



INTERIM REPORT

to the 86th Texas Legislature



**HOUSE COMMITTEE ON
PUBLIC EDUCATION**

December 2018

**HOUSE COMMITTEE ON PUBLIC EDUCATION
TEXAS HOUSE OF REPRESENTATIVES
INTERIM REPORT 2018**

**A REPORT TO THE
HOUSE OF REPRESENTATIVES
86TH TEXAS LEGISLATURE**

**DAN HUBERTY
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Committee On
Public Education

December 21, 2018

Dan Huberty
Chairman

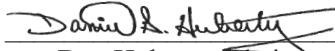
P.O. Box 2910
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The Honorable Joe Straus
Speaker, Texas House of Representatives
Members of the Texas House of Representatives
Texas State Capitol, Rm. 2W.13
Austin, Texas 78701

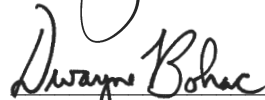
Dear Mr. Speaker and Fellow Members:

The Committee on Public Education of the Eighty-fifth Legislature hereby submits its interim report including recommendations for consideration by the Eighty-sixth Legislature.

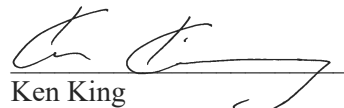
Respectfully submitted,


Dan Huberty, Chair


Diego Bernal, Vice Chair


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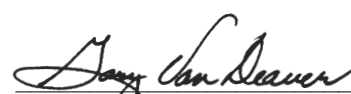

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Introduction

Speaker Joe Straus released interim charges for all House committees on October 23, 2017. The Speaker also issued three additional charges to House Committee on Public Education (the Committee) related to the state response to Hurricane Harvey on September 14, 2017, as well as three additional charges related to school safety on June 1, 2018. The Committee held eight public hearings during the interim, including a public hearing of the Subcommittee on Educator Quality (the Subcommittee), to study these charges.

The Committee's first two interim hearings were held on October 12, 2017, and November 14, 2017, and addressed the Committee's charges related to Hurricane Harvey.

On April 18, 2018, the Committee held an interim hearing to consider its charge related to monitoring legislation passed by the 85th Legislature and to receive updated information on the Hurricane Harvey charges.

The Committee's fourth interim hearing was on May 24, 2018, and addressed the interim charges related to students with disabilities and student assessment.

The Subcommittee held a joint public hearing with the House Committee on Higher Education on June 7, 2018, to address its interim charge related to educator preparation programs.

The Committee held a public hearing on June 27, 2018, and a joint public hearing with the House Committee on Public Health on June 28, 2018, to address its charges related to school safety.

The Committee had its final interim hearing on August 8, 2018, to address its charges related to teacher compensation and charter schools.

These interim hearings can be found at the following links:

October 12, 2017: http://tlchouse.granicus.com/MediaPlayer.php?view_id=40&clip_id=14592
November 14, 2017: http://tlchouse.granicus.com/MediaPlayer.php?view_id=40&clip_id=14659
http://tlchouse.granicus.com/MediaPlayer.php?view_id=40&clip_id=14660
April 18, 2018: http://tlchouse.granicus.com/MediaPlayer.php?view_id=40&clip_id=15072
May 24, 2018: http://tlchouse.granicus.com/MediaPlayer.php?view_id=40&clip_id=15149
June 7, 2018: http://tlchouse.granicus.com/MediaPlayer.php?view_id=40&clip_id=15173
June 27, 2018: http://tlchouse.granicus.com/MediaPlayer.php?view_id=40&clip_id=15221
June 28, 2018: http://tlchouse.granicus.com/MediaPlayer.php?view_id=40&clip_id=15227
August 8, 2018: http://tlchouse.granicus.com/MediaPlayer.php?view_id=40&clip_id=15433

The following report is the culmination of the work done by the Committee throughout the interim.

HURRICANE HARVEY RESPONSE

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.

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.

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.

Introduction

The Committee held public hearings on October 12, 2017, and November 14, 2017, to address the above interim charges and received updated information on these charges at a public hearing on April 18, 2018. The Committee heard testimony from the following invited witnesses:

Witnesses are listed in alphabetical order

October 12, 2018

- Dr. Rene Barajas, Chief Financial Officer, Houston ISD
- Michelle Bonton, Superintendent, The Rhodes School
- Dr. Paul Clore, Superintendent, Gregory-Portland ISD
- Dr. Charles Dupre, Superintendent, Fort Bend ISD
- Dr. Elizabeth Fagen, Superintendent, Humble ISD
- Melissa Gonzales, Superintendent, Refugio ISD
- Pauline Hargrove, Superintendent, Little Cypress-Mauriceville CISD
- Mark Kemp, Superintendent, Aransas Pass ISD
- Dr. Jay Killgo, Superintendent, Vidor ISD
- Sharon McKinney, Superintendent, Port Aransas ISD
- Paul McLarty, Deputy Superintendent of Business & Support Services, Clear Creek ISD
- Troy Mircovich, Superintendent, Ingleside ISD
- Mike Morath, Commissioner of Education, Texas Education Agency
- Dr. Stephen Patterson, Superintendent, Orangefield ISD
- Charles Woods, Deputy Superintendent of Business & Support Services, Alief ISD

November 14, 2018

- Anastasia Lindo Anderson, Superintendent, Promise Community Charter Schools
- Charlotte Baker, Executive Director, Region 3 ESC

-
- Dr. Wanda Bamburg, Superintendent, Aldine ISD
 - Janie Baszile, Special Education Teacher, Galena Park ISD
 - Cornelius “Sebastian” Berry, Teacher, Sharpstown High School (Houston ISD)
 - HD Chambers, Superintendent, Alief ISD
 - King Davis, Superintendent, Sheldon ISD
 - Paula Franklin, Special Education Instructional Specialist, Galveston ISD
 - Annalee Gully, Director of Public Policy & Government Affairs, Mental Health America of Greater Houston
 - Dr. Lance Hindt, Superintendent, Katy ISD
 - Dr. Godfrey Hubert, Founder & Vice Chair, Cy-Hope
 - Danny Lovett, Executive Director, Region 5 ESC
 - Louis Malfaro, President, Texas American Federation of Teachers
 - Dr. Bruce Marchand, Director of Charter School Growth & Development, Texas Charter School Association
 - Mike Morath, Commissioner of Education, Texas Education Agency
 - Joseph Patek III, Superintendent, Aransas County ISD
 - Dr. Stephen Patterson, Superintendent, Orangefield ISD
 - Dr. Mark Porterie, Superintendent, Port Arthur ISD
 - Jessica Powell, Instructional Technology Specialist for Secondary Language Arts, Cypress-Fairbanks ISD
 - Josette Saxton, Director of Mental Health Policy, Texans Care for Children
 - Brian Schuss, Superintendent, Flour Bluff ISD
 - Catherine Wright Steele, Food & Nutrition Division Administrator, Texas Department of Agriculture
 - Dr. Peter C. Wuenschel, Executive Director, Communities In Schools – Bay Area

April 18, 2018

- Mike Morath, Commissioner of Education, Texas Education Agency

Background

Hurricane Harvey hit the Texas Gulf Coast on August 25, 2017, dumping a year’s worth of rain on the region in less than a week, causing two flood control reservoirs to overflow and flooding more than 300,000 structures. It is estimated that the storm caused approximately \$125 billion in damage overall, making it the second most costly hurricane to hit the United States since 1900.¹

After this historic weather event, the Gulf Coast had not only high numbers of displaced students and extended closures within their public schools, but entire communities struggling to rebuild both their personal lives and their school campuses simultaneously. In many cases, everyone at these schools had been impacted by the storm in one way or another.

Unless otherwise specified, any reference to a local education agency (LEA) in this section refers to an LEA in one of the 49 counties eligible to receive public assistance based on the federal disaster proclamation for Hurricane Harvey.

Financial Concerns

The Texas Education Agency (TEA) anticipates requesting a supplemental appropriation of \$784 million to \$1.3 billion for fiscal year 2019 related to Hurricane Harvey. This amount would include funding to cover enrollment adjustments, local property value decline, facility damage, and instructional materials losses.²

Enrollment Adjustments

In the aftermath of Hurricane Harvey, many LEAs experienced changes in enrollment due to student displacement. Some lost students due to temporary campus closures or a lack of housing, while others added these displaced students to their rolls.

For LEAs with increased enrollment, current law requires that they receive funding at the increased average daily attendance (ADA).³ However, this increase in funding is typically not available until the settle-up of the Foundation School Program (FSP) at the end of the fiscal year. This reconciliation occurs between all LEAs and TEA, with the agency providing additional funding for underpaid parties and recouping payments from overpaid parties. The final settle-up occurs in the following school year, when concrete data is available to the agency. Waiting for this standard process would have delayed the supplemental funding to LEAs whose enrollment increased due to Hurricane Harvey. In order to provide immediate relief to districts, TEA established an application process for LEAs to receive funding at their increased ADA during the 2017-18 school year. Six LEAs applied for this adjustment, for a total increase of 324 students in ADA and a cost of \$5 million.⁴

For LEAs with decreased enrollment, the result would typically be either a decrease in FSP funding during the FSP settle-up (Chapter 42 districts and charter schools) or an increase in recapture payments owed to the state (Chapter 41 districts).⁵ The commissioner has the statutory authority to adjust an LEA's ADA after a natural disaster but does not have the ability to access the additional funds needed to hold it harmless for ADA losses.

In October 2017, the agency, with legislative approval, provided a one-time ADA hold harmless option in fiscal year 2018 for LEAs that either (1) had damage to at least one instructional facility or (2) had instructional facilities that were closed for at least nine hurricane-related waiver days. At that time, TEA estimated 152 LEAs might be eligible for this funding; however, as of October 2018, only 58 LEAs needed the hold harmless funding and, as a result, TEA estimates a loss of \$13 million in recapture payments in fiscal year 2018 (chapter 41 districts) and a cost of \$76 million in fiscal year 2019 (as part of the FSP settle-up for chapter 42 districts and charter schools).⁶ These amounts also include hold harmless adjustments made for any Existing Debt Allotment (EDA) or Instructional Facilities Allotment (IFA) losses suffered by eligible districts.

Property Value Declines

Many districts faced property value declines due to storm damage. For fiscal year 2018, these Maintenance & Operations (M&O) revenue losses were due to either 2017 tax year property

value reappraisals or delayed or uncollected tax payments, and the state does not have any legal obligation to cover these losses. In April 2018, TEA estimated that districts suffered M&O revenue losses of \$150 million due to delayed and uncollected tax collections plus another \$150 million in losses due to 2017 reappraisals by 12 districts, which account for 26% of the affected area's tax base.⁷ The Committee received testimony regarding the expense of ordering reappraisals and how the high cost might prevent districts from ordering them for 2017.⁸ Because the state's school finance formulas are based on the previous year's property values, districts that choose not to reappraise for 2017 will receive state funding based on artificially high local property values in fiscal year 2019. For districts that reappraised, it is possible that the state could provide additional funding to hold these districts harmless for property tax revenue losses that occurred in the 2017-18 school year, in addition to the increased state aid they would be entitled to in fiscal year 2019 under current law.

For fiscal year 2019, TEA is only statutorily required to offset M&O losses due to property value decline with state funding if a district has gone through the reappraisal process; this funding includes additional EDA and IFA state aid based on lower property values. TEA estimates that this offset will cost the state \$150 million, assuming a seven percent decline in property values due to the reappraisals.⁹ However, the Legislature could appropriate additional funding during the 86th legislative session to also cover losses for districts that do not reappraise.¹⁰ TEA currently estimates that the cost to hold these districts harmless for the loss of M&O revenue will be between \$500 million and \$1 billion.¹¹

Districts that have experienced Interest & Sinking (I&S) revenue losses for the 2018-19 school year could make up the amount necessary to make debt service payments by using fund balances or M&O revenue.¹² In addition, default on district bonds would be prevented by the Texas Permanent School Fund (PSF) Bond Guarantee Program, which would make the required debt service payments if no other options are available; any such payments from the PSF must be repaid by the district. Some districts may also consider increasing their I&S tax rate, because no rollback election is required to do so in the year after a disaster. The Legislature could provide state funding to prevent I&S rate increases; TEA estimates this cost could range between \$132 million and \$260 million.¹³

Facility Damage

Currently, TEA estimates that LEAs have suffered approximately \$900 million in facility damages, not accounting for anticipated Federal Emergency Management Agency (FEMA) reimbursements or insurance proceeds. Chapter 41 districts account for \$300 million of the total facility damages.¹⁴

For Chapter 41 districts, the Texas Education Code includes a mechanism to reduce districts' recapture payments for the 2017-18 and 2018-19 school years by the corresponding cost of repairing facilities not covered by insurance or FEMA. Districts may also be able to reduce their recapture payments by the amount needed to replace a facility, if that amount is lower than the amount needed to repair that facility. Besides the repair or replacement costs mentioned above, no additional costs are covered, including any costs incurred beyond a district's total recapture.¹⁵ However, for fiscal year 2018 only one district applied for this reduction, in the amount of

\$575,000; this reduction did not result in a loss of recapture revenue for the state, but TEA estimates a \$20 million loss of revenue to the state in fiscal year 2019.¹⁶

For Chapter 42 districts, and Chapter 41 districts with losses that exceed their scheduled recapture amounts, there is a statutory mechanism to provide facility assistance. However, this assistance only becomes available when there is surplus funding available in the FSP.¹⁷ With direction from state leadership, TEA could have transferred FSP funds from fiscal year 2019 to fiscal year 2018 and then declared a surplus for fiscal year 2018, making additional funds available to eligible districts; but this did not happen. The agency may request a supplemental appropriation for such funding from the 86th Legislature, but this funding would not be available for districts until such legislation is passed.

Instructional Materials

In addition to damaged facilities, many LEAs also struggled with the loss of instructional materials. The committee heard anecdotally from many schools regarding the significant destruction of instructional items including books, school supplies, technology, and musical instruments.¹⁸ TEA does not currently have a statutory mechanism that would allow the agency to quickly distribute additional funding to LEAs for instructional materials. TEA could use its authority to artificially adjust ADA to increase the FSP allocation to affected LEAs, but since the agency does not have the authority to adjust cash flow, LEAs would continue to receive funding according to the regular FSP distribution schedule.

LEAs received their regular biennial allocation from the state for instructional materials via the Instructional Materials Allotment (IMA) in September 2017. According to TEA, they should receive insurance proceeds to cover instructional material losses as well as a ninety percent FEMA reimbursement rate to cover any remaining needs. This timeline required LEAs to use their regular IMA allocation to purchase immediate needs and then be able to replace those funds at a later date but the promptness and availability of FEMA reimbursements for instructional materials was a concern. There is a greater chance of adverse effects on accountability ratings for these schools if educators lack the materials needed to teach. At the November 2017 hearing, the expanse of this problem was relatively unknown due to the fact that the committee and the agency did not have a good estimate on the current level of need throughout the impacted region. Accordingly, the committee requested that TEA survey LEAs regarding their ongoing instructional material needs.

TEA issued the survey to LEAs later that month, and the committee received the results in December 2017. At that time, seven districts and two charters had not been able to replace their immediate instructional material needs. The total outstanding amount of need at that time was \$3,031,000, with responses ranging from \$2,500 to \$1,672,000.¹⁹ TEA also developed a way for LEAs that lost instructional materials to post a “needs list” in EMAT, the agency’s educational materials ordering system, so that other LEAs and outside entities could donate the needed items. The agency noted at the time that this donation system was not set up to fulfill immediate needs and was better suited to fulfill needs for the spring semester or the next school year. By April 2018, 18 LEAs had posted requests in the system totaling almost \$1.6 million; currently available information shows that \$1.2 million of the requested items were either provided,

marked as no longer needed, or marked as in process. According to TEA, it is possible that not all of the LEAs completed the entire documentation process for the \$286,837 in remaining requests.²⁰

Other Financial Concerns

In addition to the funding issues related to enrollment changes discussed above, student displacement also affected FSP funding for pre-K and compensatory education. Under the federal McKinney-Vento Act, any student that does not have a fixed, regular, and adequate nighttime residence is defined as "homeless" and therefore eligible for additional services and federal funding. This definition includes students living in a shelter or hotel or sharing housing as a result of Hurricane Harvey. Under state law, homeless students are eligible for free pre-K. If these newly eligible students enrolled in pre-K programs during 2017-18 school year, there may have been an increased need for pre-K funding during the FSP settle-up process in September 2018.

Students are eligible to be counted at the State Compensatory Education (SCE) weight in the FSP funding formulas if they are eligible for the federal National School Lunch Program (NSLP), which includes students considered "homeless," under McKinney-Vento, as well as students whose families are now eligible for benefits under the federal Supplemental Nutrition Assistance Program (SNAP). In February 2018, TEA updated its FSP formulas for the 2017-18 school year to reflect that 80,500 additional students were eligible for SCE funding; this update cost \$103 million, which began flowing out to LEAs with the February 2018 FSP payments. TEA currently estimates that this amount will fall to \$44 million for the 2018-19 school year.²¹

Some districts are also experiencing increased costs for services such as transportation and staff needed for additional services, such as counseling, FEMA coordination, and contract management. TEA has worked with FEMA to ensure federal reimbursement for these costs and reimbursement for those districts that provided shelters during the storm. For example, the agency secured an increased e-Rate filing window and a discount rate for LEAs that need to repair or replace fiber optic systems. TEA has also used its state budget transfer authority to provide additional funding for ESCs to assist districts in these areas.

Accountability

District & Campus Ratings

Much of the testimony presented before the Committee targeted the public school accountability system and whether or not any allowances would be given to the affected LEAs for their August 2018 ratings. The Committee heard from many teachers and superintendents regarding the trauma experienced by education communities as a whole after Hurricane Harvey and the possible negative effects on student test scores. However, some testimony, including that from the Commissioner of Education, focused on the benefits of maintaining the current student assessment schedule and the importance of educational data gathered from those assessments, unrelated to accountability ratings.²² It is important to note that both the assessments and accountability ratings are required under federal law. But another important factor in the

discussion was that LEAs would be rated under a brand new accountability system for the first time in 2018, and the final rules for that new system would not be posted until after the end of the 2017-18 school year.

After Hurricanes Rita and Katrina, TEA excluded displaced students from the calculation of accountability ratings and allowed certain LEAs that had experienced extended closures to receive a "Not Rated" (NR) rating. Forty-three districts (196 campuses) were eligible for this accountability rating exemption but it was only utilized by five districts (19 campuses). After Hurricane Ike, TEA adopted similar provisions; 49 districts (562 campuses) were eligible for the accountability rating exemption but it was only utilized by 3 districts (21 campuses).²³

Even though a final decision on accountability ratings had not been made yet, TEA did instruct LEAs to track displaced students in PEIMS between October 2017 and March 2018 using three different crisis codes: one for students enrolled in a different LEA than before the storm, a second for students enrolled in a different campus within the same LEA, and a third for students identified as homeless after Hurricane Harvey but still enrolled at the same campus. The agency also surveyed LEAs regarding student displacement, staff displacement, and instructional interferences, such as days closed and other learning environment changes.²⁴

After the November 2017 hearing on these accountability issues, the Committee sent a letter to Commissioner Morath, asking that he do the following:

- Engage in a dialogue with the United States Department of Education (USDE) regarding the possibility of a waiver from federal requirements for accountability ratings for affected districts and campuses for the 2017-18 school year;
- Consider excluding displaced students from the calculation of accountability ratings for the 2017-18 school year; and
- Consider allowing affected districts and campuses to receive a "Not Rated" rating for the 2017-18 school year.²⁵

On December 11, 2017, the Governor asked the Commissioner to request a waiver from USDE to allow TEA the option to give districts and campuses an NR rating. He also asked the Commissioner to waive certain state requirements regarding the Student Success Initiative (SSI).²⁶ In response to these requests, TEA used its existing authority to waive grade placement committee requirements for students enrolled at impacted LEAs. This waiver allowed LEAs the discretion to advance students who have failed the second State of Texas Assessment of Academic Readiness (STAAR) test administration to the next grade without the administration of a third test.²⁷ TEA also surveyed LEAs on whether they preferred a two-week delay in the May administration of the STAAR test, and, after reviewing the responses, the agency decided not to make changes to the adopted testing schedule.²⁸ TEA requested a waiver from USDE related to district and campus accountability ratings in January 2018.²⁹

When TEA adopted the final 2018 Accountability Manual, it included a provision that exempted Harvey-impacted campuses that: (1) identified 10 percent or more of enrolled students as displaced; (2) reported that 10 percent or more of its teachers experienced homelessness; (3) were closed for ten or more instructional days; or (4) were either relocated to another location or

shared a campus with students of a closed campus through winter break. Eligible campuses that would have received an Improvement Required rating were instead labeled Not Rated.³⁰ Of the 1,188 eligible campuses, 86 used the exemption and were not rated. LEAs were eligible for the exemption if all campuses within the LEA were eligible or if at least 10 percent of the LEA's students were enrolled at an eligible campus. Eligible LEAs that would have received a rating of B, C, D, or F were instead labeled Not Rated. Of the 109 eligible LEAs, 92 used the exemption and were not rated.³¹

Dropout Calculations

Another concern that superintendents expressed during the October and November 2017 hearings related to TEA policy on dropout calculations. For the 2017-18 school year, dropouts were determined by LEAs on a snapshot date in October 2017. LEAs reported that data to TEA in December 2017, and TEA put the information through a reconciliation process in January 2018 to determine whether a dropout had actually enrolled in some other Texas public school. Unfortunately, even if a student is located during the reconciliation process, they still count as a dropout at the original school for accountability purposes.

According to their testimony, LEAs were working diligently to locate and track the students they expected to have enrolled for the 2017-18 school year. However, aside from the many students that moved to a different LEA within Texas, others moved out of state, into private schools, or simply might not have returned to school by the snapshot date in October 2017. If the LEA could not locate these students by the December 2017 reporting deadline, then they were counted as dropouts for that LEA whether or not that is actually true.³²

While the Committee wants to ensure that LEAs are held responsible for actual dropouts, some exceptions are needed after a natural disaster. One possible solution is to give LEAs increased flexibility between the snapshot date in October and the reconciliation in the following January for additional reporting or corrections. Another option is to simply not count a dropout located during the reconciliation process against the original LEA.

