

Six Weeks and Counting . . .

It's hard to believe, but the 2011 Legislative Session is more than 2/3rds complete and there are only six full weeks remaining. Historically, most of the session's work is completed in the last month, so expect the typical flurry of activity to start after the Easter weekend.

The House and Senate still have major issues to resolve—including redistricting, several major state agency sunset bills, and the 2012-2013 budget found in the general appropriations bill, HB 1.

The budget is still garnering the most attention as the Senate's version and the House's version of the budget are about \$10 billion apart. The difference is that the Senate is planning to include an additional \$5 billion for public education and \$5 billion for health and human services.

Senate leaders believe they have identified several sources for these funds. Possibilities include a one-time transfer of \$2 billion from the Permanent School Fund (requiring voter approval), \$830 million in federal funds that are likely to come to Texas due to the repeal of the "Doggett Amendment", closing tax and fee loopholes, selling unused or underutilized state assets, delaying state payments to school districts for one month, and tapping further into the state's "Rainy Day" fund.

Even if the Senate is able to fund the entire \$10 billion, its plan might meet resistance from the House and/or the Governor depending on the funding sources. If the two chambers cannot reach a compromise by Memorial Day, the Governor would call a special session this summer to resolve the differences.

The budget battle will have a huge effect on public education issues. If the Senate version prevails, the state would be able to purchase new textbooks to support the postsecondary-readiness standards found in the new STAAR and end of course assessments, better fund prekindergarten and other discretionary grant programs such as teacher incentive pay, and limit school district cuts to 5% to 7%. TIER supports the Senate's efforts as the additional money is vital to

the state's accountability system and student achievement initiatives.

Summary of Key Education Issues

Public School Accountability

Due to the budget shortfall and other reasons, several House Bills have been filed to weaken, delay, or abolish the current public school accountability system. TIER strongly opposes these bills. They include HB 233 by **Rep. Scott Hochberg** (reduces testing in elementary and middle school grades), HB 500 by **Rep. Rob Eissler** (reduces graduation standards), HB 2395 by **Rep. Randy Weber** and HB 2509 by **Rep. Dan Huberty** (both delay implementation of the STAAR and end of course exams for 2 years), HB 2491 by **Rep. Dan Flynn** (2-year moratorium on all state testing), and HB 2514 by **Rep. Bill Callegari** (abolishes state testing).

At this time, only HB 500 has passed out of committee. While it passed the full House on April 7th, it is facing strong opposition in the Senate. Senate leaders are maintaining their commitment to the new assessment and accountability system and appear unlikely to weaken standards or agree to delays.

Education Funding and Productivity

As mentioned earlier, the Senate budget includes funding for several key education programs—including prekindergarten funding, teacher incentive pay grants, postsecondary readiness initiatives, educator effectiveness programs, and interventions.

Several other bills have been filed to reduce state mandates or give school districts additional flexibility in workforce and operations management. HB 6 by **Rep. Eissler** and SB 6 by **Senator Florence Shapiro** allow school districts to directly purchase the instructional materials that they need. Both have passed in their respective chambers and one is likely to become law.

HB 400 by **Rep. Eissler** makes several needed changes to state laws regarding school district operations. It would provide districts more flexibility in class sizes, implement a teacher compensation plan based on teacher effectiveness rather than tenure,

streamline the process for terminating a teacher, and abolish the state's minimum salary schedule for teachers. This bill has been approved by the House Public Education Committee and should be debated on the House floor soon. SB 12 by **Senator Shapiro**—the Senate's version of mandate relief—was passed by the Senate Education Committee last week.

Charter Schools

Several bills that would help charter schools are moving through the process. Most notably, SB 127, the omnibus charter school bill by **Senator Dan Patrick**, passed the Senate last week. This bill raises the cap on the number of charters the state may issue and allows successful charters to replicate more easily. SB 597 by **Senator Shapiro** also passed the Senate and is in the House Ways and Means Committee. This bill would allow qualified charter holders to have their bonds guaranteed by the Permanent School Fund.

