



# INTERIM REPORT

## TO THE 88<sup>TH</sup> TEXAS LEGISLATURE

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HOUSE COMMITTEE ON  
PUBLIC EDUCATION  
DECEMBER 2022

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**HOUSE COMMITTEE ON PUBLIC EDUCATION  
TEXAS HOUSE OF REPRESENTATIVES  
INTERIM REPORT 2022**

**A REPORT TO THE  
HOUSE OF REPRESENTATIVES  
88TH TEXAS LEGISLATURE**

**HAROLD V. DUTTON, JR.  
CHAIRMAN**

**GENERAL COUNSEL  
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Committee On  
Public Education

December 5, 2022

Harold V. Dutton, Jr.  
Chairman

P.O. Box 2910  
Austin, Texas 78768-2910

The Honorable Dade Phelan  
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-seventh Legislature hereby submits its interim report including recommendations and drafted legislation for consideration by the Eighty-eighth Legislature.

Respectfully submitted,

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## Introduction

Speaker Dade Phelan released interim charges for all House committees on March 10, 2022. The Speaker also issued one additional charge to the House Committee on Public Education (Committee) related to the Texas-Mexico border on June 29, 2021. The Committee held six public hearings during the interim.

The Committee's first interim hearing were held on April 26, 2022, and addressed the interim charges related to the Texas-Mexico border and the impact of investments in Russia on the Permanent School Fund by the State Board of Education.

On May 24, 2022, the Committee held an interim hearing to consider its charge related to monitoring legislation passed by the 87<sup>th</sup> Legislature, the effects of COVID-19 on K-12 learning loss, the impact of COVID-19 on students' mental health, and to examine the causes and contributors for chronic absenteeism. Chairman Dutton adjourned the hearing early due to the tragic events of Robb Elementary.

The Committee held a public hearing on July 25, 2022, to address the remaining charges left unfinished from the May 24, 2022 hearing.

On July 26, 2022, the Committee held a public hearing and addressed the interim charges related to parents role in their child's education, partnerships between K-12, higher education and workforce and curriculum and instructional materials.

The Committee's fifth interim hearing was on August, 9, 2022, and addressed the interim charges related to assessments and accountability.

The Committee held its final public hearing jointly with the House Committee on Higher Education on September 20, 2022, to address its charge related to the impact of the pandemic on the state's teacher workforce and current practices to improve the recruitment, preparation, and retention of high-quality educators.

These interim hearings can be found at the following links:

April 26, 2022: [https://tlchouse.granicus.com/MediaPlayer.php?view\\_id=46&clip\\_id=23209](https://tlchouse.granicus.com/MediaPlayer.php?view_id=46&clip_id=23209)

May 24, 2022: [https://tlchouse.granicus.com/MediaPlayer.php?view\\_id=46&clip\\_id=23256](https://tlchouse.granicus.com/MediaPlayer.php?view_id=46&clip_id=23256)

July 25, 2022: [https://tlchouse.granicus.com/MediaPlayer.php?view\\_id=46&clip\\_id=23336](https://tlchouse.granicus.com/MediaPlayer.php?view_id=46&clip_id=23336)

July 26, 2022: [https://tlchouse.granicus.com/MediaPlayer.php?view\\_id=46&clip\\_id=23368](https://tlchouse.granicus.com/MediaPlayer.php?view_id=46&clip_id=23368)

[https://tlchouse.granicus.com/MediaPlayer.php?view\\_id=46&clip\\_id=23359](https://tlchouse.granicus.com/MediaPlayer.php?view_id=46&clip_id=23359)

August 9, 2022: [https://tlchouse.granicus.com/MediaPlayer.php?view\\_id=46&clip\\_id=23405](https://tlchouse.granicus.com/MediaPlayer.php?view_id=46&clip_id=23405)

September 20, 2022: [https://tlchouse.granicus.com/MediaPlayer.php?view\\_id=46&clip\\_id=23577](https://tlchouse.granicus.com/MediaPlayer.php?view_id=46&clip_id=23577)

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

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## **ACKNOWLEDGMENTS**

The House Committee on Public Education would like to thank the following individuals for assisting in preparing this report and the committee's interim hearings:

Zack Cochran, Chief of Staff, Rep. Diego Bernal

Tracy Johnson, Assistant Committee Clerk, House Committee on Public Education

Daniel Warner, Senior Education Advisor, Office of Speaker Dade Phelan

We would also like to thank all our invited and public witnesses. Thank you for your dedication to the 5.5 million Texas students in public schools.

## **CHARGE I: IMPLEMENTATION OF LEGISLATION**

Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 87th Legislature. In conducting this oversight, the committee will also specifically include:

- HB1525 and HB 3 (86R), relating to public school finance and public education;
- HB 4545, relating to assessment of public school students and providing accelerated instruction;
- SB 1365, relating to public school organization, accountability, and fiscal management; and
- SB 1716, relating to supplemental special education services and instructional materials for certain public school students; and
- HB 3906 (86R), relating to the assessment of public school students, including the development and administration of assessment instruments, and technology permitted for use by students.

### **SUMMARY OF COMMITTEE ACTION**

The Committee held a public hearing on July 25, 2022, to address the above interim charge. HB 3906 (86R) was heard during the August 9, 2022, public hearing. The Committee heard testimony from the following invited witnesses:

*Witnesses are listed in alphabetical order*

- Bryce Adams, Vice-President of Policy, Texas Public Charter Schools Association
- Steen Aleman, Senior Policy Specialist, Disability of Rights Texas
- Michael Barba, K-12 Policy Director, Texas Public Policy Foundation
- Yasmin Bhatia, District Charter Alliance
- Mary Jane Bowman, Director of Literacy, Grand Prairie ISD
- Merl Brandon, Superintendent, Stanton ISD
- Kevin Brown, Executive Director, Texas Association of School Administrators
- Dr. Jan Bryan, National Education Officer, Renaissance Learning
- Dee Carney, Education Consultant & Accountability Specialist
- Hon. Martin Castillo, Justice of the Peace, Pct. 2, Hood County
- Dr. Jonikka Charlton, Associate Provost for Student Success & Dean of University College at University of Texas Rio Grande Valley
- Andrea Chevalier, ATPE
- Eddie Conger, Superintendent, ILTexas Charter School
- Chris Dickinson, Executive Director, Grad Solutions
- Christopher Downs, Executive Director of Government Affairs, Instructure



- Ty Duncan, Partner Development, MindPlay
- Dr. Elizabeth Fagen, Superintendent, Humble ISD
- Jonathan Feinstein, Texas State Director, The Education Trust
- Dr. Bruce Gearing, Treasurer Fast Growth School Coalition
- Julia Grizzard, Executive Director, Bexar County Education Coalition
- Austin Hawk, Executive Director, San Antonio Leadership ISD
- Tyler Heath, Chief Operating Officer, Austin Achieve Charter School
- Dr. Darryl Henson, Superintendent, Marlin ISD
- Dr. Toni Hicks, Superintendent, Jarrell ISD
- Hon. Rick Hill, Justice of the Peace, Pct. 3, Brazos County
- Millard House, Superintendent, Houston ISD
- Cicely Jones, Reading Academies Cohort Facilitator, Grand Prairie ISD
- Dr. Daniel King, Executive Director, Region One Education Service Center
- Lori Kuykendall, President, Beacon Health Education
- Mike Lee, Executive Director, Texas Association Rural Schools
- Derek Little, Deputy Chief of Teaching and Learning, Dallas ISD
- Kyle Lynch, Superintendent, Seminole ISD
- Ben Mackey, Interim Executive Director, Texas Impact Network
- Monica Martinez, Associate Commissioner of Standards & Support, TEA
- Mike Morath, Commissioner, Texas Education Agency
- Kara Peck, Asst. Principal, Deerwood Elementary/Houston Food Bank
- Alanna Phelan, VP of Tutoring, Amplify Education
- Justin Porter, Associate Commissioner and Director SPED, TEA
- Caroline Roberts, Associate Director of Policy & Staff Attorney, Children At Risk
- Kathy Rollo, Superintendent, Lubbock ISD
- Karla Smith, Teacher Incentive Allotment Recipient
- Vicky Luna Sullivan, J.D., Ed.D., Senior Staff Attorney, Education Justice Project, Texas Appleseed
- Raul Trevino, Asst. Superintendent, Rio Hondo ISD
- Sharla Horton- Williams, North Texas Tutoring Corps
- Dr. Brian Woods, Superintendent, Northside ISD