National School Lunch Program/School Breakfast Program

In immediate response to Hurricane Harvey, the United States Department of Agriculture (USDA) waived regulations concerning the National School Lunch Program and School Breakfast Program (NSLP/SBP). This initial waiver applied to LEAs located within certain counties listed in the Governor's state disaster proclamation and was set to expire September 30, 2017. Subsequently, an extension was granted through October 31, 2017, for 22 of those LEAs in recognition that they still faced hardship, including nutritional insecurity for their students. Most of the waivers involved increased flexibility for either meal plans or eligibility determinations.³³

The Committee additionally heard testimony from LEAs that the October 31st cut-off would not allow them to adequately serve their students during the rebuilding process and that an extension of the waiver through the end of the school semester was needed.³⁴ At that time, many campuses were utilizing unusual class schedules in order to handle significant enrollment increases or to

accommodate sharing campus facilities with another school. During this rebuilding stage, LEAs had an ongoing need for meal plan flexibility to reasonably feed students until the damaged campuses were rebuilt and reopened. In addition, these programs helped alleviate the burden on families who were struggling with their own personal recovery efforts, especially in those areas that were significantly impacted.

The Committee sent a letter of support for any needed waiver extensions to the USDA.³⁵ The Texas Department of Agriculture received deadline extension requests from 28 LEAs in October 2017, mostly related to eligibility determinations, and the USDA granted another one-month waiver for all of them. At the end of November 2017, USDA granted another one-month extension for 13 of these LEAs.³⁶

Mental Health Needs

A common thread echoed through most of the testimony heard by the Committee was the negative effect that the trauma of the storm had on students, their families, and the public education staff in the Gulf Coast region. Testimony from teachers and districts described an increase in students' behavioral incidents after the storm, as well as accounts of teachers attempting to help their students while struggling to overcome trauma of their own.

In response to this need, TEA established the Hurricane Harvey Task Force on School Mental Health Supports. The agency worked with the Texas Higher Education Coordinating Board, the Health & Human Services Commission, and the Meadows Mental Health Policy Institute to develop a list of mental health resources available for schools to use to address the needs of their students, staff, and families.³⁷

A more detailed discussion regarding mental health and the public school system can be found on page 57.

Recommendations

The Legislature should provide funding during the 86th legislative session to make LEAs whole for financial losses due to enrollment changes, property value decline, and facility repair and replacement.

The Committee should explore possible statutory changes needed to help LEAs quickly access replacement instructional materials as soon as possible after a natural disaster or other event that results in the destruction of these resources.

The Committee should explore possible statutory changes needed to provide timely assistance to Chapter 42 districts that experience facility damage due to a natural disaster.

The Committee should work with TEA to develop legislation to improve the dropout calculation methodology used by the agency.

TEACHER COMPENSATION

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.

Introduction

The Committee held a public hearing on August 8, 2018, to address the above interim charge. The Committee heard testimony from the following invited witnesses:

Witnesses are listed in alphabetical order

- Katie Benningfield, Teacher, Dallas ISD
- Monty Exter, Lobbyist, Association of Texas Professional Educators
- Chris Green, Teacher, San Antonio ISD
- Louis Malfaro, President, Texas American Federation of Teachers
- Mike Morath, Commissioner of Education, Texas Education Agency
- Milton Perez, Teacher, Round Rock ISD
- Dr. Kent Scribner, Superintendent, Fort Worth ISD
- Paige Williams, Director of Legislation, Texas Classroom Teacher Association
- Bryan Weatherford, Teaching & Learning Specialist, Texas State Teachers Association

Background

Having an effective teacher can make a significant impact on a student's outcomes; this is especially true for high-need students. Unfortunately, the United States is not as successful in attracting top college graduates to the teaching profession as countries with top-performing public school systems. Here less than 25 percent of college graduates in the top third of their class become teachers in a given year; in contrast, 100 percent of these students in Singapore, Finland, and South Korea become teachers.³⁸ One cause of this difference can be attributed to teacher compensation. A recent survey shows that the teaching profession rates very poorly compared to other professions with regards to participants' perceptions about starting salaries, future salary expectations, and financial rewards compared to the effort required.³⁹ These concerns are reasonable since we know that over the last 40 years, relative pay levels for teachers have decreased compared to other professions with similar education requirements and pay raises happen more slowly.⁴⁰ In light of this information, it is clear that in order to elevate the profession and increase the number and quality of teachers, the state must find a way to enhance teacher compensation.

Recent State Initiatives

Similar to the current Legislature, school finance reform was extensively debated during the 79th session. Because they make up the state's largest public school expenditure, teacher salaries and the concept of performance pay were major issues in that debate. As a result, the Legislature created two statewide grant programs to incentivize teacher performance pay: the District Awards for Teacher Excellence (DATE) and the Texas Educator Excellence Grants (TEEG).⁴¹ In 2007, the legislature appropriated over \$340 million for these two programs as well as a similar Governor's Office initiative called the Governor's Educator Excellence Grants (GEEG).⁴²

GEEG and TEEG provided grants to schools with both high student outcomes and high percentages of economically disadvantaged students to implement teacher incentive pay programs. Schools were required to spend 75 percent of the grant on teacher incentive pay; the remaining 25 percent could be used for other school personnel or professional development activities. In 2009, the Legislature redirected funding from TEEG to expand DATE; the GEEG initiative also ended in 2009. Studies done after the third year of both GEEG and TEEG indicated that while personnel generally had a positive experience with the programs, neither could show an impact on student achievement or a lasting impact on teacher turnover.⁴³

DATE provided grants to local education agencies (LEAs) to support locally-designed educator incentive pay programs based on student achievement or improvement. An LEA could choose to either include all campuses in the program or only include campuses that met certain criteria, such as low student outcomes or a high percentage of economically disadvantaged students. LEAs were required to spend 60 percent of an award on teacher incentive pay; the remaining 40 percent could be used for a variety of other purposes, including stipends for mentors or teacher leaders and professional development. A final evaluation report on this program showed achievement gains in both reading and math for students in participating LEAs, with higher gains shown in those that only implemented the program at high needs campuses; these LEAs also experienced a significant decrease in teacher turnover, with regards to both teachers moving to another LEA and teachers leaving the profession.⁴⁴

In 2013, the Legislature recreated DATE as the Educator Excellence Innovation Program (EEIP). The new program provided competitive grants for LEAs to improve educator effectiveness through innovation. The funding could be used to develop practices ranging from recruitment and induction to professional development and retention.⁴⁵ The final grants for this program were issued for the 2017-18 school year, and the Texas Education Agency (TEA) will publish a report on the program in December 2018.⁴⁶

A major weakness with these four programs was that they were structured as grants rather than an ongoing entitlement. LEAs had less incentive to create programs and apply for the grant funding when it might disappear in the next state budget cycle. This type of instability leads to limited impacts on student outcomes and educator and administrator behavior.

Although it was not a topic of discussion during the Regular Session of the 85th Legislature, the issue of teacher compensation was added to the supplemental call for the First Called Session in August 2017.⁴⁷ The Governor's proposed plan was filed as House Bill 198 and would have

created a statewide differentiated teacher compensation system, including a separate teacher quality funding allotment within the Foundation School Program (FSP). The system would have allowed teachers to earn three levels of distinction: accomplished, distinguished, and master. Teachers would receive the accomplished designation by becoming a National Board-certified Teacher (NBCT). Those teachers would then be eligible to apply for the other two designations, which would also require nomination by the teacher's LEA and a determination by a peer review panel that the teacher met performance metrics adopted by the commissioner of education. The allotment would have distributed funding to an LEA based on its number of designated teachers, with bonus amounts given for teachers located at a rural campus or a campus with over 50 percent economically disadvantaged students. The bill also would have required an LEA to increase its average teacher salary by \$1000 by the 2019-20 school year, compared to its 2016-17 average, and beginning with the 2021-22 school year, increase its average salary by \$1000 every year until it reached \$51,000.⁴⁸ While most agreed that something needed to be done to improve teacher compensation, the limited timetable of the special session meant that the issue could not be adequately reviewed, and the legislation was not passed.

The Texas Public School Finance Commission, created in 2017 under House Bill 21, also heard testimony on the issue of teacher compensation.⁴⁹ Two of the commission's working groups, Outcomes and Expenditures, recommended that Texas adopt a teacher quality allotment within the FSP to provide stable funding for LEAs to implement differentiated payment plans for teachers. Both recommendations included a requirement that the plans be developed locally, although at least two state-developed plan should also be available for use by LEAs that do not have the capacity to create their own.⁵⁰

Improving the System

Professional Development Opportunities

Due to the lack of options for career advancement, teachers often leave the classroom and move into school administration in order to receive substantial pay increases, especially after completing a graduate program. This loss of experienced and highly trained teachers can be mitigated by the creation and funding of teacher leadership positions. One example of an effective program is San Antonio's Master Teacher Initiative. This program provides substantial stipends for teachers that qualify based on performance evaluation results and agree to participate in extended day teaching or additional work days. The district also offers additional professional development opportunities and covers tuition for certain graduate programs, if the teacher commits to remain at the district for three years after receiving the degree.⁵¹

Austin ISD operates a similar program to encourage its teachers to become NBCTs. These certifications are offered by the National Board for Professional Teaching Standards and are used to identify teachers that meet the National Board Standards, which describe "what teachers should know and be able to do."⁵² Research has shown that students taught by NBCTs gain one to two months of additional learning when compared to their peers in other classrooms.⁵³ To incentivize its teachers to pursue this certification, Austin ISD pays for the four evaluation components that must be successfully completed as well as providing an annual stipend for NBCTs and covering recertification costs.⁵⁴

TEA implemented a new competitive grant beginning with the 2018-19 school year to encourage LEAs, education service centers (ESCs), and institutions of higher education to establish “Grow Your Own” programs. The goal of these programs is to encourage more people to become certified teachers and can be undertaken through three different pathways. Pathway 1 focuses on preparing high school students to pursue a teaching career, including the development of dual credit courses related to teaching; Pathway 2 provides support for LEA employees such as educational aides, paraprofessionals, and substitutes to become full-time, certified teachers; and Pathway 3 supports the development of high quality educators through intensive training, including yearlong clinical teaching residencies and masters degree programs.⁵⁵

Clinical teaching residencies allow teacher candidates to spend their first year in a classroom alongside an expert mentor teacher, while also completing an aligned sequence of master’s level coursework. Candidates earn living stipends during that year in exchange for a commitment to serve in the LEA for multiple years beyond the residency. In contrast, traditional undergraduate educator preparation programs require 14 weeks of full-day student teaching, and alternative certification programs require a one year internship in which the candidate is the only teacher of record in the classroom. USDE research has shown that the residency model can increase diversity in the workforce, improve teacher retention, and improve student outcomes.⁵⁶ Two program examples in Texas are the Dallas Teacher Residency program, a partnership between Dallas ISD and Texas A&M University – Commerce, and Relay Graduate School of Education Residencies in Houston, San Antonio, and the Dallas-Fort Worth area. TEA’s Grow Your Own program has also provided \$528,000 in grant funding to Stephen F. Austin State University, Texas Tech University, and Texas Women’s University to be used for clinical residency teaching stipends for students in their educator preparation programs.⁵⁷

Mentoring & Induction Programs

Research has shown that high quality, multi-year mentoring and induction programs can improve student outcomes and reduce the attrition rate of novice teachers.⁵⁸ Current Texas law allows LEAs to assign mentors to teachers that have less than two years of classroom experience in the grade level and subject to which they are assigned and provides eligibility criteria for mentor teachers.⁵⁹ However, the state does not require such efforts or, in recent years, provide state funding to assist LEAs with their implementation.

In 1999, the State Board for Educator Certification (SBEC) created the Texas Beginning Educator Support System (TxBESS). This program provided LEAs with systemic support for first and second year teachers, including extensive training for mentor teachers and the TxBESS Activity Profile (TAP), an evaluation process that utilized frequent observations and conferencing between mentors and mentees. Research showed that participants in TxBESS showed improved retention rates, including beginner teachers and minority teachers; in addition, positive affects on professional growth were reported by mentor teachers and on classroom performance by principals.⁶⁰ Funding for this program ended in 2002 but LEAs may still access this program through ESCs at their own cost.

The Beginning Teacher Induction and Mentoring (BTIM) program was established in 2006.⁶¹ The BTIM provided grants to LEAs to establish mentoring programs for first and second year

teachers. To be eligible for funding, programs were required to be research-based and have demonstrated success in improving new teacher quality and teacher retention. The programs were also required to provide continuous support and professional development for both mentors and mentees as well as regular observations and assessments of mentees.⁶² BTIM was last funded in the 2011-12 school year; over the course of the program, 128 districts and 9,648 beginning teachers were served. A TEA report evaluating the program's first two years found that 84.1 percent of beginning teachers remained with the same district after participating.⁶³

In 2013, the Legislature passed House Bill 2012, which required the formation of an advisory committee to study the implementation of mentoring programs in Texas and make recommendations on how to improve the programs.⁶⁴ The Texas Teacher Mentoring Advisory Committee (MAC) issued its report in January 2015. The report made a number of recommendations, most of which were elements that should be required for all mentoring programs, such as additional training for mentors and administrators; regular release time or reduced class loads for mentors and mentees to allow time for observations and coaching during the school day; and more specific eligibility criteria for mentors. The reports also recommended that the state provide formula funding to support LEA mentoring efforts and include mentoring programs as an indicator in the public school accountability system.⁶⁵ Last session, House Bill 816 would have codified many of these recommendations; the bill was passed by the House but was not considered in the Senate.⁶⁶

Without stable financial support, some LEAs have not been able to maintain successful mentoring programs. For example, Round Rock ISD created the Round Rock Incentives for Superior Education (RRISE) program in 2010 using a federal grant. Under this program, Master Teachers were placed at seven Title I campuses to act as mentors full-time, allowing the teachers at those campuses to benefit from individualized coaching. The grant also provided stipends for teachers that either volunteered as club sponsors or tutors outside the normal school day or performed well on the program's standards-based evaluation system. Unfortunately, this program ended when Round Rock ISD lost its grant funding.⁶⁷

Strategic Placement Programs

In 2015, Dallas ISD launched the Accelerating Campus Excellence (ACE) initiative as an effort to improve outcomes at seven of the district's lowest-performing campuses. Stipends were offered to incentivize teachers that had performed well in the district's Teacher Excellence Initiative (TEI) evaluation system to transfer to those campuses. Participating schools were expected to extend their school day by an hour and remain open for tutoring, enrichment, and extracurricular activities until 6 p.m. The district also supported students and staff through programming that focused on social-emotional learning and professional development.⁶⁸ After the first year of the program, ACE campuses improved State of Texas Assessments of Academic Readiness (STAAR) passing rates compared to the previous year, to other non-ACE, low-performing campuses, and to the district overall.⁶⁹

In response to the success of the ACE program in Dallas, other north Texas districts, including Fort Worth ISD, Richardson ISD, and Garland ISD, are adopting similar programs. While these three districts are not adopting the TEI evaluation system used by Dallas ISD, they have or will

look at teacher performance, including their student outcomes, when making hiring decisions at ACE campuses. All three will also include the same cultural changes as the Dallas ACE program as well as supports such as three free meals a day for students, adoption of student uniforms, and college prep opportunities.⁷⁰

Recommendations

The state should consider creating an additional certification for teachers in leadership positions, such as Master Teachers, to provide an upward career path for teachers that keeps them in the classroom rather than moving to administration.

The Legislature should create a new FSP allotment to provide funding for LEAs to implement differentiated compensation plans for teachers. TEA should create at least two compensation plan options for use by LEAs that do not have the capacity or desire to develop their own version. While LEAs should be allowed the flexibility to create programs that benefit their own particular circumstances, locally-designed programs should be required to include the following components:

1. a multiple measure evaluation system, such as the state-developed Texas Teacher Evaluation and Support System (T-TESS);
2. incentives to encourage top performing teachers to work at campuses with the highest need students;
3. a requirement for top performing teachers to serve as mentors and that at least first and second year teachers are assigned a mentor; and
4. stipends for teachers or teacher candidates that participate in additional, rigorous training such as clinical residency programs or the National Board-certification process.

The Legislature should provide FSP funding, either through the teacher compensation allotment recommended above or as a stand-alone allotment, to fund mentoring programs and consider adopting other MAC recommendations into the existing BTIM, such as eligibility criteria for becoming a mentor teacher and the requirement that all first and second teachers are assigned a mentor.

STUDENT ASSESSMENT

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.

Introduction

The Committee held a public hearing on May 24, 2018, to address the above interim charge. The Committee heard testimony from the following invited witnesses:

Witnesses are listed in alphabetical order

- Mike Morath, Commissioner of Education, Texas Education Agency
- Christi Morgan, Assistant Superintendent, Sunnyvale ISD
- Penny Schwinn, Deputy Commissioner of Academics, Texas Education Agency
- Doug Williams, Superintendent, Sunnyvale ISD
- Randy Willis, Superintendent, Granger ISD

Background

Texas has a comprehensive instructional system made up of the following five components: content standards, the Texas Essential Knowledge & Skills (TEKS); classroom instruction; classroom formative assessments; interim assessments; and summative assessments, the State of Texas Assessments of Academic Readiness (STAAR).⁷¹

Texas Essential Knowledge & Skills

The State Board of Education (SBOE) is responsible for adopting the TEKS for each subject in the state's required curriculum for each grade level. SBOE also periodically reviews the TEKS and revises them to ensure they are rigorous and current.

Streamlining the TEKS

In 2015, the Legislature passed Senate Bill 313, which would have required the SBOE to review the TEKS and modify them to narrow content and scope. In this review, the SBOE would have been required to consider the following: the time needed to provide instruction and for students to master each standard; whether the TEKS could actually be taught within the standard school year (180 days); the feasibility of including college and career readiness standards within the

TEKS; and whether STAAR adequately tested each standard.⁷² Although this legislation was vetoed by the Governor, the SBOE has since implemented its own TEKS streamlining process, which is intended to ensure that they only include *essential* knowledge and skills. The chart below describes when the TEKS for each subject and grade level were last revised or streamlined.

Foundation Curriculum	
Subject Area	Revisions Last Implemented
English language arts and reading	2009-2010 ⁷³
Mathematics	2014-2015 (K-grade 8) 2015-2016 (High school)
Science	2018-2019 ⁷⁴
Social studies and Economics	2011-2012 ⁷⁵
Spanish language arts and reading	2009-2010 ⁷³
Enrichment Curriculum	
Subject Area	Revisions Last Implemented
Career and technical education (CTE)	2017-2018
Fine arts	2015-2016
Health education	1998-1999 ⁷⁶
Languages other than English	2017-2018
Physical education	1998-1999 ⁷⁶
Technology applications	2012-2013

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Readiness Standards and Supporting Standards

The TEKS establish what students should know and be able to do upon completion of each grade level or course. They include two types of standards: readiness standards, which address general ideas that are essential for success in the current grade level, support college and career readiness, and require in-depth instruction; and supporting standards, which address narrowly defined ideas that are not considered essential in the current grade level. Both types of standards are eligible for assessment but only the readiness standards must be tested; supporting standards may not be tested annually.

The 84th Legislature also passed House Bill 743, which required the Texas Education Agency (TEA) to conduct a complete review of the current TEKS. The review had to encompass the following: the number and scope of the TEKS, with each identified as a readiness or supporting standard, and whether the number or scope should be limited; the number and subjects of the STAAR required for students in grades three through eight; and how the STAAR required in those grades assess readiness standards and whether they should also assess supporting standards. Upon completion of the review, TEA was required to submit its findings to the SBOE, which in turn was required to make recommendations to the legislature and the governor regarding those findings.⁷⁸

TEA completed its review in April 2016; SBOE adopted its report in July 2016 and submitted it to the Texas Commission on Next Generation Assessments and Accountability (the

Commission).⁷⁹ That Commission was created in 2015 under House Bill 2804, which also created the original version of the state’s A-F public school accountability system. The Commission was charged with developing and making recommendations for new systems of student assessment and public school accountability to the legislature and the governor.⁸⁰

One of the Commission’s recommendations was to limit STAAR to TEKS readiness standards in order to “provide a more clearly articulated K–12 education program in Texas that focuses on deeper student outcomes and content mastery.” This recommendation acknowledges that for many subjects, trying to teach all TEKS within the school year is unrealistic. However, even if they are not included on the STAAR, supporting standards would still be an important part of the curriculum as building blocks needed to master the readiness standards. The Commission also recommended that the legislature should continue to support the SBOE in its efforts to streamline the TEKS. This recommendation was based on the belief that streamlining the TEKS into a manageable number of standards that could be easily taught within the school year would benefit the state by limiting the amount of content eligible for testing, which would in turn allow deeper assessment of the remaining content and offer students the ability to demonstrate mastery on a particular standard multiple times within a single assessment.⁸¹

State of Texas Assessments of Academic Readiness

The STAAR, the fifth generation of standardized testing in Texas, was first implemented in the 2011-12 school year. Under this high stakes system, students must pass reading and math STAAR in grades 5 and 8 in order to advance to the next grade and five STAAR end of course (EOC) exams in order to graduate high school, unless a grade placement committee (GPC) or individual graduation committee (IGC) decides otherwise.⁸² Students that receive sufficient scores on certain assessments, such as SAT, PSAT, ACT, the Texas Success Initiative Assessment (TSIA), and certain Advanced Placement (AP) or International Baccalaureate (IB) exams, are also allowed to substitute these results for certain STAAR exams.⁸³ The current state and federal STAAR testing requirements by grade level are provided in Appendix D.

Attempts to Reduce Standardized Testing

There have been numerous efforts in the Legislature to reduce the high-stakes nature of the STAAR and the testing stress it places on students. In addition to its provisions related to the TEKS, House Bill 743 also required TEA to design the STAAR in such a way that 85 percent of students in grades three through five are able to complete the test within 120 minutes and 85 percent of students in grades six through eight are able to complete the test within 180 minutes.⁸⁴ In March 2017, the commissioner of education sent out a memo to LEAs stating that these provisions had been implemented and that the “vast majority of students will be able to complete the assessment within two hours in grades 3–5 and within three hours in grades 6–8.”⁸⁵

In 2017, the House passed House Bill 515, which would have reduced non-federally required testing. The bill would have eliminated high stakes testing in grades three through eight and the STAAR for grade eight social studies; replaced the United States History end of course STAAR with a United States civics examination; and replaced the Texas Assessment of Knowledge and Skills (TAKS), which is currently still being offered for older students, with alternative

assessments like the TSIA, SAT, or ACT. The bill also would have required accelerated learning committees for students that did not pass STAAR reading or math in grades three, five, or eight.⁸⁶ Unfortunately, the House and Senate could not agree on a compromise version of the bill that retained any reduction in testing.

