

**Testimony on**  
**Education Reforms: Promoting Flexibility and Innovation**  
**before the**  
**Committee on Education and the Workforce , U.S. House of Representatives**

**Dr. Terry B. Grier, Superintendent**  
**Houston Independent School District**  
**April 7, 2011**

Good morning, Chairman Kline, Congressman Miller, and members of the Committee. I am Terry Grier, superintendent of the Houston Independent School District in Houston, Texas. I represent the School Board and 203,000 students. Thank you for the opportunity to testify on the educational reform initiative that we have undertaken in Houston and the impact of federal law and federal programs which both support, and at times, complicate those efforts.

Having served as superintendent for multiple districts, I have seen firsthand wonderful accomplishments the hundreds of millions of dollars in federal education grants have supported and how many children have benefited from this important financial aid. The traditional focus of federal education aid on disadvantaged, minority, students with disabilities, and language minority students remains the appropriate federal priority, and I strongly agree with the attention directed to their disaggregated academic performance and closing achievement gaps. Supporting and improving instruction is the key to educational reform.

And, while there is no one best way to accomplish it, I would like to spend a few moments of your time to tell you what we are doing in Houston. Our work, however, is impeded by various state and federal barriers that compromise our efforts and impact our most vulnerable children.

A major strategy in our district's Strategic Direction is to transform our systems and culture in our lowest-performing schools through what we are calling Apollo 20. We began implementing Apollo 20 in nine secondary schools that the Texas Education Agency labeled as either "failing" or "unacceptable" this school year. An additional 11 struggling elementary schools will be added during the 2011-2012 school year.

- The Apollo 20 project is one of the most ground-breaking and comprehensive school turn-around projects happening in the country. The turn-around strategy for the Apollo 20 project is based on extensive research of successful charter schools conducted by Dr. Roland Fryer, a Harvard University professor and the director of EdLabs. Dr. Fryer identified the following five strategies that were being used in one or more successful charter schools:
  - Human Capital – Quality Principals and Effective Teachers
  - More Instructional Time – Longer School Day and Extended Instructional Calendar
  - Culture of High Expectations and No Excuses
  - High Dosage Tutoring

- Data-Driven Accountability
  - We strongly believe in implementing innovative strategies to transform our school system, and we must have the flexibility needed to be innovative and effective in raising student achievement. Innovation is appropriate only if it is framed by the goal of improving student outcomes.
  - The Federal government has an essential role in facilitating high goals and performance standards and holding States and districts accountable for results with all students. If the reforms that states and districts are choosing to implement over time are not working, they must be held accountable through transparent reporting of student performance by subgroup without statistical gimmicks that allow certain schools to avoid responsibility for their student outcomes.

At the local level, we face barriers to implementing instructional reforms and innovations from multiple sources. We refuse to use these barriers as excuses, but any effort to remove or mitigate unnecessary or unproductive requirements in a worthy task.

### **Federal Barriers**

Designing and implementing instructional activities under federal programs is complicated by a myriad of requirements and statutory set-asides, as well as reservations of funds for particular activities. ESEA Title I provides the most striking example with the No Child Left Behind statutory set-asides totaling some 56% of the funds depending on how you add them up [1% for state administration, 1% for parental involvement, 4% for state-determined school improvement, 10% for professional development for school improvement status, 10% for professional development for district improvement status, 20% for SES and school transfers, 5% for non-qualified teacher professional development, and 5% at state discretion for recognition and rewards.] I might note that the modest flexibility built into the No Child Left Behind Act regarding the 20% set-aside was purposefully regulated out of existence under the previous administration, and during the past two years, the current administration has been unwilling to modify that over-regulation. With such a large proportion of statutorily-directed spending since 2001, instructional decision-making at the district and school level for Title I has been exceptionally challenging. Over the years, the amount of school level Title I allocations have been decreasing as more of the set-aside funding has been triggered.

More importantly, evaluations of the implementation of the SES set-aside requirement has demonstrated minimal results at best, yet the expenditure requirement lives on without the type of evidence of effectiveness that we can document in our supplementary programs. Districts should retain flexibility in the appropriate use of these funds, including some discretion to use those funds to provide tutoring to students who are performing behind as compared to their grade-level peers during the school day, rather than paying for after school tutoring to external providers whose effectiveness is unknown. In addition, there should be flexibility in using those funds to lengthen the regular instructional day and school calendar to provide students in struggling schools increased time for learning. In-school tutoring and more instructional time are two researched-based effective strategies that are often implemented in charter schools, yet are not implemented in traditional public schools. We must be bold and creative in adopting and infusing best practices, and have the flexibility to use targeted Title I funds for their implementation, rather than relying on external providers for that support.