August 9, 2022

- Julietta Arredondo, Teacher, Socorro ISD
- Dee Carney, Education Consultant & Accountability Specialist
- Jean Chambers, Teacher, Pflugerville ISD
- Nikole Foote, District Testing Coordinator, Dumas ISD
- Kate Greer, PK-12 Policy Director, The Commit Partnership
- Dr. Tory Hill, Superintendent, Channelview ISD
- Christy Hovanetz, Senior Policy Fellow, ExcelinEd

- Shea Mackin, Senior Advisor, National Parents Union
- Mike Morath, Commissioner, Texas Education Agency
- Faith Olson, Parent
- Megan Perez, Math Gap Intervention Specialist Grade 3-5, Gregory Portland ISD
- Margaret Spellings, President/CEO, Texas 2036
- Lana Sveda, Associate Director/K-12 Education Manager, The College Board
- Cindi Williams, Co-Founder, Learning Heroes

## **BACKGROUND**

### *House Bill 1525 and House Bill 3 (86R)*

During the Regular Session of the 86th Legislature, the House unanimously passed House Bill 3, the most transformative public school finance bill in decades. The legislation made an investment of \$11.5 billion in the Texas public school system, and empowered school boards and superintendents to focus on the unique needs of their districts.<sup>1</sup> HB 3 contained a substantial increase of the basic allotment, innovative programs, data-driven reforms, and reduction in recapture payments. Notable programs created and/or supported by the bill include:

- The Teacher Incentive Allotment (TIA), which provides significant additional compensation for the most effective teachers.
- The Early Education Allotment, which invests in high-quality Pre-Kindergarten programs and early elementary learning, specifically for economically disadvantaged and emergent bilingual students.
- An increase in Compensatory Education funding for eligible students, which provides high-poverty schools with access to additional funding.
- Reading Academies, which ensure all K-3rd Grade instructors are trained in the Science of Teaching Reading.
- The College, Career and Military Readiness Outcomes Bonus, which incentivizes districts to ensure students, specifically economically disadvantaged and special education students, enroll in college immediately following graduation, enter the military, graduate high school with an associate degree, and/or obtain industry-based certifications.
- The Additional Days School Year Incentive Program, which combats summer slide by providing up to 30 additional half-days of funding for Grades PreK-5.

HB 1525, passed during the Regular Session of the 87th Legislature, made significant

improvements to the programs and funding allotments provided under HB 3. House Bill 1525 primarily adjusted the policies under HB 3 to reduce the unintended consequences and ensure quality policy implementation. HB 1525 also established the Texas Commission on Special Education Funding, created and enhanced new and existing grant programs, and authorized federal dollars for COVID-19 learning acceleration supports.

### **Adjustments to Funding Allotments**

#### *Gifted and Talented*

HB 1525 created an additional weighted gifted and talented allotment, on top of the Gifted and Talented basic allotment, to increase the number of students enrolled in the program. HB 1525 requires that 100% of the funds be used on students in the gifted and talented program, and any amount unused would need to be returned to the state. Additionally, HB 1525 allowed the State Board of Education to use a portion of the appropriated funds to train personnel and provide program service for certain programs.

#### *Career and Technical Education (CTE)*

HB 1525 altered the CTE allotment by creating a tiered weighted system based on whether the student takes a course in an approved program of study. HB 1525 removed the additional entitlement of \$50 per student enrolled in two or more advanced CTE classes for three or more credits, but kept the \$50 entitlement per student enrolled in a Pathways in Technology (P-TECH) high school and New Tech high school. HB 1525 also entitled small and mid-size districts to the allotment, provided summer grants for CTE programming, and permitted middle schoolers to take a CTE course. These changes incentivize districts to offer meaningful programs of study to students in Grades 7-12.

#### *Fast Growth*

HB 1525 altered the weighted formula and criteria to receive the fast growth allotment. The bill corrected inefficiencies where districts who needed new funding due to fast growth could not receive the allotment, while other districts who had little growth could receive an allotment. With the changes outlined in HB 1525, districts with the highest enrollment growth on a per student basis receive priority for the funding.

#### *Compensatory Education*

HB 1525 clarifies that students experiencing homelessness would be funded under the highest tier in the compensatory education allotment. The bill also allowed funding from the allotment to be used on instructional coaches at campuses with high amounts of educationally at-risk students and programs that reduce a campus' dropout rate.

#### *School Safety*

HB 1525 allowed districts to use funds from the school safety allotment to provide evidence-based prevention practices related to emergencies and threats, such as hiring licensed counselors and social workers trained in restorative discipline and restorative justice practices and providing mental health support.

### **Teacher Incentive Allotment (TIA)**

HB 1525 adjusted the TIA to ensure the Texas School for the Deaf and Texas School for the Blind and Visually Impaired are eligible for the allotment. The bill also removed the requirement that only certified teachers may receive a designation and amended prior language to include compensation provided by TIA to be counted for purposes of calculating the Teacher Retirement System (TRS) benefits.

### **College, Career, and Military Readiness (CCMR) Outcomes Bonus**

HB 1525 fixed an unintended consequence by allowing high school students who earn an associate degree to be eligible for the CCMR Outcomes Bonus. The CCMR Outcomes Bonus provides extra funds to districts whose students meet certain college and career criteria above a percentage threshold. The Outcomes Bonus CCMR criteria are narrower than the state's CCMR criteria for accountability, incentivizing districts to strengthen their CCMR district and campus efforts and improve students' postsecondary readiness.

### **Additional Days School Year (ADSY)**

HB 1525 repealed a restriction to allow districts participating in SB 1882 partnerships to access ADSY funding. Intended to close achievement gaps, ADSY adds voluntary half-day formula funding for school systems that add up to 30 instructional days to any of their elementary school campuses.

### **Reading Academies**

HB 3 revolutionized early childhood education by requiring all K-3rd grade instructors to take professional development on the Science of Teaching Reading. This professional development, called the "Reading Academies," was required to be completed by the end of the 2022 school year. House Bill 1525 extended the requirement completion to the 2022-2023 school year and allowed exemptions for certain teachers.

### **High-Quality Pre-Kindergarten (Pre-K) and the Early Education Allotment**

Under HB 3, districts are required to offer full day, high-quality Pre-K to all eligible four-year old students. HB 1525 clarified that districts cannot seek an exemption until they explore partnerships as outlined by TEA.

### **Special Education**

HB 1525 established the Texas Commission on Special Education Funding to develop and make recommendations regarding methods of financing special education. The bill required certain temporary adjustments to open-enrollment charter school funding as necessary to comply with maintenance of support requirements under the federal Individuals with Disabilities Education Act (IDEA). HB 1525 also extended the autism grant program, and the dyslexia grant program to September 1, 2023, and revised components of both programs.

## **Tutoring**

HB 1525 established funding for the statewide tutoring program provided under HB 4545. \$174 million in grants and in-kind services and \$3.9 billion in Elementary and Secondary School Emergency Relief (ESSER) grant funding was authorized to districts to support tutoring programs on their campuses.

