

# No Child Left Behind in NEW YORK STATE

## A Matter of Priorities

### NEW YORK NCLB HEARING

St. John's University, Manhattan Campus • New York City  
September 29, 2005 • 5:30–8:30 PM  
*Local hearing partner: Campaign for Fiscal Equity, New York City*

### PARTICIPATING ORGANIZATIONS

National Center for Schools and Communities at Fordham University, New York City  
Good Schools for All, Buffalo

### HEARING OFFICERS

**Elise Boddie**, Director, Education Group; NAACP Legal Defense and Educational Fund, Inc., New York, NY

**Dr. Roscoe C. Brown, Jr.**, Executive Director, Center for Urban Educational Policy; CUNY Graduate Center, New York, NY

**Amanda R. Brown**, Senior Vice President, Public Education Network, Washington, DC

**Lee Daniels**, Vice President, Research & Publications; National Urban League, New York, NY

**Fred Frelow**, Director of Early College Initiatives, Woodrow Wilson National Fellowship Foundation, Princeton, NJ

**Michael Rebell**, Executive Director and Counsel, Campaign for Fiscal Equity, Inc., New York, NY

### STUDENT WITNESSES

**Terel Watson**, Queens Vocational and Technical High School • **Margarita Henderson**, EBC Bushwick High School • **Abeo Richards**, Democratic and Leadership School • **Princess Taylor**, Democratic and Leadership School • **Marlowe Williams**, New Rochelle High School • **Rebecca Berkman-Rivera**, La Guardia High School • **Tapasya Wancho**, Bronx High School of Science • **Antonia Donato**, St. Vincent Ferrer High School • **Elizabeth Slater**, Bronx High School of Science • **Nadiya Chadha**, Bronx High School of Science

### PARENT WITNESSES

**Victoria Bousquet** • **Carol Rogers**

### COMMUNITY WITNESSES

**Wayne Ho**, Executive Director, Coalition for Asian American Children and Families

**Jennifer Cowan**, Program Specialist, The After-School Corporation

**Kenneth D. Cohen**, President, Northeast Queens Branch and Education Chair, Metropolitan Council of the NY State Conference of NAACP Branches

**Jan Atwell**, Coordinator, New Yorkers for Smaller Class Size Coalition

Funding for the hearing was provided by the New York Community Trust.

*I want to make it really clear that I'm not opposed to accountability, but I'm opposed to accountability when there are a lack of resources and a lack of funding and a lack of clarification on what it means to this community.*

Wayne Ho, Executive Director, Coalition for Asian American Children and Families

After almost four years of experience with No Child Left Behind, New York State residents still believe in its goals, but are more critical than ever of its priorities. This theme characterized a hearing held in New York City 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.

Testimony at the hearings revealed the terrible impact of unequal opportunities as students and schools struggle to avoid NCLB's punitive mandates, and a deepening concern that the implementation of NCLB is resulting in a number of misguided priorities such as a narrow curriculum and teaching to the test.

While the witnesses agreed that the law focuses on critical issues, they also pointed to its serious shortcomings: students and schools being held accountable for academic improvement, but without the resources to improve; testing skewing the curriculum and causing students to become disengaged; communication about NCLB leaving parents and communities feeling left out of the process by an unresponsive bureaucracy; conformity that threatens personal and community strengths.

### Where Are the Resources?

Many of the student panelists who testified have had direct experience with or knew of resource problems at the school level; they pointed to large classes, lack of text books, assignment to schools outside their neighborhoods, and overcrowding as reasons why so many students are dropping out.

Terel Watson, a junior at Queens Vocational and Technical High School, noted that while schools have new metal detectors, they still have 20-year-old textbooks. "We should have more computers, more books, and qualified teachers." Princess Taylor, a tenth-grader at Brooklyn's Democratic and Leadership School, spoke for all New York City students "who have had to deal with old textbooks where pages are ripped out, marked up, or glued together; where you can sit in classrooms for two periods, two hours doing absolutely nothing; and [have] teachers who are either underskilled or have no credibility whatever." Rebecca Berkman-Rivera, a senior at LaGuardia High School for the Performing Arts, was shocked to find herself surrounded by "scared and confused faces" when she went to take her SATs. After hearing one girl ask a

friend if there was going to be a math section on the test, she concluded that “we are not on an equal playing field to begin with” and that NCLB is not giving all students equal opportunities.

A parent corroborated the students’ sense of unfairness in the system, telling hearing officers that her daughter had to study for a science test “but there is no lab in her school, so when it comes to the test, she just knows it by words, she has no hands-on [experience]....If we are testing you on science, you need to know...what happens when you get in a lab.”

