

CARS PLUS 2018
From Compliance to Outcomes: How to Get There
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Tom is the Head Instructor for the Principal Leadership Institute at UC Berkeley. Over his career he has served as a classroom paraeducator, Resource Specialist, regular ed classroom teacher, teachers' union president, school board trustee, school principal, and central office administrator (including director of special education). He retired as Chief Officer from the Alum Rock School District in 2015.

The legal and professional outcomes for special education services are to provide specialized, highly effective instruction and support to accelerate the learning of students beyond what they are achieving in general education alone. These outcomes cannot be achieved by either prioritizing compliance outcomes for your special education department, or working in isolation from general education.

In order to achieve these outcomes, four priorities must drive our work:

- 1) The needs of the child must come before the compliance needs of the bureaucracy. If the needs of the child are met, compliance will follow.
- 2) The educational staff must obtain the specialized, highly effective instructional tools appropriate to accelerate learning.
- 3) The services must be collaborative- over the long term the most effective learning takes place in general education settings. Special education services must be fully coordinated with general education and other support services.
- 4) Any necessary support should be provided at the earliest possible opportunity.

How do special educators fully realize these priorities? By building meaningful, productive working relationships with everyone connected to the child's education focusing on those four priorities.

This workshop will focus on strategies for developing agreements among everyone connected to the child's education to create a coordinated educational program that moves from compliance to outcomes and realizes the goal of accelerating every child's learning.

How do we move from compliance to outcomes? The simple answer, and the answer is simple in theory, and we do know how to do it, can be defined by seven elements:

- 1) Understand that 95+% of our students are intellectually and neurologically capable of meeting or exceeding grade level standards, and if we are not currently producing those outcomes, we need to modify our system.
- 2) Accurately assess every student's knowledge relative to graduation standards when they enter our school system.
- 3) Match each student to the instruction and support services they need to make progress such that they will graduate from high school having maximized their ability and/or met or exceeded those standards and leave our system with the ability to make meaningful choices about what they want to do next.
- 4) Provide the staff with the training to provide that instruction and support, which, due to the wide range of knowledge and prior experience with which our students enter our system, necessitates our ability to provide a correspondingly wide range of highly effective instructional strategies and support.
- 5) Design the schedule and instructional settings for delivering our services so that students and staff are able to efficiently move between those settings. Students should be at the center of all programming decisions.
- 6) Understand that all adults in the system are responsible for all student outcomes, and that the delivery of services must be collaborative. No one person at any given moment in time could possibly achieve our goal of successful outcomes for every student.
- 7) Monitor service effectiveness and student progress from entry through high school graduation and make timely adjustments in service delivery to ensure continued student progress. Students should be at the center of all program evaluations.

It is important to note that services must be provided by all staff to all students, regardless of legal designation- Special Day Class teachers teach non identified students, Special Day Class students are served in general education classrooms. Students move between Special Day Class, Resource Specialist, general education classrooms, after school programs, and certificated and classified instructional and support staff, depending upon their instructional needs. What matters is that the student is matched with the appropriate setting and instruction. When student needs are met, compliance is met as well. In all of my years of doing this work, as a Resource Specialist, as a principal, and as a central office administrator, I have had no compliance issues, no fair hearings. In 35 years as a special education teacher, as a principal, and as a central office administrator, I have had no compliance issues, no fair hearings, and no lawsuits. Were there differences of opinion regarding services? Of course there were. Whenever there were differences of opinion regarding student need, we gathered data included everyone in the decision-making process, and made service decisions based upon the assessed need of the student.

We all know that this is not how most of our systems currently work. Why is that, if it is so simple and we know what works?

The first reason for our current limitations in outcomes is what I would call historical determinism. Our current public school system was not thoughtfully designed to produce the outcome of all students graduating from high school. Rather, it has evolved from providing a comprehensive education for only a small elite who were expected to lead (in 1900 only 10% of the American population, almost exclusively wealthy white males, graduated from high school), through a factory model of providing a minimal education for productive workers, to our modern 21st century system for which the legal expectation is that all students will graduate from high school. This shift in our expectations for our public school system is combined with the piecemeal development of support programs- remedial education, special education, English learner education, migrant education, services for foster youth, and other categorical support programs. These two trends have produced a system of largely independent, non-aligned, non-coordinated parts. And each part comes with its own set of compliance criteria. Individual classroom teachers come to believe that they are only responsible for their assigned classroom of students, usually for only one year. The instructional and administrative staff of each categorical program comes to believe that they are only responsible for the specific legal requirements of their individual program. These multiple, uncoordinated systems result in multiple compliance requirements disconnected from student need or outcomes. Special education, one of those categorical programs, tends to be obsessed with compliance to the point of deprioritizing student outcomes.