Educator Effectiveness

SB 4 by **Senator Shapiro** reforms the way teacher certificates are granted. Under this bill, new teachers who complete all certification requirements will be granted a provisional certificate that is valid for three years. It provides that, before the provisional certificate expires, teachers are required to earn a standard certificate by demonstrating teaching effectiveness and completing all required continuing education. In determining effectiveness, teachers must submit all of their educator appraisals to SBEC. The Commissioner of Education will also adopt rules establishing criteria for effectiveness.

TIER to Release Teacher Effectiveness Policy Brief

Later this week, TIER will release a policy brief on Teacher Effectiveness that examines the bills under consideration by the legislature and provides recommendations to improve them. This paper is a companion to "A Teacher Compensation Strategy for Excellence in the Texas Classroom" which TIER released in January 2011. Both publications will be available at <http://texaseducationreform.org>.

Many thanks to our policy advisor, Chris Patterson, for her work on these two reports.

Summary of Legislation

HB 914 (Hancock): relating to the applicability of certain laws to open-enrollment charter schools.

This bill puts open-enrollment charter schools on equal footing with traditional schools in terms of legal immunity. Under this bill, charter schools would be recognized as a governmental unit and is subject to liability only as provided by Chapter 101 of the Civil Practice and Remedies Code.

CSHB 1054 (Patrick, Diane): relating to continuing education requirements for educators.

This bill requires that 25% of continuing education requirements for teachers each five years include instruction regarding (1) collecting and analyzing information that will improve classroom effectiveness, (2) recognizing early signs that a student is at-risk for dropping out, (3) integrating technology into the classroom, (4) educating diverse student populations such as students with disabilities, economically-disadvantaged students, and English-language learners, and (5) the teacher's subject area.

For principals, 25% of continuing education requirements each five years must include (1) effective and efficient management of information, time, and student discipline, (2) recognizing early signs that a student is at-risk for dropping out, (3) integrating technology into the classroom, (4) educating diverse student populations such as students with disabilities, economically-disadvantaged students, and English-language learners, and (5) providing instructional leadership in the areas of teacher support, community involvement, professional learning communities, and recruiting and retaining educators.

For counselors, 25% of continuing education requirements each five years must include (1) assisting students in developing high school graduation plans, (2) implementing dropout prevention strategies, and (3) informing students of postsecondary opportunities.

HB 2135 (Hochberg): relating to certain assessment requirements for public school students.

This bill addresses eighth grade students who take high school courses (such as an 8th grader taking Algebra I). Under this bill, such students would take the appropriate end of course exam in the high school subject instead of the 8th grade STAAR assessment. The bill also requires the Commissioner of Education to adopt rules to determine how these scores will be disaggregated.

HB 2188 (Elkins): relating to using Foundation School Program funding to implement the Texas School Ready Program at certain providers of private prekindergarten programs.

This bill requires school districts who offer a free prekindergarten program to enter into a contract with the Children's Learning Institute of the University of Texas Health Science Center at Houston and a private provider if the Institute and the provider certify that children eligible for free kindergarten will be enrolled in the Texas School Ready Program (TSRP).

School districts are responsible for paying to the provider the cost to initially implement or administer the TSRP. The payment amount is capped annually by a formula that multiplies the number of children in the district who are eligible for the program by the average total funding amount per prekindergarten student in the district during the preceding school year.

The Commissioner of Education shall adopt rules to ensure that providers adopt standards for fair admissions policies and adopt a random method of selecting eligible students if a program has more applicants than capacity.

HB 2491 (Flynn): relating to a moratorium on certain testing and assessments of certain public school students under the public school accountability system.

This bill would authorize school districts to impose a two-year moratorium on all state assessments beginning in 2011. Superintendents would be authorized to use the money saved from the assessments to retain teachers or purchase other resources.

HB 2514 (Callegari): relating to state administration of assessment instruments to public school students.

This bill would eliminate public school districts' use of state-required assessments—including the new STAAR and end of course assessments. In their place, students would take nationally-recognized, norm-referenced assessments such as the Iowa Test or the PSAT as follows: mathematics in grades 3-7; reading in grades 3-8; writing in grades 4 and 7; social studies in grade 8; science in grades 5 and 8; and a college readiness exam (through a college admissions exam) in grade 11.