## **Winter Storm Uri**

HB 1525 provided a one-time reimbursement for costs associated with winter storm Uri and an adjustment to the financial accountability rating system to account for the impact of the COVID-19 pandemic. The bill included a temporary provision requiring a district to accept and spend certain private donations designated to fund supplemental education staff positions.

## **COVID-19 Supports**

Perhaps its largest impact, HB 1525 authorized \$1.4 billion in ESSER funding for COVID-19 Learning Acceleration Supports (innovation in curriculum and instruction, diagnosing student mastery, extended instructional time, and supports for teachers). TEA distributed this funding across 15 initiatives through the Texas Covid Learning Acceleration Supports (TCLAS) grant application. Through TCLAS, districts could receive additional funding for the following initiatives, at a minimum:

- The Resilient School Support Program (RSSP)
- Texas Home Learning (THL) and COVID Recovery Instructional Materials Support Initiative (CRIMSI)
- Math Innovation Zones
- Dyslexia tools
- Phonics reading system
- Texas College Bridge
- Grow Your Own
- Teacher residency and staffing models
- ADSY
- Vetted Texas Tutor Corps
- P-TECH
- Texas Regional Pathways Network (TRPN)
- School Action Fund
- New School Models (Blended Learning, Effective Schools Framework, Collegiate Edu-Nation, ACE campus, etc.)

## **WHAT DID WE LEARN?**

### **Fast Growth Allotment**

As a result of HB 1525, 136 additional districts received the Fast Growth Allotment in 2021–2022 that did not receive the allotment in 2020–2021, increasing the total number of

districts to 337.<sup>2</sup>

Unfortunately, HB 1525 added appropriation limits to the fast growth allotment, which stunted its potential. In the current biennium, fast growth districts had \$76 million in funding prorated due to these appropriation limits. To put the impact of this proration in perspective, Leander ISD testified that the amount they subsequently lost due to the limit was equivalent to 17 full-time teachers. Considering Texas' teacher crisis, these extra funds are crucial to meet the needs of fast growing districts.

### **Instructional Facilities Allotment (IFA) / Existing Debt Allotment (EDA) Yields**

The yield per Average Daily Attendance (ADA) for the IFA program has not been increased from \$35 since the program was created in the 1990s. The yield per ADA for the EDA program was increased to \$40 as part of HB 21 (85-1). Despite the EDA increase, over the last two decades the number of districts and students that received state assistance facilities funding has declined dramatically.

### **Special Education**

Over \$100 million was appropriated for grants to support special education students, specifically students with dyslexia and autism. The Committee heard in testimony that since HB 1525, the number of students receiving dyslexia supports has doubled.<sup>3</sup> However, TEA has continued to report a nearly \$2 billion gap between what districts spend on special education services and what they receive from the state and federal governments.<sup>4</sup> Additionally, TEA data shows that there is a \$180 million gap between state resources provided to LEAs for special education transportation and what is required to operate the program.<sup>5</sup> The State should continue to advocate for full IDEA funding at the federal level, but Texas must also do its part to close these gaps.

### **Career and Technical Education**

The change in the CTE allotment to go from flat to a tiered approach has been widely accepted and praised by districts. Texas is currently facing a significant labor shortage and declining postsecondary enrollment, so the need to support strong college and career readiness programs is higher than ever before. The new weights provide districts the necessary funding to invest in and expand access to high quality programs of study, preparing students for high-wage, high-demand industries. Additionally, the bill's change to draw down Foundation School Program (FSP) funding for 7th and 8th graders enrolled in a CTE course not only encourages districts to begin career readiness education early, but also bridges the gap between middle school and high school. The students who are exposed to career options earlier in their educational journey are more prepared and better equipped to make decisions regarding their future careers.

Since 2019, Texas has seen a 10% increase in districts' program of study offerings.<sup>6</sup> The most popular programs of study are Accounting and Financial Services, Applied Agricultural Engineering, and Animal Science.<sup>7</sup> The top 3 programs of study producing "completers" (a student who takes 3 or more courses for 4 or more credits, including at least one level 3 or 4 course, within an approved program of study) are Applied Agricultural Engineering, Animal Science and Healthcare Therapeutic.<sup>8</sup> Because scaling programs

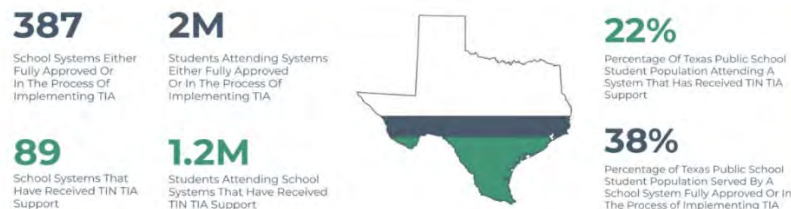
requires planning, recruitment and hiring, and other logistical considerations at the local level, we may see a greater impact of HB 1525 in the next couple of years.

Another positive impact from HB 1525 has been the summer CTE grants. Districts can apply for funding from TEA to implement CTE programming in the summer, which combats summer slide, further connects middle school and high school, and provides more opportunities to more students. The most common use of grant funding has been to implement summer work-based learning opportunities. TEA receives far more applicants than available funding, so the Committee should consider its continued investment in this rewarding and impactful program.

### Teacher Incentive Allotment

Since the program's enactment under House Bill 3 and its subsequent improvements under House Bill 1525, 6,246 teachers have received a designation, generating an additional \$55,437,701 in compensation across the state.<sup>9</sup> The average allotment for recognized teachers was \$21,921; for exemplary teachers, \$12,201; and for master teachers, \$6,187.<sup>10</sup> As of 2021-2022, 1,040 teachers are earning over \$100,000 a year, more than double the amount in 2018-2019.<sup>11</sup> Currently, there are 373 unique districts have submitted a Local Designation application, representing 31% of Texas public school systems.<sup>12</sup> Of those, 52 have full TEA approval and 190 are pending.<sup>13</sup> More than 2 million students are attending a school system that is either fully approved or in the process of approval for TIA implementation.<sup>14</sup>

#### Teacher Incentive Allotment by the Numbers



#### What does this mean for teachers?

- 6,200+ teachers across Texas have received designation.
- Designated teachers are drawing down average payouts of \$6,600 - \$22,500 annually.
- \$55.5 million drawn down by districts this year, with 90% of this going directly into educator paychecks.



Despite misconceptions, almost half of TIA districts do not solely use STAAR for teacher evaluation. 44% use other assessments (student learning portfolios, NWEA MAP, etc.) while 48% use a mix of STAAR and other assessments.<sup>15</sup> Only 8% of participating districts use STAAR alone.<sup>16</sup> This results in districts providing a more holistic review of a teacher's performance, elevating the teaching profession into one with a rigorous set of standards based on both quantitative and qualitative measures.

