



Texas Association of Community Schools

1011 San Jacinto Blvd., Ste 204, Austin, Texas 78701-2431
512/440-8227 • Fax: 512/442-6705 • WEB: www.tacsnet.org

Barry Haenisch, Executive Director



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TACS Legislative Update

The last couple of weeks, there have been some developments and meetings that we want to let you know about. Some you already know, and others have gotten less attention.

I. Speaker Straus is not running for reelection

Last week, Speaker of the Texas House of Representatives, Joe Straus, announced that he would not seek reelection for his House seat. This deals a cataclysmic blow to Texas politics, and it means that public education will lose its biggest advocate in the highest position of power and authority at the state level. This makes our effort to get educators to vote and to pay attention to which candidates support public education all the more important.

II. House and Senate Interim Legislative Charges

Speaker Straus and Lieutenant Governor Patrick have released interim legislative charges for the Texas House and Senate.

House Committee on Public Education Interim Charges

- 1. Hurricane Harvey: School Finance** - Determine, to the extent possible, the scope of financial losses, including facilities, that resulted from Hurricane Harvey. Recommend possible state actions, such as changes to student counts or property valuation, to mitigate any negative impact on districts and ensure governance structures and parameters allow for effective responses. *(Issued on September 14, 2017)*
- 2. Hurricane Harvey: Accountability** - Recommend any measures needed at the state level to prevent unintended punitive consequences to both students and districts in the state accountability system as a result of Hurricane Harvey and its aftermath. *(Issued on September 14, 2017)*
- 3. Hurricane Harvey: Student Displacement** - Examine the educational opportunities offered to students displaced by Hurricane Harvey throughout the state and the process by which districts enroll and serve those students. Recommend any changes that could improve the process for students or help districts serving a disproportionate number of displaced students. *(Issued on September 14, 2017)*
- 4. Educator compensation and motivation strategies** - Review current state mechanisms for identifying and rewarding educators through state-level strategies. Examine how providing additional funding to enhance compensation in districts facing a shortage of experienced, highly rated teachers would affect retention and teacher quality, in addition to whether it would encourage teachers to provide additional services through extracurricular activities, tutoring, and mentoring.
- 5. Examine options for evaluating student achievement and scope of TEKS** - Examine research-based options for evaluating student achievement beyond standardized test scores, including adaptive and portfolio assessments. Examine the scope of the current Texas Essential Knowledge and Skills (TEKS) in grades with the state assessment, including the format, assessment calendar, and the limits of instructional days, if any. Determine if it is appropriate to limit TEKS to readiness standards that can be

taught in less than the school year. Review current Student Success Initiative testing and make recommendations on its continuation or repeal. Review the ability of the state to waive standardized testing for students with significant cognitive disabilities.

6. Improving student achievement for a student with disabilities - Examine programs in public schools that have proven results meeting the needs of and improving student achievement for students with disabilities, with an emphasis on programs specializing in autism, dysgraphia, and dyslexia. Recommend ways to support and scale innovative programs for these students, including providing supplemental services, or incentivizing public-private partnerships or interdistrict and charter school collaborations. Monitor the implementation and funding of the pilot programs authorized in H.B. 21 (85R) and review the Texas Education Agency's compliance with S.B. 160 (85R), which prohibits special education student caps.

7. Review the charter school system in Texas - Determine if changes are needed in the granting, renewal, or revocation of charter schools, including the timeline for expansions and notification of expansions to surrounding districts. Review the educational outcomes of students in charter schools compared to those in traditional schools, and to what extent schools participate in the alternative accountability system. Monitor the implementation of facilities funding for charter schools. Consider differences in state funding for charter schools compared to their surrounding districts and the impact on the state budget. Consider admissions policies for charters, including appropriate data collection to assess demand for additional charter enrollment, compliance with access by students with disabilities and the effect of exclusions of students with criminal or disciplinary histories. Consider differences in charter and district contributions to the Teacher Retirement System on behalf of their employees and make appropriate recommendations to support the retirement benefits of all public school teachers.

8. Monitoring - Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 85th Legislature. In conducting this oversight, the committee will also specifically include H.B. 21 (85R), H.B. 22 (85R), and S.B. 179 (85R).

