

Talk

about Today's Public Schools

Editor's Note:

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Flawed education law hurts students and schools

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The reauthorization of No Child Left Behind has been in a holding pattern for two years, waiting for members of Congress to agree on revisions and for a new President to be elected. Now that the election is over, I hope that changes to the federal education law will be a priority for the Obama administration and Congress.

Compared to the struggling economy and the war in Iraq, education may not seem like a front-burner issue. But let me assure you, our education system is in crisis and needs attention because an educated workforce is vital for future and sustained economic prosperity. Something must be done to address the unfairness and inequities associated with NCLB and the manner in which the U.S. Department of Education and Texas Education Agency have implemented the law.

One of the requirements of NCLB that is most troubling is how special education students are tested. In Texas, there are four TAKS tests that a special education student can take, based on the determination of an Admission, Review, and Dismissal (ARD) Committee, which is comprised of teachers, administrators, parents and other appropriate professionals. They are the regular TAKS, TAKS-Accommodated (TAKS-Acc), TAKS Modified (TAKS-M), and TAKS-Alternate (TAKS-Alt). The TAKS-Alt test is the assessment used for students receiving special education services who have the most significant cognitive disabilities. The other three tests all require students to be tested on grade level, based on the child's age.

Students are identified as special education students because they have special learning needs, and the school must provide services to help them overcome their learning disadvantages. Under the Individuals with Disabilities Education Act (IDEA), the ARD Committee makes a determination about what educational program will best serve a child's needs and develops an Individualized Education Plan (IEP). Many of these students, because they have special learning needs, are not working or learning on grade level, and services are being provided to help them be successful and possibly attain grade level.

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The problem is that with the exception of TAKS-Alt, all the other choices for a TAKS test for a special education student are on grade level. If a student receives accommodations in their classroom instruction, then that student might take the TAKS-Acc. According to the state's definition, a student who has a disability that significantly affects academic progress in the grade level curriculum and can not achieve grade level proficiency within a school year will be assessed with the TAKS-M. It is clear that the TAKS-M should be given to students who are struggling to work at grade level and achieve grade level proficiency – yet the TAKS-Acc and the TAKS-M are grade level tests.

An ARD Committee could determine that below grade level services are best for a student, but the state says test them on grade level according to NCLB standards for Adequate Yearly Progress (AYP). Prior to this, special education students were tested by the SDAA (State Developed Alternative Assessment), which was an appropriate test for the level on which a student was receiving instruction.

No doubt there is conflict between what IDEA and NCLB are telling school districts to do. To test all special education students on grade level with the exception of those who have significant cognitive disabilities is simply wrong. To have schools develop an appropriate educational program for a child but test them on a different level is wrong. This is the equivalent of "educational malpractice." And to say certain schools aren't doing what they should do to serve these students because many of these students might not pass a grade level test is wrong!

The other issue is that no more than 1 percent of total students tested can be given the TAKS-Alt and no more than 2 percent of total students tested can take the TAKS-M. Each school, through the ARD committees, determines whether a special education student should be given the TAKS, TAKS-Acc, or TAKS-M. If more than 2 percent are tested with the TAKS-M, even though the ARD Committee said that is the appropriate test, then those above the 2 percent who pass the test are counted as "artificial failures," or to state it more bluntly, they are counted as failures in the system. In Northside we had about 4.4 percent take the TAKS-M in reading, and 3.5 percent take the TAKS-M in math. More than the 2 percent passed, and they were counted as failures.

Because of the cap on the number of students who can take a modified or alternative test, on the math TAKS, Northside had 220 "artificial failures." That means Northside special education students actually had a 66 percent pass rate, rather than the 61 percent pass rate that was officially reported. In reading, we had 581 "artificial failures," dropping the actual pass rate of 82 percent to 71 percent. These students are considered failures because of the inconsistencies between the IDEA and NCLB.

All of this has big picture implications, not just for the students, but also for their schools. Under NCLB, all demographic subgroups, including special education students, must achieve passing standards in addition to the overall campus population. In other words, if one subgroup of students fails to make AYP, the entire school fails. The goal of NCLB is to have a 100 percent of students passing by 2014. Under the current testing system for special education students, this is an unfair and unrealistic proposition and sets all schools up for failure.

This year, four high schools and two middle schools in Northside did not make Adequate Yearly Progress, or AYP, as required by NCLB because of special education student performance in math. Statewide, almost 33 percent of districts in the state did not make AYP, and about 14 percent of the campuses in the state did not make AYP. Fortunately, Northside as a district did make AYP this year, but at some point, the arbitrary requirements will catch up with us.

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That's because the number of questions that must be answered correctly to pass the test is increasing, along with the overall number of students who must pass the test to make AYP. Across the state, the passing percentage of special education students in reading dropped from 77 percent in 2006-07 to 62 percent in 2007-08. In special education math, the passing percentage dropped from 74 percent in 2006-07 to 50 percent in 2007-08.

I want to stress that the growing number of failing schools and special education students is not the fault of the students or their teachers. It's because the majority of special education students are required to take grade level tests, along with the increasing standard for passing and the cap that is placed on the number of students who can take a modified or alternative test.

We do not have a failed system of education; we have a failed law. We must see changes in the law and implementation rules of NCLB. I am sure most of you participated in the election process, but I ask you not to stop with just casting your vote. Call and write your Congressional Representatives and our two Senators and let them know that what schools are being required to do and the rules that are set are (1) wrong for kids and (2) set schools up for failure.

Many people tell me, and I don't want to believe it, that one of the intents of NCLB is to make public schools look like failures. I think the intent of the law was right in making schools focus on the success of every student. But how the law has been implemented and the requirements for school districts are wrong and create a conflict between IDEA and NCLB. Reauthorization may not be at the top of the list for our new President and members of Congress, but I hope they will address the concerns as quickly as possible so that schools and students can be set up for success.



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