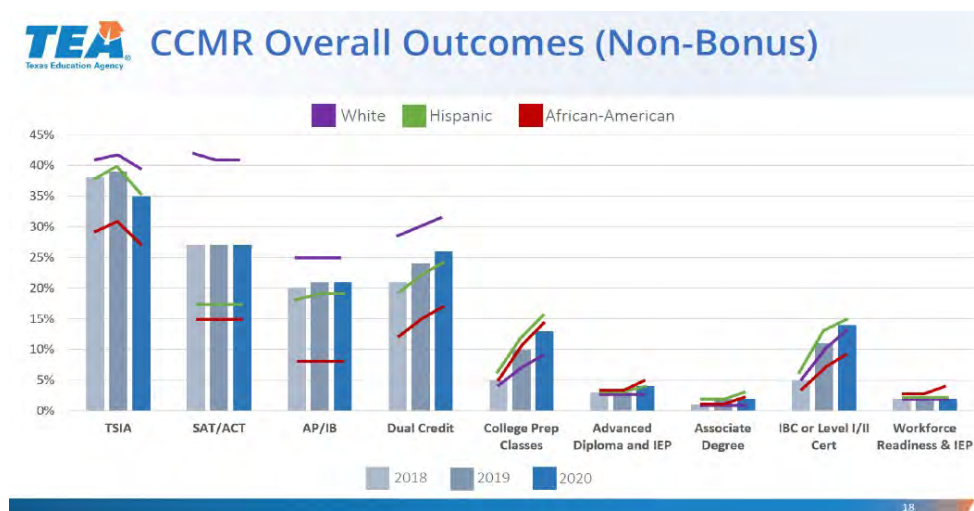
The TIA is overwhelmingly supporting teachers all over the state to be recognized for outstanding performance in their profession, with many districts citing it a useful tool for teacher recruitment and retention. For example, Lubbock ISD testified that most of their

219 designated teachers have turned down opportunities for promotion so they can continue serving as classroom teachers and receive their TIA allotments. However, some districts are struggling to create and implement TIA on their campuses, particularly in rural areas. The Committee heard from one small, rural district regarding the time and energy it took to create their local designation system. Although this process is complex, it is necessary for effective, quality TIA implementation. While most districts are not dissuaded from completing the process - as evidenced by the growing number of LEA participation - the Committee heard suggestions to increase technical assistance as TIA continues to expand, especially to LEAs in rural areas with fewer staff available for system creation and data validation.

### CCMR Outcomes Bonus

The CCMR Outcomes Bonus is a powerful way to incentivize and fund districts to produce more college and career ready students. Districts receive, for each college- or career-ready student above the threshold, \$5,000 for economically disadvantaged student, \$3,000 for each non-economically disadvantaged student, and in addition, \$2,000 for each special education student. In 2019-2020 (2018 graduates), TEA distributed over \$240 million to districts.<sup>17</sup> The state saw a \$23 million decrease for 2019 graduates (2020-2021 funding), but preliminary data suggests the state may be recouping the loss for 2020 graduates (2021-2022 funding).<sup>18</sup>

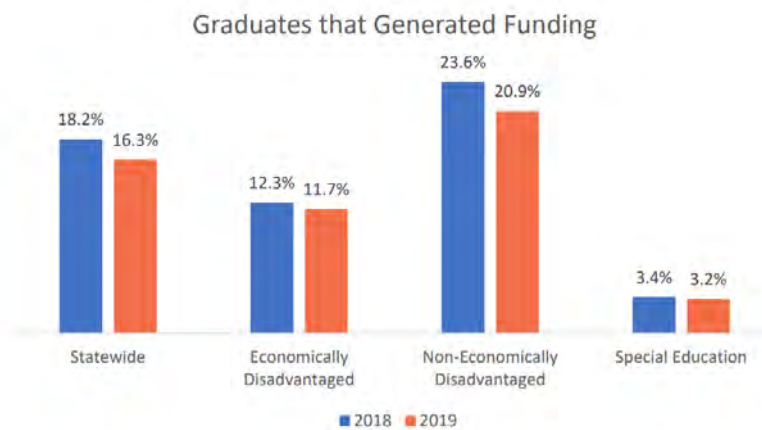
One potential reason for the increase, despite the COVID-19 pandemic, is the rise of students meeting career-ready standards. This is both a bright spot and cause for concern - the data indicates that 2019 and 2020 graduates are sharply increasing in earning dual credit, an associate degree, and/or an industry-based certification, but sharply decreasing in meeting standards on the TSIA. Additionally, significant racial achievement gaps persist, even with the tiered CCMR outcomes bonus funding.



In fact, non-economically disadvantaged students are generating the vast majority of outcomes bonus funding. Economically disadvantaged and special education students are



generating funding at alarmingly low rates compared to non-socioeconomically struggling peers, signaling a need for the state and districts to further invest in these populations.

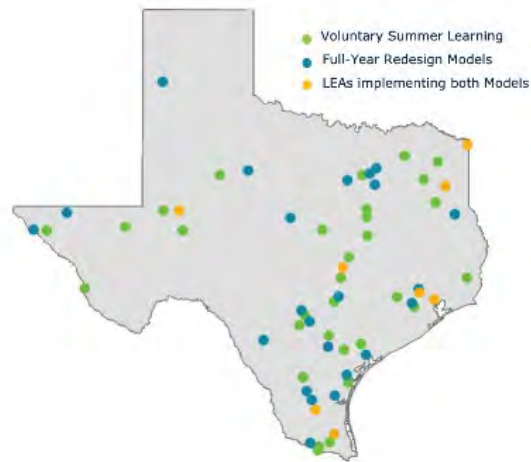


Fortunately, districts are required by law to spend at least 55% of the outcomes bonus funding on data-driven strategies to increase their postsecondary readiness and enrollment outcomes. The flexibility of the funding allows districts to create and scale best-practices such as high-quality advising, and P-TECH programs, in a way that best suits their local context. This funding can act as a glidepath to continue initiatives funded by ESSER, especially among students experiencing poverty and special education students.

An overwhelming challenge that districts face in maximizing the outcomes bonuses is the two-year data lag. Even though the lag is necessary for the state to get a complete view of students' postsecondary success, the Committee heard testimony that the lag not only stifles a sense of progress being seen on-the-ground, but also impedes districts' and practitioners' ability to make quick data-driven decisions. Districts need real-time data in order to monitor progress and drive student interventions and are forced to derive data from multiple disparate sources (e.g., SAT and/or ACT from each vendor, TSIA data from various testing vendors with some data held at higher education institutions, college applications and FAFSA submissions through ApplyTexas, etc.).<sup>19</sup> Without accurate, real-time data, districts are limited in their ability to ensure their students are on track to meeting college/career ready standards and therefore, generate an outcomes bonus.

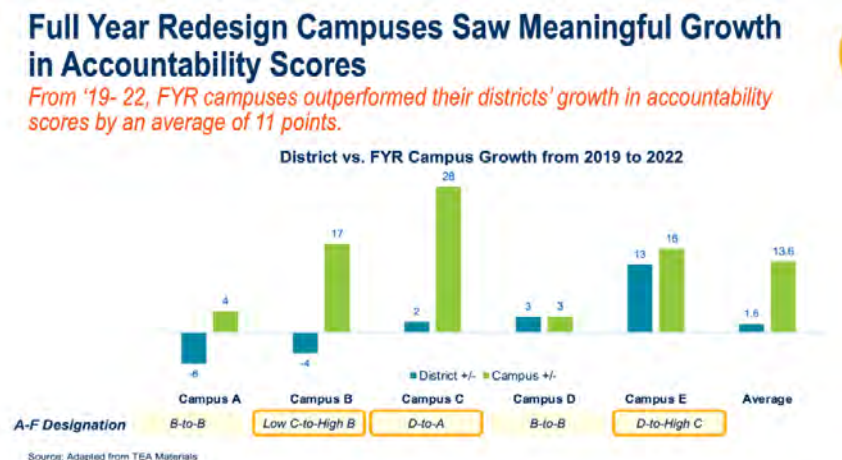
## ADSY

ADSY participation has been relatively small because COVID largely delayed implementation of large-scale calendar adjustments for districts. In the 2020-21 school year, 59 local education agencies (LEAs) and 326 campuses accessed \$12,347,311 of ADSY formula funding, serving ~20,000 students across the state.<sup>20</sup> As of the start of the 2022-23 school year, more than 150 LEAs indicated their intent to implement ADSY.<sup>21</sup>



In supporting districts' implementation, TEA has an optional ADSY Planning and Execution Program (PEP) grant that serves two cohorts: Voluntary Summer Learning and Full Year Redesign Models. Since 2019 and across all three school years, TEA has awarded grants to 65 LEAs in the Voluntary Summer Learning cohort and 16 LEAs in the Full Year Redesign cohort.<sup>22</sup>

For Full Year Redesign program, the initial accountability data from the first cycle of campuses has been promising. ADSY PEP Full Year Redesign Cycle 1 campuses increased an average of 13.6 points from 2019-2022, while the corresponding district average increase was 1.6 points.<sup>23</sup> Full Year Redesign campuses outperformed district growth by 11 points, over a full letter grade in the A-F system.<sup>24</sup>



For ADSY PEP Summer, overall academic impact is seen more through the implementation of research-based practices, upon which all program tools and resources are built. According to TEA, the Wallace Foundation is funding a study on the impact of ADSY PEP on district uptake of evidence-based design principles for summer learning

from previous studies on summer learning. Early lessons learned from the study indicated that ADSY PEP tools and resources integrated those evidence-based design principles and researchers saw uptake of them because they were required and integrated in the overall program. These principles have been shown in other studies to lead to increased academic performance and in creating safe and supportive environments for learning, among other positive benefits.

