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To the Members of the Texas House Public Education Committee:

Texas AFT is writing regarding to Interim Charge 1[B]: *HB 1842 (84R) and SB 1882 (85R), which relate to public school accountability, assessment, interventions, and district-charter partnerships.*

House Bill (HB 1842) 1842 made it easier for the state to take over schools in the name of school improvement. It broadened the Commissioner of Education's authority to dissolve locally elected school boards and replace them with a board of managers if a district has even one school not meeting the state's assessment standards for five consecutive years. Standardized tests have never had higher stakes.

The results of state takeover of public schools have been mixed at best. These moves rarely improve academic performance and often lead to the disenfranchisement of students, educators, and the community, who lose democratic representation when a board of managers is appointed.

National studies have shown that state takeovers can further destabilize the school district and compound racial and equity issues (Harris, 2019; Morel, 2018).

- There is frequently mass teacher and staff turnover as the result of a takeover (Greenblatt, 2018).
- Parents and community are often excluded in district decision-making (Morel, 2018)
- Takeovers disproportionately occur in minority communities.
 - As a reform strategy, they have been criticized for exacerbating racial segregation within a district community (Harris, 2019; Morel, 2018).
 - About 85% of state takeovers across the country affect majority Black and majority Latino school districts (Morel, 2018).
 - School districts governed by and serving a majority Black population are 11 times more likely to have the local school board abolished by the state than majority white-serving districts (Morel, 2018).

State Takeovers in Action

Marlin Independent School District

Marlin ISD received an "academically unacceptable" rating from the Texas Education Agency (TEA) in 2011. In 2013 and 2014, the TEA gave it "improvement required." Then in September 2015, the TEA sent a letter stating it planned to revoke the accreditation on July 1, 2016, which would lead to the closure of the district. While technically not prompted by HB 1842, this

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incident remains a good example of how district takeovers can backfire. In 2016, the TEA replaced the Marlin Independent School District's board of trustees with state-appointed managers. Since then, the district has seen a revolving door of managers, the suspension of the latest superintendent, and the revocation of Marlin's accreditation status for the 2018-19 year, occurring after failing state academic accountability standards.

Houston Independent School District

On Nov.6, 2019, one day after the election of several new school board members, TEA announced its intentions to take over Houston ISD. The commissioner plans to abolish the newly elected school board and appoint a board of managers, a move based on misconduct by previous board members and the chronic low accountability rating of a single school campus. The commissioner lowered the accreditation status of the entire school based on one out of 284 schools' performance. This occurred just after TEA awarded Houston public schools an academic accountability rating of 88: — nearly an A grade. The future of the school district remains in the balance as litigation continues over whether the state has violated the Voting Rights Act and the district's right to due process by attempting to take over right after the new school board was elected last November.

The Impact of Senate Bill (SB) 1882

If HB 1842 is the stick, then SB 1882 is certainly meant to be the carrot. While it is true non-failing schools can use SB 1882 to form partnerships with outside organization to take over their school, SB 1882 is presented as a lifeline for districts backed into a corner and fear state takeover. If districts are willing to turn over governance and control over curriculum of their failing schools to a third party approved by TEA, then they can keep their school boards and are essentially left in peace. The benefits of SB 1882 include a two-year reprieve of accountability for the school district; they still get ratings, but those ratings are not counted against the district, and the school gets extra money for students.

However, 1882 has become a tool for privatization and a way for charters to expand across the state. According to Intercultural Development Research Association's (IDRA) research, charter management organizations hold 40% of the 77 campus partnership contracts across the 16 Texas school districts that currently have SB 1882 partnerships. The success of private-public partnerships in schools depends on the nature of the agreement, the level of public accountability (Horsford, et al., 2019), and the level of family engagement (Henderson, 2011; Preston, et al., 2012). That said, Texas law does not require SB 1882 partnerships to include specific levels of accountability and family engagement. The partnerships themselves lack accountability and may disenfranchise the communities they are supposed to be helping. As a result, these partnerships often fail to yield the promised results of academic improvement.