Senate Education Committee Interim Charges

1. Teacher Compensation: Study current local, state, and/or national compensation strategies for classroom teachers and make recommendations to elevate the teaching profession as well as comprehensive policies to attract, retain, and reward teachers.

2. Mandate Relief/Innovation: Review, modify, or abolish chapters of the education code. Specifically, study cost-drivers, unnecessary mandates, reduction/elimination of inefficiencies, focus on policies or opportunities targeted to improving student outcomes, and better utilization of taxpayer resources.

3. Classroom Conduct and Teacher Support: Examine current student discipline mandates in code, study best practice models to reduce classroom discipline issues, and provide direct support for students and classroom teachers.

4. Expand High-Quality Education Opportunities: Examine high-quality campus/programs in Texas and other states and make recommendations on incentives to expand high-performing campuses and programs. Review should include but not be limited to: program and course variety, unique public school models, transfer or open-enrollment policies within a district, collaboration between districts or public charters, online learning, and whether children with special educational needs, children of military families, and student populations in chronically high poverty areas should have additional options to meet their unique educational needs.

5. Virtual Education in the 21st Century Classroom: Review the Texas Virtual School Network (TVSN) and recommend methods of updating and improving the system to boost online virtual education.

6. Dual Credit: Review dual credit opportunities throughout the state, examining the impact of HB 505 (84th Legislature) on students in particular. Look at the outcomes of statewide studies completed in Texas regarding dual credit, and examine the current rigor of dual credit courses, as well as how to

improve advising for students in dual credit. **(JOINT CHARGE with HIGHER EDUCATION)**

7. Monitoring: Monitor the implementation of legislation addressed by the Senate Committee on Education passed by the 85th Legislature, relevant agencies, and programs under the committee's jurisdiction. Make recommendations for any legislation needed to improve, enhance, or complete implementation including:

- State matching of the federal E-rate program (SB 1),
- Improper relationships between educators and students and reporting of educator misconduct (SB 7),
- Establishment of a Pathways in Technology Early College High School (P-TECH) and workforce pathways (SB 22),
- A prohibition of a monitoring system performance indicator based solely on the number or percentage of students receiving special education service (SB 160),
- A school district contracting to partner with an open-enrollment charter school to operate a district campus (SB 1882).

III. TEA Briefing Book on New Education-Related Legislation

TEA released its briefing book on legislation passed during the 85th legislative regular and special sessions. You can read and download the 147-page document here:

[TEA Briefing-Book 85th-Legislative-Session.pdf](#)

IV. My Reflections on the October APAC Meeting

I was invited to serve as a “parent representative” on TEA’s Accountability Policy Advisory Committee (APAC) for the third year and I participated in a day and a half meeting in mid-October. Following are some of my observations, reflections, and concerns. This is no way a comprehensive account of the meeting, but rather some of my key takeaway thoughts.

1. Big picture concerns

a. These are not open meetings.

- An education reporter asked to attend and was told that these meetings are not open to the public.
- Why not?

b. Check the box of parent, educator, and community involvement?

- Votes and concerns raised at these meetings are often dismissed when the commissioner makes his final determinations on implementing accountability bills.
- He is under no obligation to follow the advice and recommendations of the committee, and in past years, I have found that he has disregarded input that was almost unanimous from educators, parents, and the business community.
- TEA appears to rely on invitation-only committees in order to “comply” with laws requiring input from various stakeholder groups.

c. Does TEA really want committee members to be informed and engaged in the process?

- A link to the 350-page “binder” of material to be discussed the following morning was sent at 5:45 p.m. the night before.
- It would be virtually impossible to pour through that volume of information in the waking hours before the meeting.

d. TEA’s interpretation of accountability pits educators against students

- It motivates districts to perform to accomplish certain goals that are often not in the best interest of the students.
- “The state” then blames districts and teachers for not thinking first about students.
- If we want a student-focused approach to learning and an accountability system that is of value to parents and educators, then the accountability system has to reward that behavior.
- This system and those of the recent past does not reward a student-focused approach to learning and they do not reward educators for creative and engaging approaches to teaching.

e. Commissioner Morath and “reformers” on the committee contend that A-F is good for kids, parents, educators, and schools.

