



ASSESSMENT, ACCOUNTABILITY, SANCTIONS & INTERVENTIONS

September 30, 2020

Re: Interim Charge 1[B]: HB 1842 (84R), HB 22 (85R), SB 1882 (85R), and HB 3906, which relate to public school accountability, assessment, interventions, and district-charter partnerships. Monitor the ongoing progress of the TEA's implementation and rulemaking of the A-F rating system, the State of Texas Assessments of Academic Readiness (STAAR), and public school sanctions and interventions.

On behalf of the 65,000 members of the Texas State Teachers Association (TSTA), the following are comments in response to the House Committee on Public Education formal Request for Information (RFI) pertaining to Assessment, Accountability, Sanctions & Interventions.

TSTA has serious reservations about the detrimental effects of the excessive and punitive use of high stakes standardized tests in the accountability system. Tests should be used to assist educators in determining student strengths and weaknesses to inform instruction. However, these tests, including pretest drills and practice tests, consume much needed instructional time for real teaching and learning. And despite the availability of other turnaround models for struggling schools, such as the community schools model, the results of these tests are used to make policy decisions, including campus grading (A-F), closing campuses and terminating employees.

STAAR

Even in normal years, high-stakes testing wastes money and valuable classroom time for teachers and students. Instead of effectively measuring student learning, STAAR testing dominates the state's school "accountability" system, and, unless the law is changed, will continue to largely determine what letter grades schools and districts receive under the A-F grading system. Many parents and educators detest the student stress and the lost learning time inflicted by these standardized tests. TSTA—like many other stakeholders, members of the education community, and legislators—urges the Legislature to abolish or drastically cut back on the STAAR program.

Before the COVID-19 pandemic hit Texas, a large and growing body of Texas parents, teachers, students and administrators openly agreed that STAAR is an outdated test that needs changing. Further, recent education research supports the notion, as does research conducted throughout the last generation.¹ As early as 1990, Robert Linn, an educational scholar, warned that tests based on the item response theory, the same theory that the STAAR test is based on, might not measure what they claim to measure. In 2016, reports stated that causation between test score gains and quality of instruction could be as low as 3%. Worse, in 2019, a study found that models that purported to measure a teacher's impact on students' standardized test scores were only a bit more trustworthy than if the exact same models were used to determine an educator's impact on students' heights. Research on this issue is so consistent that the American Academy of Sciences issued a report that indicates such test scores are not a valid measure for teacher performance. The STAAR test has proven time and time again that it does not measure what it needs to measure and scores on these high-stakes test have almost no correlation to differentiations in instruction. Simply breaking up and rearranging the tests will not fix the issue.

¹ <https://www.texasmonthly.com/the-daily-post/why-are-so-many-texas-students-struggling-with-staar/>

Even in years where Texas is not facing a massive budget deficit, STAAR exams waste millions of tax dollars. In 2020-2021 alone, the contract for the primary test administrator is for approximately \$73 million. Now, as the state's and local governments' revenues continue to decline due to the pandemic's toll on the economy in addition to increased expenses, we cannot afford yet another expense. Especially not at the expense of our students.

STAAR exams and test preparation, aside from the monetary expense, rob students and teachers of valuable classroom time. Accountability cannot work when assessment fails to provide meaningful feedback related to classroom realities. TEA continues to stand by the test and in doing so, insinuates that low test scores are due to quality of instruction or school culture. Ask any parent, teacher or student in the system, and they will tell you that something needs to change. This year, even more than any other, we cannot afford the distraction of STAAR exams and test preparation as we adjust to the new realities of our public schools.

We should not be moving forward with STAAR testing for school districts. It is not appropriate in these circumstances. This is not education as normal.

TSTA respectfully urges Chairman Huberty and the House Committee on Public Education to change testing in our public schools to instruments that focus on diagnostic screening at the start of the school year in order to inform teachers of students' instructional needs.

A-F GRADING SYSTEM

In the 2013 and 2015 legislative sessions, bills were filed that would have created a statewide school district to be managed in Austin by a superintendent appointed by the commissioner, who would run schools that have been consistently "low-performing" in the state's test-based accountability system. These bills failed, but under current law, the commissioner can appoint a Board of Managers to run a local school district if problems with low performing campuses are not addressed, or appoint private "education management organizations" to run struggling campuses, "solutions" that take decisions about low-performing campuses away from the community. In these cases, the management of a low-performing campus could be turned over to a charter school operating in Texas or a private management company, including corporate charter operators from out of state. This turnover could be done without the participation of the local school board, parents and students, teachers and employees, or residents of the district.

HB 2804 passed during the 84th Legislature, establishing the A-F system. The new letter grading system for school districts and individual campuses is closely related to testing, as grades are largely determined by STAAR scores, which primarily measure a child's ability to take a test and a parent's ability to pay for tutoring and test preparation. Standardized test scores are an incomplete and misleading way to measure student and school district success.

While there are exceptions, districts and schools with large numbers of low-income students generally have the lowest grades on STAAR tests. Many districts that received the first round of Ds and Fs had large enrollments of low-income students. These schools often are inequitably funded, and low-income kids need much more support in the way of nutrition, health care, and more that also affect their ability to learn. Their parents often don't have the background to help their children with homework, and they can't afford tutors. Non-academic factors effect education. We must stop pretending that these factors, which are evident in our accountability system, do not exist. Our low-income students need more support from the state, not a punitive system and the stigma that comes with a D or F rating on their schools.