The second reason for our historic and current failure to meet our goal of 95+% of our students meeting or exceeding standards and graduating from high school is flat out a lack of training for all of the incredibly well-intentioned people who go into the business of public education. People go in to teaching to make a difference, to serve children. However, teacher, specialist, and administrative credential programs do not provide the training necessary to provide differentiated, coordinated, effective instruction and support according to the seven elements that I have defined. We typically don't provide any training for classified staff. Once credentialed staff enters the public school system we provide essentially no meaningful, effective training. The professional development that we do provide is almost exclusively poorly designed, under-resourced, and completely ineffective in producing meaningful change in practice to improve student outcomes.

It is fair to acknowledge that public education in the United States has been under resourced in recent decades. By resources I don't just mean money, although money can provide the other resources of which I speak- time, materials, expertise, facilities, and people. Please note that we are not working with an absence of resources, and could make far better decisions regarding how to effectively allocate what we do have. When your boss tells you there is no money for whatever it is that you want to do to improve outcomes for students, it is seldom true. What he or she means is that it isn't seen as important enough a priority to reallocate existing resources.

This describes a bleak picture of the current state of our practice.

First, it is really important to acknowledge that it isn't as bleak as I have described. From 10% of all American students who graduated from high school in 1900, we have improved to 87% graduating from high school in 2016. We have learned a tremendous amount about teaching and learning, which allows me to assert that 95+% of our students are intellectually and neurologically capable of meeting or exceeding our high school graduation standards. That was certainly not the belief or legal mandate in 1900. We have developed all of those aforementioned categorical programs with the excellent intention of ensuring that all students are served and can succeed. We have made a legal, moral, social and professional commitment to serving all students, many of whom were historically not served at all—females, disabled students, students of color, poor students, and students for whom academic English is not the primary language of their families. The reauthorization of the Elementary and Secondary Education Act of 1965, titled No Child Left Behind in 2001, and now the Every Student Succeeds Act, for all of its faults, established a legal mandate unprecedented in human history that all children will be educated to meet common standards. This is an extraordinary commitment on the part of our society, and something to be acknowledged and to be celebrated.

Second, the people who go into public education are incredibly well-intentioned, are genuinely called to serve children and make a difference in the world. Even though for many of our colleagues the lack of training, resources, and support, and the resultant frustration at lack of success, has diminished or hidden that passion for making a difference, for most of them it is still there, and can be reawakened and rekindled with the proper support. We have the capacity in our public education system to make the changes to improve our student outcomes.

We still have a lot of students who need us to make those changes. If 87% are currently successfully graduating, that still leaves 13% of our student population who we are not effectively serving. In a nation of 300 million people, 56 million of whom are attending K-12 schools, that leaves more than 7 million children who are not currently succeeding. And, for the most part, those children are exactly the disabled, English learner, poor, students of color that categorical support services were designed to serve. Those are our children. Those are the children that special educators serve.

What do we do? How do we move from compliance to outcomes? Let's go back to our seven key elements and talk about next steps.

- 1) Understand that 95+% of our students are intellectually and neurologically capable of meeting or exceeding grade level standards, and if we are not currently producing those outcomes, we need to modify our system.

First, many of the well-intentioned people that we work with don't actually believe this. In fact, we have to ask ourselves, "Do I believe this?" It is true that poverty is the most significant predictor of school failure, and lack of access to health care, housing, nutrition, child care, pre-literacy experiences, and the lack of advocacy impact the success of the students we serve, and are usually the most difficult aspects

of our work to provide effective service. The schools we work in are not well designed to advocate for their students or to partner with the social service agencies that can provide essential services beyond basic education. Nonetheless, one of the most significant roles that we must play is as an advocate for our children, and we can play a much larger, more visible role than we do in addressing these issues with the students in our school system that are not currently successful. Advocacy becomes one of the most critical responsibilities that we have in this work. This element is number 1 on the list for a reason- all of them are important, but this one underpins and drives all of the rest. We must be vocal, informed, skilled, effective advocates for historically underserved, underachieving children. This means that not only do we need to constantly speak publicly on behalf of our children, but we have to know what we are talking about. We have to be knowledgeable regarding available services, best educational and support practices, law, state education code, regulations, contracts, and how to get the best out of the people we work with. (We will speak more on this in elements 4, 5, and 6.)