Victoria Bousquet, a parent and PTA president, said NCLB’s implementation was premature in that it required accountability before the resources were in place. Children must pass tests, she said, but they are placed in overcrowded classes and have no textbooks. Furthermore, their principals and teachers are so “zealous” about making annual yearly progress (AYP) that “no thought is given to the areas which provide social skills and personal growth such as art, music, gym, science, health, and language.”

Yet, despite these shortcomings, the student panelists were optimistic about the possibility that students could reach proficiency by 2014 as required by NCLB, but only if all teachers have high expectations for their students. “I think all of the kids in the United States being able to reach those standards is very much possible in the next few years as long as, starting at kindergarten and the first-grade level, they have small class sizes and they have devoted, qualified teachers,” declared Marlow Williams, a junior at New Rochelle High School.

Statistics	Total Schools <sup>1</sup>	% fail to make AYP	% schools in improvement	# LEAs	% LEAs fail to make AYP	% LEAs in improvement	Graduation rate	Per pupil expenditure <sup>2</sup>
<b>New York 2003–04</b>	<b>4,624</b>	<b>32.2%</b>	<b>10.9%</b>	<b>730</b>	<b>NA</b>	<b>7.7%</b>	<b>76%</b>	<b>\$12,325</b>
United States 2003–04	90,237	24.7%	11.4%	13,959	28.5%	12.8%	74.9%	\$8,308
<b>New York 2004–05</b>	<b>4,499</b>	<b>24.7%</b>	<b>11.4%</b>	<b>730</b>	<b>32.2%</b>	<b>7.7%</b>	<b>Not avail.<sup>3</sup></b>	<b>\$12,879</b>
United States 2004–05	89,493	25.6%	12.9%	13,878	23.7%	12.4%	Not avail.	\$8,618

## Testing Issues

Adults and students alike testified that the testing practices related to NCLB were doing more harm than good and that test-based accountability in New York, which focuses on all students passing a series of Regents Exams, not only distorts what students are learning but undermines the wider purpose of a public education.

Students now feel greater pressure and spend more time preparing for a single test or for the New York State Regents Exams, and they do not believe that this prepares them for college or for lifelong learning. According to Tapasya Wancho, a senior at the Bronx High School of Science, annual testing under NCLB has shifted the teachers’ emphasis “from doing well in class and actually learning the material to working toward that test.” NCLB, she added, “has done little to create a higher level of education nationwide.” Fellow student Nadiya Chadha said classes in the arts, music, and photography are being eliminated in favor of spending more time on core subjects. “By limiting students’ exposure to these topics, we thereby prevent students from generally developing into well-rounded people,” she said and added that students should not have to choose between academics and enrichment classes. She also noted that forcing students to focus on passing a test discourages them from appreciating learning.

For the Asian-American community, the emphasis on test scores as the only measure of success has created inequities and unfairness, according to Wayne Ho, executive director of the Coalition for Asian American Children and Families. High-stakes testing, he said, has turned some classrooms toward “purely test preparation and strategizing.” Certain Asian-American families spend precious resources on test prep programs, he said, but “student academic success should not be based solely on the ability to pay for test preparation.” Nor, Ho said, should schools push academics in lieu of building student leadership skills, involvement, and relationships with adults. He related a conversation with a

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

<sup>2</sup> NEA, Rankings & Estimates Update (2005). Figures, computed from NEA Research, Estimates databank, are based on reports through August 2005.

<sup>3</sup> Although a graduation rate was not part of the NY State Report Card for the 2004-2005 school year, the NY State Department of Education recently released information about graduation rates of specific cohorts of students. Of the state’s students who started 9th grade in 2001, only 64% graduated by 2005 (in 4 years). In addition, 74% of the students who started 9th grade in 2000 had graduated by 2005 (taking 5 years to complete high school).

school principal who told him he had eliminated student field trips “because field trips aren’t on the test.” That, said Ho, is “the real educational experience of our children.”

Victoria Bousquet said she expected her children to be proficient in academics when they graduate but echoed the testimony of others in her insistence that they should also become knowledgeable about “the real world” through art, communication skills, and confidence in expressing their points of view. “Our children are so boxed in,” added parent witness Carol Rogers, “they don’t even have a gym to go to, let alone a science lab.”

## Bureaucratic Bungling

NCLB assurances of parental choice to transfer to higher performing schools or select tutoring services have fallen short of the mark in New York according to hearing witnesses. They not only question NCLB priorities, but also fault the school bureaucracy for its failure to communicate clearly and fully.

