



Texas Association of Community Schools

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TACS LEGISLATIVE UPDATE

We are just over half way through the first (hopefully only) Special Session of the Texas 85th Legislature. To many, it seems like a misnomer. Is it really special? If you enjoy trips to the dentist, final exams, or self-inflicted punishment, then maybe you would find it special. There is a heavy air over the Capitol (not just the 108-degree heat) which reflects the mood and conflict within. The Governor and Lieutenant Governor are pushing for their "20 for 20" or what Dan Patrick calls "Pass 'em all" and he has been sending self-congratulatory notes about how the Senate has broken records by passing the highest number of bills in the fewest days in history. It is easy to pass bills that you have already passed through intimidation and manipulation of the rules.

The Senate has been the proverbial hare and finished its work and is sitting around waiting for the tortoise (the House of Representatives) to catch up. But, the work set out by the Governor and the Lieutenant Governor isn't the work the tortoise is interested in completing. It's like a race to the hare's bag of carrots, but tortoises don't love carrots as much as hares do. Speaker Joe Straus has been vocal (which is out of character) in his disdain for many of the bills being pushed by the Governor and Lieutenant Governor. He has reiterated that his focus is on funding our schools and taking care of kids. Accordingly, the House has been plodding along and conscientiously hearing bills that might improve our public education system and come closer to funding it adequately. The Speaker has also said that this isn't a race. If anything, it is a contest between the Governor and Lieutenant Governor to see who gets the most political points for pandering to the extreme right political base that votes in the Republican primaries and has been picking Texas statewide leaders for years.

House Public Education Committee Hearings:

The House Public Education Committee held a brief meeting on Monday evening to vote-out a different version of HB 21 than had been voted out last week. Chairman Huberty explained that he had heard from countless stakeholders who were concerned about his including facilities funding for charters in the bill. He decided to revert to the version of HB 21 that had passed out of the House during the regular session. Apparently, in addition to hearing complaints from public education advocates, he also heard complaints from charter advocates that the bill wasn't providing enough facilities funding. So, he removed that portion of the bill!

Early Tuesday, the House Public Education Committee convened for a marathon session to hear 23 bills. Chairman Huberty runs a tight ship and urges witnesses to be brief, to the point, and authentic. He thanks them for their time and their presence, but he is not afraid to call a spade a spade. I'll mention just a few of the bills that inspired the most testimony, generated interesting discussion, or are of particular interest to us at TACS.

HB 198 (Clardy) – Teacher Pay Raise, Merit Pay Bill (written by Commissioner Morath in conjunction with the Governor's office)

Representative Clardy invited TACS and other stakeholders to comment on the bill over the past week or so. However, while he did engage the group, the bill still is essentially an unfunded mandate from the

state to raise teacher pay. Louis Malfaro, President of Texas AFT, thanked Representative Clardy for raising the issue of teacher pay as it is \$6000 below the national average, and he agreed that Texas teachers deserve better pay. Nonetheless, he argued that this merit pay system, piloted by Dallas ISD when Commissioner Morath was on the Dallas ISD school board, wouldn't work for all districts. In fact, Houston adopted and subsequently abandoned it. He pointed out that Muleshoe is a lot different than Dallas. Barry Haenisch, Executive Director of TACS, provided excellent testimony that no single state solution would meet the needs of all of our diverse districts. He suggested an opt-out or opt-in provision if the bill moves forward. Chairman Huberty appreciated Barry's comments and asked him if districts couldn't already opt into such a system if they wanted to. He replied that yes, they could! Huberty used that point to show that the bill is unnecessary. Chairman Huberty's temper flared a few times during the course of the 12-hour hearing. He expressed frustration that the Governor and Senate would push this bill to make it look like they support teachers when they have shown no will to fund public education. Huberty joked with Commissioner Morath about his having brought this bill to him originally to see if he might sponsor it. Huberty said that he wouldn't then and that he still doesn't support it now. He and the House Public Education Committee oppose further centralization of power in the commissioner's office. We have locally elected school boards for a reason and they should make these decisions!