During testimony, the Committee heard that the 180-day minimum calendar is a barrier for districts. The average school year in Texas is 172 days, meaning that LEAs must provide staffing for and fund 8 additional days before drawing down ADSY funds for the additional 30 days of instruction. The days-driven requirement, as opposed to minutes-driven, is essential to keep the integrity of a school year intact, but many LEAs are using soon-to-expire ESSER funding to extend their school years. The Committee should consider modifying the ADSY minimum to 175 days, so it is more attainable for districts.

### **Reading Academies**

The Committee received testimony from stakeholders that the reading academies were time-consuming, and inflexible in nature in order to meet the professional development requirement. In response to the feedback, TEA made considerable improvements to make the Reading Academies “more flexible,” “more effective,” and “more efficient” by expanding test-out options, streamlining content, and providing greater guidance to LEAs around suggested pacing and stipends (building on best practices from schools in Year 1 and 2 implementation). As of September 2022, TEA reports that nearly 75,000 teachers and over 5,000 administrators have completed their Reading Academies professional development, with a total of more than 126,000 Texas educators having started and/or completed the training by that time.<sup>25</sup>

The Committee heard from practitioners from both Grand Prairie ISD and Dallas ISD, who all acknowledged that the Reading Academies are a lift for districts but are a transformative investment in a professional development that empowers educators with common language and instructional best practices, ultimately improving student outcomes. The data confirms these statements; pre - and post-tests reveal that educators are better equipped in the science of teaching reading after completing the training and the 2022 STAAR scores reveal a significant recovery in students' performances in Reading (50% of 3rd graders and 52% of 4th graders are performing at grade level in reading compared to 37% and 35% in 2021 respectively).<sup>26</sup>

## HB3 Reading Academies helping close achievement gaps across the district

### Target Population

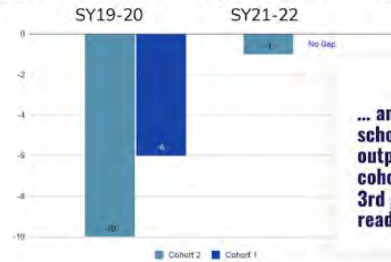
K-3 classrooms, prioritized in annual cohorts as follows:

	Cohort 1 20-21	Cohort 2 21-22	Cohort 3 22-23
African American	26%	35%	17%
Emergent Bilingual	51%	41%	54%
Non-African American, Non-Emergent Bilingual	24%	25%	31%

### Impact

Reading academies accelerate learning in high-need schools.

Gap in MOY MAP reading results for 2nd Grade Students  
Gap defined as: Cohorts 1 & 2 (higher need) vs. Cohort 3 (lower need)



... and cohort 1 schools outperformed cohort 3 schools on 3rd grade STAAR reading.

Notes: 1. African American and Emergent Bilingual determined from PEIMS 2020-21 data. 2. Emergent Bilingual determined from LEP\_code where any code other than 0 is labeled Emergent Bilingual. 3. Cohort 1 schools (56 schools, ~1337 classrooms) completed Reading Academy in 2020-21, Cohort 2 (47 schools, ~1361 classrooms) in 2021-22, and Cohort 3 (47 schools, ~1353 classrooms) will complete in 2022-23. 4. MAP percentiles for both time points determined using NWEA's 2020 national norms, based on subject, student grade, and weeks in school. 5. Cohort 1 achieved 42% Meets and cohort 3 achieved 41% Meets on 2021-22 3rd grade STAAR reading.



This rebound serves as a promising indicator that Reading Academies are working to accelerate student learning and sustained investment in these evidence-based instructional development and teaching practices is warranted.

### Full Day Pre-K and the Early Education Allotment

The Legislature made transformative strides toward improving Texas' early education system. In 2019-2020, over 248,000 3- and 4-year-olds were enrolled in a high-quality Pre-K program, of which 87% were economically disadvantaged and 36% were emergent bilingual.<sup>27</sup> And in 2021-2022, 92% of all kindergartners were assessed for kindergartener readiness and 58% met standards.<sup>28</sup> That number increased to 69% if the student had attended Pre-K for 80 or more days.<sup>29</sup>

Unfortunately, all this progress was curtailed as the COVID-19 pandemic decimated Pre-K enrollment rates. Enrollment declined by 22%, with Latino students representing 70% of the drop.<sup>30</sup> While the state is slowly recouping its losses, other barriers are preventing school districts from fully recovering and maximizing this opportunity for their communities.

Lack of quality, specialized Pre-K teachers is severely impacting the program. Even though the Legislature set class size limits of no more than 22 students, 237 districts were granted waivers to be exempt from the requirement last year, and many districts cited teacher shortages as their primary reason for the request. In 2021, districts spent \$1.1B on early education, mostly on teacher compensation and instructional support.

While HB 3 mandated a full-day Pre-K, the Legislature only funded it on a half-day basis. As a result districts generate ADA funding for the first half of the day and must find additional funding for the rest of the mandated full-day. The Early Education allotment was intended to fill this gap, but the allotment can also be used to fund "programs and services designed to improve student performance in reading and mathematics in prekindergarten through third grade." Depending on the district's population, the allotment may not be enough to support both full-day Pre-K *and* all other programs and services for a high-quality early education program.

## RECOMMENDATIONS

1. **SPECIAL EDUCATION:** The Committee recommends the Legislature move to a funding model that allocates funding based on the intensity of services delivered, rather than the instructional setting in which the special education student is served.
2. **FAST GROWTH ALLOTMENT:** The Committee recommends the Legislature remove the appropriation limits beginning with the 2023-2024 school year.
3. **ADDITIONAL DAY SCHOOL YEAR:** The Committee recommends the Legislature reducing the 180 day requirement to 175 days.
4. **CAREER/TECHNOLOGY EDUCATION:** The Committee recommends the Legislature increase appropriations for CTE summer grants. The Committee also recommends the Legislature dedicate appropriations for small/rural districts to help these schools expand their CTE offerings, inclusive of remote options like computer science.
5. **SCHOOL SAFETY ALLOTMENT:** The Committee recommends the Legislature increase appropriation to the school safety allotment to provide funding for adequate school safety and security measures.

## **BACKGROUND**

Prior to the passage of House Bill 4545, Texas had limited success accelerating students from below grade level to meets grade level. According to data, only 5% of 3rd graders who were below grade level in reading met grade level in 2 years and 7% of 3rd graders who were below grade level in math met grade level in 2 years. <sup>31</sup>Stakeholders have raised two major concerns with this policy: (1) irrespective of whether a student failed the STAAR test, they are promoted to the next grade, making the grade placement committee process useless; (2) The prior system of accelerated instruction was not successful in remediating students to meet standard.