STAAR Calendar

The majority of STAAR testing takes place in the spring of the school year; the two exceptions are the fall EOC administration and the June retests for all EOCs and grades five and eight reading and math. Most of the spring testing takes place over three four-day periods in April and May. TEA suggests altering assessments for earlier grades so that they are each split into multiple sections that can be administered together or on separate days. This reformatting could allow for sections that could be undertaken within normal class schedules, which could reduce testing stress on students and teachers.⁸⁷

STAAR & Special Circumstances

Texas provides a range of options relating to STAAR testing for students who have experienced a significant medical event or who have significant cognitive disabilities. Certain students can apply for a medical exemption to the STAAR; these students include those who are unresponsive due to a terminal or degenerative illness, currently receiving extensive medical treatment due to a medical emergency or severe injury, or unable to undergo an assessment due to the risk of infection or contamination. If approved by TEA, these students are counted as absent and excluded from STAAR participation rate calculations.⁸⁸

Most students with disabilities will take the STAAR either with or without accommodations or supports as recommended under their individual education program (IEP) or Section 504 plan. However, special education students with significant cognitive disabilities are eligible to take an alternative assessment called the STAAR Alternate II; participation is determined by a student's admission, review, and dismissal (ARD) committee. The federal Every Student Succeeds Act (ESSA) includes a new requirement that no more than one percent of the total number of students being assessed in a subject statewide can be administered the STAAR Alternate II but the state may seek a waiver from this cap. TEA submitted its first waiver request for this requirement in December 2017; the agency plans to submit its second request by the end of 2018. The current statewide participation rate for STAAR Alternate II is around 1.3 percent but TEA expects this rate to decrease as a result of its outreach efforts to LEAs regarding appropriate usage of the alternative assessment.⁸⁹

Education Testing Service STAAR Contract

Education Testing Service (ETS) won the \$280 million state contract to administer the majority of STAAR tests in 2015.⁹⁰ The company's first administrations of the STAAR, in spring 2016, suffered widespread connectivity disruptions and glitches that caused more than 14,000 students to lose their exam answers; there were also shipping errors, scoring errors and delays, and a number of other problems. In response to these disruptions, TEA excluded the STAAR results for impacted students from the calculation of accountability ratings, cancelled the third

administration of student success initiative (SSI) retesting, and waived GPC requirements.⁹¹ The agency also assessed \$5.7 million in liquidated damages against ETS and asked the company to invest an additional \$15 million in an action plan to address concerns related to the spring 2016 administrations.⁹²

While the 2017 STAAR administration did not experience significant issues, problems surfaced again in 2018. Connectivity disruptions affected both the April and May testing windows; overall, about 29,000 students, including special education students, were directly impacted. TEA took the same actions with regards to accountability ratings and SSI requirements as it had in 2016, and assessed another \$100,000 in liquidated damages against ETS. The existing contracts are scheduled to expire in August 2019; TEA anticipates having new contracts in place for fiscal year 2020. The agency also plans to divide the contracts into smaller, more manageable pieces in the next procurement.⁹³

Student Success Initiative

The SSI was created in 1999 to ensure that all students receive the support they need to be successful in reading and math. Under this program, students must successfully pass both the reading and math STAAR in grades five and eight to advance to the next grade level. Students that do not pass either test in the first round are required to receive accelerated instruction and have the opportunity to retest twice. Alternatively, a GPC may unanimously decide to advance the student to the next grade if they believe he or she is likely to be successful after additional instruction.⁹⁴ Until 2017, it was possible that a special education student could be subjected to SSI retesting, even though state SSI policy provided that the student's ARD committee could make a determination on accelerated instruction, retesting, and grade promotion. This policy is now a requirement under the provisions of House Bill 657; these changes were implemented during the 2017-18 school year.⁹⁵

Similar requirements are in place for high school students. In order to graduate, these students must meet all their course requirements and perform satisfactorily on STAAR EOC tests in Algebra I, Biology, English I, English II, and U.S. History; retests are provided for students who fail to meet the required standard on an exam.⁹⁶ To provide an alternative path to graduation, the 84th Legislature passed Senate Bill 149.⁹⁷ Under this legislation, a student who has only passed three of the five required EOC tests may still receive a diploma if the student has qualified to graduate by the unanimous vote of their IGC. The IGC must recommend that the student complete additional remediation and, for each failed EOC test, either a project or portfolio of work samples in the course subject that demonstrates proficiency.⁹⁸ These statutory provisions were set to expire in 2017 but were extended until 2019 by the 85th Legislature through Senate Bill 463. This bill also expanded eligibility for IGCs to include students who entered the ninth grade before the 2011-2012.⁹⁹ Based on data collected and analyzed by TEA, IGC graduates accounted for 3.4 percent of all 2016-17 graduates. The only disproportionately represented subpopulation in that group of graduates was English language learners, with 25.4 percent graduating through the IGC process;¹⁰⁰ however, this statistic is not surprising due to the fact that all STAAR tests can be considered English literacy tests to some degree.

TEA analysis has shown that the majority of students who receive accelerated instruction and retest under the SSI or advance through GPCs do not show improvement in the following year. It is also important to note that the use of state assessments to determine grade promotion is not required under federal law. Elimination of these additional test administrations could save a total of \$4.6 million in state costs, in addition to streamlining accountability data processes.¹⁰¹

Alternatives to STAAR

LEAs currently use a variety of assessments other than STAAR to monitor student performance and growth. The state has also explored the possibility of using some of these alternatives as substitutes for STAAR.

Writing Assessment Pilot Program

Under STAAR, students in grades four and seven, as well as high school students in English I and II, are required to complete writing tests that include a 26 line essay based on a single prompt and two multiple-choice sections that test revision and editing skills. Critics argue that this type of testing incentivizes students to excel in formulaic writing that does not serve them well outside of the public school system. House Bill 1164, passed by the 84th Legislature, created a writing assessment pilot program in an effort to better test students' writing abilities. These students produced a variety of writing samples throughout the school year, which were then scored by the teacher of record, a second local teacher, and ETS, utilizing a calibration model developed by TEA to supply standardized training and rigor for accuracy of scoring.¹⁰²

The pilot was popular with LEAs, growing from 1,700 students in 2016-17 to 30,124 in 2017-18. Without action by the 86th Legislature, the program will expire in 2019. In its final report on the program, TEA found that while writing instruction and assessment improved under the program and teachers reported improved student engagement, the pilot in its current form is not sustainable as a statewide initiative. The agency reports that the cost of a statewide program would be prohibitive due to the number of scorers needed to complete the hand-scoring of the samples and the training required for those scorers to ensure consistency. However, TEA does recommend exploring an option that would allow LEAs to submit student writing samples as their state writing assessment, and at least partial continuation of the pilot, as long as appropriations are provided to assist the agency in finding ways to improve scoring, such as the use of automated scoring.¹⁰³

Adaptive Assessments

Another recommendation from the Commission was for the state to eventually transition to an assessment system that utilizes computer-adaptive testing.¹⁰⁴ Computer-adaptive instruction and assessment adjusts based on a student's knowledge and understanding of a subject. This type of instruction and assessment also provides real-time feedback to students and educators and can be used to easily measure student growth when used throughout the school year. The state provides computer-adaptive options that LEAs can use to fulfill SSI accelerated learning requirements, and many LEAs also use these and other systems to create blended or personalized learning programs for their students. Another example of an adaptive assessment is the TSIA.¹⁰⁵

Portfolio and Performance Assessments

A portfolio assessment is a compilation of student work that is brought together to demonstrate subject mastery and student growth; performance assessments accomplish the same objective by requiring students to perform a task, such as a science experiment or research project. The benefits of these assessments include student engagement and empowerment and the ability to demonstrate a student's ability to transfer skills and knowledge between different subjects. Critics of these types of assessments argue that they are impractical and not worth the expense because they cannot easily be used at the state level to judge student or school performance.¹⁰⁶ One of the longest standing examples in the United States is used by the New York Performance Consortium. Member schools have a waiver from almost all statewide assessments that are typically required for graduation, and instead students complete a series of performance-based assessment tasks to demonstrate readiness to graduate. Research has shown that consortium school have higher graduation rates for educationally disadvantaged students, as well as lower dropout rates compared to other New York schools, and that these graduates have higher second-year college persistence rates compared to state and national averages.¹⁰⁷

Recommendations

The Legislature should continue to monitor and support the SBOE in its efforts to streamline the TEKS.

The Legislature should consider limiting the STAAR to readiness standards, while maintaining the supporting standards as an important part of the curriculum.

The Legislature should remove the sunset provision on IGCs in order to allow this option to continue for students that have proven they can demonstrate mastery of a subject even if they have difficulties with the STAAR.

The Legislature should consider limiting state assessments to those that are required by federal law and eliminating high stakes testing for elementary and middle school students.

The Legislature should consider allowing TEA the flexibility to split STAAR tests for earlier grades into subtests that could be administered on separate days and within normal class periods.

The Legislature should provide additional funding to TEA to continue the Writing Assessment Pilot Program, even in a modified form, in order to explore options for an alternative writing assessment that can be scaled statewide.

STUDENTS 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 inter district and charter school collaborations. Monitor the implementation and funding for 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.

Introduction

The Committee held a public hearing on May 24, 2018, to address the above interim charge. The Committee heard testimony from the following invited witnesses:

Witnesses are listed in alphabetical order

- Suzan Brown, Executive Director of Special Education, Dyslexia & Section 504 Services, Responsive Ed
- Krista Garcia, Director of Special Education, Northside ISD
- Beth Keith, Director of Humanities, Eanes ISD
- Leo Lopez, Chief School Finance Officer, Texas Education Agency
- Monica Martinez, Associate Commissioner for Standards & Support Services, Texas Education Agency
- Chris Masey, Public Policy Specialist, Coalition of Texans with Disabilities
- Kristin McGuire, Director of Governmental Relations, Texas Coalition of Administrators of Special Education
- Justin Porter, Executive Director for Special Populations, Texas Education Agency
- Penny Schwinn, Deputy Commissioner of Academics, Texas Education Agency
- Heather Sheffield, Advocate, Decoding Dyslexia
- Mary Yarus, Vice President of Family Support & Adult Literacy, Neuhaus Education Center

Background

Students with disabilities that require specialized instruction (i.e., special education) and related support services are protected under the federal Individuals with Disabilities Education Act (IDEA). The purpose of the IDEA is to ensure that all students with disabilities receive a free and appropriate public education (FAPE) that is effective and specialized to fit their unique needs and occurs in the least restrictive environment. In order to receive funding to provide special education services under this law, local education agencies (LEAs) are required to identify and evaluate these students and to develop an individual education program (IEP) for each that

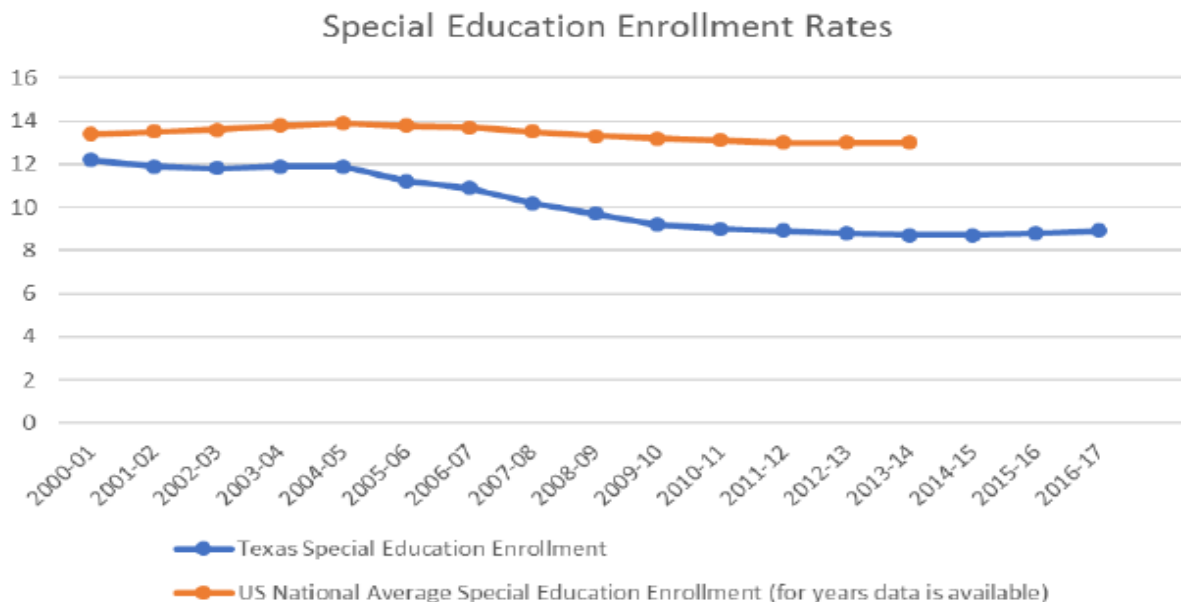
includes functional goals that allow the student to make progress in the general education curriculum. IDEA also requires that each student have an admission, review, and dismissal (ARD) committee, which must include a parent or guardian, to make decisions regarding the student's IEP, needed services and supports, testing accommodations, and transition services.

Alternatively, some students with disabilities do not require specialized instruction but do need accommodations or other specialized support to be successful within the general education curriculum. These students are entitled to FAPE under Section 504 of the federal Rehabilitation Act of 1973, which prohibits discrimination based upon disability in programs or activities that receive federal funding. They are also entitled to a Section 504 plan, which is similar to an IEP and lists the accommodations, services, and supports recommended for the student as well as the person responsible for ensuring that the plan is implemented.

LEAs receive federal and state funding for students served under IDEA but not for students served under Section 504. Another important difference is that parent or guardian involvement in decision-making is required under IDEA but not Section 504.

Special Education Enrollment Rates and Senate Bill 160

Between 2004 and 2016, the special education enrollment rate in Texas dropped from 11.6 percent to 8.6 percent, while national rates remained around 13 percent.¹⁰⁸ The chart below shows how the state and national rates diverged during that time period.



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In 2016, this decrease caught the attention of the USDE Office of Special Education Programs (OSEP). After a review, OSEP concluded that the decrease was connected to the Texas Education Agency's (TEA) 2004 implementation of the Performance-Based Monitoring Analysis System (PBMAS), which monitors the performance of LEAs in selected program areas such as

special education. At the time, PBMAS included a performance indicator that measured special education identification rates, and LEAs that had rates over 8.5 percent received higher performance level ratings, which indicated lower performance. After additional review and investigation, USDE found that the use of this indicator resulted in the decline of state's overall special education identification rate and TEA's failure to comply with IDEA requirements.

In the midst of the investigation, the Legislature passed Senate Bill 160, which prohibited TEA from adopting or implementing a performance indicator in any of its monitoring systems that solely measures the number or percentage of enrolled students at an LEA who receive special education services. By the time the legislation was passed, TEA had already stopped assigning performance level ratings based on that indicator.

USDE Monitoring Report

On January 11, 2018, the USDE issued the findings of its monitoring activities regarding TEA's IDEA compliance. This letter noted three areas in which TEA was out of compliance:

- TEA failed to ensure that all children with disabilities in Texas who are in need of special education and related services were identified, located, and evaluated, regardless of the severity of their disability;
- TEA failed to ensure that FAPE was made available to all children with disabilities residing in Texas in the state's mandated age ranges (ages three through 21); and
- TEA failed to fulfill its general supervisory and monitoring responsibilities to ensure that LEAs throughout Texas properly implemented the IDEA child find and FAPE requirements.¹¹⁰

These areas represent the three primary responsibilities of the state with regard to IDEA. While non-compliance in any one would be detrimental to the special education population, it can be argued that non-compliance in all three signifies a failure of the entire system. Accordingly, TEA recognized the need for prompt action to correct this failure and overhaul the state's special education program.

TEA Corrective Action Response

The USDE letter required TEA to create and submit a Corrective Action Response (CAR) to demonstrate how the agency planned to correct its IDEA non-compliance in these three areas. TEA published its initial draft CAR on January 17, 2018, and after receiving stakeholder input, published a revised draft on March 19, 2018. After a public comment period on that draft, the final CAR was submitted to the USDE on April 23, 2018.¹¹¹

The CAR focuses on improvement in three areas: monitoring, LEA outreach, and family outreach. With regard to monitoring, TEA will revise its protocols to ensure these activities are specifically related to the proper implementation of Child Find and FAPE requirements; improve the training of hearing officers, mediators, and complaint investigators; restructure existing and new monitoring staff into a new Review & Support Team that will take over these duties; and require LEAs to collect and retain data regarding evaluation requests received during the 2018-

19 school year. For LEA outreach, TEA will focus on the evaluation and revision of information distributed to LEAs that is related to Child Find and FAPE, including the Dyslexia Handbook, to ensure the information is clear and accurate. To improve outreach to families, TEA will require LEAs to distribute information to all students' families regarding Child Find and FAPE requirements under IDEA; evaluate and revise the Parent's Guide to the ARD process for accuracy and clarity; provide public information on alternative dispute resolution programs specific to IDEA requirements; and create a comprehensive suite of information that LEAs can provide to a family when it is suspected that a student has a disability. In addition to these action items, throughout the CAR emphasis on is placed on the need to integrate stakeholder feedback in all parts of the solution.¹¹²

TEA Strategic Plan for Special Education

During the same time period, TEA developed a five year Strategic Plan for Special Education, which was also published on April 23, 2018.¹¹³ Aside from issues regarding the identification of students, TEA has found that a performance gap exists between students receiving special education services and their non-disabled peers. In general, these students demonstrate lower outcomes in graduation rates, standardized test scores, and college readiness. The plan seeks to address this gap and improve special education services, focusing on five areas: monitoring; identification, evaluation, and the offer of FAPE; training, support, and development; student, family, and community engagement; and technical assistance networks.¹¹⁴

Monitoring

The plan includes the changes related to TEA's monitoring function contained within the CAR but provides additional detail on how these changes will be implemented. The new Review & Support Team will include two separate units; the first will conduct desk reviews on one-third of LEAs plus on-site visits for up to one-fifth of LEAs each year, and the second will be an escalation unit designed to provide support and technical assistance for LEAs that are significantly out of compliance. The plan also establishes TEA's intent to collect additional data from LEAs to assist with monitoring activities.¹¹⁵

Identification, Evaluation, and the Offer of FAPE

With regard to Child Find, the CAR required immediate action. This response focused creating a suite of resources for LEAs, including guidance on Child Find, the compensatory services that must be provided to students who were not properly identified, and information that can be shared with parents regarding student evaluations. TEA also distributed an additional \$65 million in IDEA funding to LEAs in August 2018, with a strong suggestion that this funding be used to provide compensatory services.¹¹⁶

The plan sets forth additional ongoing actions in which TEA will engage. These actions include the provision of training to LEAs on Child Find and evaluations and to special education hearing officers and mediators on IDEA, as well as expansion of the agency's special education complaints team. TEA will also prepare additional guidance specific to dispute resolution

options for parents and to Response to Intervention (RtI), Section 504, and services for students with dyslexia and related disorders for LEAs.¹¹⁷

Training, Support, and Development

The plan includes a number of actions related to increased special education training for LEAs. TEA is creating a statewide institute for teachers that will launch in summer 2019 and include year-round support and follow-up; this training will focus on Child Find issues, inclusive instructional practices, RtI strategies, differences between Section 504 and IDEA, and dyslexia and related disorders. The agency also plans to develop specific special education training for school boards and improvements to the special education information provided through educator preparation and continuing education programs, create a school finance handbook specific to special education funding, and convene a stakeholder forum to develop recommendations regarding statewide special education staffing needs.¹¹⁸

Due to the USDE findings on students with dyslexia and related disorders and common misunderstandings regarding RtI, Section 504, and other matters involved in identifying and serving these students, much of the plan focuses on these issues. The SBOE updated its rules regarding students with dyslexia and related disorders in June 2018. After collecting extensive input from two stakeholder advisory committees, SBOE also updated the state's Dyslexia Handbook in November 2018; this update incorporated provisions from House Bill 1886 that require screening of all students at the end of kindergarten and grade one. In January 2019, SBOE will consider adopting portions of the handbook into rule.¹¹⁹

To increase support for LEAs, TEA awarded an Evaluation Personnel Capacity Grant to the Region 20 ESC. This grant will provide reimbursement to eligible LEAs that contract with evaluators, diagnosticians, and licensed specialists in school psychology (LSSPs) that are part of an approved list of vendors selected by the ESC. The reimbursement could be full or partial, depending on how many eligible LEAs apply for the funding. TEA will also provide additional support through the existing special education call center, operated by the Region 10 ESC, by increasing its capacity and adding tools related to planning and resource allocation best practices.¹²⁰

Student, Family, and Community Engagement

In addition to previously discussed outreach efforts, TEA will also develop an online portal that will work in conjunction with the improved call center and provide information gleaned from calls and other information requests to LEAs to assist with process improvement. The agency also plans to contract for the creation of a Stakeholder Engagement Partnership, which will provide infrastructure and facilitation in gathering feedback related to special education and increase opportunities to engage with stakeholders.¹²¹

Technical Assistance Networks

The final piece of the plan involves the enhancement of the agency's statewide special education support infrastructure. TEA is increasing and improving its technical assistance staff in order to

utilize specialists and plans to place Special Education Liaisons at each ESC to provide additional assistance for local LEAs. TEA is also restructuring its statewide technical assistance network system, which has not been done in over 15 years. The ten new networks will be: Child Find, Evaluation, and ARD Supports; School, Family, and Community Engagement; Inclusive Services and Practices for Improved Student Outcomes; Autism; Intervention Best Practices; Students with Intensive Needs; Students with Sensory Impairments; Students in Small and Rural LEAs; Student-centered Transitions; and Multiple Exceptionalities and Multiple Needs. ESCs and institutions of higher education applied for grants to operate the networks in 2018; these grants will be awarded by the end of January 2019, with the hope that the networks will be operating by the beginning of the 2019-20 school year.¹²²