In San Antonio ISD, the controversy over allowing Democracy Prep to take over P.F. Stewart Elementary School received widespread media coverage due to pushback from the community and from the local teacher's union. The decision to allow the charter operator to take over the campus was made by the school board out of fear that TEA would either close the failing school or take over the district. The board relinquished control designing the academic program, school calendar, and governance — including staff. In return, San Antonio received an \$888 per student increase, from \$9,479 per student based on district funding to \$10,367 per student based on the state's charter funding for the school, as a result of the SB 1882 partnership. Still, the campus has

struggled, as have other similar partnerships the district has made in the three years since the law was passed.

San Antonio ISD 1882 In District Charters (data for 2019):

School	Number of Students	Percent Economically Disadvantaged	Overall Rating	Overall Score	Average Teacher Experience (years)	Average Teacher Salaries
Ogden Elementary School - operated by Relay since 17-18	679	96.9%	F	55	4.8	\$49,147
Stewart Elementary School - operated by Democracy Prep since 18-19	350	95.4%	D	61	*5.4	*\$53,510
Storm Elementary School - operated by Relay since 18-19	305	98.7%	F	47	5	\$55,910

*data from 2018

In March 2020, TEA adopted new rules that expand the commissioner of education's authority in SB 1882. These rules will expand charter operators' power in SB 1882 partnerships without showing those partnerships are good for Texas students. We have two major concerns:

- New rules require that partners have governing boards independent of the school district's board and maintain full control of the school campus budgets. This effectively sets up a separate system of governance that isn't held to the same level of accountability or standards regarding transparency as the democratically elected school board. It also means that parents and community members are not represented on the board by members they have chosen to be their voice.
- Funding inequities within districts will arise between charter-managed and district-managed schools since SB 1882-contracted campuses receive the greater of charter or district-level funds. Charter schools on average receive greater funds than districts entering into these partnerships based on a flat statewide rate instead of specific district rates. Also, changes made during partnerships that rely on additional funding will be hard to sustain, especially during likely COVID-19-induced cuts.

Alternatives to HB 1842 & SB 1882

Research by the Learning Policy Institute, IDRA, and the Coalition for Community Schools has shown family and community engagement, supportive funding, a diverse and certified teacher workforce, racial and socioeconomic integration, and culturally relevant practices are all necessary components for schools to be successful and for school districts to thrive.

The Learning Policy Institute's review of the evidence on community schools in 2017 found that when implemented effectively and given sufficient time to mature, the model helped close achievement gaps for students from low-income families and English learners. Community schools are associated with improvements in student attendance, engagement, behavior, and academic performance. These benefits help to create a more equitable society and increase the

number of young people who are prepared to succeed in college, career, and civic life. The Learning Policy Institute concluded there was ample evidence to meet the ESSA standard for an evidence-based intervention.

In Austin ISD, many campuses use community schools' strategies to reduce student mobility, increase graduation rates, improve academic performance, and increase attendance and enrollment. These strategies helped to turn Reagan High School, now Northeast High School, from a low performer into an early college high school with a 98% graduation rate.

In 2014, Yolanda Black Navarro Middle School in Houston ISD was rated as "Improvement Required" (IR). The rating triggered a state statute requiring the campus be placed in reconstitution (meaning that all staff may be removed or reassigned). In 2015, the campus began working with community partners and staff to develop and adopt a community school's framework to address areas requiring work. This plan was adopted in 2017 as part of the district's policy on wraparound supports and community schools, which also was adopted in 2017. Over the next two years, Navarro saw improvements in almost every target area:

- Teacher turnover reduced significantly to almost zero.
- The campus went from IR to meeting all indexes for the first time.
- Student discipline decreased by over 58% within 2 years using restorative practices.
- They brought in 18 new partners from the community.
- The school provided 371 interventions that supported students and families.

Recommendations

Based on the research, Texas AFT recommends the following alternatives to state takeover policies and privatization.

- States should adopt community-based turnaround efforts – such as community schools instead of state takeovers or private partnerships. Community schools support the campus and the community holistically with integrated student support, partnerships and deep community and family engagement.
- States should explore options that treat local districts as the democratic entities that they are intended to be. In the event of corruption or malpractice, districts can hold special elections to remove individuals from school boards. In the case of multiple special elections, a community advisory committee can help restructure and retrain new board members and district administrators.

Resources

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- Texas Education Code, §39A.001. Accountability Interventions and Sanctions, Interventions and Sanctions for School Districts. <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.39A.htm#39A>

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Thank you for considering our comments as part of your future recommendations and planning.

Sincerely,

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