HB 3026 (Weber): relating to home-rule school districts.

This bill establishes a home-rule independent school district charter option for school districts. If a school district opts to organize in this way, they must appoint a charter commission to complete a charter proposal for submission to the board of trustees. If

the board approves the creation of a charter, it must be reviewed and approved by the Commissioner of Education and be approved by the voters in the school district.

HB 3261 (Strama): relating to the establishment of the Texas High Performance School Consortium.

This bill would create a Texas High Performance Schools Consortium. Based on an application process, the consortium would be comprised of up to 20 school districts and one open-enrollment charter school. The consortium would be granted flexibility to adopt new approaches to curriculum and assessment requirements. Specifically, the consortium would be exempt from state requirements pertaining to student promotion, personal graduation plans and intensive instruction for students who fail assessments, state assessment requirements, and state accreditation and rating systems. The consortium would emphasize digital learning, high priority "power standards," and an accountability system that reduces the number of assessments and allows for greater parent and community involvement.

HB 3263 (Strama): relating to higher education curriculum review teams to review public school curriculum standards for college readiness purposes.

Traditionally, State Board of Education (SBOE) members have relied on a process that adopts the recommendations of writing teams in proposing curriculum standards. These writing teams were primarily composed of classroom teachers, subject-area scholars, and other curriculum writers.

However, SBOE has recently increased reliance on its own expertise in creating curriculum standards and rejected the recommendations of recruited experts. Texas has a stake in making sure high schools prepare their students for college-level work. Critical to their success are factual, research-based and aligned curriculum standards. Respected educators and scholars in the state's world-class institutions of higher education can help ensure that Texas's schoolchildren are prepared to compete in a 21st century workforce.

HB 3285 (Guillen) relating to considering the assessment instrument results of certain students in evaluating school district and campus performance.

Under this bill, assessment results of students who are English language learners would not count toward a school's rating or accreditation for the first three years the student is enrolled in school.

HB 3468 (Patrick, Diane): relating to the assessment of public school students for college readiness and

developmental education courses to prepare students for college-level coursework.

In order to continue competing in a global economy and to better prepare students for the future job market, high school students need to complete postsecondary education in greater numbers. Interested parties contend that Texas is losing too many students between high school graduation and developmental education completion that would allow them to enter credit-bearing courses and pursue a postsecondary degree. According to certain reports, a significant portion of first-year community college and university students have enrolled in at least one developmental education course, but of those students, relatively few go on to earn a bachelor's degree.

Interested parties contend that those who do not graduate are faced with debt and no real return on investment and that, in addition, these numbers reflect a waste of taxpayer dollars. These interested parties believe a close examination of existing state assessment and developmental education programs, successful early assessment pilots around the state, and best practices across the country will allow for Texas to design a more responsive, cost-effective program for students and institutions of higher education. C.S.H.B. 3468 seeks to implement such an examination and to approach developmental education in a timely, cost-efficient, effective, and meaningful manner so that students are in a system that best facilitates their future success.

SB 12 (Shapiro): relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district.

This bill grants flexibility over personnel matters to school districts in a tough budget climate. As long as total Foundation School Program entitlement remains below 2010-2011 levels, the bill allows districts to furlough all contract personnel for up to six days, but not instructional days; to reduce all contract personnel salaries; and to suspend district ratings for the Financial Integrity Rating System of Texas and early warning systems. The bill prohibits furloughs and salary reductions combined from equaling more than the percentage of state funding that is cut from a school district's budget. The bill requires the district, if a district wants to use furloughs or salary reductions, to go through a public meeting process with staff. The bill also provides that only after a district has used furloughs or salary reductions proportionate to the percentage by which its funding was cut may the school district institute a reduction in force.

S.B. 12 grants other managerial flexibility to school districts, including moving notice of non-renewal from the 45th day to the 10th day before the last day of instruction; moving the penalty-free resignation date to 30 days before the first day of the next school year; exempting districts from having to do fitness assessments unless a student is enrolled in physical education; exempting districts from having to hold a tax rate hearing if the tax rate is being set to a lower rate; allowing a teacher who fails to maintain certification 10 days from the time of notice by the school district that the contract is void to request a waiver from the school board for extended time to ensure that certification is maintained; extending the telecommunications discount for two years; and removing the "last in - first out" provisions that apply to termination of continuing contracts.

