

NFISD: Not Going Down Without a Fight - Community Vows to Fight TEA Decision

Written by Jeffrey L. Boney, Associate Editor
Wednesday, 03 April 2013 00:00

NOT GOING DOWN WITHOUT A FIGHT



North Forest ISD has been dealt another stunning blow, and this time the decision is final unless a judge or the U.S. Justice Department rules otherwise.

On Monday, the Texas Education Agency (TEA) upheld its February 7th decision to close the North Forest Independent School District (NFISD) and be annexed and placed under the control of the Houston Independent School District (HISD) effective July 1, 2013.

On February 7th, State Commissioner of Education Michael Williams notified North Forest ISD representatives of his formal recommendation for closure and annexation to HISD. Williams based his decision on the TEA's assessment of North Forest ISD's alleged poor academic performance over the past year as they state is reflected in its low high school completion rate and poor performance on statewide assessments.

"Throughout this process, the priority has been the students of North Forest and assuring they each receive the quality education they deserve," TEA Commissioner Williams said in a statement Monday. "My hope is that today's decision marks the next step toward making that goal a reality."

Williams, who is the first African American to hold a statewide elected executive office in Texas history, heads up the Texas Education Agency which oversees 1,200 school districts and pre-kindergarten through high school education for approximately five million students enrolled in both traditional public schools and charter schools. Williams was appointed Texas Commissioner of Education by Governor Rick Perry in September 2012, after having served as Texas Railroad Commissioner from September 1999 to September 2003 and again from June 2007 to February 2009.

APPEALING DECISION

The ruling, however, does not end North Forest ISD's fight to appeal the ruling and continue to operate as a stand-alone district. North Forest ISD has the ability to appeal the decision to the State Office of Administrative Hearings, an Austin court.

North Forest ISD attorney, Chris Tritico, plans to take his case to the State Office of Administrative Hearings this week to appeal the closure order. He states that if the district loses that appeal, he will then seek an injunction in state court to stop the closure. Beyond that, Tritico says that he is prepared to take his case to the federal courts if needed.

"The decision made by the Texas Education Agency was unfortunate, unjust and intellectually dishonest," said Tritico.

He states that NFISD did not have adequate time to improve on its 2011 graduation rate by the timeframe that former State Commissioner of Education Robert Scott issued in his improvement order in the spring of 2012.

U.S. Congresswoman Sheila Jackson Lee (D-TX), NFISD community leaders, NFISD administrators, staff, teachers, parents and students held an afternoon press conference on Monday at the NAACP Houston Branch Headquarters to discuss what they believe is an unfair and unjust ruling by the TEA regarding North Forest ISD.

"I couldn't think of a better place to stand on the steps of as we fight what I call a civil rights fight," said Congresswoman Jackson Lee. "We want to save this public school district for the children."

Congresswoman Jackson Lee vowed to help champion a federal lawsuit, alleging discrimination against North Forest ISD, which serves mostly Black and Hispanic students.

HOW THIS HAPPENED

The planned closure of North Forest ISD follows decades of publicly documented issues surrounding the district that include academic weakness and financial problems. North Forest ISD, with roughly 7,000 students and nine schools, would be the largest district dissolved by the state. Four other districts, including Kendleton ISD in Fort Bend County, have had forced closures since 1999.

Many North Forest ISD supporters believe that the district has rallied to correct many of those issues over the years and believes that the TEA decision doesn't benefit the students or the community.

North Forest met most of the goals in former Commissioner Scott's improvement plan, including increasing the district's savings account from a negative balance to \$4.5 million. The district did fall short in student performance, with test scores dropping from 2010 to 2011. The graduation rate for the class of 2011 did rise to nearly 67 percent, but shy of the state's standard.

North Forest Superintendent Edna Forte states the district fell short of meeting the improvement bar by only two graduating students.

Prior to the recent TEA decision, the North Forest school board endorsed an alternate plan with a nonprofit called PHILO, which is a collection of three charter school operations; KIPP, YES Prep and Harmony. Among its board members is former education secretary and HISD superintendent Dr. Rod Paige.

"Because we truly believe partnering with the charter schools that make up PHILO is the best option for the children of North Forest, we will appeal this decision to the State Office of Administrative Hearings," said Forte.

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Mike Feinberg, the co-founder of KIPP charter schools spearheaded the alternate plan, which would let PHILO run the 7,000-student northeast Houston district, assume management of North Forest ISD next school year and allow the elected school board to remain and collect taxes. The following year, the district would become a mixture of traditional public schools and charter schools.

ISSUES WITH THE DECISION

Congresswoman Jackson Lee and the North Forest school board had expressed public support for the alternate PHILO plan which allowed the group of top charter schools and a nonprofit management board to run the school district. The plan would have allowed NFISD to retain its identity and some levels of authority, while eliminating the recommendation by the TEA to have the district annexed to HISD.

