

# Low Performance on High-Stakes Test Drives Special Education Referrals: A Texas Survey

by Cheryl Fielding

"The Texas Assessment of Academic Skills (TAAS) is a classic example of the high-stakes test" (Gordon and Reese 1997, 347). Campus and district ratings, student graduation, and accreditation investigations are tied to this test (Texas Legislature Online 2001). Beginning with the 2002–03 school year, this test was renamed the Texas Assessment of Knowledge and Skills (TAKS) (Texas Education Agency 2003). Along with the new name came even higher stakes. Third graders who did not pass the reading section of the TAKS were required by state statute to be retained (Texas Education Agency 2001). There are, however, exceptions to this rule. One of those exceptions applies to students receiving special education services (Texas Education Agency 2003; Texas Legislature Online 2001).

The Individuals with Disabilities Education Act (IDEA) requires that states develop guidelines for the appropriate participation of children receiving special education services in state and district-wide assessments and alternate assessments (IDEA Practices 1997). According to the Texas Education Code (TEC), the Texas State Board of Education (SBOE) and the Commissioner of Education are assigned this specific rule-making authority. Their rules are codified under the Texas Administrative Code (TAC) (Texas Education

Agency 2000a; Texas Legislature Online 2001). A recent review of the TAC revealed that students receiving special education services may be administered an alternative assessment known as the State-Developed Alternative Assessment (SDAA), or they may be exempt from the assessment altogether.

If it is determined that it is appropriate for students receiving special education services to participate in the regular TAKS test, consideration must be given to appropriate testing modifications and accommodations (IDEA Practices 1997). A United States Department of Education memorandum from Michael Cohen, Assistant Secretary for Elementary and Secondary Education and Judith E. Heumann, Assistant Secretary for Special Education and Rehabilitative Services to Chief State School Officers, indicated that neither a state education agency nor a local education agency can limit the authority of the student's special education committee to select individual accommodations and modifications in administration needed for a child with a disability to participate in statewide assessments (Cohen and Heumann 2001). Examples of accommodations and modifications might include reading selected test items orally to students, administering the test individually or in a smaller group, and allowing students access to a word processor. The purpose of these accommodations

and modifications is to protect students from being penalized because of their disabilities (Shriner 2000).

In a Maryland study, Ysseldyke, Thurlow, Bielinski, House, Moody, and Haigh (2001) found that 82 percent of students receiving special education services had some form of testing accommodations listed on their individual education plans. They noted that the accommodations and modifications provided during an assessment should be matched to those incorporated into classroom instruction. However, this is not mandated. In Texas, the student's individual special education admission, review, and dismissal (ARD) committee is responsible for making these decisions (Texas Legislature Online 2001). However, if a student does not qualify to receive special education services, testing modifications, and accommodations, the SDAA test, or an exemption from the TAKS test, are not options via the special education route.

The IDEA and the TAC also give authority to the ARD committee to make the initial determination as to which students qualify for special education services (IDEA Practices 1997; Texas Education Agency 2000b). Determinations are based on assessment data that must comply with a number of federal and state criteria and procedures. In Texas, the educational diagnostician is considered the assessment specialist whose expertise is relied upon heavily in the decision-making process (Fielding and Overton 2000). Members of the ARD committee work in a collaborative manner to reach consensus. If consensus cannot be reached, a number of procedural safeguards are in place for resolution (IDEA Practices 1997).

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## BASIS FOR INQUIRY

All students, particularly those who are lower performing, may not be included in the TAKS test. This can contribute to the elevation of campus and district ratings. While scores from the SDAA are aggregated into these overall ratings (Texas Legislature Online 2001), results could be manipulated by lowering the SDAA test levels administered. Because of the high stakes associated with the TAKS and the role of the educational diagnostician in the decision-making process, educational diagnosticians have felt pressure from administrators and teachers to recommend that students qualify for special education services. Additionally, because educational diagnosticians conduct evaluations of students referred to special education, they are in a position to reflect upon the most common factors driving initial referrals.

This article is based on a survey of educational diagnosticians working in Texas for the 2001–02 school year. The Executive Board of the Texas Educational Diagnostician's Association (TEDA) developed the comprehensive survey that contained over 50 items. Only three items were related specifically to the TAAS test. The general purpose of the survey was to assist the TEDA leadership in developing a legislative agenda. A total of 3,210 surveys were mailed during the spring semester of 2002 to educational diagnosticians (both TEDA and non-TEDA members). A total of 1,049 surveys were returned. Results of all survey items were reported in TEDA's state journal, *The DiaLog* (Fielding 2002a; Fielding 2002b). According to Gay and Airasian (2000), the number of respondents required for the generalization of survey results to a population size of 3,500 is 346.

