



## Texas Association of Community Schools

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### TACS LEGISLATIVE UPDATE

It seemed like a crazy week for public education here in Austin, and then it got even crazier. Politics, voter suppression, and finger pointing are alive and well in the great state of Texas. Hmm. An election must be coming.

#### **Texas Educators Vote – Is voting a subversive act or a pillar of democracy?**

On Wednesday, January 17th, Texas Attorney General Ken Paxton issued an official, but non-binding, opinion saying that school districts cannot provide transportation to take students or educators to polling places unless the trip serves an educational purpose. The AG was responding to a request for opinion from Senator Paul Bettencourt (Houston) that was filed mid-December. The timing of the opinion was interesting since the deadline for groups to file briefs was last Friday, January 12th. Participants in Texas Educators Vote - TACS, TASB, TREA, TEPSA, and ATPE - filed briefs responding to the false and misleading assumptions and allegations set forth by Senator Bettencourt in his request and related press release. It seems extremely unlikely that General Paxton read the legal briefs submitted on Friday, as he released his opinion the morning of the first business day following the due date for briefs. As we said in a statement responding to press requests, “both the request for opinion and the speedy response appear to be a political stunt intended to intimidate the hundreds of thousands of Texas educators from voting.”

Senator Paul Bettencourt was quoted in yesterday's [Texas Tribune article](#) saying “*asking school boards to sign resolutions to encourage voting – has not been seen before in this state’s history. This is the first time this behavior has occurred. That’s why it’s different and needs to be commented on. It needed to be stopped before it got out of hand.*” Attorney General Paxton’s opinion implies that civic engagement and the act of voting are not educational. This finding is perplexing given that civic engagement and voting are featured in the social studies TEKS each year from kindergarten through 12th grade, and high school principals are required to register eligible students to vote.

Another article on this topic that you may enjoy can be found [here](#).

A fear of increased voter participation by educators is evident in Senator Bettencourt’s request, the AG’s opinion, and in the freedom of information requests school districts have been getting from the Empower Texans publication (Texas Monitor) and from the Texas Public Policy Foundation (TPPF), an organization that promotes “education reform” via a range of privatization policies. They seem worried that educators will learn about candidates and vote for those who support the constitutionally mandated provision of public education and speak up for the 5.4 million Texas school children, most of whom aren’t old enough to vote. One might infer from their attempts to quash civic engagement that they know that they have not been friends to public education, or the children who depend on it.

Increased voter turnout threatens the current political landscape in Texas, where about 6% of people vote in the primary elections, where 90-98% of races are determined as a result of partisan gerrymandering. These leaders were counting on you sleeping through another primary so they could take the little money allocated to public schools and start handing it out to friends and supporters in the form of vouchers, continue to cut funding while increasing pressures on standardized test results, limit contributions to your retirement, limit your ability to organize, and push a punitive A-F accountability system. But, oops, the

sleeping giant got stung by one too many bees and is threatening to awaken in time to vote.

**Our recommendations:**

1. Keep encouraging all staff, students, parents, and community members to [register to vote](#) before the February 5th deadline.
2. Help them understand how they can learn about candidates and become informed voters. (links to [LWV](#) and [Teach the Vote](#))
3. Encourage them to VOTE and model civic engagement for students.
  - a. Offering blue jeans days is a proven favorite incentive, and of no cost to anyone!
  - b. Encourage teacher caravans and/or work with local churches, retired teachers, or League of Women Voters volunteers to organize rides to the polls.
  - c. Secretary of State, Rolando Pablos has declared the first Friday of early voting (Friday, February 23, 2018) to be "Student Voting Day" in Texas. So encourage your staff to vote on Student Voting Day also! Here is Secretary of State's proclamation of Student Voting Day for you to hang up in your schools. <https://www.sos.state.tx.us/elections/projectvote/pdfs/svd-proc-option.pdf>

**Special Education Cap – School districts' or the State's dereliction of duties?**

Last Thursday, January 11th, the US Department of Education completed an investigation into Texas's 8.5% special education cap. They concluded that Texas had violated federal law by failing to properly evaluate and provide students with special education services. USDOE found that TEA had "effectively capped the statewide percentage of students who could receive special education services" and thus incentivized school districts to deny services to eligible students.

Then Texas politics came into play. In response to the USDOE findings, **Governor Abbott** sent a letter to Education Commissioner Mike Morath saying **"The past dereliction of duty on the part of many school districts to serve our students, and the failure of TEA to hold districts accountable, are worthy of criticism."** Do you see that political pirouette? He blamed the districts for carrying out a policy determined and implemented by legislators and the TEA. In response, The Texas Council of Administrators of Special Education Administrators (TCASE) and the Texas School Alliance (TSA) both issued press releases refuting that the dereliction of duty came from school districts. They rightfully placed the onus on the legislature and TEA for adopting and implementing the special ed caps as cost-saving measures. TSA pointed to the 2004 Texas House Public Education Committee, then chaired by Representative Kent Grusendorf, who is now a Senior Fellow at TPPF's Center for Education Freedom. That committee chose to recommend cost containment measures including the special ed cap, and the TEA implemented this recommendation. TCASE and TSA responded that the responsibility for the limiting of special ed services came from the state, and called Governor Abbott's comments "offensive and inaccurate."

**Property Taxes – Keep them low, but will the Governor commit the state to pay its fair share for public education?**

Governor Greg Abbott rolled out a plan earlier this week to address high property taxes, a major issue for homeowners statewide. He proposed a cap on revenue increases for local taxing authorities of 2.5 percent a year, and any increases beyond that would require the taxing authority to get approval from two-thirds of their voters. He also said he would prohibit the legislature from imposing future unfunded mandates on localities that would be bound by the cap.

While there is a great appetite for property tax reduction, and it could win him political points before an upcoming election, he did not propose the most straightforward approach to property tax reform - increasing the states' share of funding public education. As you know, school districts have been forced to pay an increasing share of the cost of public education. As property taxes rise (for a variety of reasons), the state has been reducing its share of public education dollars, and some of what is collected from districts (via taxes, recapture, etc.) is not even used for public education. Thus, we get the double whammy of less spending per student for public education AND higher property taxes. It's no surprise Texans are mad!

Governor Abbott acknowledged that education finance must be addressed, but we will watch closely to see what sort of reform he supports. All indications are that he supports pure efficiency business models rather than increasing funding for public schools. Many would argue that putting local taxing authorities (cities, counties, school districts) in a straight jacket is a bad idea. They would be denied the local control to determine what services their community needs and the means to raise the funds to pay for those services. By law, the state of Texas may not impose a property tax, and that authority is up to the local taxing authorities. This seems like another effort (like the many proposed in the special session) to attack local governments and limit local control.

**Conclusion:**

Elections are upon us and politics are a sport here in Austin. We are not surprised to see opportunistic finger-pointing or even political posturing. But Texas children are counting on us to keep our eye on the prize- their education. Please keep up the great work educating our future leaders. **Don't be bullied out of creating a culture of voting in your district. Keep encouraging educators and students alike to become engaged and informed voters and to make their voices heard at the ballot box.**

Thank you,

Laura Yeager

TACS Governmental Relations