

Testimony of Jane Rhyne, Ph.D.
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of the Charlotte-Mecklenburg Schools
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Subcommittee on Early Childhood, Elementary and Secondary Education
of the
Committee on Education and Labor
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Good morning, Chairman Kildee, Ranking Member Castle and members of the subcommittee.

I am Jane Rhyne, Assistant Superintendent for Exceptional Children in the Charlotte-Mecklenburg Schools (CMS) in North Carolina. I am pleased to testify today on behalf of Superintendent Peter C. Gorman and the Charlotte-Mecklenburg Board of Education. I will discuss how children with disabilities have been affected by the No Child Left Behind (NCLB) Act.

I am responsible for the education of and support services for more than 14,000 students with disabilities in Charlotte and Mecklenburg County. I oversee program planning, implementation and monitoring, curriculum and instruction, instructional interventions and student progress.

Let me quickly describe our district for you. CMS has about 133,000 students pre-kindergarten through twelfth grade. We're adding about 5,000 students each year. For this school year, the district has 42.4 percent African-American students, 36.2 percent white, 13.6 percent Hispanic, 4.3 percent Asian and 3.5 percent multiracial or Native American students. Almost half – 45.5 percent – of our students qualify for free or reduced-price lunch. Nearly 15,000 of our students come from homes where English is not the native language. And we have 14,502 students with disabilities.

CMS has been recognized in numerous ways as one of the highest-achieving urban districts in America. Our student academic performance compares favorably with that of many urban districts: 86 percent of our fourth-graders are at or above grade level in reading in comparison to 85 percent of all fourth-graders statewide. For mathematics, 69 percent of all fifth-graders are at or above grade level compared with 64 percent across the state. We participate in the trial urban initiative of the National Assessment of Educational Progress – called the Nation's Report Card - and have seen strong results there, too. Charlotte-Mecklenburg Schools outperformed the nation and North Carolina in three of four reading and math tests at grades four and eight and scored within two points in the other area. Nine percent of CMS students achieved at the advanced level on the NAEP test in grade four reading and math and grade eight math – more than the nation, more than North Carolina, and more than most states.

More than half of our graduating students last year had taken one or more advanced courses in high school and *Newsweek* magazine in 2006 put three of our high schools on its list of the Top 100 high schools in America. And we were the first large county-wide school district to be accredited as a high quality district by the Southern Association of Colleges and Schools. Fifty-seven percent of 2006 graduates completed at least one AP or IB course. The number of African-American students enrolling in AP courses increased from 341 students in 1995-96 to 2,764 in 2005-06. The average score for our students who ranked in the top 10 percent of scores on the SAT was 1207, higher than North Carolina (1179) and the nation (1184).

In March of 2004, during the first full year of NCLB implementation, I had the privilege of appearing before this Committee. I testified then that I had seen first-hand in my school district and in visits to other districts that the instructional attention to students with disabilities had clearly increased with the new federal disaggregated accountability requirements.

This is still true. Standards-based curriculum and instruction has been provided to a broader range of students with disabilities. Teachers and principals are demonstrating that this group of children can make significant progress in the general curriculum if given the opportunity and effective teaching. The number of students with disabilities being taught in general education classes in CMS has increased by 10.25 percent since the 2004-2005 school year. Participation in regular pre-kindergarten programs for students age three to five has increased 21.5 percent since the 2004-2005 school year. When we pair general and special education teachers in a classroom, the performance of all students rises. We have seen significant increases in performance on state reading and math tests for not only students with disabilities but for general education students as well.

So I support the basic concepts of NCLB and its attention to the performance of students with disabilities. However, I also have some concerns. States are allowed to ignore the academic performance of significant numbers of children through unnecessarily high subgroup minimums or N-sizes. This state flexibility invites the manipulation of the NCLB accountability system and operationally allows some schools and some school districts to escape portions of subgroup accountability, particularly for students with disabilities. As an urban educator and a special educator, I believe equity for our students is extremely important. So is a level playing field for urban districts.