October 2018 Strategic Plan Update

By October 2018, TEA had filled over 70 percent of the 55 agency vacancies listed in the plan and posted 14 related grant opportunities; these grants were in addition to grants made to the ESCs to support technical assistance efforts. The agency expects that all contracts related to the plan will be executed by the end of fiscal year 2019. With regards to the CAR, TEA has reported that it is on schedule to complete all of the remaining actions by the USDE deadline of January 10, 2019.¹²³

Funding for Special Education

TEA anticipates that the actions included in the CAR and the strategic plan will lead to significant increases in special education enrollment over the next few years. The agency has stated that for each one percent increase in the statewide special education student population, the state funding for special education will increase by approximately \$342 million.¹²⁴ Assuming that the current state average of 9.2 percent eventually increases to the current national average of 12.5 percent, state funding for special education will increase by approximately \$1.1 billion. In addition to this expected increase, TEA has also included \$50 million in additional state funding in its 2019-20 legislative appropriations request for a grant program to assist LEAs in providing compensatory services.¹²⁵

At the same time that the need for special education funding is increasing, a policy change at the Health & Human Services Commission (HHSC) may result in the loss of federal funding for this purpose. Under the Student Health and Related Services (SHARS) program, LEAs can enroll as Medicaid providers and receive federal reimbursement for some services prescribed for special education students in their IEPs. In 2017, this reimbursement totaled \$541 million statewide. Due to a change in agency policy, HHSC began seeking reimbursement for SHARS services through special education parents' private insurance providers in October 2017. LEAs argue that this change violates the FAPE requirement under IDEA because the third party reimbursement could be a cost to a parent if their private insurance is negatively impacted. HHSC argues that because a parent may opt out of the SHARS program, which would allow them to avoid any negative impacts while still receiving all necessary services for FAPE, IDEA is not violated by the policy change. However, while an LEA will still be required to provide FAPE if a parent opts out of SHARS, it will receive less federal funding to do so. LEAs already spend more to provide special education services than they receive; while the state provided \$3.1 billion in special

education allotment funding in 2017, LEAs actually spent \$4.8 billion in state and local funding to provide these services.¹²⁶

Innovative Programs

The Committee heard from a variety of LEAs and service providers that are achieving great outcomes with special education and Section 504 students by adopting innovative programs and instructional practices. For example, at Eanes ISD students are given a focused instructional time (FIT) period everyday that can be utilized to study or, if needed, for extra tutoring or interventions; the daily repetition that this model can offer is particularly helpful for dyslexic students. The district also provides extra teaching staff at each elementary and middle school that are solely responsible for providing intervention services and uses a co-teaching model, which places both a regular program teacher and special education teacher in the same classroom, for some classes.¹²⁷ Another example is Northside ISD, which created an employment and life skills program for its graduates with disabilities; this program been very successful, increasing employment among these graduates from 20 percent to 80 percent.¹²⁸ There are also a number of service providers in the state that offer additional support or tutoring for students as well as training opportunities to help teachers better assist their students with disabilities. For example, the Neuhaus Education Center partners with a number of LEAs to provide professional development for educators on strategies to improve reading, writing, and spelling instruction for all students, including those with dyslexia and related disorders.¹²⁹

While many LEAs in the state have developed successful programs, these are often expensive and cannot be scaled without additional funding. For example, Responsive Education Solutions, a statewide charter holder, operates the Foundation School for Autism in San Antonio. This campus provides early education for students with autism in a setting that allows for very small classes, a low student to teacher ratio (7:2), and highly individualized instruction that utilizes assistive technology. This campus would operate under a \$500,000 annual deficit without the funding brought in by the rest of the schools operated the charter.¹³⁰ While this program and the others discussed above make incredible strides with their students, their expansion is not feasible for all LEAs under the current levels of special education funding.

House Bill 21 Autism & Dyslexia Grants

House Bill 21 included \$40 million over the 2018-19 fiscal biennium to support innovative school models providing services to students with autism and students with dyslexia. Ten \$1 million grants were awarded for each type of program in fiscal year 2018, and those awards will be renewable in fiscal year 2019.¹³¹ In awarding these grants, TEA prioritized programs that would be formed as partnerships between multiple LEAs. With regards to the awards related to autism, selected programs cover many different approaches, ranging from increased professional development to technology integration to summer camps designed minimize regression between school years.¹³² With regards to the awards related to dyslexia, two grantees will create “school-within-a-school” programs for grades two and three that will be used as incubators to produce best practices for partner LEAs, and many others will increase professional development for educators.¹³³

Recommendations

The Committee should continue to monitor TEA implementation of the CAR and Strategic Plan for Special Education.

The Legislature should provide additional funding to LEAs to improve the identification of students with dyslexia and related disorders and to provide training for appropriate staff in evidence-based practices that are proven to help with the identification of these students as well as instruction.

The Committee should continue to work with TEA and HHSC to determine if recent policy changes related to SHARS will negatively impact students, their families, or special education funding available to LEAs.

The Legislature should consider an extension of funding for the House Bill 21 pilot programs related to students with autism and students with dyslexia, if the required reports on these programs support an extension, and consider additional ways to incentivize the development of innovative programs for students with disabilities.

CHARTER SCHOOLS

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.

Introduction

The Committee held a public hearing on August 8, 2018, to address the above interim charge. The Committee heard testimony from the following invited witnesses:

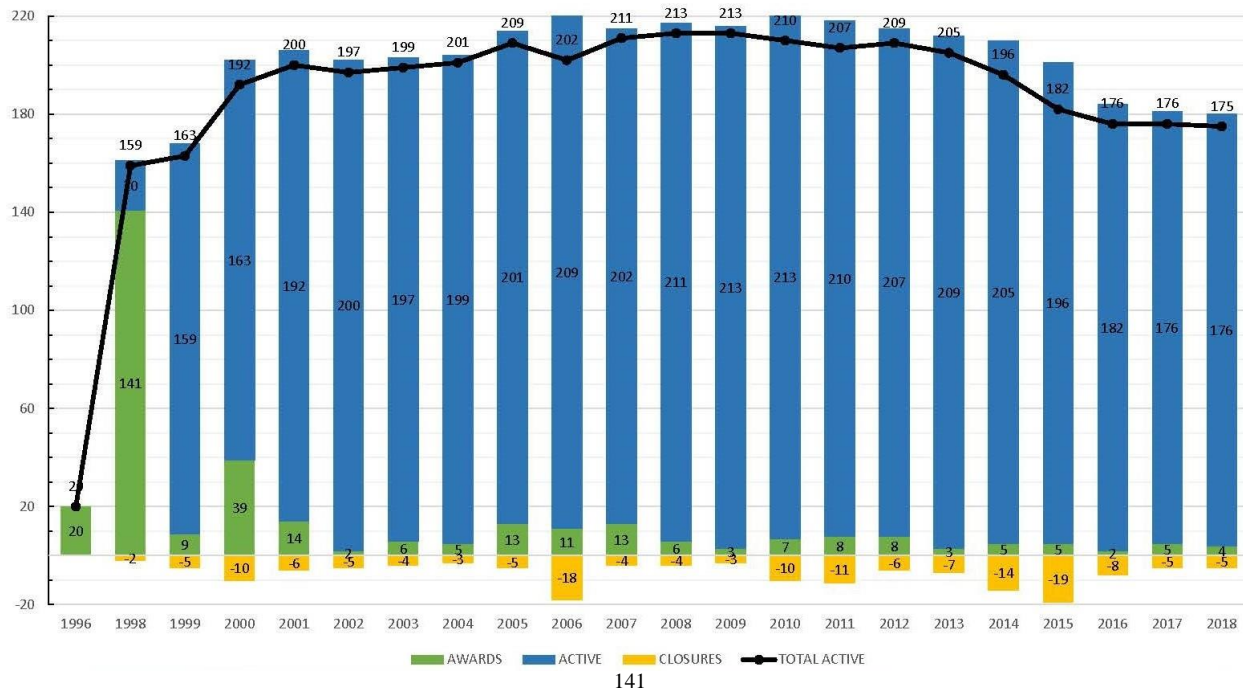
Witnesses are listed in alphabetical order

- David Anderson, General Counsel & Policy Analyst, Raise Your Hand Texas
- Robert Bleisch, Superintendent & Chief Executive Officer, Ector College Prep Success Academy
- Dr. Melissa Chavez, Executive Director, The University of Texas Charter School System
- Mohammed Choudhury, Chief Innovation Officer, San Antonio ISD
- Starlee Coleman, Executive Director, Texas Charter School Association
- Roy Garcia, Assistant Superintendent of Secondary Education, Ector County ISD
- Leo Lopez, Chief School Finance Officer, Texas Education Agency
- Heather Mauze, Director for Charter Schools, Texas Education Agency
- Dr. Kelli Moulton, Superintendent, Galveston ISD
- Dr. Scott Muri, Superintendent, Spring Branch ISD
- Joe Siedlecki, Associate Commissioner for School Improvement, Innovation & Charters, Texas Education Agency

Background

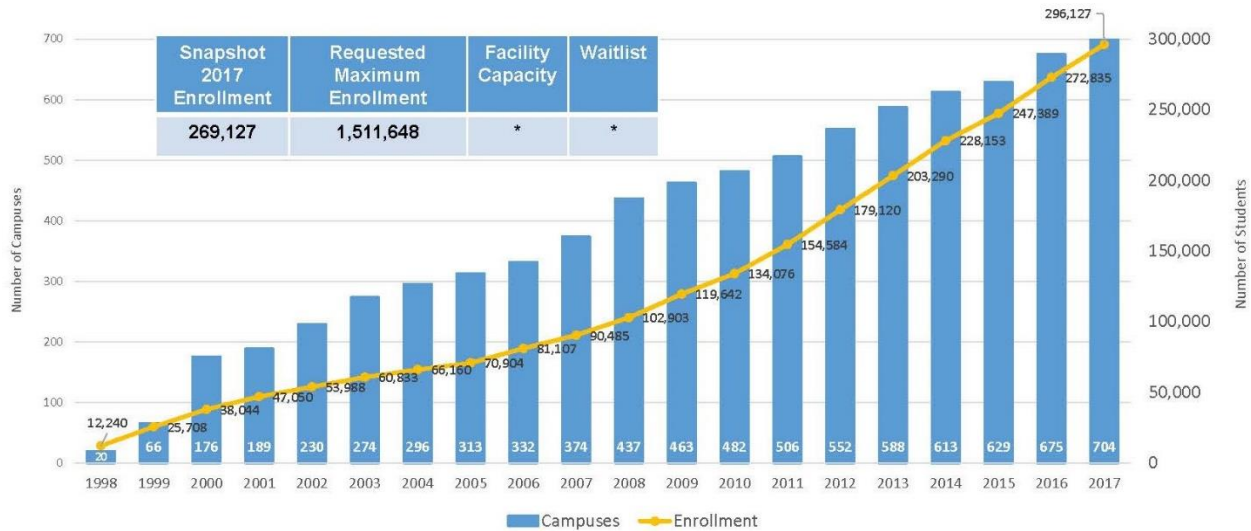
Charter schools are public schools that, while publicly funded and subject to the same accountability laws as traditional public schools, are given more flexibility with regards to staffing and operations. The Legislature first approved the establishment of 20 charter schools in Texas in 1995.¹³⁴ This action was followed by additional authorizations, including one for an unlimited number of charters that served populations of over 75 percent at-risk students.¹³⁵ By

2001, the State Board of Education (SBOE) had awarded 223 charters; currently, only 125 of these charters are still operating in Texas.¹³⁶ The expansion was checked by the Legislature through House Bill 6, which repealed the unlimited authorization noted above, imposed a cap of 215 on open-enrollment charters, and increased regulation.¹³⁷ Over the next ten years, SBOE approved only 82 new charters.¹³⁸ In 2013, the Legislature revisited charter schools again with Senate Bill 2, which transferred the power of authorization from SBOE to the commissioner of education, although these authorizations are still subject to SBOE veto. The legislation also included transparency and governance related reforms, established the "three strikes" policy, under which a low-performing charter is closed if it fails to meet state academic or financial accountability standards for three consecutive years, and incrementally increased the cap on open-enrollment charters from 215 to 305 over 6 years.¹³⁹ Since 2013, the state has authorized another 24 charters, for a total of 329 authorizations since 1995; 176 are operating today.¹⁴⁰ The chart below depicts Texas charter awards and closures since 1996.



Enrollment Growth and Expansions

For the 2017–18 school year, 755 charter school campuses were in operation statewide, serving around 324,996 students. These campuses represent approximately nine percent of the public schools in Texas and serve six percent of the students enrolled in the Texas public school system.¹⁴² The chart below demonstrates the growth in charter enrollment over time.



* Inability to collect capacity or waitlist information due to differences in municipality reporting and lack of mandate.
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Although there is a cap on the number of authorized charter holders, the expansion of campuses under existing charters is not limited under statute. In order to expand to a new campus or site, a charter must request an expansion amendment; this process can also be used to increase a charter's maximum enrollment, extend its geographic boundaries, or broaden the grade levels it serves.¹⁴⁴ When a charter requests an amendment to add a campus or increase its geographic boundaries, then the charter is required to notify all affected districts of the proposed location and address, proposed grade levels, and estimated maximum enrollment.¹⁴⁵ Since December 2017, charters have filed 202 expansion requests, with 128 those being for an additional campus or site.¹⁴⁶ Districts have argued that they sometimes do not receive notification that charters within their geographic boundaries are expanding until after the expansion is approved.

Under agency rules, an expansion amendment may only be approved by the Texas Education Agency (TEA) if it is received between February 1st and April 1st in the year preceding the school year in which the expansion would be effective; the rules also include an exception for charters that request and demonstrate a need for an additional year for implementation.¹⁴⁷ TEA chose these dates so that the agency could utilize the most current financial data available for the charter in making a determination on the requested amendment. This data is reported to the Financial Integrity Rating System of Texas (FIRST) on January 9th.¹⁴⁸ Due to this rule's shortening effect on the timeline for both district notification and charter implementation, both districts and charters would likely benefit from a requirement for a longer period between an amendment request and implementation.

Another problem with charter expansion amendments relates to district notice provisions. In the agency rules relating to charter applications and amendments, notice provisions vary with regards to which district officials are supposed to receive the notice. For example, notice of expedited expansion amendments must be sent to the "board of trustees," while notice of an expansion amendment for an additional campus must be sent to a district's "central office" and for geographic boundary expansions, to the "district." In some cases, such as an expansion amendment to increase maximum enrollment, the rules do not require any notice be sent to

affected districts.¹⁴⁹ Revising these notice provisions to ensure that the same recipient or recipients receive all expansion notifications would add uniformity to this process.

Student Populations

Disciplinary History & Expulsions

In general, admissions for districts and charters are similar; districts establish residency based on the geographic boundaries of the district, and charters do so based on the geographic boundaries established under the charter. Districts and charters may both have open enrollment, in which any student may enroll and a lottery is used if applications exceed available slots, or zoned enrollment, in which students enroll in campuses based on home address or zip code.¹⁵⁰ Neither entity can discriminate on the basis of race, religion, disability, or any other protected basis. However, unlike districts, charters may exclude from admission students that have a documented criminal or disciplinary history.¹⁵¹

There are also differences in how traditional schools and charters are required to handle expulsions. Traditional schools may only expel students for conduct as laid out in Chapter 37 of the Texas Education Code. A charter, however, can expel students for Chapter 37 offenses as well as any conduct listed in its code of conduct as resulting in expulsion. For the 2016-17 school year, 43 percent of expelled students were charter school attendees, which is out of proportion compared to the overall percentage of Texas public education students that are enrolled in charters.¹⁵²

Traditional schools and advocacy groups claim that charters can use these differences in admission and expulsion policies to be more selective in their admissions process than open enrollment schools should be. Because minority students and students with disabilities are more likely to have a disciplinary history, even though research has shown that minority students are not actually more likely to misbehave and disability symptoms are often mistaken for misbehavior, these students are more likely to be excluded from charter enrollment.¹⁵³ With regard to expulsions, charters maintain that traditional schools have an advantage with regards to disciplinary actions because districts have the option to send students to Disciplinary Alternative Education Programs (DAEPs) while charters do not. Under current law, districts are required to provide a DAEP but may do so jointly with other districts.¹⁵⁴ According to TEA, if a charter wanted to contract with a district to utilize a DAEP, the charter would have to submit an expansion amendment to serve students at that district.¹⁵⁵

Special Education

As public schools, charters are required to serve all students, and students with disabilities that attend charter schools are guaranteed the same free and appropriate public education (FAPE) delivered in the least restrictive environment that they would receive at a traditional school. But in 2016-17, special education students made up 9 percent of the student population in traditional schools but only 7 percent in charter schools.¹⁵⁶ This discrepancy is smaller than the one found between traditional schools and charters at the national level; however, that difference could be

due to Texas's special education policies that lead to the USDE monitoring report discussed in an previous section of this report.¹⁵⁷

The National Center for Special Education in Charter Schools (NCSECS) has found that although charters do enroll fewer students with disabilities, this enrollment difference is decreasing over time. NCSECS research has also found that, in general, charter schools enroll a higher percentage of students with learning disabilities and emotional disturbance and a lower percentage of students with intellectual disabilities, compared to traditional schools.¹⁵⁸ An earlier study observed that charter enrollment of students with disabilities is being impacted by a number of factors, including a lack of knowledge about the federal laws and regulations protecting these students, the absence of a special education infrastructure at these schools, and the “counseling out” of these students during the admissions process. With regard to “counseling out,” the study recognized that in most instances this occurs not due to discrimination but because the school doesn’t believe it can provide the necessary services and simply doesn’t understand its legal responsibilities.¹⁵⁹ TEA's Strategic Plan for Special Education and its increased outreach to LEAs, including charters, should improve understanding of these entities' responsibilities under IDEA and Section 504, as should the new network for Students in Small and Rural LEAs being developed under that plan.

Accountability

According to a 2017 study by the Center for Research on Education Outcomes (CREDO) at Standard University, outcomes for Texas charter schools continue to improve, strengthened by the closures and revocations brought about by the changes made in Senate Bill 2.¹⁶⁰ Since the passage of that legislation in 2013, 58 charters have been closed. Over that same period, the overall number of charter campuses failing to meet state accountability standards fell from 16.5 percent to eight percent, while traditional campuses fell from eight percent to four percent.¹⁶¹

Alternative Education Accountability

Since 1995, Alternative Education Campuses (AECs) in Texas have been eligible for evaluation under the state’s Alternative Education Accountability (AEA) system. To be an AEC, a campus must have at least 75 percent at-risk student enrollment, provide those students nontraditional settings and instruction designed to meet the needs of at-risk students, and have at least 50 percent of its students enrolled in grades 6-12. The AEA may also be utilized by dropout recovery schools (DRSs), which provide services targeted to dropout prevention and recovery and have a student population in which 50 percent are at least 17 years of age. A charter may be also be evaluated under this system if it only operates campuses that are AECs or if at least 50 percent of its total student population is enrolled at an AEC.¹⁶² In 2017, only 4 percent of all public school campuses were rated under the AEA; 38 percent of those campuses were charter schools. Fifteen percent of charters met standard under the AEA, as did 14 percent of charter campuses and two percent of traditional campuses.¹⁶³ It is also important to note that charters operate approximately one-third of all DRSs in the state.¹⁶⁴

Some LEAs and campuses do not receive accountability ratings under the AEA or the state’s standard public school accountability system. Campuses that are juvenile justice alternative

education programs (JJAEPs), DAEPs, or residential facilities, or LEAs that only operate residential facilities, fall under this exception. It is also used for campuses and LEAs that have data problems or have recently been annexed by another district.¹⁶⁵ Thirteen percent of charter campuses were Not Rated in 2017, compared to six percent of traditional campuses; in addition, six percent of charters were Not Rated.¹⁶⁶

Funding Differences

Both charters and districts have long argued that the other receives more state funding. Like districts, charters are funded through the Foundation School Program (FSP) and entitled to state aid through both Tier I and Tier II of that system; however, since charters cannot generate local revenue through property taxes, the state funds 100% of their entitlements.¹⁶⁷

For Tier I, charters receive funding based on an adjusted basic allotment (ABA) of \$6,540, which is the equivalent of a small district with an ADA of 824, a Cost of Education Index (CEI) value of 1.0795, and a geographic area of less than 300 square miles. Districts argue that this calculation gives charters an unfair funding advantage since only 16 percent of charter ADA attend charters that actually have an ADA of 824 or fewer, and 95 percent of students enrolled in districts attend a district with an ABA below \$6,540. For Tier II, charter funding is calculated using the state average M&O rates for the golden and copper pennies; currently these averages equate to charters being funded as if they have an M&O tax rate of around \$1.10 (six golden pennies and four copper pennies). Under this methodology, charters benefit as more districts increase their M&O tax rates above \$1.04.¹⁶⁸

House Bill 21 Facility Funding

Unlike charters, districts are able to levy I&S revenue for facilities through local property taxes, and some also receive facility funding from the state through the Existing Debt Allotment (EDA), the Instructional Facilities Allotment (IFA), and the New Instructional Facility Allotment (NIFA). Until 2017, charters were only able to receive facility funding from the state through the NIFA; however, that was changed in House Bill 21.¹⁶⁹

Under this legislation, high performing charter schools are eligible to receive facility funding in fiscal year 2019. This allotment is calculated using (1) the state average I&S tax rate for districts (estimated at 21 cents) or (2) a rate that will deliver \$60 million in funding statewide; this calculation resulted in a funding level of \$202 per ADA in fiscal year 2019. A charter is entitled to receive this funding if its most recent overall performance rating reflects at least acceptable performance. This funding may only be used to (1) lease an instructional facility; (2) pay property taxes imposed on an instructional facility; (3) pay debt service on bonds issued to finance an instructional facility; or (4) to fulfill any other purpose related to the purchase, lease, sale, acquisition, or maintenance of an instructional facility.¹⁷⁰

