

Legislative Wrap-Up: A Tale of Two Sessions

After a 140-day regular session and a 30-day special session, the Texas Legislature finally adjourned. As we predicted earlier, both sessions were dominated by the projected \$25 billion budget shortfall. With legislative leaders calling for a balanced budget without imposing new taxes, budget cuts were the order of the day. Most bills that carried a cost to the state were dead on arrival and varied interests fought for every available dollar for favored programs.

With public education and health and human services making up the largest share of state spending, lawmakers looked first to those areas for cuts. This drove the public education agenda during the session. Several bills were filed to reduce costly mandates on school districts, reduce graduation standards, place moratoria on the new STAAR assessments, and eliminate or reduce various education programs.

During the regular session, the budget pressure—along with battles among school boards and administrators, teacher groups, parents, and the reform community—resulted in few bills being passed. A complete summary of those bills appears on TIER’s website: www.texaseducationreform.org.

As time ran out on the regular session, however, the Senate still needed to approve a key finance bill to balance the budget. On the last night of the session, **Senator Wendy Davis**, who believed the budget spent too little on public schools, staged a filibuster to kill this bill. This forced **Governor Rick Perry** to call the legislature back for a special 30-day session the following day.

In addition to the power to call special sessions, the governor has the power to set the agenda or “call” for the session. In addition to finishing the budget, TIER and our partners in the Texas Coalition for a Competitive Workforce (TCCW) were supportive of **Governor Perry’s** inclusion of, “measures that will allow school districts to operate more efficiently” to the call.

Given this second chance and with strong support from **Senator Florence Shapiro** and **Lt. Governor David Dewhurst**, TIER and the TCCW were successful in passing several of our key reform agenda items. Complete summaries of these bills appear on our website as well.

How Did We Do?: TIER’s Legislative Scorecard

Prior to the session, TIER’s Board of Directors approved our 2011 Legislative and Regulatory Agenda that covers five key reform areas. A summary of each, along with the progress we made, is as follows:

PUBLIC SCHOOL ACCOUNTABILITY

- **GOAL:** Defend gains from HB 3 in 2009 and prior accountability legislation. Oppose efforts to weaken accountability, dilute postsecondary readiness standards, and lower academic rigor for career and technical education (CTE) programs.

↑ TIER and the TCCW were successful in defeating several bills that attacked the public school accountability system and the implementation of the new STAAR assessments. Most notably, we defeated HB 500 by **Rep. Rob Eissler**, which would have significantly lowered graduation standards. Under this bill, students could fail 8 of the 12 end of course assessments in high school and still graduate under the state’s “Recommended High School Plan”. The bill would have also removed the requirement that these exams count towards a student’s course grade. In addition, we successfully amended SB 1620 by **Senator Robert Duncan** to ensure that 4th year career and technology courses used for math and science credit were sufficiently rigorous.

- **GOAL:** Improve the current Texas Education Agency (TEA) growth measure with value-added measures to make it a more accurate measurement of student achievement gains over time. Ensure that ongoing improvement to the

PEIMS data system support the use of value-added measures.

↑ Although the legislature did not take action on the TEA growth measure during the session, **Commissioner Robert Scott** discontinued the use of the Texas Projection Measure for school district ratings. TIER and the TCCW strongly support **Commissioner Scott's** decision and will work with him and his staff on the new measures that are considered and developed.

- GOAL: Adopt “parent trigger” legislation that permits 51% of parents in a school that has not met federal AYP goals for several years to vote in new management—including charter school management.

↑ The legislature passed SB 738 by **Senator Shapiro** and **Rep. Mike Villarreal**. This bill gives parents a say in whether a failing school is “repurposed”, reorganized under new management (including charter school management), or closed. While this bill did not go as far as we would have wished, it does represent a step forward for parent involvement.

EDUCATION FUNDING AND PRODUCTIVITY

- GOAL: Continue significant funding for non-foundation school grant programs that directly drive HB 3 and other vital state goals such as District Awards for Teacher Excellence (DATE), the algebra readiness and critical professional development elements of the Student Success Initiative, Teach for America, Early Childhood School Readiness, the Limited English Proficient Student Success Initiative, and critical elements of the High School Completion and Success Initiative—especially the emerging focus on middle school transformation.

