

**Testimony of William Henderson, Ed.D.
"How NCLB Affects Students with Disabilities"
Hearing before the House Education and Labor Committee
Subcommittee on Early Childhood, Elementary, and Secondary Education
United States House of Representatives
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Good morning Chairman Kildee, Ranking Member Castle and Members of the committee. I am honored to be here. I am Bill Henderson, principal of the Patrick O'Hearn School in Boston, Massachusetts. The O'Hearn is a small, urban elementary school serving 230 children from early childhood through grade five. Approximately 45 percent of our students are African American, 30 percent are Caucasian, and 25 percent are relative new arrivals from many countries around the globe. A majority of our students qualify for free or reduced lunch. The O'Hearn is an inclusive school and 33 percent of our students have a disability. Students who are involved in regular education, students with a range of disabilities, and students considered talented and gifted learn together and from each other. Teachers and support staff collaborate and work as teams to instruct and support all children in fully integrated classrooms. The O'Hearn is a highly selected school under Boston's choice assignment plan. Overall, the performance of O'Hearn students has been strong. In fact, until this past school year, we made all of our AYP goals. However, in 2005-2006, the O'Hearn did not make AYP goals in English / Language Arts.

Today, I would like to share five stories and make three recommendations. The stories highlight children, who until the passage of NCLB, would not be included in our district or state accountability system, nor would they have received full access to the general curriculum in many public schools. I have changed the names and certain details to protect the privacy of the children.

Willy: Willy is a fifth grade boy with autism. When he was three, his pediatrician recommended a school that enrolled only students with autism, but Willy's Mom wanted him to be in a regular elementary school with kids his own age. While he's been with us, Willy has needed speech therapy and support for certain behaviors. Willy excels in reading and math. In writing, we've worked with him to establish

more 'voice' as he struggled somewhat to incorporate descriptive and creative words in his stories. We've provided socialization opportunities through a lunch group and participation in our school drama club. By providing the supports and services very early in his life, he has grown into one of our top students and is a blossoming actor at our school.

Kaylo: Kaylo is a fifth grade boy who was born to a mother addicted to drugs. He has received early intervention and other supports and services from birth. Kaylo has mild cognitive delays and emotional disorders. He receives speech and occupational therapy and has been retained in one grade. Physically, Kaylo can keep up with his peers, but he struggles with reading, writing and math. We provide universally designed books on a computer to keep him engaged in grade level content, however the material has become increasingly too difficult for him to manage at the same pace as his peers. As a result, he has become embarrassed and frustrated and has acted out in the classroom. In fourth grade, his IEP team decided that rather than taking the regular assessment with non-standard accommodations, he would take the alternate assessment. Kaylo excels in soccer and also works in the school store to strengthen his functional math skills and develop social skills.

Maria: Maria is in fourth grade and was born with vision impairments. Because she is mostly blind, her parents started her in a school for blind children, but in the first grade she came to O'Hearn. She has continued to learn Braille and we provide mobility instruction during school. She needs a little extra support in math, but has joined the math club and loves our dance program. She is an inspiration to those around her and just shines.

Carla: Carla started with us in kindergarten and by first grade it was evident that she was having real difficulty with language processing. Like her Dad, she has dyslexia. We have provided phonics based instruction during and after school, we also provide a Kurzweil reader so she can hear and see the content. With the reader, she is working above grade level. Without it, she would be reading at about the first grade level. We continue to provide the research-based programs to

support and strengthen her fluency in decoding and reading comprehension. Carla takes the regular assessment with accommodations. She is a terrific athlete and is an artist.

Avery: Avery is a third grade girl born with multiple disabilities who continues to be significantly delayed. She came to us through mediation between the parents and the school district. And although the parents originally wanted Avery in a private school due to safety and medical concerns, the family is now very happy with her progress. With the help of a full-time nurse, Avery is learning to walk, and can communicate by pointing, making noises and using basic signs. She loves to listen to books and enjoys performing on stage with her peers. When it's her turn to say a line, she pushes a button and a pre-recorded line plays for the audience.