The TEDA was founded in 1973 and has remained an active organization. It is governed by an executive board of eight officers that are elected by the general membership during an annual business meeting held in conjunction with the state conference. In

December 2001, the TEDA membership was 1,310.

### **SURVEY QUESTIONS RELATED TO THE TAAS**

Educational diagnosticians were asked to approximate the percentage of initial referrals to special education that were driven primarily by low performance on TAAS and to explain the basis for their answers. Second, they were asked to rate the level of pressure they felt they received from administrators to recommend that students who failed the TAAS test qualify for special education services and to explain the basis for their ratings. For this item, a five-point Likert-type scale was used. No pressure was represented by a score of one, and extreme pressure was represented by a score of five. Third, educational diagnosticians were asked to choose three issues, from a list of seven, that they believed to be most important for the TEDA to pursue with legislators. They were asked to rank their choices in order of priority based on importance. One of the choices read, "initial referrals generated primarily due to low

TAAS scores." The following statement was included at the end of the survey: "Please feel free to write any additional information you would like to share with us on the back."

### **EDUCATIONAL DIAGNOSTICIANS' PERSPECTIVES**

A total of 866 educational diagnosticians responding to the survey approximated the percentage of initial referrals to special education that are driven primarily by low performance on the TAAS test. Over 78 percent (677) felt 50 percent or more of all initial referrals were driven primarily by low performance on TAAS (table 1).

A total of 962 educational diagnosticians responding to the survey rated the level of pressure perceived from administrators to recommend that students who failed the TAAS qualify to receive special education services. Over 86 percent (835) reported routinely receiving some level of pressure (table 2).

From the list of seven issues pertaining to the TEDA's future legislative agenda, 348 educational diagnosticians endorsed

**TABLE 1**

Initial Referrals to Special Education Driven by Low Performance

Percentages of Initial Evaluations Driven Primarily by Low Performance on TAAS	Number of Respondents Addressing This Survey Item Total N = 866	Percentage of Respondents Addressing This Survey Item
100	95	11.0
90–99	214	24.7
80–89	99	11.4
70–79	108	12.5
60–69	40	4.6
50–59	121	14.0
40–49	17	2.0
30–39	30	3.5
20–29	47	5.4
10–19	49	5.7
0–9	46	5.3

the item regarding initial referrals generated by low TAAS test scores. This item received 91 first-choice endorsements, 132 second-choice endorsements, and 125 third-choice endorsements.

In analyzing the explanations provided as the basis for majority responses to these items and the additional information provided on the back of the survey, a number of trends regarding the TAAS test and special education emerged.

*Teachers, counselors, and administrators openly state that initial referrals are based specifically on the most recent TAAS scores.* Responses supporting this trend included: "They tell you this kid will never pass the TAAS; they have his previous scores memorized." "Teachers say things like, 'I've got to get him out of TAAS.'" "I hear so many teachers and counselors say they want to refer a student for testing because 'they just don't get it.' When I ask what 'it' means, I usually am told TAAS."

*Teachers and administrators feel pressure to increase accountability ratings.* Responses supporting this trend included: "My administrators are under a lot of pressure to have an exemplary campus." "Our superintendent has threatened principals with their jobs if our schools and district are not recognized this year!" "Teachers are stressed by TAAS demands. Administrators also are pressured to maintain and increase passing levels. Administrators feel that special education is a way for low-performing students to be exempt from TAAS so the school might obtain a better rating."

*Responsiveness in teaching is much more closely associated with the moral and ethical realms of teaching than it is with notions of effective teaching.*

*Both teachers and administrators pressure educational diagnosticians to recommend that students qualify to receive special education services.* Responses supporting this trend included: "Administrators don't necessarily pressure us; teachers do." "Administrators and teachers have extreme pressure on them regarding TAAS,

**TABLE 2**  
Level of Pressure Routinely Received from Administrators

Level of Pressure Routinely Received from Administrators to Qualify Students Who Failed TAAS (1 = No Pressure) (5 = Extreme Pressure)	Number of Respondents Addressing This Survey Item Total N = 962	Percentage of Respondents Addressing This Survey Item
1	127	13.2
2	216	22.5
3	225	23.4
4	185	19.2
5	209	21.7

and that pressure filters down to me during referrals."