Teacher Retirement System Contributions

Unlike charters, districts are required to pay classroom teachers, full-time librarians, full-time certified school counselors, full-time school nurses, and superintendents based on a statutory

minimum salary schedule. State contributions to the Teacher Retirement System (TRS) are based upon these salary amounts and the current state contribution rate of 6.8 percent. Districts are required to use local funds to pay the difference between this amount and the state contribution that is owed to TRS for the amount that employee salaries exceed the minimum salary schedule. Because charters are not subject to the statutory minimum salary schedule, the state pays its full 6.8 percent on the total amount of charter employee salaries; this funding equates to an estimated \$16 million benefit for charters that districts do not receive.¹⁷¹

Senate Bill 1882: District-Charter Partnerships

To encourage increased cooperation between districts and charters, the 85th Legislature passed Senate Bill 1882. This legislation created the Texas Partnership program, under which a district may partner with a governmental entity, institution of higher education, or non-profit, including a state-authorized charter school, to create a new school, replace an existing school with an innovation campus, or turnaround a low-performing school; schools created or recreated under such partnerships are in-district charter schools. Partnerships are formed using a performance contract, under which the partner is responsible for operating the school, while the district is responsible for monitoring the contract. Districts may benefit from these partnerships through increased funding, if the district currently receives less funding per student than it would if it was a state-authorized charter, and a two-year exemption from accountability interventions and sanctions, if the partnership was formed to turnaround a low-performing campus. TEA reviews the proposed partnerships only to determine if they are eligible to receive these benefits; otherwise, districts are statutorily entitled to form such partnerships without TEA approval.¹⁷²

TEA approved six turnaround partnerships to begin in the 2018-19 school year.¹⁷³ One of these partnerships is the Ector College Prep Success Academy, which has taken over a low-performing middle school in Ector County ISD. The academy has adopted larger class sizes, an intensive college preparation program, teacher salary increases, and an innovative schedule that allows for teacher collaboration periods and additional support for struggling students.¹⁷⁴ San Antonio ISD received approval for turnaround partnerships at three campuses; two of these campuses will become Relay Lab Schools, a model created in collaboration with the Relay Graduate School of Education that will utilize longer school days as well as teacher residents in each classroom.¹⁷⁵

TEA also approved two innovation partnerships and four new school partnerships.¹⁷⁶ One of the new school partnerships is Galveston ISD's Moody Early Childhood Education Center, which serves children three years of age and younger; the three year olds are served in a preK program. The district and the center had an existing public-private partnership, but the district chose to authorize the center as an in-district charter and applied under the Texas Partnership program in order to increase funding and streamline operations.¹⁷⁷ San Antonio ISD has created an innovation partnership with the Centers for Applied Science and Technology (CAST) Network, a non-profit formed by local industry leaders, institutions of higher education, and superintendents to establish an innovative high school model that is focused on preparing students for the future and providing the city with a highly skilled workforce. This collaborative effort utilizes project-based learning in combination with career-building opportunities such as internships, mentorships and job shadowing.¹⁷⁸

Spring Branch ISD has been a frontrunner in partnering with charters to create unique schools. In 2011, the district worked with KIPP Houston and Yes Prep to form the SKY Partnership, which consists of a “charter school within a school” model at two of the district’s middle schools and one of its high schools. Under this partnership, the two charters opened schools at district campuses that had been suffering from low enrollment. In addition to sharing facilities, the charters provide some services, such as professional development, to the district, while the charter students are able to participate in district programs such as athletics and fine arts. Although the district was supportive of Senate Bill 1882 and used as a success story to help ensure passage of the legislation, it has been deemed ineligible for the program’s benefits because its partnership schools were not formed as in-district charters.¹⁷⁹ This result runs contrary to the purported intent of the legislation.

Recommendations

The Legislature should require expansion amendment requests for additional campuses or sites to be sent to TEA and notice given to districts at least 12 months before a new campus is opened.

TEA should revise rules regarding district notice of charter expansion amendments to ensure that the same district officials receive all notifications.

The Legislature should reconsider statutory provisions that allow charters to exclude students based on disciplinary history, especially when the cited infractions are not criminal in nature, and work with charter holders on possible ways to reduce expulsions at charter schools.

TEA should ensure that charters understand their roles and responsibilities regarding students with disabilities and that they have the ability to fulfill them before authorization.

The Legislature should explore options to reduce the funding disparities that exist between charters and districts with regards to the use of state averages in FSP calculations, facility funding, and state contributions to TRS.

The Legislature should consider expanding the Texas Partnership program to include a wider variety of partnerships, such as the SKY Partnership, and explore additional options to increase collaborations between districts and charters.

IMPLEMENTATION OF LEGISLATION

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).

Introduction

The Committee held a public hearing on April 18, 2018, to address the above interim charge. The Committee heard testimony from the following invited witnesses:

Witnesses are listed in alphabetical order

- Dee Carney, Associate, Moak Casey & Associates
- HD Chambers, Superintendent, Alief ISD
- Keith Haffey, Executive Director of Accountability & Research, Spring Branch ISD
- Leo Lopez, Chief School Finance Officer, Texas Education Agency
- Monica Martinez, Associate Commissioner for Standards & Support Services, Texas Education Agency
- Mike Morath, Commissioner of Education, Texas Education Agency

Background

House Bill 21

During the Regular Session of the 85th Legislature, the House overwhelmingly passed House Bill 21, which would have begun the process of overhauling the state’s outdated school finance system.¹⁸⁰ While that particular bill was unsuccessful, a limited version was finally passed during the First Called Session.

This final version of House Bill 21 provided additional funding to buy down premiums in TRS-Care, created grants to fund innovative programs for students with autism or dyslexia, provided facility funding for local education agencies (LEAs), created the Texas Commission on Public School Finance, repealed the “small district penalty” for districts under 300 square miles, and created hardship grants to assist districts negatively impacted by the expiration of Additional State Aid for Tax Relief (ASATR).¹⁸¹

Hardship Grants

ASATR was originally established in 2006 to counteract district funding losses caused by the compression of maintenance & operations (M&O) tax rates.¹⁸² While this additional funding was provided to 1,026 districts in its first year, by 2016 only 265 districts were eligible. Under

legislation passed in 2011, ASATR expired on September 1, 2017.¹⁸³ The hardship grants created by House Bill 21 provided \$100 million in fiscal year 2018 and \$50 million in fiscal year 2019 to provide some relief for districts that would be impacted by the expiration of that funding. In October 2017, 130 LEAs received grants ranging from \$364 to \$10 million. In October 2018, 96 LEAs received grants ranging from \$125 to \$5 million.¹⁸⁴

Texas Commission on Public School Finance

House Bill 21 established the Texas Commission on Public School Finance (the Commission) “to develop and make recommendations for improvements to the current public school finance system or for new methods of financing public schools” by December 31, 2019. The Commission included appointees from the Governor, Lieutenant Governor, and Speaker of the House of Representatives. The provisions of the legislation require the Commission’s recommendations to address: “(1) the purpose of the public school finance system and the relationship between state and local funding in that system; (2) the appropriate levels of local M&O and interest and sinking fund (I&S) tax effort necessary to implement a public school finance system that complies with the requirements under the Texas Constitution; and (3) policy changes to the public school finance system necessary to adjust for student demographics and the geographic diversity in the state.”¹⁸⁵

The Commission began its work in January 2018; over that year, it met 14 times and heard testimony from a great number and variety of witnesses.¹⁸⁶ In order to expedite discussions, the Commission formed three working groups to focus on the following topics: Outcomes, Expenditures, and Revenues. The Outcomes working group presented its recommendations to the full Commission in July, the Expenditures working group did so in September, and the Revenues working group followed suit in November. The Commission adopted its final report on December 19, 2018.

Increased Funding for EDA

Beginning in fiscal year 2019, House Bill 21 increased the Existing Debt Allotment (EDA) guaranteed yield for districts from \$35 to the lesser of (1) \$40 per average daily attendance (ADA) per penny on I&S taxes levied to pay principal and interest on eligible bonds, or (2) the amount that would result in a \$60 million increase in state funding. Based on these parameters, the yield for fiscal year 2019 is \$36.65.¹⁸⁷

Facility Funding for Charter Schools

Information regarding the implementation of facility funding for charter schools can be found on page 41.

Innovative Programs for Students with Autism and Students with Dyslexia

Information regarding the implementation of the grant programs for students with autism and dyslexia can be found on page 34.

House Bill 22

House Bill 22 began as an attempt to streamline the A-F accountability system created in the previous legislative session by House Bill 2804. While this specific objective might not have been accomplished, the legislation did make a variety of changes to the state's public school accountability system. The first ratings for LEAs under the new system were released in August 2018. The bill specifies that "for performance ratings issued in August 2018 for the 2017-18 school year for campus performance, the commissioner shall issue *only* [emphasis added] a rating of improvement required or met standard, as applicable, to a campus." Using the same data, the commissioner is required to create a model run for campuses under the new system by January 1, 2019, and the first official campus ratings under the new system will be released in August 2019.¹⁸⁸

The bill reduced the number of domains for which LEAs and campuses receive a rating under the system from five to three. The first, Student Achievement, is based on solely on State of Texas Assessments of Academic Readiness (STAAR) results for elementary and middle school campuses. High school ratings in this domain include STAAR results, graduation rates, and a variety of college, career, and military readiness (CCMR) indicators. The second, School Progress, is based on the better of (1) students' growth in STAAR performance and (2) relative STAAR performance compared to campuses with similar rates of economically disadvantaged students; for high schools, CCMR performance is also considered. The third, Closing the Gaps, is based on whether specific sub-populations of students are meeting target performance rates (based on historical data) on the STAAR, graduation rates, CCMR, and the Texas English Language Proficiency Assessment System (TELPAS). This domain was designed to meet the accountability requirements found in the federal Every Student Succeeds Act (ESSA), allowing Texas to align its state and federal accountability systems for the first time in 15 years.¹⁸⁹

Under the new A-F accountability system, scores from the three domains are used to calculate an overall performance rating. First the better of the two pieces of the School Progress domain is determined; then that score is compared to the Student Achievement score. The better of those two scores is then combined with the score from the Closing the Gaps domain, with the former counting for 70% and the latter counting for 30% of the overall rating.¹⁹⁰

In an attempt to hold LEAs accountable for factors beyond STAAR results, House Bill 22 included requirements for the Texas Education Agency (TEA) to create or at least consider indicators that demonstrate the many ways schools can help students to grow and succeed besides standardized testing. One of these requirements was a process by which an LEA can create a local accountability system (LAS). Only campuses with an accountability rating of C (acceptable) or higher may participate in an LAS. Once approved by TEA, and eventually by a review panel made up of representatives from LEAs that already have an LAS in place, an LAS can represent up to 50% of a campus accountability rating.¹⁹¹ To implement this process, TEA started a pilot in January 2018 with 20 LEAs to develop LASs for use in the 2018-19 school year; additional LEAs will be added to this effort in January 2019.¹⁹²

TEA is also required to study the feasibility of adding an indicator to the state system that accounts for extra and co-curricular student activity. These activities can provide students with an opportunity to build relationships, character, and leadership skills. Research has shown a positive correlation between participation in these activities and improvements in school attendance, test scores, and post-secondary aspirations, as well as decreases in dropouts and disciplinary referrals.¹⁹³ TEA plans to convene a task force to study this issue in early 2019.¹⁹⁴

Some provisions of the bill were included to encourage fairness within the accountability system. Lawmakers agreed that top performers should not be penalized for a lack of growth in performance and that an LEA that receives an F in either the Student Achievement or School Progress domain cannot receive an overall score higher than B. They also agreed there should be some difference between the interventions required for scores of D and F. Another provision that received much support from Representatives during the legislative process was the requirement that “the commissioner shall ensure that the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an A rating.”¹⁹⁵

Many of the details that determine how scores are calculated under the House Bill 22 system were created through TEA rule-making and reflect the agency’s consideration of stakeholder input. One example is the weight given to each of the separate indicators used to calculate the Student Achievement score for high schools. TEA originally suggested a 45-45-10 split between STAAR, CCMR, and graduation rates, in that order; most stakeholders preferred a 33-33-33 split. The final rules for the system include a compromise split of 40-40-20.¹⁹⁶

In some cases, TEA’s actions could be characterized as going beyond the intent of the legislation and the rule-making process. After the draft 2018 Accountability Manual was published and stakeholder comments had been received, TEA incorporated a stakeholder recommendation regarding overall ratings into the final version of the manual. The recommendation was to require LEAs and campuses that receive an F for three of the four domains (including the two School Progress subdomains) automatically receive an overall rating of F, even if that is not the mathematical result of the adopted scoring system.¹⁹⁷ While opinions differ regarding the merit of this rule, the inclusion of such a significant change without the opportunity for additional stakeholder input was ill-advised. Likewise, many stakeholders were concerned to see the emphasis placed on numerical scores on the 2018 campus report cards when the legislation explicitly stated that campuses were to *only* receive either a Met Standard or Improvement Required rating in August 2018. It is difficult to conceive any rationale for this emphasis beyond the desire to circumvent the provisions of the bill regarding the delay of campus A-F ratings.¹⁹⁸

Two other examples involve industry certifications and dual credit as CCMR indicators, both of which are very important to small and rural LEAs. TEA chose to limit CCMR credit to industry certifications that can be obtained while in high school and that, according to TEA, lead to high wage jobs. However, this limited list prevents many of the coherent sequences of CTE courses that had been recently developed by LEAs in response to previous legislation from receiving credit.¹⁹⁹ The final compromise on this issue allows half credit for students who have taken courses in a coherent sequence that leads to one of the TEA approved certifications but have not yet obtained the certification.²⁰⁰ Stakeholders were also dissatisfied by TEA’s original proposal

to only give CCMR credit to students who successfully complete nine hours of dual credit courses. They argued that it was unfair that dual credit students had to complete nine hours to receive the credit while advanced placement students only have to pass a single test, especially for small and rural schools that have limited resources and cannot provide as many AP courses. In this compromise, TEA agreed to give full CCMR credit to students that complete a three hour English language arts or mathematics dual credit course, but still requires nine hours for other dual credit courses.²⁰¹

Aside from the issue regarding the reporting of the numeric campus ratings, the highlight of the House Bill 22 implementation process was TEA's creation of the TxSchools.org website. This well-designed portal allows stakeholders to easily access LEA and campus report cards and makes available clear explanations of the various pieces of the accountability system. It also provides plentiful demographic data for LEAs and campuses and useful search functions. TEA plans to add a comparison function as well as a correlation and trends tool in January 2019.²⁰²

Both TEA and stakeholders agree that the timing of the accountability process could be improved. LEAs would prefer the adoption of changes to the accountability manual occur earlier in the school year to allow them to adjust within the year being rated. TEA would prefer to produce ratings later in the year to allow more time for data collection and analysis.²⁰³ This delay would allow CCMR data, which is currently used to calculate the following year's ratings, to be included in the present year but could also impact the improvement planning process at LEAs.

Another issue recognized by both TEA and stakeholders relates to an ESSA requirement for the assessment of a student that completes a higher level course (Algebra I or English I and II) in middle school. Federal law allows the student to be assessed using the appropriate STAAR end of course (EOC) exam rather than a grade level assessment but also requires that the student take a more advanced assessment in high school to measure achievement.²⁰⁴ The commissioner of education has proposed a rule that would require LEAs to use the SAT or ACT to satisfy this requirement;²⁰⁵ TEA attempted to include the TSIA as an option in the ESSA state plan but USDE would not allow its inclusion because that assessment is not offered nationally. TEA estimates that 109,000 students statewide will likely be impacted by this requirement, resulting in a potential cost of \$5.4 million across all LEAs.²⁰⁶ Some LEAs already pay for all high school students to take either the SAT or ACT but many do not. It is also important to note that both the Texas Education Code and the General Appropriations Act make it clear that costs associated with the state assessment system must be paid by the state.²⁰⁷

Information regarding 2018 accountability rating waivers for LEAs affected by Hurricane Harvey can be found on page 11.

Senate Bill 179

Senate Bill 179, also known as David's Law, provided a much-needed update to the state's anti-bullying laws. The bill added cyber-bullying to the definition of bullying, expanded LEA jurisdiction in situations where bullying occurs off-campus, and authorized LEAs to utilize alternative education placements or expulsion in cases of serious bullying. It also required LEAs

to notify parents of bullying victims within three days of an incident and to establish procedures that allow students to anonymously report bullying.²⁰⁸

In addition to these administrative changes, Senate Bill 179 also focused on student mental health and well-being. The bill authorized LEAs to establish policies related to bullying prevention and mediation and the State Board for Educator Certification (SBEC) to include instruction on trauma-informed practices in the continuing education requirements for educators and principals. It also required TEA to work with the Health & Human Services Commission (HHSC) to develop a website to provide mental health resource information to school districts; this website went live in May 2018.²⁰⁹

A more detailed discussion regarding mental health and the public school system can be found on page 57.

Recommendations

House Bill 22

The Committee should continue to monitor TEA's implementation of House Bill 22 provisions regarding the inclusion of extra and co-curricular indicators and local accountability systems within the public school accountability system.

The Committee should consider pursuing legislation that re-visits certain CCMR indicators, in order to ensure small and rural LEAs are not put on unequal footing with LEAs that have the resources needed offer a wider range of opportunities for their students.

The Committee should work with TEA and stakeholders to explore options to alleviate the timing issues that exist with regard to the accountability system and rule-making.

The Legislature should include additional funding in the appropriation for the state assessment system that is sufficient to cover costs associated with the federal requirement for certain students to take the SAT or ACT in high school.

Senate Bill 179

The Committee should continue to monitor TEA's implementation of Senate Bill 179 to ensure that students, public school staff and parents have been informed of the changes made by the legislation.

EDUCATOR PREPARATION PROGRAMS

Review current data available to the public about Educator Preparation Programs (EPPs) and make recommendations to ensure the data is transparent, user-friendly, and actionable. Review the current EPP accountability system and recommend any new indicators or changes, including evaluating the ability of programs to meet the workforce needs of school districts by preparing teachers for high-needs areas. Determine ways to measure the effectiveness of teachers prepared by individual programs. For traditional EPP programs, make recommendations on how to more fully involve boards of regents in an effort to elevate the importance of teacher preparation within our state institutions. Examine current joint partnerships between EPPs and public schools to meet regional workforce needs, and make recommendations on how to scale these partnerships. (Joint charge between the House Committee on Public Education S/C on Teacher Quality and the House Committee on Higher Education)

Introduction

The Subcommittee on Educator Quality held a joint public hearing with the House Committee on Higher Education on June 7, 2018, to address the above interim charge. The Subcommittee heard testimony from the following invited witnesses:

Witnesses are listed in alphabetical order

- Dr. Judy Abbott, Dean of College of Education, Stephen F. Austin State University
- Darrell Alexander, Executive Director of Human Resources, Alief ISD
- Dr. Stacey Edmonson, Dean of College of Education, Sam Houston State University
- Dr. Deb Eldridge, Academic Vice President of Teachers College, Western Governors University
- Ryan Franklin, Associate Commissioner for Educator Leadership & Quality, Texas Education Agency
- Chris Fraser, Senior Dean, Relay Graduate School of Education
- Dr. Doug Hamman, Chair of Department of Teacher Education, College of Education, Texas Tech University
- Dr. Diann Huber, Chief Executive Officer, iTeach Texas
- Dr. Sean Kearney, Dean of College of Education, Texas A&M University – San Antonio
- Robby McGowen, Deputy Executive Director of Support Services, Region 4 ESC
- Dr. Zinab Munoz, Institutional Partnership Liaison and Instructor, College of Education, Texas Tech University
- Jim Nelson, Chair, Texas Teacher Preparation Collaborative
- Dr. Rex Peebles, Assistant Commissioner for Academic Quality & Workforce, Texas Higher Education Coordinating Board
- Dr. Nichole Prescott, Assistant Vice Chancellor, Office of Academic Affairs, The University of Texas System
- Stephanie Stoebe, Texas Policy Fellow, Teach Plus; Teacher, Round Rock ISD

Background

To become a certified teacher in Texas, an individual must participate in some type of educator preparation program (EPP). Universities offer traditional programs, in which candidates earn an undergraduate degree as they complete the certification requirements. Candidates that already have a bachelor’s degree can enroll in an alternative certification program, which can be offered by a number of entities, including community colleges, private providers, and regional education service centers (ESCs), or in a post-baccalaureate program at a university, through which they may also receive a master’s degree.²¹⁰

The major differences between alternative and traditional certification programs are:

1. whether the candidate must already have a bachelor’s degree to enroll or can obtain one through the program; and
2. whether the candidate acts as a “teacher of record” while still working to complete the program.²¹¹

Alternative certification programs are common in Texas. As shown in the chart below, Texas has a greater proportion of these programs compared to the rest of the nation.

	Traditional Providers	Percent Traditional Providers	Alternative Providers Based in IHEs	Percent Alternative Providers Based in IHEs	Alternative Providers not Based in IHEs	Percent Alternative Providers not Based in IHEs
TEXAS	81	35%	25	11%	55	24%
NATIONAL	1,497	69%	473	22%	201	9%

* Note: IHEs = Institutions of Higher Education

²¹²

Texas also has a greater proportion of teachers that have completed such programs. In 2016-17, almost 25 percent of all newly certified teachers came from a single alternative certification program.²¹³ These figures are shown below.

