statewide standards, but half, nevertheless, wanted the accountability system and its overemphasis on testing to be overhauled.

Ginger Harrison, executive director of Citizens for Educational Excellence in Corpus Christi, said that, after observing an interesting geometry lesson, she asked the teacher how the principles could be applied in real life. “The teacher said they really didn’t apply, but they were on the test. That’s really wrong. I don’t think any educator minds being held accountable for what they do every day,” but high-stakes testing, she said, is taking the life out of teaching. Some educators who testified charged that reconstituting schools under NCLB was a ruse to get rid of “troublemakers” who were being replaced by much less qualified teachers. Even more dramatic was testimony on how NCLB mandates were pushing out teachers as well as students. An Austin PTA leader described why teachers are leaving:

People are being driven out of the system – parents, teachers, students. Anyone with an ounce of creativity is being pummeled. It is unbelievable. The love of learning is being completely sucked out of our system. Tests should be helpful, they should not be punitive. I implore you to use the power of this forum to take this message to the policymakers.”

Other NCLB Issues

Parents and representatives of parent advocacy groups expressed frustration with the impact of test-based accountability on their efforts. The Interfaith Alliance has been bringing schools and parents together as partners for many years, said alliance member Dennis Hartnett, but in the past five years it has been far less effective because teachers no longer have time to be involved with parents. Another witness said that teachers are so focused on “drill and kill” to get students ready for tests that “they don’t want to see the parents because that’s only going to add more work to their load.”

Supplemental educational services (SES), another NCLB mandate, are taking funds away from schools that cannot even afford to buy textbooks for students, according to one witness. Others criticized the quality of SES, but few even mentioned the parental choice option to transfer out of underperforming schools, the other major intervention under NCLB. One mother said she found it helpful, but another spoke about rural areas where there is only one K–12 school and worried that, with religious groups anxious to provide options, small rural schools would be shut down.

Overall, NCLB had few defenders. But despite all its flaws, long-time public education advocate Pat Herndon thinks the law with its focus on accountability has made “clear measurable advances in students’ knowledge and skills.” What was most significant about the testimony in Texas, however, was the degree of anxiety and frustration expressed over what witnesses perceive as testing gone awry.

The Texas hearing was one of nine hearings on NCLB held across the country from September 2005 to January 2006. This is the second set of hearings organized by PEN to convey the public’s concerns and recommendations to policymakers in advance of the scheduled 2007 reauthorization of the law.

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