Though every superintendent that I know complains about federal requirements and the lack of flexibility to best utilize federal funds, it is important to note that some of the categorical grant requirements meet their desired result. For example, the Education Stabilization Fund under the Stimulus Act has few federal requirements, and as a result, a number of states cut their own state education funding further than necessary, and simply replaced it with Stimulus Stabilization Funds. Local school districts, therefore, received little value-added funds in the states that gamed the system. Texas, unfortunately, was one of those states which cut our state education aid, while simultaneously taking the Stabilization Funds and increasing the State's Rainy Day fund. Texas, however, was unable to "offset" the Stimulus Title I funds due to the categorical requirements that accompanied those programs.

This experience suggests that at proper balance of requirements and flexibility needs to be crafted in any reauthorization. But, there are certainly many of the 588 requirements in just Title I Part A, identified by the Department of Education's Inspector General in a March 2006 report, could be deleted without damaging the purposes and benefits of the program.

### **State Barriers**

Federal requirements are not the only barrier to local instructional flexibility and innovation. The state departments of education impose multiple additional requirements on federal programs -- sometimes for state policy purposes and sometimes to shield themselves from federal program and audit questions. For example, the California Department of Education refused to allow my district to use our Title I Stimulus Funds to maintain reasonable class sizes in certain key Title I schools in the midst of massive state budget cuts. Frankly, I believe that my local academic team is much more qualified to make those instructional judgments than state program officers.

Even the flexibility intended in current federal law is at times restricted by the state agencies. States often require categorical reporting of activities and funds in Title I schoolwide programs, even though the Act allows the commingling of these federal, state and local funds. This type of reasonable coordination and integration among a variety of funding sources and school level and district level plans is a worthy consideration during the reauthorization of ESEA.

**Since I am currently in the middle of cutting up to \$324 million out of our \$1.5 billion local budget, my concerns with state level inflexibility is probably heightened.** For example, the state currently requires approval from the Commissioner of Education for a waiver to begin school early. Some of the most successful schools, including charter schools, such as Harlem Children's Zone and MATCH Schools in Boston have a longer school year.

We recognize that there is no silver bullet to transforming public education. At the same time, we must be use research-based and data-driven evidence to drive innovative transformational efforts to meeting the unique needs of every one of our students. The Houston Independent School District is committed to leading the way in closing the achievement gap and ensuring all of our students are prepared for college and careers. To do this requires more local freedom from current state and federal laws, regulations and guidelines with increased accountability for results at all levels.

Thank you for the opportunity to speak to you today. I will be happy to answer any questions you may have at this time.

# Houston Independent School District

## Supplemental Information Submitted to the

## Committee on Education and the Workforce

### U.S. House of Representatives

April 7, 2007

### School Meal Standards

There is strong research that when students have a healthy breakfast, they have increased student academic performance. Food is a basic need, and we must do all that we can as stewards of the public to ensure that our students start their day off with a healthy meal.

That is why I advocated for and received strong support from our Board of Education to implement a Breakfast in the Classroom program. In just the last two years this program has been expanded to serve students in 217 of our schools. Through Breakfast in the Classroom, we serve 102,360 meals a day. This school year alone will have served more than 18million breakfasts to HISD students.

In addition, through our 2007 Bond Program, the Houston community invested in the building of a food service preparation and storage facility. HISD prepares school breakfasts and lunches in this facility and delivers prepared, nutritional meals to our school. Last year, HISD serves more than 42 million meals. This year, we anticipate serving nearly 48 million.

Our district has seen a slight increase in the number of students who qualify for free or reduced meals. The chart below is reflective of the increase, with a larger increase in those students who qualify for free meals under the Federal Free and Reduced Lunch Program.

### Students Qualified for Free/Reduced Meals

Month/ Year	Free Eligible	%	Reduced Eligible	%	Total F/R Eligible	%
Apr-11	148684	74.01%	13426	6.68%	162110	80.69%
Apr-10	142980	71.57%	16199	8.11%	159179	79.68%
Apr-09	136198	68.91%	18101	9.16%	154299	78.07%
Apr-08	134431	68.53%	19455	9.92%	153886	78.45%
Apr-07	136902	69.01%	19327	9.74%	156229	78.76%

USDA has proposed changes to Nutrition Standards in the National School Lunch and School Breakfast Programs. While we are certainly in favor of increasing nutrition for our students, we are concerned about the lack of funding to do so.

To implement the new standards, Congress has approved an additional \$0.06 per lunch served starting in October 2012. Our concern? We anticipate the cost of milk alone will increase by \$0.06 per lunch going into next year. The effect? Food costs will have already outpaced the proposed reimbursement increases going into the 2012-13 school year.