In school year 2002-03, 34.6 percent of our students with disabilities in grades 3 through 8 achieved proficiency on our state assessments, compared to 42.2% of students in grades 3 through 8 in the 2004-05 school year. On state high school tests, 24.3 percent of students passed in 2002-03 compared to 35 percent in 2005-2006. So we are making progress. However, based on the current North Carolina academic standards and projections of current performance, I do not expect 100% of our students with disabilities to be proficient by 2014. For those students who have not attained proficiency, their progress within performance levels continues to be important and carefully monitored.

There is almost universal agreement among educators that adding a growth or progress model to NCLB would improve the act. North Carolina is one of the pilot projects selected by the Department of Education to demonstrate such a growth model. But this pilot growth model, as I

understand it, is tied to a student's trajectory for attaining proficiency -- and I am concerned that even significant progress below proficiency may not be recognized. I also believe that recognizing such progress would mute criticism of NCLB regarding the performance of students with disabilities, as well as the questionable claims that this subgroup is responsible for the labeling of large percentages of schools as failing. We should give schools proper credit for the academic progress of students with disabilities and other students.

In March of 2004, then-Education Secretary Rod Paige had just announced the flexibility to assess one percent of students with significant cognitive disabilities against alternate standards and using alternate assessment. At that point, I estimated that there were at least 1.5 percent of students whose disabilities would prevent them from doing the same level of academic work as their age-mates. In recent years the Department of Education has proposed additional flexibility for another two percent of students to be assessed with modified tests. North Carolina has implemented this by allowing up to another two percent of students with disabilities to demonstrate proficiency with a modified assessment. In Charlotte-Mecklenburg Schools, only 14.3% of these students have done so on the North Carolina modified assessment. The one and two percent involve most of our students with mental retardation, multiple disabilities, autism and a few with other disabilities.

Some students with disabilities will not make one year's worth of academic growth by the end of the school year. These students will achieve, but they need more time and properly designed instruction. A better way to measure their success is through a growth or progress model.

No Child Left Behind emphasizes that quality teaching is key to student academic progress. A particular challenge, however, is the NCLB requirement that special education teachers be highly qualified. In some instances, this requires multiple certifications. This situation creates two problems. First, there is a national shortage of special education teachers. Teachers who provide special education must now meet rigorous state certification standards to show that they are highly qualified to do so. Second, special education teachers who provide content instruction at the secondary level, such as math, must also be certified in the content area that they are teaching. Finding special education teachers with one certification has been difficult; finding teachers with dual certification has been almost impossible. This problem becomes even more complex with special education teachers who teach in self-contained classrooms. These teachers are required to have certification not only in special education but also in all the subjects taught in the classroom – math, English, science, social studies. There needs to be flexibility in the standards for these teachers.

At CMS, we have addressed these certification issues partially through the use of inclusive practices. Highly qualified special and general education teachers team together to co-teach in general education classrooms that include both students with disabilities and their general education peers. The general education teacher has certification in the content area and the special education teacher has certification in special education. This teaching team provides the expertise of the special educator, a master at differentiated instruction, and the general educator, an expert in curriculum content. All students benefit.

For example, in our district, students with disabilities who were co-taught performed at higher levels and made more progress in reading at grades three and four and in math at grades six, seven and eight, as measured by state tests. We have found that including students with disabilities in the classroom does not hinder the performance of non-disabled peers. For example, on the average, scores were higher and demonstrated improvement for non-disabled students in co-taught classrooms in reading for grades three, four, six and eight and in math for grades 3 through 8, as well as Algebra I and Geometry -- as measured by state tests.

I still believe that the No Child Left Behind Act is focused on the right children – those in greatest need of instructional attention and additional resources. Further refinements and revisions in the act to acknowledge student progress in the accountability and assessment system, to enhance the level of focus and resources devoted to effective instructional practices, and to allow sufficient flexibility to align our teacher qualifications to the instructional needs of our students would help overcome many of the operational problems that attract so much attention at the local level.

Thank you.