During the 85th Legislature, House Bill 22 passed and included the ability for districts to voluntarily create a local accountability system that can be applied to state accountability ratings. If a local system were to be approved, districts would be able to apply up to 50% of their local accountability plan to combine with their state

accountability ratings. While it would be preferable to allow for a locally developed assessment that was not simply reliant on high stakes testing, few of these systems have actually been accepted by TEA. Most recently, out of 19 districts that opted to submit local plans, only two were accepted by the agency.

Commissioner Morath has stated that the A-F school accountability systems will be in place for this 2020-21 school year. In normal years, the A-F system targets schools and districts with large concentrations of minority students, who are not set up to succeed in the first place due to an inequitable system. The A-F accountability system must not simply be “adjusted,” it must be abandoned. At the absolute minimum, Texas must demonstrate a good faith effort to do so by applying for whatever federal waivers are necessary in order to pause the mislabeling of schools during COVID-19. Schools, teachers and students are experiencing great turmoil due to the pandemic and the need for the temporary use of new methods of instruction. After the 2020-21 reprieve, the Legislature must work to abolish it altogether.

TSTA respectfully urges Chairman Huberty and the House Committee on Public Education to suspend the A-F grading system for the 2020-21 school year and move towards its repeal.

SB 1882 (85(R)) AND DISTRICT-CHARTER PARTNERSHIPS

During the 2017 legislative session, SB 1882 was passed allowing districts to partner with charter operators in exchange for more per-pupil funding for partnership campuses. The campuses would also have a two-year suspension from accountability under the charter management partnership. SB 1882 has allowed for private charter operators to take over local school district campuses around the state, causing layoffs and limited accountability to the elected local school board.

Under the 1882 approach, the elected school board and central office may determine where schools open, but play a very minor role in actually managing them. While districts are given a “carrot” on the one hand—extra money in exchange for control over school management—on the other hand, by law, the state must punish school districts if they have a single campus that is low performing for five or more years. This creates pressure to change their management approach or risk a state takeover or campus closure.¹ Thus incentivizing a partnership with outside organizations or companies to run their low-performing schools.

The first round of schools that applied for 1882 status were schools facing five years of “improvement required” ratings from the state which triggered sanctions of closure or district takeover. 1882 status gave these schools a two-year waiver from sanctions—but schools do not need to be low performing to apply under 1882 and partnerships have not proven themselves as successful mechanisms for school improvement. The Texas Tribune reviewed the ratings of the twelve 1882 schools that were created in the first year of implementation (2018-2019). Over half were rated “F.” The ratings of all but one school either declined or stayed stagnant,² yet student attendance in a charter school is calculated by TEA as additional revenue for an SB 1882 partnership.³ Thus, we are inescapably adding an increase in the state cost of the Foundation School Program over the same student on a non-1882 campus, without any indication of proven results.

¹ Tex. Educ. Code Ann. § 12.001 et al.; Tex. Educ. Code Ann. § 12.101; Tex. Educ. Code Ann. § 12.1141; Tex. Educ. Code Ann. § 12.002; Tex. Educ. Code Ann. § 11.157

²<https://www.texastribune.org/2019/08/27/texas-charter-nonprofit-ratings>

³ <https://txpartnerships.org/tools/>

Though these partnerships weaken protections for public school employees, initially, many trustees and advocates are seduced by the idea that the district could get more per pupil by partnering with specific nonprofits. But, in the years since 2017, many communities and stakeholders have pushed back against SB 1882, pointing to its invitation to privately managed charter organizations to operate public schools. In fact, many large school districts have even scaled back its previous plans to expand its partnerships.

By incentivizing districts to apply for 1882 partnerships, the state is using both its own lack of funding to schools and its punitive accountability system to provide an opening for privatization of our public school system. Many members of the community are concerned that 1882 schools normalize having charter schools with a school district without certain guarantees we take for granted in our public schools and without the accountability of an elected school board.

To make matters worse, the commissioner of education, an unelected agency official, has used his broad rule-making authority to further strip elected school boards of their responsibilities at an 1882 campus in exchange for the carrots offered. As of March 31, 2020, TEA implemented rule changes related to contracts for a partner to operate a campus and determinations for approval under TAC Sec. 97.1075, 97.1077, and 97.1079. In doing so, TEA created a framework in which it, a third party, has control over the contract between two entities—the contracting district and contracting operator—and in essence, mandates that many authorities are conferred to the campus operators. Though in its guidance TEA states that it is not approving the existence of the partnership itself, only if the contract is eligible for monetary incentives and accountability reprieve, based on the intent of these partnerships and their historical use, the rules effectively dictate the terms of the contract.

According to a presentation developed and delivered by TEA, the purpose of changing the rules is to change performance contracts in order to really “clearly outline the autonomy of the operating partner,” including its sole authority to dictate staffing, curriculum, calendar and budget. While statute dictates that community, teacher, and staff must be involved in the development of an 1882 partnership, ultimately, these rules are capable of undermining any effort a district may take to do so, if the district feels trapped under the pressure of state takeover. TSTA recommends that at the bare minimum, the Legislature commit to reining in the Commissioner’s authority on the matter and ensure that community involvement and public school teacher’s jobs are fiercely protected.

TSTA respectfully urges Chairman Huberty and the House Committee on Public Education to support the repeal of SB 1882 and ensure that charter operators are not allowed to take control over public school campuses.

Respectfully Submitted,

Portia Bosse,
Director of Public Affairs
PortiaB@tsta.org

Carrie M. Griffith,
Government Relations and Policy Specialist
CarrieG@tsta.org

Laura Atlas Kravitz, JD
Government Relations Specialist
LauraAK@tsta.org