SB 22 (Shapiro): relating to public school finance.

In order to meet the funding levels in the appropriations bill, changes to the school finance system must take place. S.B. 22 contains certain mechanisms for this change, including governing the amount of reduction that a district may experience; revisiting the amount of the basic allotment and removing the automatic cost driver that increases the basic allotment; providing a percentage reduction to target revenue levels; modifying the proration statute to apply to all districts, including target revenue districts, and setting proration as a percentage; requiring a proportionate reduction in target revenue should a district set their tax rate below the compression level; and relieving the need for districts to hold an additional public hearing, if the district sets their interest and sinking tax rate at a lower level than previously heard.

SB 1348 (Van de Putte): relating to higher education curriculum review teams to review public school curriculum standards for college readiness purposes.

This bill is identical to HB 3263 that appears earlier in this issue.

SB 1511 (West): relating to the preparation, certification and working conditions of educators.

Of the many school-based factors that affect a student's academic success, research shows that having access to an effective educator is the most important. Educator preparation and certification standards help ensure that teachers are appropriately trained to handle the rigors of the classroom and provide a quality education for their students. Such standards also help to reduce costly teacher turnover. High standards help ensure that prospective teachers have the necessary background knowledge, including

content knowledge in the subject matter they will be teaching, to be successful in the classroom. The state's current minimum standards do not sufficiently ensure that the future teachers have the necessary foundation of knowledge to become highly effective and motivated to remain in the profession.

As a minimum standard for admission into an educator preparation program, the State Board for Educator Certification (SBEC) currently requires an overall grade point average (GPA) of at least 2.5 or at least 2.5 in the last 60 semester credit hours, and SBEC allows a program to waive the GPA requirement for up to 10 percent of its admitted candidates based on their work experience. Countries with education systems that are often considered superior to that in Texas tend to hold their prospective teachers to higher standards for entrance into the profession. In Finland, for example, eligibility to become a teacher is limited to the top 10 percent of high school graduates.

S.B. 1511 calls for higher admission standards to help make the education profession more selective and prestigious. Under S.B. 1511, a person could not be admitted to an educator preparation program or recommended for certification without maintaining an overall GPA of 2.75. The bill permits a waiver for the GPA requirement for no more than five percent of an educator preparation program's cohort.

SB 1557 (Carona): relating to the establishment of the Texas High Performance School Consortium.

This bill is identical to HB 3261 which appears earlier in this issue.

SB 1619 (Duncan): relating to the calculation of average daily attendance for a public school student participating in the college credit program.

Currently, a school district is not required to pay a student's tuition or other associated costs for taking a course that provides college credit (e.g., dual credit, International Baccalaureate, or Advanced Placement courses). However, this provision is set to expire on September 1, 2011.

In 2008-2009 the Texas Education Agency (TEA) sent notice to districts stating that a school district could not count students in attendance for state funding purposes in dual credit courses if those students were charged any tuition, fees, or textbook costs. Due to concerns raised by legislators, TEA delayed implementing the policy until the legislature had a chance to address the issue during the 81st Legislature.

During the 81st Legislature, H.B. 3646 was amended to allow districts to continue to count students in attendance for state funding purposes if those students pay any portion of tuition, fees, or textbook costs until September 1, 2011. S.B. 1619 removes the expiration date on this provision.

CSSB 1620 (Duncan): relating to an approval process for substitution of certain career and technology courses for mathematics and science courses otherwise required under the recommended and advanced high school programs.

This bill authorizes an applied science, technology, engineering, or mathematics (STEM) course to be reviewed and approved for purposes of satisfying the mathematics and science curriculum requirements for the recommended and advanced high school programs.

The bill will provide consistency throughout the state in allowing career and technology education courses to count as fourth year applied mathematics and science courses.

As a result of this bill, more students will be prepared for employment in a career identified by the Texas Workforce Commission as a high-demand or emerging career field.

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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