- Commissioner Morath explained that nothing spurs school improvement more than an F.
- He said that higher scores don’t help spur improvement.

2. Substantive concerns that I raised

a. Parent and school board input – On page 250, there is a graph showing input from teachers, administrators, parents, and trustees next to the language from HB 22 saying “The commissioner shall solicit input statewide from persons... including school district board of trustees, administrators, and teachers employed by school districts, parents of students enrolled in school districts, and other related stakeholders.

- I asked the commissioner and TEA representatives what input they have solicited from parents, etc. and if my presence on APAC and at some invitation-only ESSA meetings were the sole source of parental input.
- The response was mostly “yes”, but they mentioned an online tool where people can give input. I asked them to send me that link. The following week, the committee members received an email address that members of the public can use to submit feedback on the development of the new A-F accountability system: feedbackAF@tea.texas.gov
- I encourage people to give feedback via that email.
 1. As of yet, there has been little effort to explain the system to the public.
 2. That being the case, it will be hard for parents, teachers, etc. to know what they are giving feedback on.
 3. I would argue that this pays lip service to get input from stakeholder groups that have a great deal of insight on how the implementation of these laws affect the parents and communities of the over 5 million kids in Texas public schools.
 4. I and one parent of a student with special needs (who used to work at TEA) are the only parent members.
 5. The same is true of boards of trustees. There is one school board member on the APAC committee.
 6. I would like to see future laws written to say that the “commissioner will implement laws based on input received” rather than “will solicit input.”
 7. If the accountability laws are designed to “help parents know what schools are doing good and bad” as Commissioner Morath told us last year, then input from those stakeholders about what is of value to them should be of greater importance.

b. I raised my concern about the shift to new performance labels this past year and the lack of explanation to parents and community members about them. I suggested that the lack of explanation to parents was confusing and led them to believe their child was doing worse when in many cases, they had made years of progress.

- 200 people/groups submitted comments on the rulemaking on this issue, but TEA proceeded without incorporating any of the proposed changes from those submissions and testimony.
- I.e.: what formerly said “Satisfactory” now says “Approaches Grade Level” even if the student progresses from meeting the 2016 pass rate to just below the previously termed 2022 pass rate. However, the “label” looks like they are doing worse.
- I had raised this with the Commissioner last year, and he said that it is time to raise the standards and “rip the band-aid off.”
- My suggestion this time was that if you want to rip a band-aid off, you should let people know that that is what you are doing, why you are doing it, and that you are comparing apples to oranges with a set goal (of raising the bar and ripping off the Band-Aid) in mind.

c. List of industry certifications

- The issue of the extremely limited number of industry certifications on the commissioner’s approved list was a central discussion to meet. Large urban and suburban districts, small and medium-size rural districts, and business representatives (from the businesses that rely on certified candidates) all expressed extreme frustration of the limited list. The vast majority of certifications that are earned at campuses across the diverse state are not on the Commissioner-approved list.
- One of the business reps that had submitted a much longer list of certifications expressed concern and curiosity at how the final list was determined. Commissioner Morath said that he took the submissions and went out to industry to find out which certifications were valued among employers and which jobs were “high paying.” He said that he included “strong programs that lead to real job opportunities.” Based on those criteria, he selected which certifications to include. There was a great deal of pushback from educators suggesting that each community has a unique economy with unique industries and needs. One

ESC representative explained the importance of ranching to her community and that while the commissioner may say ranching isn't "high paying", it is a valued job in that community and the certificate is highly regarded there.