↔ Due to intense budget pressure, these programs took significant hits. However, the first House budget totally eliminated most of these programs. TIER and the TCCW worked tirelessly with the Senate to restore as much funding as possible. When the state’s financial picture improves, we will work to return funding to more appropriate levels. Please see the TIER website for specific information regarding funding levels for each program.

- GOAL: The state should, within an independent state agency and with cost savings identified in related areas, study cost effectiveness and productivity, rank school districts in terms of financial productivity and accountability, and create incentives within the state funding mechanism for greater efficiencies in spending.

↓ SB 872 by **Senator Shapiro**, which would have created a financial accountability center to promote school district spending and management efficiencies, did not pass due to its projected cost to the state. **Senator Shapiro** attempted to include the center as a budget rider, but was unsuccessful. TIER and the TCCW will work with the legislative interim committees to ensure this issue is revisited next session.

- GOAL: Reduce the number of state regulations (such as the state minimum salary schedule, class size ratios, etc.) on schools and empower school officials to be creative and make changes based on local needs and goals.

↑ During the special session, the Legislature passed SB 8 by **Senator Shapiro** and **Rep. Eissler**. Most notably, this bill requires school districts to consider teacher effectiveness rather than tenure when making workforce reductions. It also abolishes the current state salary schedule and directs the Commissioner of Education to recommend a new compensation system for educators. Unfortunately, due to opposition from parents, the bill did not address the class size ratio limit.

- Adopt legislation that expands access to the Texas Virtual Schools Network and removes barriers to private and charter digital learning.

↑ Several bills were filed to improve the state’s virtual school network during the regular session. Unfortunately, none of them passed. During the special session, **Rep. Jerry Madden** was successful in amending SB 1 to include some of these provisions. While the virtual school network still needs many improvements, **Rep. Madden's** amendment does move the ball forward by expanding availability of these courses, requiring school districts to adopt a policy that allows students to enroll in these courses, and ensures these courses are updated as the state’s curriculum is improved.

- GOAL: Support a legislative interim study on the state education governance system to determine if there is a more effective and efficient way to establish cohesive state education policy.

↔The Speaker of the House and the Lt. Governor will be making interim committee assignments in the next few months. We will work with their offices to incorporate this, and other suggestions, into the interim study charges. The legislative leadership has already planned to form a joint interim committee to work on the state’s school finance system.

DATA SYSTEMS

- GOAL: Ensure that the enhanced data systems being developed separately by the Texas Education Agency (TEA) and the Texas Higher Education Coordinating Board (THECB) are compatible, provide free access for all school districts, and track individual annual student progress throughout K-20 in the following areas: attendance, courses completed, credit accumulation, disciplinary action, annual growth, remediation rates, and the degree to which students are on track toward on-time high school graduation at the postsecondary readiness level. Additionally, the systems should include student-teacher linkages and information regarding the educator preparation programs and professional development programs for all teachers. The TEA and THECB should enter into a written agreement covering compatibility, data sharing, data collection/entry, and data use by each agency, educators, researchers, campuses, districts, and institutions of higher education.

↔Most of the data system work will be done outside the legislative process. TIER and the TCCW will continue to work with the agencies involved to achieve these goals. We were successful in our support for continued funding for data system improvements from the legislature. Almost \$65 million was budgeted for data systems over the next two years.

CHARTER SCHOOLS

- GOAL: Support the passage of charter school legislation to raise the cap on the number of charters the state can issue, ease the application process for successful charter schools to open new schools, and encourage co-location of charter schools and traditional schools.

↓SB 127 by **Senator Dan Patrick** and **Rep. Patricia Harless** and HB 1588 by **Rep. Rob Eissler** were filed to accomplish the goals above. Several other legislators filed bills to increase the state’s cap on the number of charters that can be issued. Upon review, the Legislative Budget Board estimated that this bill would cost the state over \$50 million in the next 5 years. This estimate seemed excessive and, upon further review, the cost estimate was revised substantially lower—to about \$3 million. However, any bill that had a negative fiscal impact was almost impossible to pass and all of these bills died.

- GOAL: Find better performance measures for both traditional and charter school “dropout recovery high schools”.