The Texas Legislature passed House Bill 4545 during the 87th Legislative Session, which removed statutory requirements that students pass their required reading and math STAAR assessment for promotion to the next grade. The bill also established requirements for districts to provide accelerated learning to students who failed the STAAR and created a grant program to help schools increase their instructional rigor.

### ***Grade Promotion***

House Bill 4545 removed the statutory requirements that students in grades 5 and 8 pass their required reading and math STAAR exams for promotion to the next grade. Additionally, the bill removed the requirement that students who continued to fail the 5 and 8 grade STAAR exams are not allowed to move to the next grade unless a grade placement committee determines they should advance despite not passing the assessments.

### ***Accelerated Learning Committee***

House Bill 4545 requires local education agencies (LEAs) to establish an accelerated learning committee for each student who did not perform satisfactorily on the STAAR 3, 5 and 8 reading or math assessments. The accelerated learning committees replaces the required grade placement committees for students in grades 5 and 8.

The accelerated learning committees are composed of a principal or designee, the student's parent or guardian, and a teacher of the relevant subject. The committee is required to develop an educational plan for the student that includes the necessary accelerated instruction no later than the start of the subsequent school year. The plan must be in writing and a copy provided to the student's parent or guardian. A school board of trustees or governing body of an open-enrollment charter school must adopt a grievance procedure for parental complaints to contest the content or implementation of the educational plan.

A student who is promoted to the next grade despite having failed an assessment must be assigned an appropriately certified teacher for that subject and grade. The commissioner of education could waive this requirement at the request of a school district.

### ***Accelerated Instruction***

Students who failed to perform satisfactorily for grades 3 through 8 STAAR assessments must be provided accelerated instruction during the subsequent summer or school year and either assign the student a classroom teacher who is certified as a master, exemplary, or recognized teacher or provide the student supplemental instruction. If there was more than one classroom teacher available in the applicable subject area, the student's parent or guardian can select the teacher to provide the instruction.

The student must receive no less than 30 hours of accelerated instruction in the applicable subject during the summer or school year individually or in a group of no more than three students. The instruction must be provided by a person with training in the applicable instructional materials and by one person for the entirety of the student's supplemental instruction period. For high school students, accelerated instruction would be required for students who failed any of their five end-of-course-exams.

### ***Strong Foundations Grant***

The Strong Foundation Grant programs offers districts supports intended to increase the amount of 3rd graders to read on grade level. Under HB 4545, the commissioner is required to establish a Strong Foundations Grant program for schools serving prekindergarten through grade 5 to implement a rigorous school approach that combined high-quality instruction, materials, and support structures. The commissioner must adopt components that schools must implement to include:

- use of high-quality instructional materials, curricula, and curricular tools;
- use of aligned diagnostic and formative assessments;
- aligned professional supports;
- practices designed to ensure high-quality supports for students with disabilities;
- evidence-based practices to increase and maintain parental engagement; and
- measurement of fidelity of implementation of the program.

Depending on the level of funds available, supports provided directly to districts can include:

- Foundational district planning provides technical assistance to district leadership teams on literacy and math cognitive research and instructional materials best practices, extended school year scheduling, early childhood systems and instructional leadership strategic planning.

- Critical implementation supports provide summer and year-long job-embedded training for district and school administrators, coaches and teachers aligned to evidence-based literacy and math curricular resources.
- Aligned resource subsidies to provide additional funding to subsidize the costs they may incur on resources aligned to instructional changes, including printed material costs and digital material licensing fees, educator stipends, and parent engagement stipends.

### ***Tutoring***

House Bill 1525 (87R) established a funding mechanism for House Bill 4545 tutoring and funding for central support to the Texas Education Agency ("TEA") for a Vetted Texas Tutor Corps. TEA created three approaches for optional supports to help school systems implement tutoring requirements. These approaches consisted of a "build it yourself" approach, the use of a "pre-approved provider list" approach or use of the "Vetted Texas Tutor Corps" approach.

TEA vetted three firms to provide evidence-based content, a tutor management platform, tutor training, progress monitoring supports, and tutors, who provide direct tutoring services for school systems supporting roughly 375,000 students in reading and 483,000 students in math.<sup>32</sup> TEA engaged all 20 regional service centers to provide additional training, recruitment, and management support for districts in need of third-party tutors. Additionally, TEA issued direct tutoring support grants to 294 school systems via the Texas COVID Learning Acceleration Supports (TCLAS).<sup>33</sup>

### **WHAT DID WE LEARN?**

Students' unfinished learning as a result of the pandemic is one of the biggest and most pressing issues facing schools across the country and the state of Texas. Since House Bill 4545's passage, we have learned the extent to which Texas' education system now requires comprehensive, research-backed strategies to accelerate student instruction after more than two years of pandemic-induced disrupted learning.

Overall, results from the 2021 administration of STAAR show a 4% decline in reading proficiency and a 15% decline in math.<sup>34</sup> With the state losing a decade's worth of academic gains and achievement gaps all widening in 2021 for 3rd grade reading and math, Local Education Agencies (LEA) now face the task of supporting unprecedented numbers of students in returning to grade-level performance. For example, in math alone across grades 3-8, more than 800,000 students (37% of test-takers) did not perform satisfactorily during the 2020-2021 school year and for reading 708,700 students did not perform satisfactorily and are required by House Bill 4545 to receive additional support.<sup>35</sup>



While many stakeholders believe and support the spirit of House Bill 4545, it has been a challenging time for schools due to facing staffing shortages, pandemic disruptions, and an increasing number of students requiring accelerated learning support. The Committee recognizes these constraints have made House Bill 4545 tutoring provisions difficult to implement.

Many schools have cited that it has been challenging to recruit and hire enough tutors amid severe teacher shortages to provide the supplemental instruction requiring a 3:1 student-to-teacher ratio. Some schools have taken creative steps to recruit community members and begin utilizing the TEA approved list of providers to help with staffing tutors. In order to assist schools with tutoring needs, TEA authorized 50 total approved providers to provide virtual and remote options as a staffing solution. 130 local education agencies (LEAs) are working with 27 approved providers and 106 LEAs are using 100% virtual tutors.<sup>36</sup> Seventeen LEAs are using 100% in-person tutoring and seven LEAs are using a hybrid model.<sup>37</sup> Currently, there are 176,055 virtual tutors, 17,130 in-person tutors and 64,325 hybrid tutors.<sup>38</sup>

The Committee heard testimony from stakeholders stating the mandated 30 hours of supplemental instruction are inflexible and do not recognize the varying needs of each student. Whereas some students who failed an assessment may require the 30 hours of specialized tutoring, some may require 15 hours. Other students, who are high achievers that are ill and may miss a day of assessment may not need tutoring at all.

Committee members expressed support for House Bill 4545 but are concerned about continued funding. Currently, a main portion of House Bill 4545 is funded by the COVID-19 Elementary and Secondary Emergency Relief (ESSER) funds that are set to expire. Schools are concerned that House Bill 4545 would result in an unfunded mandate and stretch district budgets as school leaders contend with identifying funds to attract and retain qualified teachers as well as improve campus safety.

Other concerns included the effectiveness of the accelerated learning committees, determining whether the same requirements should apply to science and social studies and a need for a clear parental opt-out provision. Since implementation, the accelerated learning committees have proven not effective and have become increasingly burdensome to administrators. Many students who fail the science and social studies assessments struggle in reading and mathematical processes, which is where majority of the focus on intervention should be placed. During the pandemic, parents opted to keep their children home during required state testing. Some parents have stated they wish to opt their children out of the mandated 30 hours of tutoring. Concern arises those parents may continue to keep their children home during state testing despite state law prohibiting parents from opting their children out of required testing and accelerated instruction. Due to a lack of clarification under which parents can opt-out, this had led to confusion among parents and school personnel who are attempting a good-faith effort to implement House Bill 4545.

