

**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.