*Many teachers, counselors, and administrators do not have a thorough understanding of special education rules and regulations or evaluation procedures.* Responses supporting this trend included: "I have a principal who seems quite disturbed when kids don't qualify, and she wants to know why." "I really feel that requiring training, staff development sessions, or mandatory hours in special education guidelines for administrators, counselors, and teachers is crucial. So many 'general education' educators do not have a true understanding of what the full individual evaluation consists of and that it is governed by timelines." "Educators are required to have training to understand and meet the learning styles of gifted/talented students. Why shouldn't there be the same requirements regarding students with disabilities?" "Overall, administrators need to be reminded that diagnosticians do not pick and choose who qualifies. The tests are given and if all information is met, then certain students will qualify."

*Some administrators make comments or behave in ways that are inappropriate.* Responses supporting this trend included: "The principal has personally told me to exempt as many tenth grade Spanish males as possible." "If you do not qualify, or rather, if the student does not qualify, the administrator (principal) gets madder than hell and requests your transfer." "I have been told that special education is not black and white, that it is gray, and that I am expected to go into that gray area and qualify." "They should not make the diagnostician the 'bad guy.' The pressure and harassment demonstrated by principals and teachers must cease." "In some campuses, they request that we retest or give additional tests." "We are asked to further test or use method II." "Administrators will ask me to please keep trying to find a way to qualify him/her."

*Educational diagnosticians respond to TAAS-related pressures/concerns in a variety of ways.* Responses supporting this trend included: "I have been sick to the point of wanting to resign just because I know what will be said when I tell the administration (principal) and teachers a kid will not qualify. It is a horrible feeling! I hate being put in that situation." "I explain when I begin working at a school that I do not test shop nor qualify everybody they refer." "I don't qualify students unless they meet eligibility. I don't care what their TAAS scores are."

### **How EXEMPT Is EXEMPLARY?**

Pressure to increase campus and district accountability ratings appears to generate greater numbers of students labeled as having a disability than would be otherwise. From the data gathered in this survey, two questions arise. First, are school personnel raising accountability ratings through special education by: (a) exempting students from the assessment; (b) administering an alternate assessment at lower levels; and/or (c) providing modifications and accommodations to students taking the regular assessment? Second, do teachers and administrators truly believe that if a student does not pass the statewide accountability assessment, he/she may have a disability?

Irons, Fielding, Klos-Franks, Grubbs, and Kim (1999) reviewed 100 Texas public school campuses with exemplary ratings. Their findings revealed that these campuses had a slightly higher percentage of students in special education than the state average: 12.5 percent compared to 11.6 percent. The highest special education population in their stratified random sample (taken from a total of 680) had a special education population of 35.5 percent. This high percentage of students receiving special education services on a campus with the highest accountability rating of exemplary should certainly raise eyebrows as to the ethical behavior of the profession-

als involved. Allington and McGill-Franzen (1997, 224) interviewed school administrators who indicated that high-stakes testing has a definite influence on the increased identification of students with learning disabilities. An administrator in their sample made the following remark: "I think there is a lot of game playing that begins the minute you introduce that kind of framework [accountability]. . . . No one plays games better than school districts and administrators." Another comment from an administrator was recorded as follows (1997, 223):

*This whole family was classified. Why? Because there was a chance that the kids might fail [the high-stakes test], and they were a low-socioeconomic family. That's how you maintain number one [in countywide comparative rankings of schools on state test performance]. You have to do some game playing.*

The second question noted earlier asks whether there is an assumption made, on behalf of public school personnel, that students who do not pass the statewide accountability assessment must have a "disability." In other words, are the majority of referrals to special education good faith referrals? A good faith referral is one that is driven solely by the best interests of the student. Referring a student to special education because of a desire to raise accountability ratings would not be considered a good faith referral. Destefano, Shriner, and Lloyd (2001) noted that the pressure on school personnel to demonstrate higher levels of student performance has increased over the past ten years. It appears from the results of this study that it has increased to the degree that it is causing some school personnel to place

the interest of the school district before that of the individual student.

