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TESTIMONY TO THE JOINT SELECT COMMITTEE ON PUBLIC SCHOOL ACCOUNTABILITY

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Thank you for the invitation to provide ideas on how to improve the accountability system for public schools in Texas. At this hearing and your next two hearings, Texas AFT will present to you a series of proposals for changes in the accountability system. At today's hearing, we want to address three specific areas in need of reform. They are: the lack of individual teacher authority over time devoted to test preparation; the inappropriate testing of certain students with disabilities; and the arbitrariness of sanctions for campuses deemed persistently low-performing.

Individual Teacher Authority

It is generally agreed that the professional skill of the individual classroom teacher is the most important school-related factor affecting student achievement. A reformed accountability system must allow teachers to use their professional judgment and skill to strike the proper balance between testing and teaching and learning in their classrooms.

The Texas Legislature last year in SB 1031 tried to limit locally mandated tests to 10 percent of annual instructional days. That provision is now codified as Education Code Section 39.0262. However, school districts around the state have continued to claim that much of the testing is not district-mandated but rather discretionary at the campus level. In Austin ISD, for example, our members consequently reported in February that they had spent three and a half of the previous seven weeks giving tests instead of teaching. On one campus, one department met to develop new curriculum ideas, but two months into the semester the teachers still lacked the time to implement the curriculum changes.

The statutory cap on local testing is a good idea, but in many districts the provision clearly is not working as intended to reduce the proportion of instructional days spent on testing. We urge you to strengthen this statutory cap by amending it to cover all locally mandated testing, not just district-required testing--with a proviso that the limit of 10 percent of instructional days does not apply to testing approved or initiated by the individual classroom teacher. The best safeguard of an appropriate balance between testing and instruction for students is to let the individual classroom teacher make a professional judgment as to when and if testing in excess of 10 percent of instructional days is appropriate. Such an amendment of the testing cap would put local control in the hands of the individual professional educator who is in the best position to judge day by day whether instructional time should be spent on additional testing.

Special Education Accountability

In its zeal for accountability, the federal government has lost sight of how to help special education students, creating severe contradictions between federal testing requirements under the No Child Left Behind Act and the appropriate-education requirements of the federal Individuals With Disabilities Education Act. The heart of the problem is an arbitrary requirement that 97 percent (1 percent allowed to take TAKS-ALT, 2 percent allowed to take TAKS-M) of special education students must be tested on grade level, regardless of what is appropriate for each individual student, in order for their passing scores to be counted as proficient for purposes of meeting adequate yearly progress (AYP).

The pressure for inappropriate testing of special education students means that schools pay less attention to the actual educational needs of students in special education programs. In a recent online survey of our members, one commented: "I teach students at the secondary level who have an average IQ of 50 and will never test at their grade level. To assume so is insane. It is like teaching students about an apple, then testing them on oranges." Another member added: "When a student has a [serious] learning disability, he is not going to be able to 'make up' his deficit with extra work. To require these students to take grade-level assessments and expect them to compete with their peers is absurd." Yet another member told of a young student she had the previous year who sustained brain damage at birth. The teacher stated: "She came into my fifth-grade class reading on a first-grade level. It was totally unrealistic to expect this child to pass a regular reading state test. It only makes her feel like more of a failure." Another special education teacher commented about the frustration she feels when she is forced to test her students on Algebra I, even though these students are operating on a second-grade level and have not mastered basic math concepts of addition and subtraction. Compounding this absurdity, these same students will likely be required to attend summer school to study Algebra I, instead of receiving what they really need--intensive instruction to help them learn the foundation concepts they have yet to master. This approach will not only demoralize the students, but it will also halt their educational progress by attempting to force-feed them advanced concepts for which they are simply unprepared.

It makes no sense to treat these children or their schools as failures for not meeting these arbitrary standards that assume nearly every student is on grade level, regardless of disability. The true measure of a special education student's progress should be his or her attainment of the Individualized Education Program (IEP) goals.

Before passage of NCLB, the state of Texas already had developed appropriate testing requirements that met students' needs, enjoyed broad support among special education advocates, and minimized any risk of over-identification of special education students. The state of Texas now should do everything in its power to resist the federal folly that has been superimposed on our state accountability system under NCLB and should press for corrective action in Congress. Pending congressional action, this committee and the Legislature should advise the Texas Education Agency to move as slowly as possible on the project of aligning our special-education accountability requirements with current, arbitrary NCLB mandates

that are not in the best interests of our special-education students and are highly likely to be revised.

Our bottom line is this: For a student in special education, the IEP should govern, and the regular-education teacher should be directly involved in development of that IEP. This committee and the Legislature as a whole should press for congressional action that reinforces these basic principles of special education law.

We ask you to join us particularly in pressing for changes in federal testing requirements to match and reinforce the approach taken in the 2004 reauthorization of IDEA, which has led to expanded use of special education intervention services, such as Response to Intervention, that do not rely on a simple snapshot to determine student progress but actually follow a student's progress over time. Rather than relying on a rigidly prescribed standardized test, teachers under this approach use individually tailored interventions to address students' needs quickly and assess their progress continuously.

Sanctions for Low-Performing Schools

The third and last recommendation we offer today concerns the arbitrariness of state sanctions for persistent "unacceptable" campus performance ratings. The case of Johnston High School in Austin illustrates the problem. Although Johnston had been labeled "unacceptable" for five years, the school has been making significant progress. Johnston's Reading/English Language Arts scores show that ninth-grade passing rates improved over the past five years, from 35 percent to 62 percent, 10th-graders from 28 percent to 64 percent, and 11th-graders from 34 percent to 73 percent. But the sanctions scheme passed in 2006 gives no weight to these improvements, automatically requiring that the school be shut down.

The legislature should recognize the irrationality it has forced upon the commissioner of education, who may approve a locally developed repurposing plan only if 75 percent of this year's faculty and 50 percent of this year's student body are shipped elsewhere. Thanks to these arbitrary requirements, some of the very teachers responsible for Johnston's significant gains in performance this year, and some of the students most in need of their continued help, will be dispersed. On top of that folly, the 2006 state law also requires what you might call the "decapitation" of campus leadership after two years in a row of low performance -- i.e., the principal must be removed, regardless of progress made on his or her watch.

Texas AFT strongly supports the intelligent redesign of defective educational programs, backed up by the deployment of needed resources, when neighborhood schools are persistently low-performing. But the development of local redesign plans for particular campuses should be free of arbitrary criteria such as mandatory reassignment of fixed percentages of staff and students. We therefore urge this committee and the Legislature to revisit the automatic, arbitrary sanctions established in 2006.