Texas risks a long-term generational decline in education attainment if academic outcomes do not rapidly improve. Left unchecked, the drop in educational attainment stands to equate to an average 6% reduction in lifetime earnings for all 5.5 million students enrolled in Texas public schools - a "net present value" of \$2 trillion in forgone income.<sup>39</sup>

## **RECOMMENDATIONS**

1. The Committee recommends the Legislature remove the sunset provision and fund House Bill 4545 through General Revenue.
2. The Committee recommends the Legislature eliminate the accelerated learning committees.
3. The Committee recommends the Legislature clarify conditions under which parents can opt-out their child of accelerated instruction requirements.
4. The Committee recommends the Legislature require accelerated instruction only for reading and math and eliminate the requirements for science and social studies.
5. The Committee recommends the Legislature maintain evidenced backed student to tutor ratio.
6. The Committee recommends the Legislature allow schools reasonable flexibility of mandated hours based on students' academic needs.
7. The Committee recommends the Legislature codify language to clarify that special education or dyslexia interventions count towards House Bill 4545 requirements.

## BACKGROUND

Texas has a long history of a robust approach to holding school districts accountable for student outcomes. Starting in the 1990s, the Legislature has continuously improved on an accountability and performance management system that focuses on aligned assessment tied to Texas curricular standards, strong school accreditation requirements, student level performance reporting, and closing academic gaps between student groups. As the Legislative Budget Board (LBB) wrote in a 1990s report on Texas' new accountability system to Governor Richards, "Texas today has the nation's most comprehensive public school accountability system [...]"<sup>40</sup>

Since the 1990s, Texas has refined and updated its system. The current incarnation of the system is the A-F Accountability System. At the time the A-F system was created, Texas school accountability was arguably at its weakest point, only rating schools on two levels: *Met Standard* or *Improvement Required*. In 2017, the year A-F was passed, 95.4% of schools were rated *Met Standard*.<sup>41</sup> However, at the same time, only 47% of Texas 8th graders were on grade level in reading and 43% were on grade level in mathematics.<sup>42</sup> The Legislature attempted to solve this disconnect through a more differentiated and simplified accountability system: The A-F Accountability System.

Senate Bill 1365 is the most recent legislative update to the A-F System. The Legislation provides clarity around the A-F System statute and provides flexibility in the system in response to the COVID-19 pandemic.

### *Clarification of Interpretive Issues*

In House Bill 1842 (84R) the Legislature created a turnaround model for low-performing public schools that required different levels of supports and interventions depending on how long a school district had been low-performing under the accountability system. The Bill Analysis of SB 1365 provides a good summary of the intervention timeline under HB 1842:

- Year three of a school receiving an F rating requires the district to implement a commissioner-approved campus turnaround plan, and enables the commissioner to implement alternative management, appoint a board of managers, or close the school if the school district fails to submit a campus turnaround plan that the commissioner determines will result in a C rating or better within two years.
- Year five of a school receiving an F rating requires the commissioner to install a board of managers to correct the campus problems or to close the campus.<sup>43</sup>

However, there were alleged issues in the statute's construction that led to repeated lawsuits and delaying of interventions that would have otherwise resulted from HB 1842. In addition, concerns were expressed by school districts that their due process rights under HB 1842 needed strengthening in order to ensure that an effective and accurate determination on interventions was made. The Legislature addressed these and other issues in SB 1365, including:

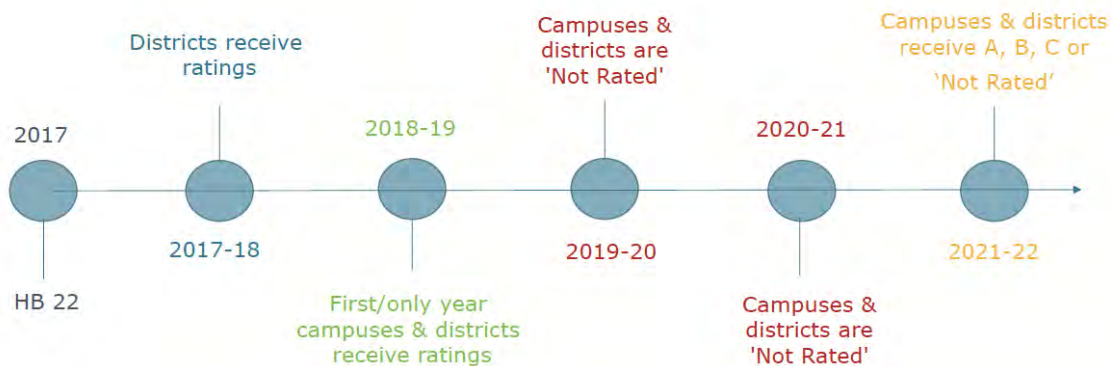
- Enhancing a district's ability to appeal the determinations made under the Accountability System;
- Allowing districts to appeal the results of a special investigation to the State Office of Administrative Hearings;
- Authorizing the commissioner to delegate ministerial and executive functions;
- Requiring that the number of consecutive years of unacceptable performance be reported;
- Expands which commissioner decisions are final and unappealable;
- Authorizes the commissioner to allow modifications to an approved campus turnaround plan.<sup>44</sup>

### ***Accountability Ratings Pause***

Over the past several years, Texas has seen several regional or statewide disaster declarations (Hurricane Harvey and the COVID-19 pandemic being two examples). Senate Bill 1365 allows the Commissioner to assign a *Not Rated* designation to a district or campus if the Commissioner determines that the assignment of a rating would be inappropriate for several factors, including districts that are subject to a disaster declaration and that disaster makes measuring performance difficult or inaccurate. While the learning that took place during the 2019-2020 and 2020-2021 school years was still as important as any other school year, the Legislature provided a mechanism in Senate Bill 1365 to maintain flexibility in the system under the serious circumstances of the pandemic.

In addition, Senate Bill 1365 required districts and campuses that would have received a *D* or *F* in the 2021-2022 school year to be labeled *Not Rated*.

It is worth noting here, that while the A-F system has been in place for almost 5 years, there have been very few years where schools were rated. The following chart that the Commit Partnership provided to the Committee during the Committee's August 9th hearing makes this point well.<sup>45</sup> District and Campus ratings have been released only once for all school districts in the 2018-2019 school year. Since that time, many districts have been excluded from ratings every year by Hurricane Harvey, Covid-19 related accountability pauses, or the *D* and *F* ratings pause in 2021-2022.



### ***2021 Optional Alternative Evaluation***

In SB 1365, the Legislature directed TEA to create an alternative accountability procedure for campuses (not districts). Campuses are eligible for this alternative system if:

1. The campus was rated *D*, *F*, or *Improvement Required* for the most recent year that it did not receive a *Not Rated* label, and
2. The campus had a 95% participation rate in 2021.

Through this alternative system, campuses had the option to break that chain of negative performance if they received a rating of *A*, *B*, or *C* when the campus' Student Achievement (Domain 1) and Relative Performance (Domain 2B) scores were averaged. Campuses that fell under this category received an *Acceptable* rating in the 2020-2021 school year.

### ***Consecutive Years of Unacceptable Performance***

As discussed earlier, under House Bill 1842 (84R), interventions are triggered after 3 or 5 years of unacceptable performance. However, before SB 1365 was passed, alleged ambiguities remained concerning *D* ratings. SB 1365 clarified the impact of a *D* rating on a school district's intervention timeline. Specifically, the following was clarified in SB 1365:

- *D* overall ratings do not break the chain of unacceptable performance. This means that a school district's unacceptable performance count does not reset (as it would if the district scored an *A*, *B*, or *C*). At the same time, an overall *D* rating following, and *A*, *B*, or *C* does not begin an unacceptable performance count until the third consecutive *D* rating is received.
- If a district receives a *D* rating following an *F* or *Improvement Required*, this pauses the unacceptable performance count until the third *D* rating.
- If a district's chain of unacceptable performance is not broken (by scoring an *A*, *B*, or *C*), the district's third overall *D* rating impacts a district's interventions and/or

sanctions. This means that it increases the count of unacceptable performance ratings.

