



**TLEEC Testimony Before the House Public Education Committee  
Interim Charge 1B: Monitoring implementation of HB 1842 (84, R)**

**September 30, 2020**

Chairman Huberty, Vice Chair Bernal, and Members of the Committee,

The Texas Legislative Education Equity Coalition (TLEEC) comprises over 20 organizations and groups to advocate for quality public education for all children through a lens of racial equity. Since 2001, TLEEC has advocated at the local, state, and national levels for high-quality teaching, curriculum and instructional practices, and bilingual education for English language learners, as well as for fair funding and enhanced college access and success.

Thank you for the opportunity to testify on HB 1842 (84th Regular Session), which imposed new accountability sanctions and interventions for school campuses and districts.<sup>1</sup>

HB 1842 broadened the Commissioner of Education’s authority to intervene upon school districts as part of the state accountability system. These interventions include the Commissioner of Education’s appointment of alternative management for a district, which dissolves or undercuts the governing power of a locally elected school board.

State-appointed management over public school districts, or “state takeovers,” in the name of school improvement are an ineffective intervention for two reasons: 1) they seldom result in demonstrable academic improvement in the district; and 2) they are often unfairly leveraged to manage districts that are either governed by a board that is populated by a majority of people of color, and/or that serve a majority of students of color.

Studies show that state alternative management of public school districts does not lead to increased academic achievement and further destabilizes the school district.<sup>2</sup> This turmoil can result in increased

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<sup>1</sup> Wilson, T. & Sikes, C. L. (2020). “Another Zero-Tolerance Failure—State Takeovers of School Districts Don’t Work.” IDRA, <https://www.idra.org/resource-center/another-zero-tolerance-failure-state-takeovers-of-school-districts-dont-work-issue-brief/>.

<sup>2</sup> Wong, K. & Shen, F. X. (2005). When mayors lead urban schools: Assessing the effects of takeover. In W. Howell (Ed.) *Besieged*. The Brookings Institution.

teacher and staff turnover at the district, as well as the elimination of parental and community engagement in district decision-making.<sup>3</sup>

Moreover, state takeovers as a reform strategy tend to exacerbate racial segregation within a district's community through the destabilization of public school enrollment and the prevention of engagement.<sup>4</sup> At 85%, state takeovers throughout the country overwhelmingly affect majority black and majority Latino school districts.<sup>5</sup> School districts that are governed by and serve a majority black population are 11 times more likely to have the local school board abolished by the state as opposed to majority white-serving districts.<sup>6</sup>

Some TLEEC members have witnessed the negative consequences of state takeovers on their local school districts. One example is Houston ISD, which serves a student population that is over 90% students of color and had a majority black and Latino board at the time of intervention.<sup>7</sup> The Commissioner of Education decided to abolish the newly elected school board in order to appoint a board of managers because of the persistently low accountability rating of one school campus, despite the district's overall passing accountability rating. The Commissioner lowered the district's accreditation status because of this particular campus's accountability rating. The state intervention process has destabilized community trust in the state's management of the district.<sup>8</sup>

Several groups, including the Houston Federation of Teachers, filed a lawsuit against the Texas Education Agency in federal court claiming the Commissioner's takeover of Houston ISD so soon after an election violated the Voting Rights Act and the district's right to due process. The case was remanded by the federal judge to a state court where the plaintiffs were successful in securing a preliminary injunction to temporarily block the state's appointment of a board of managers.<sup>9</sup> The case is ongoing.

Harlandale ISD in Bexar County is another example of state overreach through accountability interventions for alternative management at a district that serves an overwhelming majority of students of

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Zimmer, R., Henry, G. T., & Kho, A. (2017). The effects of school turnaround in Tennessee's achievement school district and innovation zones. *Educational Evaluation and Policy Analysis*, 39(4), 670-696. <https://journals.sagepub.com/doi/abs/10.3102/0162373717705729>.

Morel, D. (2018). *Takeover: Race, education, and American democracy*. Oxford University Press.

Harris, A. (2019, October). "An attempt to resegregate Little Rock, of all places," *The Atlantic*. <https://www.theatlantic.com/education/archive/2019/10/little-rock-still-fighting-school-integration/600436/>.

<sup>3</sup> Greenblatt, A. (2018). The Problem with School Takeovers. *Governing*, <https://www.governing.com/topics/education/gov-school-takeovers-newark-new-jersey.html>.