- 2) Accurately assess every student's knowledge relative to graduation standards when they enter our school system.

We spend a lot of resources on assessing our students. Are we using the right assessment tools? Are we using the data to make instructional decisions for students? Are we assessing for compliance or to drive student outcomes? Is there a system within your school or district to effectively use that assessment data to monitor student progress relative to grade level standards and high school exit criteria in real time? In most cases, the answer is probably not. If not, create one. Remember the advocacy in element #1? If your district is not supportive, do it at your school. You have a student demographic data base at your school with the ability to do this. Find out who knows how to use it. Most often it is the school secretary. Learn how to use it yourself. Assessment upon entry into your school system is essential. If you are serving in an elementary school setting, get to know your preschool, transitional kindergarten, and kindergarten staff, assessment tools, data, and programs. If you are in a middle or high school setting, there should be a process for gathering all available data and filling in any holes with on-site assessment within the first two weeks of the child's enrollment at your school. If you are waiting for cum files, IEPs or achievement data, don't. There are ways to get it. Your school system should know exactly where every child is relative to grade level standards within two weeks of their entrance into your system.

- 3) Use that assessment data to match each student to the instruction and support services they need to make progress such that they will graduate from high school having met or exceeded those standards and leave our system with the ability to make meaningful choices about what they want to do next.

The student's legal status or program eligibility is not the priority factor in making those matches. If the student succeeds, you will be compliant. Of course compliance matters. Special education and other categorical laws are there for good reason, to protect students and ensure that we provide them with appropriate services. Of course we have to be compliant with all legal requirements. However, I am going to restate the heart of the matter. Special education and other categorical laws are there to

protect students and **ensure that we provide them with appropriate services**. If we do that, we will be compliant. If we do that, we will meet legally required timelines. If we do that, we will be able to maintain the documentation in an efficient and timely manner as required by law. Prioritize service that meets the students' needs. Don't ignore compliance, just make sure that it is secondary to meeting the students' needs. To be able to meet student needs, however, we have to address element #4.

- 4) Provide the staff with the training to provide effective instruction and support, which, due to the wide range of knowledge and prior experience with which our students enter our system, necessitates our ability to provide a correspondingly wide range of highly effective instructional strategies and support.

First we have to ask ourselves, what skills do we need to appropriately serve our students in ways that accelerate their learning such that they will maximize their potential and, in most cases, meet or exceed grade level standards before graduating from high school? Do I have the skills to provide specialized, effective instruction in reading, mathematical thinking and problem solving, written expression, knowledge of the world and society, and social skills? If not, what do I need? Where will I get it? What about my colleagues? What about the system that I work in? If not, get them. And yes, advocacy comes into play again here. The resources exist, but they are probably not currently allocated for this purpose. You have to find ways to get them. School systems historically do a terrible job of professional development and training. Effective training requires long term instruction by a practicing expert, not a publisher's sales rep. It requires having all necessary materials up front. It requires planning for transferring the training from the training setting to the instructional setting. It requires coaching and opportunities to problem solve and adjust once implementation has begun. Highly effective training is out there. Find it.

I know from long experience that my next statement is a difficult and problematic thing to hear, but special educators really need to be trained and authorized to teach general education. If our goal is to accelerate the achievement of our students so that they leave us and graduate from general education, or in the case of that small percentage of students who are truly moderately or severely disabled, maximize their potential without meeting the standards for high school graduation, then we have to play a significant role in facilitating their ultimate success in a general education classroom, and to do that in the most effective way possible, we have to be credentialed to provide some instruction in a general education classroom. I have appropriate special education and general education credentials to allow me to teach virtually any subject kindergarten through 12th grade. That was a deliberate strategy in my commitment to become the most effective special educator that I could possibly be.

I understand completely the cost in time, money, and energy to obtain the training necessary to fulfill our goals. I have two thoughts on this issue. One, this is what we signed on for. Two, advocacy! Persuade your district of the benefit of having you qualified to do this, and persuade them to allocate the time and money needed to support you in obtaining the necessary training and credentials. By the way, the State of California Commission on Teacher Credentialing is addressing this issue at this time, and it is worth our while to pay attention to their work on reauthorizing state credentials.

- 5) Design the schedule and instructional settings for delivering our services so that students and staff are able to efficiently move between those settings.