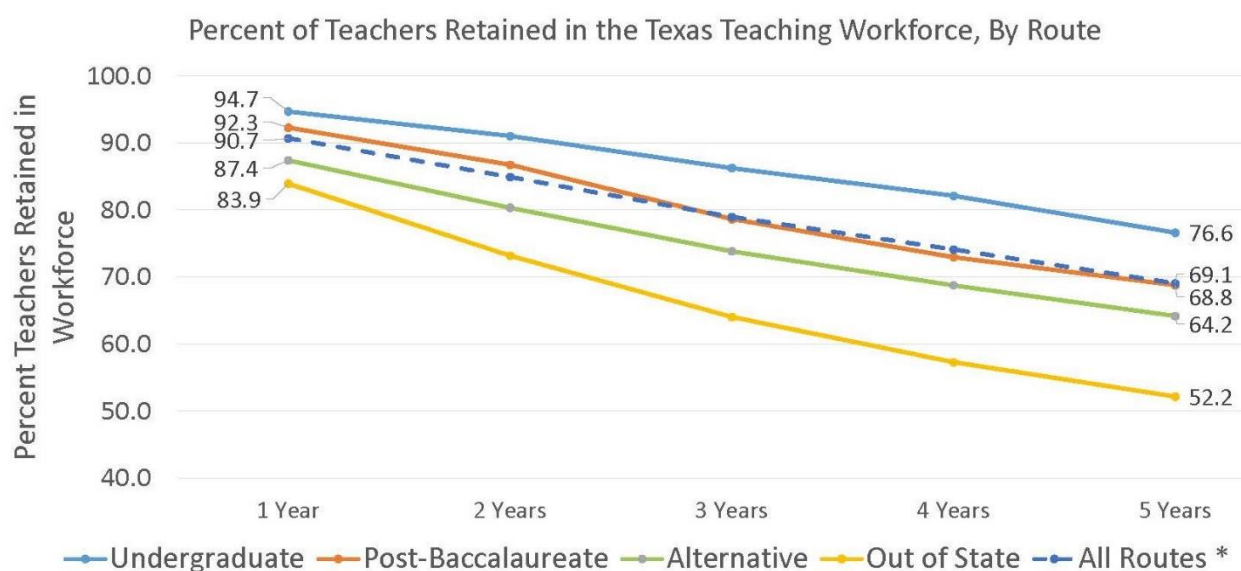
	Teachers Prepared by Traditional Providers	Percent Prepared by Traditional Providers	Teachers Prepared by Alternative Providers Based in IHEs	Percent Prepared by Alternative Providers Based in IHEs	Teachers Prepared by Alternative Providers not Based in IHEs	Percent Prepared by Alternative Providers not Based in IHEs
TEXAS	9,964	48%	1,409	7%	9,176	45%
NATIONAL	163,613	85%	13,296	7%	15,550	8%

* Note: IHEs = Institutions of Higher Education

²¹⁴

Accountability

Research shows that teacher quality is one of the most important factors affecting student achievement.²¹⁵ In other words, the quality of teachers produced by an EPP can impact student outcomes significantly. Another important point to consider is that the state’s highest need students typically have the newest teachers, whose teaching experience is almost entirely gained through their EPP.²¹⁶ This means that EPP quality can have a disproportionate effect on these students. Over the last five years, the quality gap between EPPs has been increasing. One indicator of this increasing gap is the difference in five-year teacher retention rates for the various types of EPPs;²¹⁷ this difference are demonstrated in the chart below.



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This disparity illuminates the need for the state to more closely monitor the quality of these programs. To accomplish this objective, the Legislature created the Accountability System for Educator Preparation (ASEP), which consists of three levels of indicators. The first level consists of five indicators used to determine EPP accreditation, including certification examination and appraisal results. The second level is a combination of the first level plus annual performance indicators that focus on access and equity. The third level includes the first two plus consumer information indicators, such as the academic qualifications of admitted candidates and program completion rates.²¹⁹ Even though the system collects a considerable amount of data, only the indicators in the first level are currently being used for EPP accountability purposes, and only high-level data is reported.²²⁰ An example of a currently available report is shown below.

Standard	2014-2015	2015-2016	Statewide 2015-2016
Acceptance Rate ⁸	86%	93%	56%
Applied	521	719	78,431
Admitted ⁹	446	666	44,035
Retained in Program ¹⁰	411	453	80,287
Completed the Program ¹¹	412	400	20,510
Number Fully Certified ¹²	Not Applicable	327	19,470
Percent Fully Certified	Not Applicable	93%	93%
Number Employed Within a Year of Completion ¹³	316	288	17,802
Percent Employed Within a Year of Completion	69%	72%	83%
Average Length of Probationary Certification (days) ¹⁴	Not Applicable	323	401
Number Remaining in the Profession for 5 years ¹⁵	149	139	10,849
Percent Remaining in the Profession for 5 years	65%	70%	73%
Candidates/Supervisor ¹⁶	Not Applicable	Not Applicable	Not Applicable

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In 2017, the Legislature passed Senate Bill 1839, which requires TEA to provide EPPs with public education information management system (PEIMS) data that would help them to assess their impact and improve their effectiveness.²²² In order to implement this legislation, TEA gathered stakeholder input and reported its findings and recommendations to the State Board on Educator Certification (SBEC). These recommendations included the development of a dashboard to share performance information with the public, candidates, and EPPs and the creation of an Educator Preparation Data Workgroup to serve as an ongoing advisory committee on EPP data and accountability issues.²²³ An example of the types of information that the dashboard could eventually provide is shown below.



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Partnerships

Texas EPPs have excelled at forming partnerships that encourage students, paraprofessionals, and certified teachers to pursue teaching certification or more advanced credentials. For example, Texas Tech University's TechTeach Across Texas program utilizes partnerships with LEAs and community colleges across the state to offer candidates that already have an Associate of Arts in Teaching the opportunity to earn both a bachelor's degree and teaching certification in one

year.²²⁵ Sam Houston State University (SHSU) offers a similar opportunity through its EdAide Cohort Program, which allows paraprofessionals to complete a bachelor's degree and teaching certification in two years while maintaining full-time employment in a public school. SHSU has also created a 4+1 Teaching Certification program that allows candidates to complete a bachelor's degree, a master's degree, and teaching certification in five years and includes a year long paid residency.²²⁶ Both of these programs focus on high-need areas such as special education and bilingual education.

Texas A&M University - San Antonio (TAMU-SA) has entered into a variety of partnerships with nearby local education agencies (LEAs) that focus on the different needs of each. For example, when Southwest ISD wanted to cultivate special education directors within the district that also had some training in administration, they worked with TAMU-SA to develop a new master's program specifically for this purpose.²²⁷ Another collaborative partnership, Teach Denton, was formed by Denton ISD, Texas Woman's University, and iTeachTEXAS, a private alternative certification program provider. This program was designed to increase the quality and quantity of candidates entering the teaching profession by providing a career path for high school students that demonstrate a natural aptitude for teaching.²²⁸ TEA's Grow Your Own program provides grants to LEAs, regional education service centers (ESCs), and institutions of higher education to enhance both the quality and size of the teaching workforce through a range of pathways, including partnerships with EPPs. More information on these grants can be found on page 18.

Recommendations

The Committee should continue to monitor TEA's development of its EPP data dashboard.

The Legislature should work with TEA to facilitate the collection of disaggregated longitudinal data on student outcomes of teachers by EPP and include this information in the EPP data dashboard.

The Legislature should consider incentivizing EPP partnerships that provide teachers and paraprofessionals affordable options to gain additional credentials and certifications.

SCHOOL SAFETY

Review the effectiveness of schools' current multi-hazard emergency operation plans. Determine any areas of deficiency and make recommendations to ensure student safety. Research violence prevention strategies, such as threat assessment, that are available for school personnel to identify students who might pose a threat to themselves or others. Identify resources and training available to schools to help them develop intervention plans that address the underlying problems that caused the threatening behavior.

Examine current school facilities and grounds. Consider any research-based 'best practices' when designing a school to provide a more secure environment. Review the effectiveness of installing metal detectors, cameras, safety locks, streaming video of school security cameras, and other measures designed to improve school safety.

Consider testimony provided at the May 17 House Public Health Committee hearing regarding improving mental health services for children. Identify specific strategies that would enhance overall school safety. Study ways to help parents, youth and primary care providers support school personnel in their efforts to identify and intervene early when mental health problems arise. In addition to school-based trauma-informed programs and those that treat early psychosis, consider the benefits of universal screening tools and expanding the Child Psychiatry Access Program (CPAP). Make recommendations to enhance collaboration among the Health and Human Services Commission, the Texas Education Agency, local mental health authorities, and education service centers. (Joint with the Committee on Public Health)

Introduction

The Committee held a public hearing on June 27, 2018, and a joint public hearing with the House Committee on Public Health on June 28, 2018, to address the above interim charges. The Committee heard testimony from the following invited witnesses:

Witnesses are listed in alphabetical order

June 27, 2018

- Dr. Pete Blair, Executive Director, Advanced Law Enforcement Rapid Response Training (ALERRT) Center, Texas State University
- Chief Alan Bragg, Retired School District Police Chief
- Dr. Rodney Cavness, Superintendent, Texas City ISD
- Chief Laurie Christiansen, Harris County Fire Marshal
- Dr. Jodi Duron, Superintendent, Elgin ISD
- Dr. Elizabeth Fagen, Superintendent, Humble ISD
- Captain Rick Francis, School Safety Division, Seminole County (FL) Sheriff's Office
- Sonja Gaines, Associate Commissioner for Behavioral Health & IDD Services, Health & Human Services Commission
- David Henderson, Kologik

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- Cassandra Hulseley, LSSP, Round Rock ISD
 - John Jones, Director of Intelligence & Counter-Terrorism, Department of Public Safety
 - Michelle Kinder, Executive Director, Momentous Institute
 - Rania Mankarious, Chief Executive Officer, Crime Stoppers of Houston
 - Kathy Martinez-Prather, Director, Texas School Safety Center
 - Mike Matranga, Director of Security & School Safety, Texas City ISD
 - Dr. Elizabeth Minne, Executive Director, Vida Clinic (Austin ISD)
 - Mike Morath, Commissioner of Education, Texas Education Agency
 - Tom Munoz, Emergency Manager, Texas City
 - Bill Nusbaum, Architectural Services Manager, LaForce, Inc.
 - Christine Nishimura, Deputy General Counsel, Texas Charter School Association
 - Jeff Potter, Architect, POTTER
 - Benjamin Reed, Social Worker, Floresville ISD
 - Andrea Richardson, Chief Executive Officer, Bluebonnet Trails Community Services
 - Dr. Kimberly Ridgeley, Director of Guidance & Counseling, Northside ISD
 - Roy J. Sprauge, Chief Operations Officer/Associate Superintendent of Facilities, Construction & Support Services, Cypress-Fairbanks ISD
 - Dr. Jeff Temple, Director of Behavioral Health & Research, The University of Texas Medical Branch at Galveston
 - Dr. Pam Wells, Executive Director, Region 4 ESC

June 28, 2018

- Lisa Descant, LPC, Chief Operating Officer, Communities In Schools of Houston
- Cyndi Doyle, LPC, Pecan Branch Counseling
- Sonja Gaines, Associate Commissioner for Behavioral Health & IDD Services, Health & Human Services Commission
- Lara Hulin, Social Worker, Houston ISD
- Lee Johnson, Deputy Director, Texas Council of Community Centers
- Dr. Andrew Keller, Chief Executive Officer, Meadows Mental Health Policy Institute
- Kelly Kravitz, Director for Highly Mobile and At-Risk Students, Texas Education Agency
- Dr. Madhukar H. Trivedi, Professor of Psychology, Center for Depression Research & Clinical Care, The University of Texas Southwestern Medical Center at Dallas
- Dr. Billy Philips, Executive Vice President for Rural & Community Health, Texas Tech University Health Sciences Center
- Brooke Roberts, LSSP, Director of Clinical Training, School Psychology Program, Texas Tech University College of Education
- Dr. Pam Wells, Executive Director, Region 4 ESC
- Dr. Eli Zambrano, Clinical Assistant Professor of Counseling, The University of Texas at San Antonio

Background

On May 18, 2018, a mere three months after 17 students and staff members were killed by a gunman at Stoneman Douglas High School in Parkland, Florida, a student opened fire on his classmates at Santa Fe High School in Santa Fe, Texas. Ten students and staff members lost their

lives in this tragic event. These are just two of 95 school shootings that have occurred nationwide in 2018, surpassing the previous peak of 59 in 2006.²²⁹ It is clear that some action must be taken.

School safety and mental health are sensitive issues, and discussion about these topics can be emotionally charged. As Texas moves forward from this tragic event, it is important to keep in mind that although approaches may differ, everyone can agree that schools must be made safer for both students and staff. In order to do this, a balance between prevention, planning, and preparedness must be achieved.

Mental Health & Well-Being

According to Commissioner of Education Mike Morath, schools are generally safe but when they are not, it is due to failures in relationships. To fix this problem in the short term, strengthening our existing safety systems is key; in the long term, the focus should be on preventing students from going down a path towards violence.²³⁰

One in ten children has a mental illness serious enough to impair home or school functioning,²³¹ and in 2017, 12 percent of Texas high school students attempted suicide.²³² These shocking statistics clearly indicate that Texas students are not receiving the mental health services that they need both inside and outside the schoolhouse. Stress and trauma, both high-level (ex. physical or emotional abuse) and low-level (ex. insecurity regarding food or home), can place children in “fight or flight” mode. In circumstances where stress is ongoing, the brain is constantly bathed in the stress hormone cortisol, which in turn impairs the prefrontal cortex, a part of the brain that plays a large part in personality development and behavior moderation. Research has shown that children who experience these adverse childhood experiences (ACEs) have a higher risk of both mental and physical conditions (ex. heart disease), later in life. However, this negative impact can be prevented if students are equipped with effective coping skills and taught how to self-regulate their own mental states.²³³ Schools can get ahead of some mental health issues by fostering an environment that focuses on the mental literacy and well-being of its students.

Social-Emotional Learning (SEL) / Character Education

Social-emotional learning (SEL) is a process that can be used to help students develop fundamental life skills, such as how to manage emotions, make responsible decisions, and handle life’s challenges in constructive ways, all of which are important to mental well-being. Some programs focus on teaching students to understand their mental states and emotional responses, while others are centered on relationship skills and healthy interactions with others. Character education programs use SEL concepts to cultivate an environment that stresses positive character traits, such as courage, honesty, and kindness. Texas currently allows districts to provide character education programs that meet certain criteria but does not require local education agencies (LEAs) to offer such programs.²³⁴ One way to ensure that all students are provided some sort of SEL or character education would be to either integrate these concepts into the existing Texas Essential Knowledge and Skills (TEKS) or to add new TEKS to include these concepts as a separate subject. The Texas Education Agency (TEA) is also developing new

standards that would require educator preparation programs to include certain effective classroom management practices that cover these concepts.²³⁵

Trauma-Informed Practices

Trauma-informed education takes into account how exposure to ACEs can impact child development. When teachers use trauma-informed classroom practices, a student's behavior is not viewed in isolation but through the context of his or her background and current circumstances. Trauma-informed practices can be even more important for students with intellectual or other developmental disabilities, because these students tend to be at a higher risk for experiencing trauma but also less likely to be referred for mental or trauma services. Another benefit of this concept is that all personnel on a campus can be trained in these practices, surrounding the students with adults that know how to build trusting relationships with them and can help them learn appropriate behaviors and coping mechanisms.

Positive Behavioral Interventions & Supports

Positive Behavioral Interventions and Supports (PBIS) is a framework that helps schools adopt strategies to decrease behavior issues and improve campus cultures by focusing on prevention and the promotion of positive outcomes rather than punishment. The Region 4 education service center (ESC) leads the statewide Texas Behavior Support Network, which supports efforts to encourage the implementation of PBIS using online resources and training opportunities. The concept of restorative discipline, which focuses on meaningful accountability rather than punishment and social engagement rather than exclusionary discipline, fits easily into the PBIS framework.²³⁶ Seventy percent of children in the juvenile justice system suffer from mental disorders;²³⁷ implementing programs such as PBIS can help direct these students away from the that system and towards the mental health services they need to be able to succeed both in the classroom and in life.

Mental Health Training

Another important aspect to students' mental well-being is finding ways to reduce the stigma surrounding mental health. This stigma can prevent those suffering from mental health problems from seeking the treatment they need, especially in a school setting where being seen as "different" can bring about a whole new set of problems. The University of Texas Southwestern Medical Center at Dallas is currently studying a program called Youth Aware of Mental Health (YAM) that initiates student conversations about mental health and suicide. Programs like YAM can help give students the tools they need to discuss mental health, for the benefit of themselves as well as their classmates.²³⁸

The Mental Health First Aid (MHFA) program can provide the same tools for school personnel. The goal of this program is to teach staff how to recognize and understand mental illness and to engage a person that might be in crisis. MHFA training is currently offered by local mental health authorities (LMHAs) across the state, and the regional ESCs have partnered with them to host the sessions in order to make attendance more convenient for school personnel. This

training is provided at no cost, and the number of opportunities for educators to receive this training has been increased leading up to the 2018-19 school year.²³⁹

Mental Health Interventions

The Telemedicine Wellness, Intervention, Triage, and Referral (TWITR) Project, developed by the Texas Tech University Health Science Center (TTUHSC) in 2013, provides mental health screening, assessment, and referral services to students using telemedicine technology. To date, the project has focused on small, rural districts that either lack school counselors or are in communities with limited access to mental health resources. Under TWITR, school personnel are trained on the program's referral process. After a student is referred, a screening is completed by a licensed professional counselor (LPC) from TWITR at the school. After screening, about half of the referred students undergo a more extensive assessment with the LPC and then if needed, the student can be assessed by a TTUHSC psychiatrist via telemedicine in order to get a diagnosis that will direct the student into appropriate treatment. In order to expand this model across the state, TTUHSC would train other professionals at other entities, such as academic health science centers, to adopt the model, possibly with some sort of technical assistance and monitoring function performed by TTUHSC to ensure that the program was being operated with fidelity.²⁴⁰

Mental Health Partnerships

In addition to these methods to recognize and assess mental health needs, LEAs are also engaging in innovative partnerships with professionals outside of schools to ensure their students have access to mental health care. For example, Elgin ISD has partnered with its local LMHA, Bluebonnet Trails Community Services, to provide mental health and substance abuse services at its Family Health Center. This center, which also encompasses the local federally qualified health center for medical and dental services, is able to provide services for the entire community. After 4 years, this partnership has resulted in a reduction in missed days of schools for their students as well as an increase in access to health care for the whole community.²⁴¹ Another example is Austin ISD, who works with Vida Clinic to operate School Mental Health Centers on 27 campuses across the district. In 2016-17, students who received services through these centers were shown to have both better attendance rates and better STAAR scores compared with students that did not receive services. At the high school campuses with centers, there was a significant decrease in aggressive offenses and suspensions following therapeutic treatment.²⁴² Communities In Schools, a statewide nonprofit program that helps LEAs provide a wide array of services for their students, offers another possible model for the provision of mental health services on campus. In addition to simply increasing the number of adults at a school that are consistently engaged with students and their well-being, affiliates of this program can also place additional mental health professionals on campus or contract with outside agencies to make these services available for students.²⁴³

Child Psychiatry Access Programs (CPAPs) also improve student access to services by making child psychiatry consultation services and specialized care coordination available to primary care providers (PCPs). While there has been an increase in mental health issues in children, there has not been a corresponding increase in the number of child psychiatrists available to serve these

children. Seventy-five percent of children receiving mental health care receive that care from a PCP. This is sufficient in many cases but often specialist care or guidance is needed. CPAP specialists are organized into hubs located at academic medical centers across the state, and can be contacted by local PCPs for consultations, guidance, and referral services.²⁴⁴

While there are numerous examples across the state of LEAs taking innovative and proactive steps to improve the mental health of their students, many others might not have the funding, expertise, or community mental health resources available to enable these initiatives. A centralized resource serving the entire state could provide much needed assistance in this area, especially as a clearinghouse for best practices, and conduct helpful research specific to mental health in schools. ESCs already help in this regard, and could act as hubs to the centralized resource, providing local training and assistance as well as specialty services, with a focus on the varying mental health care needs in their different regions. HHSC and LMHAs could also provide meaningful contributions to this effort.

School Mental Health Professionals

Currently, in-school supports for the mental health of students include school counselors, licensed specialists in school psychology (LSSPs), and social workers. Ideally, these professionals work together to coordinate student services. In general, school counselors are responsible for both academic and social guidance and counseling; LSSPs are responsible for screenings, evaluations, and behavioral assessments; and social workers are responsible for coordination with services outside of the school as well as liaising with the family. All three types of professionals are involved in crisis interventions, response to intervention programs, and professional development for school staff.²⁴⁵

The current recommended student to staff ratios from the American Counseling Association and the actual ratios for Texas schools for the 2017-18 school year are as follows:

Profession	Recommended Ratio	2017-18 Actual Ratio	2017-18 Number in TX Schools
Counselor	250/1	431/1	12,536
LSSP	1,000/1	2,792/1	1,934
Social Worker	400/1	7,200/1	750

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Based on this information, Texas would need to have almost double the number of counselors in schools, almost three times as many LSSPs, and 18 times as many social workers to reach the national recommended levels. Research has shown that maintaining these recommended ratios can have noticeable effect on student success. According to a 2016 report by Texas Appleseed, high schools that maintain one school counselor for every 250 students have shown lower disciplinary incidents, as well as better graduation and school attendance rates.²⁴⁷

One issue to keep in mind when considering ways to increase the number of counselors, LSSPs, and social workers at schools is flexibility. Some LEAs need more funding to hire additional professionals, while others might already be achieving the recommended ratios. One way to

achieve a reduction in ratios statewide would be to simply increase the basic allotment of state funding while simultaneously strengthening student to staff ratio requirements. This combination would allow LEAs the flexibility they need to make hires based on the needs of a particular campus.

Another issue that must be considered is that school mental health professionals often end up with duties, such as lunchroom supervision, testing administration, and special education and Section 504 coordination, that are not necessarily part of their professional training or responsibilities. Some districts have taken steps to alleviate this. For example, Frisco ISD has freed up approximately 27,000 counseling minutes by hiring a number of instructional support staff to take over testing and Section 504 related duties,²⁴⁸ and Houston ISD uses volunteers to assist with lunch duties.²⁴⁹ Another option would be to create a special category of school counselor or paraprofessional that would be responsible solely for academic guidance and related duties. These individuals would not be responsible for providing mental health services to students and would not require any specialized training in that area, beyond training required of all school personnel. According to TEA, the State Board of Educator Certification (SBEC) already has the authority to create a credential for this type of position.²⁵⁰

It is also important to keep in mind that access to mental health services can be improved in ways beyond just adding more professionals on campus. The Region 4 ESC received a grant from the Office of the Governor's Criminal Justice Division (CJD) to hire four counselors that will be located at the ESC and work with counselors at Santa Fe ISD and other LEAs in the region on an as-needed basis. The Office of the Governor anticipates that this system could serve as a pilot for housing more mental health resources at the ESCs in the future.²⁵¹ Considering the amount of mental health related training that is already centralized at the ESCs, this idea should be implemented for the 2018-19 school year. It would allow for the state to provide additional mental health resources, such as crisis intervention teams, for LEAs that might not be utilized on a daily basis but must be easily accessible when needed. HHSC and LMHAs should be included in this collaborative effort.