These questions point out serious ethical considerations. Clearly, pressure placed on educational diagnosticians by school personnel, particularly administrators, places them in a specific type of ethical dilemma. They are required to make a choice between acting in the best interest of the child as an advocate, and promoting the perceived interests of the school district (Helton, Ray, and Biderman 2000). In a survey of 271 school psychologists and special education teachers, Helton et al. (2000, 112) determined reactions to similar ethical dilemmas. They reported:

*School professionals facing this kind of dilemma may experience it as requiring a choice between competing loyalties. They may, on the one hand, seek to honor obligations prescribed by ethical codes, professional standards, and relevant laws while, on the other, seek to honor employer expectations and directives.*

The manipulation of public school accountability systems affects a number of stakeholders. The community is misled at the expense of the very students the school districts are charged with serving. As seen in the data reported here, it is clear that a majority of educational diagnosticians in Texas continue to face ethical dilemmas. Pressure on public school personnel to increase accountability ratings is creating these inappropriate situations. From the data presented here, it is apparent that general education teachers, counselors, and administrators are in need of additional training in the areas of special education rules, regulations, and evaluation procedures. Further, training in the area of appropriate ethical considerations also is warranted. It

is indeed unfortunate that the state accountability system that was designed to

improve the quality of education is now creating such negative consequences.

**REFERENCES**

- Allington, R. L., A. McGill-Franzen, and R. Schick. 1997. How administrators understand learning difficulties: A qualitative analysis. *Remedial and special education* 18(4): 223-32.
- Cohen, M., and J. E. Heumann. 2001. Clarification of the role of the IEP team in selecting individual accommodations/modifications in administration, and alternate assessments for state and district-wide assessments of student achievement. Washington, D.C.: Office of Special Education and Rehabilitative Services, Office of Elementary and Secondary Education, United States Department of Education Memorandum. 12 January: 4.
- Destefano, L., J. G. Shriner, and C. A. Lloyd. 2001. Teacher decision making in participation of students with disabilities in large-scale assessment. *Exceptional Children* 68(1): 7-22.
- Fielding, C. 2002a. Statewide survey results: Part I of II. *The DiaLog* 31(3): 8-12.
- Fielding, C. 2002b. Statewide survey results: Qualitative items—Part II of II. *The DiaLog* 32(1): 8-16.
- Fielding, C., and T. Overton. 2000. Educational diagnosticians and licensed specialists in school psychology: A collaborative effort. *The DiaLog* 30(1): 2-6.
- Gay, L. R., and P. W. Airasian. 2000. *Educational research: Competencies for analysis and application*, 6th ed. Upper Saddle River, N.J.: Prentice-Hall.
- Gordon, S. P., and M. Reese. 1997. High-stakes testing: Worth the price? *Journal of School Leadership* 7(4): 345-68.
- Helton, G. B., B. A. Ray, and M. D. Biderman. 2000. Responses of school psychologists and special education teachers to administrative pressures to practice unethically: A national survey. *Special Services in the Schools* 16(1-2): 111-34.
- IDEA Practices. 1997. Idea '97 laws and regulations. Washington, D.C.: IDEA Partnerships. Available at: [www.idea-practices.org/law/index.php](http://www.idea-practices.org/law/index.php).
- Irons, E. J., C. Fielding, L. Klos-Franks, B. Grubbs, and Y. K. Kim. 1999. Special education accountability: Truth and consequences. *The DiaLog* 28(3): 7-9.
- Shriner, J. G. 2000. Legal perspectives on school outcomes assessment for students with disabilities. *Journal of Special Education* 33(4): 232-39.
- Texas Education Agency. 2000a. About TEA rules. Austin, Tex.: Office of Accountability Reporting and Research. Available at: [www.tea.state.tx.us/rules/homeabout\\_rules.html](http://www.tea.state.tx.us/rules/homeabout_rules.html).
- Texas Education Agency. 2000b. Texas Administrative Code (TAC), Title 19, Part II, Chapter 89. Adaptations for special populations. Austin, Tex. Available at: [www.tea.state.tx.us/rules/tac/chapter089/ch089d.html](http://www.tea.state.tx.us/rules/tac/chapter089/ch089d.html).
- Texas Education Agency. 2001. Texas Administrative Code (TAC), Title 19, Part II, Chapter 101. Assessment. Austin, Tex. Available at: [www.tea.state.tx.us/rules/tac/chapter101/ch101a.html](http://www.tea.state.tx.us/rules/tac/chapter101/ch101a.html).
- Texas Education Agency. 2003. Welcome to the student assessment division. Austin, Tex. Available at: [www.tea.state.tx.us/student.assessment/](http://www.tea.state.tx.us/student.assessment/).
- Texas Legislature Online. 2001. The Texas statutes. Austin, Tex. Available at: [www.capitol.state.tx.us/statutes/statutes.html](http://www.capitol.state.tx.us/statutes/statutes.html).
- Ysseldyke, J., M. Thurlow, J. Bielinski, A. House, M. Moody, and J. Haigh. 2001. The relationship between instructional and assessment accommodations in an inclusive state accountability system. *Journal of Learning Disabilities* 34(3): 212-20.



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