HB 191 (Phil King) and

HB 200 (Mary Gonzales) – Bills creating a Commission to Study Public School Finance

Chairman Huberty laid out these bills side by side and allowed testimony on both. King's HB 191 is identical to Chairman Taylor's SB 16 and Rep. Gonzales's bill is preferable on several counts. Barry testified "on" HB 200 saying that TACS opposes another commission to "study" the things we already know. We all know that the state needs to raise the basic allotment, which will allow for reductions in property tax, recapture, ASATR, etc. Kicking the can down the road another 2 years isn't going to help when we know what is needed now. If we were to do a study, he added, it should be focused on determining updated weights to reflect the current costs of educating students.

HB 253 (Simmons) – Special Education Tax Credit Program (aka vouchers)

Representative Simmons introduced his voucher bill, HB 253, and many of his introductory words grated against my public education-loving heart. "Results of the public school system are mixed at best." He referred to the Houston Chronicle article about special needs students not being served but never connected that with the cap created by TEA or the lack of sufficient funding from the state to provide all the necessary services. He did acknowledge that our public education system is underfunded, but in the same breath he criticized the system and mentioned "the behemoth of government behind public education." It was an ideological argument about failure of government, rather than one about why private schools would better serve Texas students with special needs. Fifty-three witnesses were signed up to testify, and Chairman Huberty asked many of them whether his bills to fund programs for autistic children, and his weighted funding for dyslexia wouldn't be helpful. Vice Chairman Bernal went to bat against the privatization ideologues countless times and asked why this one program that would only help a few kids would be preferable to fixing (and funding) the system to help the great majority of kids who are in public schools. He looked for areas of collaboration with pro-voucher witnesses, but none would acknowledge the inconsistency in the voucher argument.

HB 320 (VanDeaver) – Special Needs Education Enhancement Program (within public schools)

This bill by Representative VanDeaver offers a solution to families of students with special needs who feel they need additional services beyond what is available in their public schools. The students would remain in the public school system, but would be eligible for various services from private providers approved by the state. It would be managed by TEA, and funds would be distributed through school districts. We supported this bill as a way to offer supplemental special needs services to public school students who would maintain their rights under the federal law and benefit from the vast array of benefits from being in inclusive public schools.

House Floor Action:

TRS Funding

Also on Tuesday, the full House met and voted out two TRS bills.

HB 20 (Ashby, et al) would appropriate \$212.7 million from the Economic Stabilization Fund (Rainy Day Fund) to help reduce premiums and deductibles for retirees.

HB 80 (Darby, et al) would make a one-time cost of living adjustment to the retirement benefits paid to certain retirees. It would also enable such a raise to be given in the future if TRS has the funds to do so.

The floor arguments on these bills were really about whether to use the Rainy Day Fund. The Freedom Caucus (Stickland and friends) whined about being stuck between a rock and hard place, as they want to support teachers (or look like they do) but don't want to spend the billions of dollars that are sitting in the Rainy Day Fund. After a long debate, the bills passed 130-10 and 139-2. Noone wants to make the retirees mad. Do you know why? Because they VOTE!

School Finance

Today, at 10:30 a.m., the House will take up:

HB 21 (Huberty) (again) increases state funding for public education by 1.8 billion dollars. It would reduce recapture, change how transportation is funded, roll the high school allotment and state aid for non-professional staff into the Basic Allotment, expand the CTE allotment to cover 8th grade, increase the weight for bilingual education, add a weight for dyslexia, and would create a hardship grant program for districts rolling off ASATR.

HB 22 (Ken King) extends ASATR for two years for districts where ASATR accounts for more than 4% of their budget.

HB 23 (Huberty) funds innovative programs in public schools for students with autism.

If you are in or near Austin this morning, please wear red and go to the House gallery to support Chairmen Huberty, King, and committee members who are fighting hard for you and our kids in the face of extreme pressure. Pressure isn't only coming from the Governor and Lieutenant Governor trying to crack the House's resolve against vouchers. During the Tuesday hearing on tax credit scholarships (vouchers), Chairman Huberty said that he had been called and visited first by his priest, then the Bishop, then the Cardinal, and he was wondering when the Pope would be coming by to try to convince him to support vouchers. Representative Huberty has held a hard line against vouchers as has Speaker Straus. They need our support as do the other House Republicans and Democrats who are standing strong in defense of public education.

With great respect,

Laura Yeager
TACS Governmental Affairs