Wayne Ho expressed deep concern over the transfer option, saying immigrant families do not have equal chances to use it because they do not get information or information translated into the languages they speak. “If parents aren’t aware of their choices or can’t be involved in their child’s education, then what choices do they really have?” he asked.

Similarly, Kenneth Cohen, education chair of the Metropolitan Council of the NY State Conference of NAACP Branches, pleaded for building community around failing schools instead of transferring students out. Groups that want to help “are not invited to the table” when decisions are made about closing schools, he said.

Jennifer Cowan – who works for the After-School Corporation, an organization overseeing programs in 12 schools conducted by 11 community-based organizations – is confident that supplemental educational services have potential. But management problems in New York City have compromised what they can accomplish. Nonprofits are at a disadvantage when it comes to providing services, Cowan explained, because upfront money is not available to them and the funding that they do receive often lags greatly behind the services they provide. Paperwork, incompatible software to track attendance, lack of staff for special needs students, and poor communication with parents are other obstacles. Cowan believes funding should be available for more comprehensive after-school programs that give children opportunities for a range of enrichment activities instead of just for help with homework and for tutoring. Kenneth Cohen thinks community groups do not have access to the data they need about schools, stating that “you need connections” to get information.

	Student Enrollment <sup>1</sup> 2004-2005	Per Pupil Expenditure 2004-2005	Students in Title I Schools <sup>2</sup>	Students Eligible for Free/Reduced Lunch	Students with IEPs	English Language Learners	2002 Graduation Rate <sup>3</sup>			
							All	Black	Hispanic	White
<b>New York</b>	<b>2,822,000</b>	<b>\$13,370</b>	<b>58.7%</b>	<sup>4</sup>	—	—	<b>64%</b>	<b>42%</b>	<b>36%</b>	<b>81%</b>
US	48,367,410	\$8,618	49.7%	36.3%	13.6%	10.6%	71%	56%	52%	78%

Most of the adults testifying were critical of communications and outreach to parents and some students pointed to the lack of translation services as a barrier. According to Victoria Bousquet, “parents have been left out of the loop” and they know little about NCLB or how to exercise choice. Even though information is translated for immigrant families “parents first have to be made aware of a program before they can ask about services....Parents get information late, and often in forms they cannot comprehend.” She testified that “in some schools administrators don’t want parents in the schools.”

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> *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.

<sup>4</sup> Not available.

Ho testified that parents complained of receiving poorly translated or incomplete information. Parent Carol Rogers noted that “being an involved parent sometimes is more negative than positive” and said that school policies and communications failed to recognize the changes in families such as grandmothers raising their grandchildren, mothers afraid to go out at night, families unable to attend meetings because of younger children. She said that funds for parental involvement in Title I schools were being falsely restricted.

### Impact on Personal and Community Culture

While the title of the law implies that the academic needs of individual students will be met, New York witnesses were troubled by the conformity the law was imposing. “It is difficult to set a national standard when every district and community is so different,” said Elizabeth Slater, a student at the Bronx High School of Science, who wants the federal law to take community circumstances into consideration. Other students said individual student strengths were being ignored because of the one-test-fits-all mentality. “You see some students in classes who are very active in participating in group work, they are handing in their homework, they are studying, they take education very seriously,” said Abeo Richards of the Democratic and Leadership School in Brooklyn. “But what if you put a standardized test in front of them and tell them they have to get a 3 or 4 to get to the next grade, and they just don’t get it and have to repeat a grade even though they are so good in academic work?”

The most critical issue, however, is the effect of NCLB mandates on students with diverse cultural backgrounds. It may take non-native English speakers five to seven years to gain academic proficiency in English, Ho testified, but they are being pushed into mainstream classes before gaining proficiency and then expected to take the same tests as other students. Or they are told to study for a GED rather than being given the support they need to graduate. The school system does not hire or train teachers who can meet the needs of English-language learners, said Ho, in explaining why one-third of Asian-American students in New York City schools do not graduate from high school on time or at all:

*If I dropped you in the middle of China and gave you one year to learn the language and after that year you are going to take a test on math, in science, on Chinese literature, and you are going to write essays in Chinese and you are going to solve word problems in math from Chinese, could you succeed? And if you don't, we have ended social promotion, so you are not going to pass, and we will put you back.*

After listening to hearing testimony, a student in the audience asked permission to speak, saying that because she attended a parochial school she was unfamiliar with the law but the hearing “made me realize how much more public schools, especially schools in my area of East Harlem, and the disadvantaged students who attend them, need extra care.”

The New York 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.