In addition to rising costs of milk and other food items, here is our estimated cost to meet USDA's proposed nutrition standards:

Here is our estimated cost to meet proposed USDA proposed nutrition standards:

- Increased cost to breakfast meals: \$467,000
  1. Increased daily portions of fruit (\$270,570)
  2. Increased daily portions of grains (\$9,082)
  3. Increased daily portions of meat and other protein sources (\$187,677)
- Increased cost to lunch meals: \$783,000
  1. Increased daily portions of fruit and vegetables (\$315,418)
  2. Increased daily portions of grains (\$67,912)
  3. Increased daily portions of meat and other protein sources (\$399,670)
- Additional cost of training hours for kitchen employees: \$400,000
  1. Change from "Nutrient Standard" to "Food-Based" menu planning requires different procedures in meal preparation, serving, and accounting at cash register
- **Total estimated cost: \$1,650,000**

From our analysis believe HISD will have at least a \$1.65M gap between revenue and cost as a result of USDA's proposed rules.

While we are strong advocates for providing children with nutritious meals, we recognize that increased nutritional standards and rising food costs place an increased financial responsibility on school districts. In these times of federal, state and local budget constraints, we cannot afford to have additional unfunded mandates.

## Special Education

1. **Houston ISD received in IDEA-B ARRA entitlement \$ 43,556,473** (Formula: \$42,452,708; Preschool: \$1,103,765). In addition to allocating funds to cover personnel and contracted services costs, the following items with corresponding costs were purchased:
  - Districtwide special education data management system to provide a comprehensive, web-based online tool to develop Individualized Education Programs (IEP) for students with disabilities. This system is integrated with the student information and personnel information systems (\$1.5 million).
  - Increased and improved access to technology with new computer workstations for students with disabilities. The Universally Designed for Learning (UDL) workstations align directly with recommendations made in a review of the district's Special Education Program (\$3.5 million).
  - Districtwide access to Kurzweil 3000™, a comprehensive reading, writing and learning software for struggling readers including individuals with learning difficulties such as dyslexia, attention deficit disorder or those who are English language learners. In addition, Kurzweil 3000™ supports the principles of UDL enabling students of all abilities to engage with digital text (\$320,000).
  - Districtwide computers and wireless mobile carts for use by students with disabilities in all classroom settings (\$3.3 million).
  - Supplementary reading and mathematics materials that support the district's literacy and numeracy plans (\$2.7 Million).
  - Technology, software and hardware to enhance services for students with disabilities ages 3-5 (\$1 million).
  - Assistive technology and augmentative communication systems such as FM systems (\$270,000).
  - Test kits and protocols to evaluate and identify students with disabilities (\$600,000).
  - Extended school year services for students with disabilities based on IEPs (\$2.4 million).

These expenditures provide access to the district's curriculum to students with disabilities so that they can be ready for college and careers of their choice.

## Requirements for additional documentation and meetings

- State legislation in Texas places increased accountability on local school districts beyond the federal legislation and guidelines for serving special education students.
- The Individuals with Disabilities Act of 2004 requires public schools to provide free appropriate public education in the least restrictive environment to students with disabilities ages 3-21. There are extensive guidelines for identification, eligibility, development of IEP, reevaluation and parental rights. Texas has additional requirements that exceed federal law. The district is a

member of a coalition of school districts in the state that supports proposed Paper Reduction legislation.

- The state's requirements for special education exceed federal requirements with many additional supplements such as ones for services to students with autism, transition services, and extended school year services. In Houston ISD, on average, a student's IEP from start to finish (drafting, scheduling meeting, holding meeting) can take approximately 6 hours per each member of the ARD committee and can run up to 25-30 pages. If the student requires one of the myriad of supplements our state requires for autism, visual impairment, extended school year, etc. we may be looking at 40-50 pages. In the best case scenario, this process takes place once a year. But for many of our more severely disabled students, multiple meetings necessitating additional time and paperwork may be warranted.

Conservatively, here are HISD's calculations:

- Number of students with disabilities enrolled in 2010-2011: 16,380
- Approximate number of ARD Committee members per student per meeting: 5
- Average number of meetings per student per year: 1.3
- Average hours per meeting (including document preparation): 6
- Average hours related to ARD/IEP process for the district:  $16,380 \times 3 \times 1.3 \times 6 = \mathbf{638,820 \text{ hours}}$

This does not include paper work required for transfer students, requests for initial evaluations, and three year reevaluations. Our schools are drowning in paperwork and this bill, if passed, will help reduce some of it.