Morel, D. (2018). *Takeover: Race, education, and American democracy*. Oxford University Press.

<sup>4</sup> Morel, D. (2018). *Takeover: Race, education, and American democracy*. Oxford University Press.

Harris, A. (2019, October). "An attempt to resegregate Little Rock, of all places," *The Atlantic*. <https://www.theatlantic.com/education/archive/2019/10/little-rock-still-fighting-school-integration/600436/>.

<sup>5</sup> Morel, D. (2018). *Takeover: Race, education, and American democracy*. Oxford University Press.

<sup>6</sup> Morel, D. (2018). *Takeover: Race, education, and American democracy*. Oxford University Press.

<sup>7</sup> TEA District Detail Snapshot (2019). PEIMS 2018-2019.

<sup>8</sup> Isensee, L. (2019). "Coalition of Parents, Students, Teachers Pushes Back Against Potential State Takeover of Houston Schools." *Houston Public Media*, <https://www.houstonpublicmedia.org/articles/news/education-news/2019/04/09/328560/coalition-of-parents-students-teachers-push-back-against-potential-state-takeover-of-houston-schools/>.

<sup>9</sup> *Houston Indep. Sch. Dist. v. Tex. Educ. Agency* (459th Judicial District, Travis County, TX, Cause No. D-1-GN-19-003695). (Houston State District Court Order Granting Injunction).

color and had a majority Latino board of trustees at the time of intervention.<sup>10</sup> Following allegations of the board's financial mismanagement and governing rules violations, the Commissioner of Education notified the board that a new superintendent would be installed as a conservator of the district and a board of managers appointed in place of the elected school board.<sup>11</sup> There has been significant community outrage over the state's intervention of the district and concerns expressed by community members and local education advocates.

## **Recommendations**

The provisions of HB 1842 and other components of the Texas Education Code, Chapter 39, that facilitate “state takeovers” of local school districts should be revisited and modified to incorporate community-based turnaround measures that include holistic, wraparound services to better support schools with various issues that impact students’ performance. This type of evidence-based model is often referred to as Community Schools and has been shown to facilitate grassroots changes for far-reaching educational improvements.<sup>12</sup>

The TLEEC members listed below thank the Committee for the opportunity to testify. If you have any questions, please contact Ana Ramón, IDRA Deputy Director of Advocacy, at [Ana.Ramon@idra.org](mailto:Ana.Ramon@idra.org), Fátima Menéndez, MALDEF Legislative Staff Attorney, at [fmenendez@maldef.org](mailto:fmenendez@maldef.org), or Chloe Latham Sikes, Ph.D., IDRA Deputy Director of Policy, at [chloe.sikes@idra.org](mailto:chloe.sikes@idra.org).

### **TLEEC Member Organization Signatures (*not all members selected to sign on to this testimony*):**

Dr. Hector P. García G.I. Forum| Breakthrough Central Texas | Easterseals Central Texas| Education Wise, LLC| Every Texan| Houston Community Voices for Public Education| IDRA (Intercultural Development Research Association)| McNeil Educational Foundation for Ecumenical Leadership| Mexican American Legal Defense and Educational Fund (MALDEF)| Mexican American School Board Members Association (MASBA)| National Association for Chicana and Chicano Studies (NACCS) – Tejas Foco| San Antonio Hispanic Chamber of Commerce| Texas American Federation of Teachers| Texas Association for Bilingual Education (TABE)| Texas Association for Chicanos in Higher Education (TACHE)| Texas Association of Mexican American Chambers of Commerce (TAMACC)| Texas Center for Education Policy, University of Texas – Austin| Texas Hispanics Organized for Political Education (HOPE)| Texas League of United Latin American Citizens (LULAC)| Texas NAACP| Texas State Teachers Association (TSTA)| UnidosUS (formerly known as NCLR)

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<sup>10</sup> TEA District Detail Snapshot (2019). PEIMS 2018-2019.

<sup>11</sup> Donaldson, E. (2019). TEA Orders State Takeover, New Superintendent for Harlandale ISD.

<sup>12</sup> Coalition for Community Schools. “What is a Community School?”.  
[http://www.communityschools.org/aboutschools/what\\_is\\_a\\_community\\_school.aspx](http://www.communityschools.org/aboutschools/what_is_a_community_school.aspx).