Of course, this is just a snapshot of the students at my school, but they, along with the other 225 children in the building have the following in common:

1. They are supported by a committed team that strives to collaborate on effective strategies to teach diverse learners and ensure all students learn and succeed.
2. They have access to universally designed curricula, textbooks and assessments as well as appropriate accommodations -- for both instruction and assessment.
3. They are encouraged, along with their families, to strengthen their artistic, athletic and other talents through music, dance, physical fitness and modern day technology.

All three are critical to the success of my students now and in the future.

I believe that NCLB has made a significant difference in how we view the potential of students with disabilities at O'Hearn:

- We have set high expectations and expect proficiency from the majority of our students

- We have targeted our resources to maximize IDEA, Title I, Title II and other dollars to ensure early intervention, early identification and appropriate services are provided
- We have provided top quality teaching and services, by high qualified teachers and staff, including providing extra instructional time before or after school with ample opportunities to participate in the arts.

Our formula allows over 200 students – whose challenges and proficiency scores are spread across a continuum – to learn, blossom and demonstrate what they know.

However, if we truly believe in the success of all students, including those with disabilities, Congress could make important changes to NCLB that would support the following:

1. **Require every state to undergo a federal review of assessment accommodations guidelines.**

It should not be left up to districts and states to decide whether or not students with disabilities can have access to grade level content through universally designed textbooks and assessments as well as receive accommodations to demonstrate the knowledge gained in the classroom. The federal government should provide the safeguards necessary to ensure access to both content and accommodations. Without those protections, many students will not get to proficiency – and in fact, I am one of them. In some states, because I am blind, I would not be able to receive a high school diploma. This is a travesty in the 21st Century. Without technology, without accommodations, I can't do my job as a principal and students with disabilities cannot demonstrate their understanding of the information and the knowledge they have gained.

A federal review would establish that a state adopts a policy which:

- is grounded in research
- allows for maximum number of valid accommodations

- provides evidence that any accommodation designated as non-standard has been proven through research and field-testing to compromise the target skill being assessed.

Currently states are required by IDEA to develop accommodation guidelines and to report on the number of children with disabilities who participate in state or district-wide assessments using accommodations. However, there are vast differences across state accommodation guidelines. In some states, many schools are facing negative AYP consequences for utilizing accommodations that have been deemed as nonstandard by state guidelines, which invalidate a student's test results in both the performance and participation factors of AYP. There is no universally accepted method for establishing whether an accommodation is "standard" or "nonstandard" and there is currently no federal review process for state accommodation guidelines beyond the peer review process for NCLB accountability. These peer reviewers are not experts in accommodations for students with disabilities, rendering this review relatively meaningless.

2. Ensure that a requirement to annually assess student proficiency does not lead to a testing frenzy.

Too much testing can work at cross purposes for students and staff. We must strike a balance and continue to explore ways for students to demonstrate success and proficiency. One way that is showing potential to capture that growth is to allow the addition of a growth model to AYP requirements. Although Massachusetts has not yet implemented a growth model, I believe such an addition to AYP could be particularly important for schools like O'Hearn that teach large numbers of students with disabilities and strive to set high goals for individual achievement.

3. Promote family involvement in schools.

Students and parents both benefit when opportunities are provided to share the growth and achievements of students in academics, arts, sports, leadership and other activities. At O'Hearn, families see their children performing in music and

drama, sharing writing thru publishing parties, solving math problems at family math night and other various activities where work is exhibited and shared. We also provide opportunities to learn about and utilize reinforcing strategies in the home. Such involvement strengthens the team concept between home and school, reinforces learning for all students and builds student esteem and confidence.

Your decisions do impact our schools and on behalf of my students and faculty, I thank you for this opportunity to participate in this important discussion today. I look forward to your questions.