- My takeaway from this discussion was that the commissioner was given a great amount of latitude to interpret the legislation in HB 22 and he uses his power to pick winners and losers. This affects kids, families, schools, districts, and entire communities who have diverse needs and don't fit a "one size fits all" pattern. Instead of respecting each community and its childrens' needs and interests, it is forcing a "big brother" like approach to grading schools and will ultimately limit opportunities for students and force districts to turn away from logical certifications for their students, or face low A-F grades.
- The commissioner did acknowledge that he recently had heard that there was some statutory language requiring the use of CTE coherent sequences, so he might revisit that issue. In the proposed approach, those sequences (encouraged under HB 5) would have been eliminated from the accountability system.
- I am hopeful that this issue has not yet been put to rest and superintendents and community and business leaders need to continue to push back against such a limited list determined at the will of the commissioner. Meanwhile, I'd encourage communicating these concerns to TEA.

d. College, Career, Military Readiness Indicators

- There were some discussions that really had me wondering if I was in the twilight zone.
- One such was a response to a committee member who had suggested including acceptance to a 4-year college as an indicator of college readiness.
 1. *A business representative from the Austin area had the audacity to suggest that acceptance to college isn't a sign of college readiness, but that a score on a STAAR test or SAT/ACT/TSI is of far greater predictive value.*
 2. *He also joined the Senate and Lieutenant Governor's staff members on the committee in questioning the value of graduation rates. (More on that shortly)*
- We discussed the problem with requiring 3 dual credit courses for every AP course and made recommendations for a more fair and balanced approach to this issue.

e. Weighting of sub-sections in the Student Achievement Domain

- Elementary and Middle Schools are exclusively graded based on STAAR scores for this domain. High Schools have student achievement scores based on a combination of STAAR scores, College, Career, and Military Readiness and Graduation rates
 1. TEA is proposing 45% STAAR, 45%, CCMR, 10% graduation rates.
 2. Two other options proposed by the Accountability Technical Advisory Committee (ATAC) were 40/40/20 and 33/33/33.
 3. **ATAC recommended 33/33/33.**
 4. TEA staff argued that graduation rates are not as good to use in the accountability system because the numbers are too close and it makes it hard to "sort" schools into different buckets of A-F grades. This got my TAMSAs blood racing.
 - i. *If the goal is really to see if schools, students, or districts are doing well, then there is no need to look for things that sort.*
 - ii. *But, if the goal is to demean and diminish public schools by making sure there are losers, then sorting is the way to go.*
- Educators argued that their ultimate job is to get students to graduate and become educated contributing members of society. This initiated a debate about the value of graduation.
 1. The "reformers" among the committee members (and there are quite a few) suggested that graduation was not the goal, but preparing students for college, career, and military was more important. This view is based on a belief that high school diplomas are handed out like candy rather than earned or of value.
 2. This fundamental view of public education, educators, and students presupposes that all of the above are lazy, falsely motivated, and not focused on kids and learning.
- **The vote among APAC members was heavily in favor of counting each indicator 1/3, just as was the ATAC recommendation.**
- Members of the Lieutenant Governor's staff, Senate Education Committee staff, and the Austin Chamber of Commerce (and friends) favored the Commissioner's approach, which devalues graduation to 10%.
- We shall see how things land. I'm not hopeful.

f. Possible adjustments in accountability requirements for students and districts affected by Hurricane Harvey.

- Commissioner Morath polled the affected districts about whether they would like a delay in the test dates. He said that he offered 4 options:
 1. Cancel tests (not a good option though since “tests are good for kids”)
 2. Push back the test dates
 3. Look at student accountability (SSI)
 4. Adult accountability
- The results of this survey were that pushing the tests back was mostly affected by school calendars.
- He said that if any changes are to be made, they would have to be announced much later, or students and teachers wouldn't try to learn.

My takeaway was that if you want a better system that really measures how kids and schools and districts are doing, you should ask parents, teachers, and administrators what measures they think are most important. Also, if you want a simple system, don't invite psychometricians and testing coordinators who love data and miss the forest for the trees. If you want to design a new mode of transport, do you invite car manufacturers? If so, they will make you a new kind of car, but probably not a different mode of travel. Barry was telling me recently about a quote he heard in the recent mini-series about the Vietnam War. A military advisor said, **“If you cannot measure what is important, you make important what you can measure.”** Sadly, that seems to be what is happening with our accountability system.

Again, the importance of voting and electing candidates who support public education could not be more evident.

Thank you for all that you are doing for your students and your communities.

Respectfully,

Laura Yeager
TACS Governmental Affairs