↓ Due to the way state accountability ratings are structured, schools that specialize in enrolling students that have dropped out of school are unfairly evaluated. SB 1872 by **Senator Leticia Van de Putte**, **Senator Shapiro**, and **Senator Davis** was introduced to address this problem. While the bill made it through the Senate and the House Public Education Committee, time ran out before the House could pass it. The House sponsor, **Rep. Mark Shelton**, tried to amend the provisions of SB 1872 onto other bills, but was unsuccessful.

- GOAL: Create a fair, but more efficient, method of revoking the charters of low-performing charter schools and charter schools that are financially insolvent. Create a new entity to authorize and revoke charters.

↓ Provisions to address low-performing charter schools were included in several of the comprehensive charter school bills that died.

- GOAL: Extend the state’s bond guarantee through the Permanent School Fund to charter schools.

↑ SB 597 by **Senator Shapiro** and HB 1437 by **Rep. Eissler** did not pass during the regular session. However, **Rep. Linda Harper-Brown** successfully added the language in these bills to SB 1 during the special session. The amendment survived the conference committee and will become law as soon as SB 1 is signed by the **Governor Perry**.

- GOAL: Promote fair funding for successful charter schools to include local tax revenue, facilities funding, and maintenance and operation funding.

↓ Given the extent of the state’s budget deficit, additional funding for charter schools was never seriously considered. TIER and the TCCW will work to address this issue during interim committee hearings in the next 18 months.

EDUCATOR QUALITY AND PERFORMANCE

- GOAL: Continue to work with the State Board for Educator Certification and the Texas Education Agency to ensure the proper implementation of the enhancements to the accountability system for educator preparation in SB 174 from 2009.

↔The implementation of SB 174 from 2009 will be done outside of the legislative process. The State Board for Educator Certification (SBEC) is developing rules and TIER will continue to work with SBEC to ensure SB 174 has the desired result of improving the state’s educator preparation programs.

- GOAL: Enhance local control by giving districts more autonomy in human resource management—including teacher compensation. Avoid statewide teacher compensation adjustments, which hamper local efforts to allocate resources based on effectiveness.

↑ Several bills were filed during the regular session to give school districts more flexibility over human resources, contract terms, and appeals. The most comprehensive were HB 400 by **Rep. Eissler** and SB 12 by **Senator Shapiro**. Due to vehement opposition from the teachers’ groups and parliamentary delays from their supporters in the legislature, these bills did not pass during the regular session. However, SB 8 passed during the special session and addressed many of these issues. For a complete summary of SB 8, please visit the TIER website.

- GOAL: Improve access to the teaching profession by expanding truly alternative routes to teacher preparation and certification. Improve school leadership by enabling the expansion of recruitment from non-traditional backgrounds.

↓ Due to the other key issues the legislature was facing, alternative certification and innovative

staffing reform did not draw much interest. TIER and the TCCW will work on this issue with the interim education committees to put this issue in the forefront for the next session

- GOAL: Adopt legislation or administrative rules to: include student academic growth in annual teacher and principal evaluations, streamline the process for removal of ineffective teachers by basing their non-probationary status on demonstrated and continued effectiveness, end forced teacher placement in schools, and eliminate teacher retention, compensation, and assignment determined by seniority, advanced degrees, and other “inputs”, and require that all staff reductions give priority to teacher effectiveness.

↔During the regular session, SB 4 by **Senator Shapiro** would have created a teacher certification, appraisal, and professional development system to achieve many of these goals. The bill passed the Senate and the House Public Education Committee, but died while waiting to be placed on the House calendar for floor debate. However, SB 8 in the special session requires teacher reductions in force to be based on effectiveness rather than seniority. In addition, SB 1383 by **Senator Shapiro** and **Rep. Eissler** improves the professional development process for school principals.

Upcoming Feature: How Well Did Your Local Legislators Support Education Reform?

Now that all of the votes have been cast and the legislative sessions are over, TIER plans to review each legislator’s vote on key education issues and compile them. Look for this, and recognitions of legislators that stood up for reform in the next issue of the *TIER Capitol Update*.

TIER welcomes your questions and comments. Please visit the “contact us” section of our website, www.texaseducationreform.org and let us know what you think.

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