TEA Chief Deputy Commissioner Lizzette Reynolds, who was in charge of making the final ruling on the North Forest ISD case, still ruled against NFISD determining that the plan that was presented wasn't detailed or timely enough.

In her decision, Reynolds stated that the district had failed to sufficiently improve the completion rate at North Forest High School and failed to improve student performance district-wide on statewide assessments. Both were established in 2012 by then-Commissioner Scott, as conditions for withdrawing the closure and annexation order.

During her record review, Reynolds also stated that the North Forest ISD annexation into the Houston ISD would not substantially impair HISD's ability to educate its current students or to pay its pre-annexation obligations. Her review found that while North Forest ISD presented a memorandum of understanding that it had recently signed with PHILO School Management, she felt it lacked specificity and that the limited time to implement it did not support withdrawal of Commissioner Williams's closure order.

North Forest ISD had asked the TEA to stop their planned closing of the district and to hold a new appeal hearing, claiming bias in the process.

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North Forest ISD claimed that Deputy Commissioner Reynolds, could not be a fair judge because she had been “intimately involved” in earlier TEA decisions involving the district. Reynolds presided over the district’s appeal hearing in 2012, and records show she had been invited to multiple TEA meetings about North Forest ISD before.

TEA attorney Christopher Jones denied that Deputy Commissioner Reynolds was biased, noting that Reynolds allowed the district a reprieve from closure this school year and may not have attended all staff meetings to which she was invited to. North Forest ISD’s attorney said records showed that she did attend some of the staff meetings regarding North Forest ISD.

A FIGHT IS BREWING

Congresswoman Jackson Lee and many others in the community, such as North Forest school board president Charles Taylor Sr., plan to fight the decision.

“Be sure, we are not in it to give up,” said North Forest school board president Charles Taylor Sr. “We’re in it to fight to the end.” Other community members, such as Pastor Ken Campbell, have complained that the HISD schools in northeast Houston have problems of their own and are near the bottom of the list when it comes to academic performance, one of the key areas that the TEA is using to close North Forest ISD.

“The closest HISD high school to our community is Kashmere High School and that school is ranked academically near the bottom of the list of high schools in HISD,” said Campbell. “North Forest ISD has shown major improvements academically and fiscally. Why in the world would we be excited about sending our kids to a district that hasn’t shown any signs of improvement itself?”

According to the TEA’s 2010 and 2011 District Accountability Summary, Kashmere High School was deemed “academically unacceptable” for both years.

One of the key responsibilities of the Texas Education Agency (TEA) is assessing public school students on what they have learned and determining district and school accountability ratings.

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TEA provides an array of reports based on the results of student testing and other assessments and every year they release its Accountability Rating System for Texas Public Schools and Districts that can be found on their website.

Campbell, who received his entire educational training in NFISD schools, serves as chairman of the Northeast Ombudsman group, which is a collection of parents, alumni, local groups, churches, businesses and interested citizens who want to see NFISD thrive and see this decision overturned.

“Our kids are performing better at the elementary and middle school level than many of the students in HISD,” said Campbell. “I don’t see any positive win or upside for them making this decision honestly.”

Campbell states that he received a great foundation because of North Forest ISD and that he visibly sees the progress that has been made in the district since they have made changes. He believes that North Forest ISD needs a little more time to display the progress that is being made.

“This is an insult to the progress that we have made,” said Campbell. We have been a more committed, focused and intentional district and we want to keep North Forest - North Forest - for our students and for all the right reasons.”

Another key issue that community members take issue with is that the top-performing schools with magnet programs have long waiting lists and the opportunity to enroll in those schools has passed. Campbell simply believes that North Forest ISD should not be held hostage by their past mistakes, but should be judged for what they are doing now.

“We know that there have been past issues, but those issues are truly past issues,” says Campbell. “If we have truly gotten rid of and corrected all the things that were problematic for us in the past, then what is the real reason that you want to shut us down?”

Campbell believes that the land and tax base are the primary drivers for this move.

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WAIT AND SEE

Until then, it is business as usual at North Forest ISD. With state-mandated testing beginning this week, NFISD Superintendent Forte has been focused on helping North Forest students be prepared for these high-stakes tests.

“We at North Forest ISD are disappointed by the TEA’s decision to merge North Forest with HISD,” Forte said in a statement. “Regardless of the outcome, the faculty and staff will continue to move forward with the transformative work we are doing at North Forest ISD to complete a successful year.”

HISD Superintendent Terry Grier has not announced whether he will close any schools in North Forest ISD, but the district states that it is seeking federal funds to start technology magnet programs at a middle school and a high school in the area. In addition, North Forest ISD staff will not have guaranteed jobs in HISD.