School Safety Planning & Training

Multi-Hazard Emergency Operation Plans

Under Chapter 37 of the Education Code, a district is required to adopt and implement a multi-hazard emergency operation plan (EOP) for use in its facilities that includes:

- provisions related to training for district employees,
- emergency drills that include both employees and students, and
- coordination with other state and local agencies in emergency situations.²⁵²

A district is also required to perform a safety and security audit of its facilities at least once every three years and to report the audit findings to its board and the Texas School Safety Center (TSSC).²⁵³

TSSC was established to serve as a statewide clearinghouse for information, training, and technical assistance related to school safety and security, as well as a central registry for school security consultants and other related contractors. While it is required to provide a model procedure for districts to use in auditing their own EOPs and to compile the results of those self-completed audits into a statewide report on school safety and security, neither TSSC nor TEA has any enforcement authority regarding the EOPs or these audits. In addition, neither entity has sufficient staff to manage this additional function TEA currently has 0.25 full-time equivalents (FTEs) dedicated to school safety, and TSSC only has 19 FTEs in its entire program, with just six being 100 percent state-funded.²⁵⁴

School Safety Certifications

In 2013, the Legislature established a School Safety Task Force that was charged with creating a school safety certification program. Under this program, TSSC awarded certificates to districts that met certain criteria based on the Texas Unified School Safety and Security Standards. The program was voluntary, and participation peaked at 186 districts. The program was allowed to expire in September 2017. In its place, TSSC has initiated a School Safety Spotlight Program, through which it highlights innovative and successful ideas being utilized by LEAs. TEA and TSSC are contemplating a new certification program that would grade campuses on safety and security. It is important to keep in mind, though, that while a system like this could be helpful to families in choosing a campus, it could also be used by bad actors to pinpoint potential targets.²⁵⁵

School Safety & Security Committees

Districts are also required to establish a School Safety and Security Committee (SSSC), which is responsible for developing and implementing emergency plans consistent with the district's EOP and facilitating the flow of accurate and complete information between the district and TSSC. Currently there are no legal requirements regarding the composition of the SSSC. However, TSSC is required to provide guidelines to districts regarding recommended members, such as local law enforcement and certain district personnel.²⁵⁶ One of TSSC's suggestions was to require school boards and local law enforcement to sign off on LEA EOPs;²⁵⁷ but this approval could be accomplished by having representatives from these groups on the LEA's SSSC.

School Safety Training Requirements & Resources

TEA is not required or authorized to directly provide any safety and security training for districts. TEA is also not authorized to collect information from LEAs regarding the type or frequency of training they provide for their staff. This information could be collected as new data elements in the Public Education Information Management System (PEIMS) and used as part of the new school safety certification program discussed previously.²⁵⁸

Although TEA lacks authority regarding safety training, numerous resources are available to districts statewide. TSSC provides a number of training opportunities for LEAs, including:

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- School Threat Assessment workshops, in conjunction with Sigma Threat Assessment;
 - Standard Response Protocol and Standard Reunification Model “Train the Trainer” workshops, in conjunction with the I Love You Guys Foundation; and
 - EOP development workshops.²⁵⁹

School Threat Assessment training teaches LEA personnel how to establish threat management teams to identify students in crisis. It also helps personnel to determine if student behavior is an actual threat and how to appropriately intervene.²⁶⁰ With the recent increase in student arrests, this type of training has become very important. For example, the state has incidences of students being charged with making a "terroristic threat" increase since spring 2018.²⁶¹ In many cases, these students are using extreme measures to bring attention to their mental distress rather than making a credible threat. Not only can this type of training help school personnel tell the difference, it can help a number of students receive the treatment they desperately need.

The Standard Response Protocol developed by the I Love You Guys Foundation focuses on providing LEAs and first responders with a common vocabulary to use during emergency scenarios, as well as a basic protocol that is easy to remember and implement. The foundation’s Standard Reunification Model provides methods to assist LEAs with reuniting students and families after a crisis event. Both models are easily adapted to the wide variety of schools that exist in Texas; they can be utilized whether a school is urban or rural, large or small, housed in a single building or spread out across a multi-building campus.²⁶²

In 2013, the FBI named the Advanced Law Enforcement Rapid Response Training Center (ALERRT), housed at Texas State University, as the national standard in active shooter response.²⁶³ ALERRT provides active shooter response training for law enforcement. In addition to training, ALERRT also conducts research to inform school safety best practices. For example, medical personnel were often not allowed in the building where an event had occurred until it was thoroughly searched. The center now recommends that active shooter response teams incorporate EMS personnel in order to get medical assistance into the buildings as quickly as possible. In the past, ALERRT has been able to provide training to officers at no charge, through CJD funding, but it is possible that the center would need to begin charging fees for its training if it does not receive state funding for fiscal years 2020-21.²⁶⁴

Many of these training sessions are held at ESCs across the state and are available at no cost to LEAs. TSSC also received a \$81,000 grant to add additional sessions of the School Threat Assessment, Standard Response Protocol/Standard Reunification Method and EOP development workshops during the summer of 2018 in order to reach as many school personnel as possible before the 2018-19 school year; TSSC estimates that it trained almost 3,200 individuals, including school personnel, law enforcement personnel, and students, from 416 LEAs in fiscal year 2018.²⁶⁵

Parental Notification

One issue that seems to be a common factor amongst school shootings is the difficulty in notifying parents of the victims. In Texas, the medical examiner is required to identify the victims after this type of incident, and it can take some time for law enforcement to sufficiently

secure the building for the medical examiner to be allowed access. Multi-jurisdictional training and drills can ensure that this process is completed as quickly as possible.²⁶⁶

School Security Infrastructure

In the immediate aftermath of the Santa Fe shooting, the initial tendency was to say that campuses need to be "hardened" with physical security improvements, such as metal detectors and safe rooms. However, testimony from law enforcement and district personnel indicated that priority funding could be better spent on improving "softer" infrastructure, such as communications between schools and first responders, and increasing security personnel.

Communications Interoperability

Both district and law enforcement representatives spoke to the importance of communications interoperability. In order for first responders to respond effectively to an emergency, they must be able to coordinate by communicating with each other instantly and easily. Reports on the Columbine, Sandy Hook, and Parkland shootings indicated that there was a lack of communication capability between different agencies, problems with police radios working inside the buildings, and communications systems being overwhelmed with traffic.²⁶⁷

Throughout the testimony, it became apparent that schools need to work with their local law enforcement and emergency services agencies to ensure that communications equipment is interoperable and that systems are sufficient enough to handle the increased level of use that would be needed in an emergency.²⁶⁸

Mobile apps with "soft" panic buttons were extensively discussed, and there are several different examples currently being utilized by districts. Generally, these apps are available for staff to download to their mobile phones and/or computers and will notify the authorities that an emergency situation is in progress when pressed. They vary in details, such as who receives the notification and in the additional information available to responders (ex. campus maps or video). One of the examples discussed was notable for including notification for parents and the general public, while others focused on the importance of notifying nearby law enforcement in order to speed up response times.

School Safety Retrofits

Multiple witnesses expressed concerns about existing alarm systems. During the confusion of an emergency situation, like the Santa Fe shooting, staff and students need clear direction regarding whether to evacuate the building or shelter in place. In certain active shooter cases, the perpetrator has pulled the fire alarm, triggering an evacuation. These evacuations often put students and school personnel in more dangerous situations than if they were to just shelter in place. There are also concerns that even if a school has a specific lockdown alarm, a fire alarm pull station could be accidentally pulled by a panicked victim during an event or even by a shooter to intentionally create confusion. It should be noted that in some jurisdictions, these pull stations are not required in buildings that have been equipped with sprinkler systems.

Concerns regarding "lockdown" protocols and door locks were also discussed. ALERRT has found that these protocols can be useful but not all school doors are well-equipped for this response; some have to be locked from the outside with a key or cannot be locked at all. LEAs can replace existing locks with ones that can be locked from the inside or provide less expensive barricade devices, which can be used to stop a door from being opened. In most situations, locked doors have been a sufficient barrier in school shooting events and are preferable to barricade devices, which can restrict first responder access and are generally not compliant with the Americans with Disabilities Act regulations or fire and life safety codes. ALERRT also has the ability to model different active shooter scenarios to determine the types of safety enhancements that have the most impact on response times and fatality rates, which could provide useful information to LEAs as they decide how to invest limited funds in this sort of equipment.²⁶⁹

Another important aspect to remember as schools are retrofitted for security purposes is mental health. One likely outcome of this tragic event is the expansion of mental health services available to students on campus. But students might be hesitant to publicly access services due to the stigma surrounding mental illness. As LEAs plan campus safety retrofits, they should consider providing private, special places for these services to be provided.²⁷⁰

Generally, retrofitting an existing campus for school safety costs somewhere between \$500,000 to \$1,000,000.²⁷¹ Because retrofitting existing campuses with safety enhancements would be a one-time cost, it is possible that the Legislature could vote to utilize the economic stabilization fund for this purpose. However, at this point in time, the state does not have a good estimate on the level of need statewide for campus retrofits. TEA surveyed LEAs before the 2018-19 school year regarding whether they had implemented safety infrastructure improvements and if not, whether they had interest in doing so, but this survey did not extend to indicate whether or not that interest was based on actual need, which could be determined through a safety assessment, or the potential cost to satisfy that need.²⁷²

Another suggestion from law enforcement was to strive for a 60/40 split between personnel and equipment or capital purchases when funding school safety. The rationale for this breakdown is that security systems can fail and that those systems are about preventing events but cannot stop them once they start. Only first responders can intervene in an event already in progress.²⁷³

Law Enforcement Resources

Law enforcement personnel are a fundamental part of any school security system. A district has several options when it comes to placing commissioned peace officers at schools:

- Create its own police department by commissioning district police officers;
- Enter into a memorandum of understanding with other governmental entities that commission peace officers to place those officers at schools (school resource officers); or
- Hire commissioned peace officers as private security personnel.²⁷⁴

A district is also authorized to adopt a "guardian plan," a local policy that allows certain employees to carry firearms on school premises,²⁷⁵ or to appoint school marshals, who must

undergo a psychological exam and 80 hours of instruction in order to be licensed to carry a weapon on campus.²⁷⁶

Testimony from law enforcement personnel indicated concern about having armed civilian school personnel, such as school marshals or guardians, on campus. Such individuals could create confusion during an emergency situation if peace officers and other first responders are not aware of their existence. Another concern is the level of training these individuals have compared to commissioned peace officers. Even with their extensive training, officers may have a difficult time responding dispassionately in a crisis, and this problem could be magnified if the situation involves an armed teacher and student shooter; however, they recognized that these personnel could be necessary in rural areas due to a lack of available peace officers.²⁷⁷

Dr. Elizabeth Fagen, Superintendent for Humble ISD, argued that district commissioned peace officers are ideal because not only do they have more extensive training specific to the school environment, they also have made a proactive choice that indicates they want to work with students on a campus.²⁷⁸ Unfortunately, some small districts do not have the resources needed to create their own police department.

Law Enforcement vs. Discipline

Texans Care for Children cautioned against allowing the role of officers on campus to extend beyond security and into classroom discipline. Based on an analysis of data from the Texas Juvenile Justice Department (TJJJ) completed by this organization and Texas Appleseed, at least 28 percent of arrests and referrals to TJJJ in 2015 were for school-based behaviors, such as disorderly conduct. It is also important to note that these arrests and referrals disproportionately affect minority students and students with disabilities. Based on a position paper issued in 2015, the National Association of School Resource Officers (NASRO) agrees with this sentiment and recommends that LEAs utilizing school resource officers enter into memoranda of understanding with those officers' agencies that prohibit officers from being involved in disciplinary situations that are the responsibility of school administrators.²⁷⁹

Reporting Applications

Programs that allow for anonymous reporting were extensively discussed. There are several different examples currently being used by LEAs, including many offered for a cost by private companies. Both Crime Stoppers of Houston and the Texas Department of Public Safety (DPS) offer no-cost options for LEAs.

Crime Stoppers of Houston recently founded its Safe Schools Institute, which combines an anonymous tip line (accessible by phone, website, and mobile app) with education components for students, parents, staff and law enforcement. The program is funded through philanthropic efforts and is currently provided at no cost to LEAs in the Houston area.²⁸⁰

DPS has launched a free mobile application called iWatch (also accessible by phone or website) that allows the public to anonymously report suspicious activities directly to DPS, which then refers the information through its fusion centers to the appropriate law enforcement agency or

school administrator. DPS argues that their program is more efficient because the reported information can be connected through other DPS information systems, allowing better surveillance of potential threats.²⁸¹

Humble ISD has implemented a mobile app called iHelp throughout the district. This app is similar to the SafeToTell app that was developed in Colorado in the aftermath of the Columbine shooting and was created by the same developer. The app allows students, families, and staff to anonymously report suspicious or unusual behavior and is constantly monitored by school administrators, school counselors or district law enforcement. The reporter can attach documents, such as photos or audio recordings, and can engage in two-way dialogue with the monitor.²⁸²

Charter School Specific Issues

School Safety Planning & Training

While charters often adopt EOPs to satisfy municipal or insurance requirements, current law does not require them to do so.²⁸³ They are also not required by law to establish an SSSC.

It should be noted that many charter schools attend the training offered by TSSC and the ESCs. The Texas Charter School Association also provides training opportunities, such as active shooter response, as well as model policies that mirror Chapter 37 provisions.²⁸⁴

Law Enforcement Resources

While a charter school is not authorized under current law to commission its own peace officers, it may contract with local entities for school resource officers and appoint school marshals. The Texas Charter School Association has been contacted by several charter schools looking for additional information about implementing guardian plans, but it is unclear whether they are currently authorized to do so.²⁸⁵

Recommendations

Mental Health & Well-Being

The Legislature should require the SBOE to include character education in the TEKS, by either integrating it into the existing TEKS or creating separate standards for this subject.

The Legislature should consider ways to encourage LEAs to adopt trauma-informed, PBIS, and restorative discipline practices in order to create healthy and positive campus environments, which in turn promote school safety.

The SBOE should modify the Health Education TEKS to increase the focus on mental health, including an emphasis on reducing the stigma surrounding mental illness and seeking treatment.

The Legislature should require all school personnel to participate in MHFA training and provide the necessary financial resources to ensure there are no barriers to making this training available to all school personnel.

The Legislature should ensure that LEAs in rural areas or communities that have limited access to mental health services have the financial resources needed to participate in TWITR or similar programs utilizing telemedicine for psychiatric screenings.

LEAs should be encouraged to work with LMHAs, institutions of higher education, and other providers, such as Communities In Schools, to integrate and increase access to mental health services for students both on and off campus. The Legislature should provide additional financial resources to encourage such partnerships.

The Legislature should consider establishing a statewide resource on student mental health and well-being that can provide technical assistance and training to LEAs, bring the ESCs and their expertise together as hubs, and be a clearinghouse for best practices, similar to TSSC for school safety.

School Mental Health Professionals

The Legislature should provide additional financial resources for LEAs to increase the number of school mental health professionals, including school counselors, LSSPs, and social workers, present on campus and clarify the duties expected of those professionals in statute. LEAs should also be encouraged to use these resources to hire support staff to take over the clerical and administrative duties currently being handled by these professionals, and to also consider utilizing volunteers.

As soon as possible, and in collaboration with HHSC and LMHAs, the ESCs should establish mental health crisis intervention teams that can be utilized by the LEAs within each region as needed. The Legislature should ensure that financial resources are provided for this purpose.

School Safety Planning & Training

The Legislature should provide TSSC with the additional resources needed to exercise oversight and audit responsibilities over EOPs and to offer LEAs increased technical assistance and training related to those EOPs.

If TEA and TSSC develop a new school safety certification system, the Legislature should ensure that information regarding LEA safety features is kept confidential.

The Legislature should require TSSC recommended parties to be represented on SSSCs.

The Legislature should authorize TEA to collect information regarding the type and frequency of training related to school safety that LEAs provide for staff.

The CJD should continue to support increased training opportunities for school personnel at all LEAs, including charter schools, and the Legislature should consider additional funding for these efforts when developing the 2020-21 budget.

The Legislature should require EOPs to include training and drills that are specifically geared towards improving parental notification response times.

School Safety Infrastructure

The Legislature should provide TSSC with necessary resources to conduct a study regarding communications interoperability between LEAs, local law enforcement, and other first responders, including the use of “soft” panic buttons, and recommend if state-level assistance with resources or planning is needed.

When planning for safety retrofits, LEAs should consider available research on the impact of different types of safety enhancements to determine how to best invest funding. LEAs should consider also alarm systems that provide a variety of different alarms and replacing fire alarm pulls stations with sprinkler systems, where allowed under the local fire code, as well as door locks that can be controlled from inside the classroom by school personnel.

If the Legislature chooses to appropriate state funding for campus safety retrofits, they should endeavor to base such funding on actual need for safety improvements and prioritize its distribution based on that need as well as LEA financial need.

Due to the vast differences in the needs of LEAs across Texas, the Legislature should allow flexibility on expenditures if the decision is made to provide state funding for school safety related capital items, including an option to focus funding on school safety personnel rather than capital items.

Law Enforcement Resources

While LEAs should be allowed the flexibility to determine how to best provide security for their own campuses, consideration should be given to the overwhelming testimony regarding the benefits of having increased numbers of law enforcement officers that have been trained to work with children in educational settings.

The Legislature should consider giving small districts the option to create joint police departments with other districts.

The Legislature should require LEAs utilizing peace officers on campus to adopt policies that prohibit those officers from being involved in student discipline.

While it could be cost-effective for the state to leverage funds to support the use of a particular reporting app statewide, LEAs should be able to make decisions regarding usage at the local level, and the Legislature should ensure that the state is not funding duplicative efforts in this regard.

Charter School Specific Issues

The Legislature should ensure that statutory provisions related to school safety that apply to districts also apply to charters.

The Legislature should clarify the security personnel options that are available to charters.

APPENDICES



Dan Huberty
Chairman

COMMITTEE ON PUBLIC EDUCATION
TEXAS HOUSE OF REPRESENTATIVES
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Diego Bernal
Vice Chairman

Mr. Mike Morath, Commissioner
Texas Education Agency
1701 N. Congress Avenue
Austin Texas 78701

November 21, 2017

Dear Commissioner Morath:

On November 14, 2017, the Texas House Committee on Public Education considered our interim charge regarding measures to prevent students, educators, and districts affected by Hurricane Harvey from being unintentionally punished by the state's accountability system.

At that hearing, we heard testimony from you and others regarding the benefits of maintaining the current student assessment schedule and the importance of the educational data gathered from those assessments, unrelated to accountability ratings. More importantly, it was confirmed that both the assessments and accountability ratings are required under federal law. However, we also learned that in 2006, in response to Hurricanes Rita and Katrina, TEA did exclude displaced students from the calculation of accountability ratings and allowed certain districts that had experienced closures to receive a "Not Rated" rating.

We also heard testimony from teachers and superintendents regarding the trauma experienced by students, staff and the communities as a whole and the possible negative effects on student test scores. With Hurricane Harvey, we have not only high numbers of displaced students and extended closures, but we have non-displaced students and district staff struggling to rebuild their personal lives and their campuses at the same time. In many cases, everyone at these schools has been impacted by the storm in some way.

In 2005, the main effect of the storms on the public school system was the addition of displaced students along with some campus closures. TEA appropriately excluded those students from accountability ratings and made allowances for the districts that had extended closures. At the very least, we should adopt similar measures to protect affected students and schools, especially when the impact has been so much greater.

Members

Alma A. Allen • Dwayne Bohac • Joe Deshotel • Harold V. Dutton, Jr. • Lance Gooden • Ken King • Linda Koop • Morgan Meyer • Gary VanDeaver

In order to avoid punishing the affected districts, teachers, students and communities for circumstances beyond their control, we ask you to do the following:

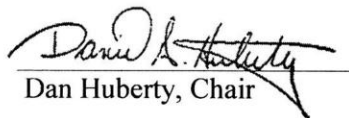
1. Engage in a dialogue with the United States Department of Education regarding the possibility of a waiver from federal requirements for accountability ratings for affected districts and campuses for the 2017-18 school year;
2. Consider excluding displaced students from the calculation of accountability ratings for the 2017-18 school year; and
3. Consider allowing affected districts and campuses to receive a "Not Rated" rating for the 2017-18 school year.


As the Gulf Coast region struggles to rebuild, it is important to remember that those constituents need our support and to recognize the disheartening effect that a failing accountability rating could have on an entire community.

We appreciate your immediate attention to these requests and stand ready to provide any assistance you might need in order to provide this much-needed relief.

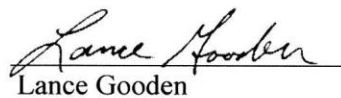
Sincerely,

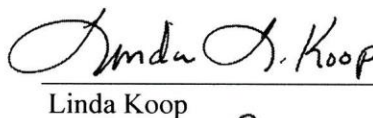
Members of the Texas House Committee on Public Education

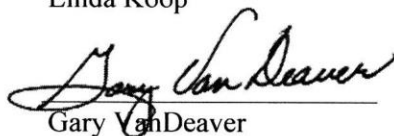

Dan Huberty, Chair

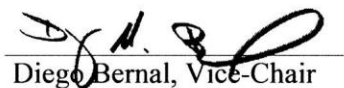

Alma Allen

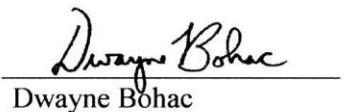

Joe Deshotel

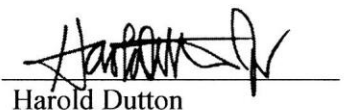

Lance Gooden

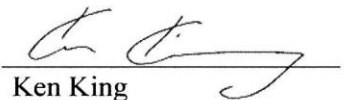

Linda Koop

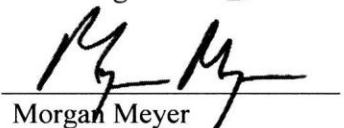

Gary VanDeaver


Diego Bernal, Vice-Chair


Dwayne Bohac


Harold Dutton


Ken King


Morgan Meyer



GOVERNOR GREG ABBOTT

December 11, 2017

Mr. Michael H. Morath
Texas Education Agency
William B. Travis Building
1701 North Congress Avenue
Austin, Texas 78701

Dear Commissioner Morath:

Thank you for your energetic leadership of the Texas Education Agency (TEA) in the months following Hurricane Harvey. TEA's efforts, working in conjunction with the Commission to Rebuild Texas, continue to be critical in the ongoing recovery efforts for a large portion of the state.