The educational systems in which I have played a role placed students and staff not based on their eligibility or credential but upon the educational need of the students and the effectiveness of the staff in producing student outcomes. Anyone who has ever had to deal with compliance becomes concerned by that statement. However, the programs of which I speak were not hidden, they were very public, and we had NO compliance issues over 35 years, spanning the dawn of modern special education to 2015, when I stepped out of direct service. If the needs of the child are met, and student outcomes are optimized, compliance will be met. There is almost surely someone on your staff with whatever credential is legally required for compliance. There certainly should be! What becomes essential is how they are assigned, and more importantly, who has the skill and expertise to accelerate the achievement of our target students.

- 6) Understand that all adults in the system are responsible for all student outcomes, and that the delivery of services must be collaborative. No one person at any given moment in time could possibly achieve our goal of successful outcomes for every student.

I have addressed this issue in previous elements and remarks. This collaborative practice does not apply just to placement and instruction. Rather, it permeates all aspects of our work- hallways, playground, student success teams, extracurricular activities, reaching out to community service organizations, home visits, student study team and IEP team meetings, parent conferences and family outreach. And it certainly applies to placement and instruction! Students should be matched with the adult with the skill set appropriate to meet their educational needs and, in the case of our target students, to accelerate their learning. These matches should be made based upon the educational needs of the students. If your system does not currently possess the skill set necessary for that child, find it. It is out there.

- 7) Use current and historic assessment data to monitor service effectiveness and student progress through high school graduation and make timely adjustments in service delivery to ensure continued student progress.

We have to constantly ask ourselves, is it working? Are our students who entered our system not making adequate progress to meet or exceed grade level standards accelerating their achievement so that they will maximize their potential and/or meet or exceed standards before graduating from high school? If it isn't working, why not? Are we using the right programs? Have we provided the necessary materials? Have we provided the necessary training and support? Is the schedule and delivery system such that the program can be delivered effectively? The public education systems that we work in constantly fail in program monitoring and analysis. We constantly implement and drop programs without carefully monitoring or analyzing implementation and effectiveness. Stop it! Why do we think it is worth implementing in the first place? Somebody at the district office likes it? A convincing sales presentation? Statements from the publisher that the program is "research-based"? Let's do our

homework, please. And if the data indicates that it is effective, then for goodness sake allocate the resources to effectively implement it. Train the staff. Provide complete materials. Provide coaching and opportunity for feedback and problem-solving. Monitor implementation so that adjustments can be made in delivery models and scheduling.

You may be concerned that I am talking as if you have control over these 7 elements. You are not the director of special education, you teach at a school. You have a tiny budget under your control, the teachers at your site don't talk to each other, and the only thing your special education boss wants to talk about is compliance.

However, you do have control over these 7 elements, and you can prioritize student outcomes. I was a Resource Specialist for 18 years. The system that I worked in did not automatically give me control, I had to develop control. I had to take responsibility for my skillset. I had to obtain the necessary teaching credentials to carry out the work effectively. I had to convince my bosses that Lindamood-Bell training would benefit their bottom line. I had to spend time in all of the classrooms of my colleagues so that I could understand them and their instructional practices. I had to find ways to collaborate. I had to read the collective bargaining contracts; I had to read the Elementary and Secondary Education Act; I had to read the Individuals with Disabilities Education Act. It is important to know that you should never accept at face value your boss's interpretation of the law, ed code, or contract language. Don't. In most cases they haven't read the law, ed code, or contract language to which they are referring, and they are often wrong. We teach our students to use primary source documents; we should always do the same. In addressing this issue, though, please remember what I said earlier, that people who went into this work are incredibly well intentioned people who received inadequate training. This is absolutely true for most administrators. They are trying very hard and work very, very long hours, but were never provided with sufficient knowledge of the law, California Education Code, or contract language, and have not had the insight to study them carefully. Consequently, you have to think strategically about how to work with them to acquire an accurate understanding of what is legal. It usually means reading the primary source documents ourselves, and in a spirit of respectful collaboration sharing them with our colleagues and bosses.

Above all, we can and must be advocates for our students. That is the moral, personal, social, professional, and legal commitment we have made in becoming special educators. Advocacy does not mean stridency or bullying. It means informed, carefully targeted, effective input into our colleagues thinking and work.

I would be remiss at this point if I didn't acknowledge that it can be dangerous to function as an advocate. Most of the systems we work in do prioritize and value compliance, and do not readily appreciate advocacy. They do, however, appreciate results, which in our case are positive student outcomes. And given that this is a people business, one of our most critical skill sets is the ability to work effectively with all of the people in public education- the children, their families and communities, our instructional colleagues, and the hard- working and often misguided folks working in management- to effectively support our students to achieve their highest possible outcomes.