I am a firm believer in the importance of academic accountability. It is my objective that all children graduate from our public schools equipped with the knowledge and skills necessary to be college or career ready. However, in times of crisis, it is important to re-examine some regulations related to accountability placed on those living in devastated areas.

With that in mind, consider ways to help relieve some of the pressures on students in areas most affected by Hurricane Harvey. Specifically, it has been brought to my attention that the state is still requiring grade placement committees for all districts located in counties in the Presidential Disaster Declaration.

I certainly recognize and support the purpose behind the Student Success Initiative (SSI). However, I also know some of those requirements could be relaxed in order to provide relief to students in areas hit hardest by the hurricane. As commissioner, you have authority to waive certain SSI provisions. I ask that you do so.

I also ask that you initiate a waiver request to the U.S. Department of Education that would give the state the option of not rating certain campuses while allowing those campuses to receive certain federal funds should it be determined at a later date a "no rating" is in the best interest of those campuses.

Mr. Michael H. Morath
December 11, 2017
Page 2

Texas is a strong state. While Harvey may have toppled buildings, it cannot damage our spirit. By continuing to work together, our state can and will emerge stronger than ever before.

Sincerely,

A handwritten signature in black ink that reads "Greg Abbott". The signature is written in a cursive, flowing style.

Greg Abbott
Governor

GA:jck



Dan Huberty
Chairman

COMMITTEE ON PUBLIC EDUCATION
TEXAS HOUSE OF REPRESENTATIVES
P.O. BOX 2910
AUSTIN, TEXAS 78768-2910
(512) 463-0804

Diego Bernal
Vice Chairman

Mr. Bill Ludwig
Regional Administrator, Southwest Regional Office
Food & Nutrition Service
United States Department of Agriculture
1100 Commerce Street, Room 555
Dallas, Texas 75242

October 27, 2017

Dear Mr. Ludwig:

In immediate response to the devastating effects of Hurricane Harvey on the public schools located in the Texas Gulf Coast region, which directly impacted 1.4 million students, the United States Department of Agriculture waived regulations concerning the National School Lunch Program and School Breakfast Program (NSLP/SBP). This initial waiver applied to school districts located within thirty-nine counties listed in Governor Greg Abbott's state disaster proclamation and was set to expire September 30, 2017. However, an extension was granted through October 31, 2017 for twenty-two of those districts in recognition that they still faced hardship, including nutritional insecurity for their students.

During the most recent House Committee on Public Education hearing, we heard from affected school districts that the October 31st cut-off would not allow school districts to adequately serve their students during the rebuilding process. School officials similarly indicated an urgent need for continued flexibility with regard to the NSLP/SBP regulations, and requested an extension of the waiver through the end of the school semester.

Many schools are utilizing unusual class schedules to handle significant enrollment increases or to accommodate sharing campus facilities with another school. During this rebuilding stage, schools have an ongoing need for meal plan flexibility to reasonably feed students until the damaged campuses are rebuilt and reopened. These programs also help alleviate the burden on families who are struggling with their own personal recovery efforts, especially in those areas that were severely affected.

Members

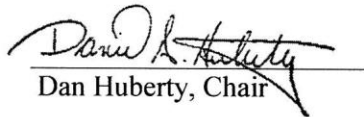
Alma A. Allen • Dwayne Bohac • Joe Deshotel • Harold V. Dutton, Jr. • Lance Gooden • Ken King • Linda Koop • Morgan Meyer • Gary VanDeaver

It is our understanding that the Texas Department of Agriculture has solicited information from these districts regarding their ongoing need and will be requesting an extension of current waivers on their behalf. In light of these ongoing needs and recovery efforts, we urge you to grant any requested extension of waivers related to NSLP/SLB regulations for Texas school districts affected by Hurricane Harvey.

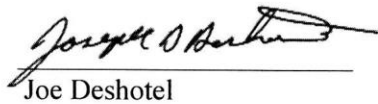
Thank you for your assistance in this matter.

Sincerely,

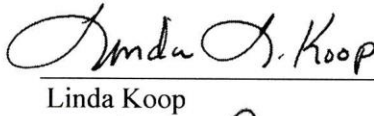
Members of the Texas House Committee on Public Education

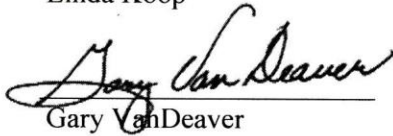

Dan Huberty, Chair

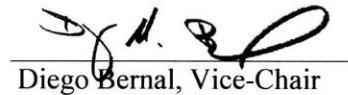

Alma Allen


Joe Deshotel


Lance Gooden

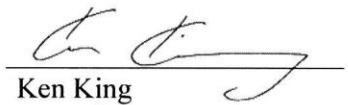

Linda Koop


Gary VanDeaver


Diego Bernal, Vice-Chair


Dwayne Bohac


Harold Dutton


Ken King


Morgan Meyer

TEXAS ASSESSMENT PROGRAM

State and Federally Required Assessments by Grade and Subject for the 2017–2018 School Year														
Grade	STAAR ^a						TELPAS ^a							
	STAAR 3–8 and EOC ^b			STAAR Spanish ^f			STAAR Alternate 2 ^c			Reading	Writing	Listening	Speaking	
K											Reading	Writing	Listening	Speaking
1											Reading	Writing	Listening	Speaking
2											Reading	Writing	Listening	Speaking
3	Math	Reading	Writing ^d				Math	Reading			Reading	Writing	Listening	Speaking
4	Math	Reading	Writing ^d				Math	Reading	Writing ^d		Reading	Writing	Listening	Speaking
5	Math	Reading	Writing ^d	Science			Math	Reading	Science		Reading	Writing	Listening	Speaking
6	Math	Reading	Writing ^d				Math	Reading			Reading	Writing	Listening	Speaking
7	Math	Reading	Writing ^d				Math	Reading	Writing ^d		Reading	Writing	Listening	Speaking
8	Math	Reading	Writing ^d	Science	Social Studies		Math	Reading	Science	Social Studies	Reading	Writing	Listening	Speaking
9											Reading	Writing	Listening	Speaking
10											Reading	Writing	Listening	Speaking
11											Reading	Writing	Listening	Speaking
12											Reading	Writing	Listening	Speaking
EOC ^e	Algebra I	English I	Biology	U.S. History			Algebra I	English I	Biology	U.S. History				
	Algebra II ^g	English II					English II							
	English III ^h	English III ^h												

^aState of Texas Assessments of Academic Readiness

^bSTAAR end-of-course (EOC) assessments are not associated with particular grade levels; students take EOC assessments for courses in which they're enrolled as part of their graduation requirement.

^cSTAAR Spanish assessments are available for students in grades 3-5 for whom an assessment in Spanish provides the most appropriate measure of academic progress. Federal requirements indicate that a State must make every effort to develop assessments in the languages that are present to a significant extent in the participating student population.

^dSTAAR Alternate 2 is an alternate assessment based on alternate achievement standards for students with the most significant cognitive disabilities.

^eThe Texas English Language Proficiency Assessment System is for students currently classified as Limited English Proficient.

^fFederal requirements indicate that a State must assess the full breadth of the English language arts curriculum.

^gThe federal Elementary and Secondary Education Act requires the assessment of reading, mathematics, and science in at least one high school grade.

^hAlgebra II and English III are optional assessments.

State Required Only

Federally Required Only

State and Federally Required

Appendix D

ENDNOTES

- ¹ Tropical Cyclone Report on Hurricane Harvey (May 2018), National Hurricane Center website: https://www.nhc.noaa.gov/data/tcr/AL092017_Harvey.pdf.
- ² Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, April 18, 2018. Updated information has been provided by TEA.
- ³ Tex. Educ. Code, §42.005(d).
- ⁴ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, April 18, 2018. The six districts that applied for and received funding for increased ADA for the 2017-18 school year are Calallen, College Station, Cuero, Gregory Portland, Splendora, and Victoria.
- ⁵ Tex. Educ. Code, §42.005(d).
- ⁶ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, April 18, 2018. Updated information has been provided by TEA.
- ⁷ *Id.* The 12 districts that ordered reappraisals for 2017 are Conroe, Fort Bend, Humble, Katy, Lamar, La Porte, Magnolia, Montgomery, New Caney, Splendora, Spring Branch, and Willis.
- ⁸ Dr. Stephen Patterson, Superintendent, Orangefield ISD. Oral Testimony. House Committee on Public Education Hearing, October 12, 2017.
- ⁹ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, April 18, 2018.
- ¹⁰ Tex. Educ. Code, §42.2523.
- ¹¹ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, April 18, 2018.
- ¹² TEA is not aware of any districts that were unable to cover debt service payments during the 2017-18 school year.
- ¹³ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, April 18, 2018.
- ¹⁴ *Id.*
- ¹⁵ Tex. Educ. Code, §41.0931.
- ¹⁶ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, April 18, 2018. Updated information has been provided by TEA.
- ¹⁷ Tex. Educ. Code, §42.2524.
- ¹⁸ For example: Dr. Elizabeth Fagen, Superintendent, Humble ISD. Oral Testimony. House Committee on Public Education Hearing, October 12, 2017.
- ¹⁹ Information obtained from TEA in Dec. 2017.
- ²⁰ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, April 18, 2018. Updated information has been provided by TEA.
- ²¹ *Id.*
- ²² Mike Morath, Commissioner for Education, TEA. Oral Testimony. House Committee on Public Education Hearing, Nov. 14, 2017.
- ²³ Information obtained from TEA.
- ²⁴ Mike Morath, Commissioner for Education, TEA. Oral Testimony. House Committee on Public Education Hearing, Nov. 14, 2017.
- ²⁵ See Appendix A for a copy of this correspondence.
- ²⁶ See Appendix B for a copy of this correspondence.
- ²⁷ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, April 18, 2018.
- ²⁸ Mike Morath, Commissioner for Education, TEA. Oral Testimony. House Committee on Public Education Hearing, Nov. 14, 2017.
- ²⁹ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, April 18, 2018.
- ³⁰ TEA website: <https://tea.texas.gov/2018accountabilitymanual.aspx>
- ³¹ Information obtained from TEA.
- ³² Joseph Patek III, Superintendent, Aransas County ISD. Oral Testimony. House Committee on Public Education Hearing, Nov. 14, 2017.

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- ³³ Catherine Wright Steele, Food & Nutrition Administrator, Texas Department of Agriculture. Oral Testimony. House Committee on Public Education Hearing, Nov. 14, 2017. Updated information has been provided by TEA.
- ³⁴ For example: Dr. Elizabeth Fagen, Superintendent, Humble ISD. Oral Testimony. House Committee on Public Education Hearing, October 12, 2017.
- ³⁵ See Appendix C for a copy of this correspondence.
- ³⁶ Catherine Wright Steele, Food & Nutrition Administrator, Texas Department of Agriculture. Oral Testimony. House Committee on Public Education Hearing, November 14, 2017. Updated information was unavailable.
- ³⁷ Mike Morath, Commissioner for Education, TEA. Oral and Written Testimony. House Committee on Public Education Hearings, November 14, 2017, and April 18, 2108.
- ³⁸ McKinsey & Company, *Closing the Talent Gap: Attracting and retaining top-third graduates to careers in teaching*, (September 2010), available at <https://www.mckinsey.com/~media/mckinsey/industries/social%20sector/our%20insights/closing%20the%20teaching%20talent%20gap/closing-the-teaching-talent-gap.ashx>.
- ³⁹ *Id.*
- ⁴⁰ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, August 8, 2018.
- ⁴¹ H.B. 1, 79th Legislature, 3rd Called Session, 2006.
- ⁴² Rider 72, page III-21, H.B. 1, 80th Legislature, Regular Session, 2007 (General Appropriations Act).
- ⁴³ National Center on Performance Incentives, *Texas Educator Excellence Grant (TEEG) Program: Year Three Evaluation Report*, (August 31, 2009), available at https://my.vanderbilt.edu/performanceincentives/files/2012/10/200908_SpringerEtAl_TEEG_Year31.pdf; National Center on Performance Incentives, *Governor's Educator Excellence Grant (GEEG) Program: Year Three Evaluation Report*, (August 31, 2009), available at https://my.vanderbilt.edu/performanceincentives/files/2012/10/200908_SpringerEtAl_GEEG_Year3.pdf.
- ⁴⁴ National Center on Performance Incentives, *District Awards for Teacher Excellence (D.A.T.E.) Program: Final Evaluation Report*, (December 2010), available at https://my.vanderbilt.edu/performanceincentives/files/2012/10/FINAL_DATE_REPORT_FOR_NCPI_SITE4.pdf.
- ⁴⁵ H.B. 1751, 83rd Legislature, Regular Session, 2013.
- ⁴⁶ Information obtained from TEA.
- ⁴⁷ Governor's Supplemental Call Proclamation, (July 10, 2017), available at https://gov.texas.gov/uploads/files/press/SupplementalCall_07102017.doc_.pdf.
- ⁴⁸ H.B. 198, 85th Legislature, First Called Session, 2015.
- ⁴⁹ H.B. 21, 85th Legislature, First Called Session, 2015.
- ⁵⁰ Recommendations for the Texas Public School Finance Commission's Outcomes and Expenditures working groups are available at <https://tea.texas.gov/schoolfinancecommission/>.
- ⁵¹ Christopher Green, Master Teacher, San Antonio ISD. Written and Oral Testimony. House Committee on Public Education Hearing, August 8, 2018.
- ⁵² National Board for Professional Teaching Standards website: <https://www.nbpts.org/standards-five-core-propositions/>.
- ⁵³ Impact Brief, National Board for Professional Teaching Standards website: https://www.nbpts.org/wp-content/uploads/impact_brief_final.pdf.
- ⁵⁴ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, August 8, 2018.
- ⁵⁵ *Id.*
- ⁵⁶ Teaching Residency Programs: A Multisite Look at a New Model to Prepare Teachers for High-Need Schools, National Center for Education Evaluation and Regional Assistance (NCEE) website: <https://ies.ed.gov/ncee/pubs/20154002/>.
- ⁵⁷ Grow Your Own One Pager, TEA website: https://tea.texas.gov/About_TEA/Government_Relations_and_Legal/GR/Governmental_Relations/.
- ⁵⁸ Ingersoll, R., & Strong, M. (2011). *The Impact of Induction and Mentoring Programs for Beginning Teachers: A Critical Review of the Research*. Retrieved from https://repository.upenn.edu/gse_pubs/127.
- ⁵⁹ Tex. Educ. Code, §21.453.
- ⁶⁰ Charles A. Dana Center (2002). *Texas Beginning Educator Support System Evaluation Report for Year Three – 2001-02*.
- ⁶¹ H.B. 1, 79th Legislature, 3rd Called Session, 2006.
- ⁶² Tex. Educ. Code, §21.453.
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- ⁶³ Information obtained from TEA.
- ⁶⁴ H.B. 2012, 83rd Legislature, Regular Session, 2013.
- ⁶⁵ Texas Teacher Mentoring Advisory Committee Report (December 2014), TEA website: https://tea.texas.gov/Reports_and_Data/Legislative_Reports/Legislative_Reports_-_84th_Session/.
- ⁶⁶ H.B. 816, 85th Legislature, Regular Session, 2017.
- ⁶⁷ Milton Perez, Teacher, Round Rock ISD. Written and Oral Testimony. House Committee on Public Education Hearing, August 8, 2018.
- ⁶⁸ Katie Benningfield, Teacher, Dallas ISD. Written and Oral Testimony. House Committee on Public Education Hearing, August 8, 2018.
- ⁶⁹ Evaluation of Accelerating Campus Excellence (ACE) 2015-16, Dallas ISD website: <https://www.dallasisd.org/site/handlers/filedownload.ashx?moduleinstanceid=66303&dataid=88235&FileName=Evaluation%20of%20Accelerating%20Campus%20Excellence%20ACE%202015-16.pdf>.
- ⁷⁰ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, August 8, 2018.
- ⁷¹ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, May 24, 2018.
- ⁷² S.B. 313, 84th Legislature, Regular Session, 2015.
- ⁷³ The SBOE gave final approval to revisions to the English and Spanish language arts and reading TEKS in 2015; however, they are not scheduled to be implemented until the 2019-2020 school year for kindergarten-grade 8 and the 2020-2021 school year for high school.
- ⁷⁴ The SBOE most recently streamlined the science TEKS. This subject is scheduled for a full revision to begin in 2019.
- ⁷⁵ The SBOE gave final approval to streamlined social studies TEKS in November 2018. They are scheduled for implementation in the 2019-2020 school year for middle and high school and the 2020-2021 school year for kindergarten-grade 5.
- ⁷⁶ The original TEKS are still being implemented because TEKS for health education and physical education have not yet been revised. These subjects are scheduled to be revised beginning in early 2019.
- ⁷⁷ Texas Education Agency. Dates when the TEKS were last updated.
- ⁷⁸ H.B. 743, 84th Legislature, Regular Session, 2015.
- ⁷⁹ Texans Speak: Public Feedback on Assessment and Accountability Systems, TEA website: https://tea.texas.gov/About_TEA/Leadership/State_Board_of_Education/SBOE_Meetings/Community_Conversations_about_Assessment_and_Accountability/.
- ⁸⁰ H.B. 2804, 84th Legislature, Regular Session, 2015.
- ⁸¹ Final Report of the Texas Commission on Next Generation Assessments and Accountability, TEA website: <https://tea.texas.gov/2804commission.aspx>.
- ⁸² Tex. Educ. Code, §§ 28.0211, 28.0258.
- ⁸³ Tex. Educ. Code, § 39.025 (a-1).
- ⁸⁴ H.B. 743, 84th Legislature, Regular Session, 2015.
- ⁸⁵ To the Administrator Addressed: 2017 Spring STAAR Administration (March 21, 2017), TEA website: https://tea.texas.gov/About_TEA/News_and_Multimedia/Correspondence/TAA_Letters/2017_Spring_STAAR_Administration/.
- ⁸⁶ H.B. 515, 85th Legislature, Regular Session, 2017.
- ⁸⁷ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, May 24, 2018.
- ⁸⁸ *Id.* Additional information has been provided by TEA.
- ⁸⁹ *Id.* Additional information has been provided by TEA.
- ⁹⁰ TEA Issues Notice of Intent to Award on Contracted Services for Student Assessment (TEA Press Release, May 18 2015), available at http://blogs.houstonisd.org/hisdacademicmemos/wp-content/uploads/sites/15/gravity_forms/2-b18b158c2f279cf25b600c39bae04778/2015/05/TEA-ContractedServices-StudAsmt-051815-3.pdf.
- ⁹¹ To the Administrator Addressed: Significant Changes to June STAAR Testing for Grades 5 and 8, Student Success Initiative (SSI) Requirements and Confidential Student Report Timelines (June 10, 2016), TEA website: [https://tea.texas.gov/About_TEA/News_and_Multimedia/Correspondence/TAA_Letters/Significant_Changes_to_June_STAAR_Testing_for_Grades_5_and_8_Student_Success_Initiative_\(SSI\)_Requirements_and_Confidential_Student_Reporting_Timelines/](https://tea.texas.gov/About_TEA/News_and_Multimedia/Correspondence/TAA_Letters/Significant_Changes_to_June_STAAR_Testing_for_Grades_5_and_8_Student_Success_Initiative_(SSI)_Requirements_and_Confidential_Student_Reporting_Timelines/)
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- ⁹² TEA Announces ETS Liquidated Damages (Press release, Aug. 23, 2016), TEA website (cached): https://webcache.googleusercontent.com/search?q=cache:li2v_LjsACEJ:https://tea.texas.gov/About_TEA/News_and_Multimedia/Press_Releases/2016/TEA_announces_ETS_liquidated_damages/+&cd=1&hl=en&ct=clnk&gl=us.
- ⁹³ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, May 24, 2018.
- ⁹⁴ Tex. Educ. Code, §§ 28.0211.
- ⁹⁵ H.B. 657, 85th Legislature, Regular Session, 2017.
- ⁹⁶ Tex. Educ. Code, §§ 39.025.
- ⁹⁷ SB 149, 84th Legislature, Regular Session, 2015.
- ⁹⁸ Tex. Educ. Code, §§ 28.0258.
- ⁹⁹ S.B 463, 85th Legislature, Regular Session, 2017.
- ¹⁰⁰ 2016-17 Annual Individual Graduation Committee Data, TEA website: <https://tea.texas.gov/acctres/dropcomp/years.html#igc>.
- ¹⁰¹ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, May 24, 2018.
- ¹⁰² H.B. 1164, 84th Legislature, Regular Session, 2015.
- ¹⁰³ House Bill 1164 Texas Writing Pilot Program Report, TEA website: [https://tea.texas.gov/Student_Testing_and_Accountability/Testing/State_of_Texas_Assessments_of_Academic_Readiness_\(STAAR\)/The_Texas_Writing_Pilot_Program/](https://tea.texas.gov/Student_Testing_and_Accountability/Testing/State_of_Texas_Assessments_of_Academic_Readiness_(STAAR)/The_Texas_Writing_Pilot_Program/)
- ¹⁰⁴ Final Report of the Texas Commission on Next Generation Assessments and Accountability, TEA website: <https://tea.texas.gov/2804commission.aspx>.
- ¹⁰⁵ Mike Morath, Commissioner for Education, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, May 24, 2018.
- ¹⁰⁶ *Id.*
- ¹⁰⁷ Data Report: Redefining Assessment, New York Performance Standards Consortium website: <http://www.performanceassessment.org/research/>.
- ¹⁰⁸ Penny Schwinn, Deputy Commissioner for Academics, TEA. Written and Oral Testimony. House Committee on Public Education Hearing, May 24, 2018.
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