- The 2019 ratings are the first year for the *D* count to start. Given the other pauses in accountability provided under SB 1365 and other sources, this means the first time that the new *D* rules impact a district’s consecutive year count will be 2024. See the example provided by TEA below.<sup>46</sup>

## Senate Bill 1365 Accountability System Impact

### Count of Unacceptable Performance Ratings Examples

Rating Year	Rating	Consecutive Year Count	D Count	Count Pause Reason
<b>Example 1</b>				
2017	<i>Met Standard</i>	0		
2018	<i>Improvement Required</i>	1		
2019	<i>D</i>	1	1	First <i>D</i> -Pause
2020	<i>Not Rated: Declared State of Disaster</i>	1	1	
2021	<i>Not Rated: Declared State of Disaster</i>	1	1	
2022	<i>Not Rated: SB 1365</i>	1	1	
2023	<i>D</i>	1	2	Second <i>D</i> -Pause
2024	<i>D</i>	2	3	
2025	<i>D</i>	3	4	

### WHAT DID WE LEARN?

The Committee received testimony from Dr. Darryl Henson, Superintendent of Marlin ISD. Marlin ISD was the longest low performing school district in Texas and is currently under HB 1842-imposed Conservator and Board of Managers. In the most recent A-F accountability ratings, which were released in August of 2022, Marlin ISD went from a 59 (*F*) in 2018-2019 to an 86 (*B*) in 2021-2022. The success that Marlin ISD has seen in turning around the district would not have been possible without the intervention framework of House Bill 1842, and the subsequent supporting legislation behind the accountability system, such as SB 1365.



**The right people, the right circumstances at the right time.**



The Committee learned through this discussion the importance of a well-chosen conservator, board of managers, and superintendent in school districts that are chronically failing or underperforming. The Committee also saw the power of a committed and driving superintendent in transforming the educational outcomes for an entire community. The Committee also discussed the mechanism by which schools improve with Dr. Henson. They devoted time to considering how the system of public education delivery is often an impediment to improving student outcomes, not the students themselves. Dr. Henson testified in support of this discussion, stating that “there is nothing wrong with the [student’s] zip code, it’s the learning in the zip code that’s the problem.”

The Committee also received testimony in support of the changes and clarifications in SB 1365. This included support for the clarifications around *D* ratings and when a Board of Managers or Conservator can be put into place. The Committee also received testimony in support of the Covid-19 accountability reprieves provided in SB 1365.

## **RECOMMENDATIONS**

1. The committee recommends that the Legislature allow the reforms of Senate Bill 1842 (84R), House Bill 22 (85R), and Senate Bill 1365 (86R) to remain in place before any large changes are made to the accountability system.
2. The Committee recommends legislation to ensure that appointed conservators are successful school superintendents and that Superintendents who are hired in multi-year *Improvement Required* campuses demonstrate a robust history of service as a principal or school administrators.

## **BACKGROUND**

The pandemic resulted in significant learning loss for most Texas students. TEA estimates that at the beginning of the 2020 school year, students experienced 3.2 months of instructional loss, in addition to the typical 2.5 months of summer loss.<sup>47</sup> Given the needs and required specialized supports the special education student population requires, it is likely the learning loss among the special education community is even more severe.

Special education in Texas has undergone significant changes in recent years. Since TEA released its Special Education Strategic Plan to address requirements outlined by the United States Department of Education in 2018, the number of Texas students receiving special education services has surged. In the 2016-17 school year, 477,526 (8.9%) of public school students received special education services; this increased to 605,351 (11.3%) by the 2020-21 school year.<sup>48</sup>

To address the academic needs of our most vulnerable students, Gov. Abbott created the Supplemental Special Education Services (SSES) program in October 2020, to support public school students with severe cognitive disabilities, including down syndrome, cerebral palsy, autism, blind-visually impaired (BVI), or deaf and hard hearing (DHH). The grant was funded with federal appropriations from the Governor's Emergency Education Relief fund. The program offered qualifying students a one-time grant of \$1,500 for goods and services over and above the free and appropriate education offered by the school. Low-income students were prioritized, and the initial funding resulted in 18,000 grants.

To further develop this program, the Legislature passed Senate Bill 1716 which requires TEA to establish and administer a supplemental special education services and instructional materials program. Additionally, Senate Bill 1716 provides for the following: provide for a maximum per-student grant of \$1,500 to purchase services and material from TEA approved providers or vendors; require the commissioner of education to set aside a maximum of \$30 million from appropriations for each state fiscal year to fund the program; requires TEA to designate one or more regional education service centers to administer the program; expand student eligibility; and requires a student's admission, review, and dismissal committee (ARD) to develop the student's individualized education program (IEP) without consideration of any supplemental special education services that may be provided under the program; and to provide certain program information to the student's parent.



## WHAT DID WE LEARN?

### *Program Administration*

SSES is administered by the following entities:

- TEA manages SSES finances, programmatic details, student applications, and publishes a list of approved service providers.
- ClassWallet, a technology company that provides a digital wallet service, hosts student accounts and maintains the integrated eCommerce marketplace online.
- Education Service Center for Region 10 (ESC 10) creates accounts, approves purchase order requests, manages the ClassWallet contract, and communicates with families as they search for goods and services. TEA's SSES application lists the detailed program assurances required.

### *Student Eligibility*

The expansion of student eligibility for participation in the SSES program allowed the ability to aid more special education students in addition to those with severe cognitive disabilities. As a result of Senate Bill 1716, all public school special education students became eligible to receive SSES grants. To help low-income students, the Legislature prioritized compensatory education students, namely, those with deficiencies in meeting IEP goals. In 2020, the eligibility threshold for compensatory education was \$47,638 for a family of four.<sup>49</sup> As a result, 70% of funds are allocated to students above this threshold. Finally, students are eligible to receive SSES once and may not reapply in subsequent school years except for medically fragile students.

### *Student Application*

SSES is a first-come, first-served grant; families apply to the program on a rolling basis through TEA's online portal. Application submission is confirmed immediately by email, with a note that the student has been placed on a waitlist. TEA reviews applications in the order submitted, notifies applicants of their eligibility, and offers an estimate on how long the current process will take. When funding is available, eligible applicants are contacted with instructions regarding how to access a ClassWallet account to purchase goods and services. ESC 10 provides direct support to help families understand the goods and services available to them.

Account applications have been higher than projected, with 98,833 applications submitted by July 2022.<sup>50</sup> Current funding can support 72,600 student accounts and 60,845 students (62% of applicants) have received an account, and 9,010 students (9% of applicants) were waitlisted.<sup>51</sup> Denied applicants may appeal by offering documentation demonstrating eligibility.

## ***Educator Application***

Educators who seek to offer services to SSES students apply through a two step process in which they first submit information about themselves, the services they provide, current credentials, and a service agreement. In the agreement, applicants are notified of expenditure guidelines and required to certify that:

- their licenses are valid and current
- facility health and safety standards are maintained
- insurance policies are up to date, and
- background checks will be completed.

## ***Program Funding***

**Table 1** summarizes the four funding sources that support SSES, totaling \$141 million.<sup>52</sup>

*Summary of SSES Revenue Sources*

Amount	Students Served	Source	Fund Expiration
\$30 million	18,000	Governor’s Emergency Education Relief	30-Jun-22
\$20 million	< 3,000	ESSER III (for SSES+)	30-Sep-24
\$31 million	18,600	Governor’s Emergency Education Relief	30-Sep-22
\$60 million	36,000	General Appropriations Act (GAA), Article III, Rider 84, 87th Legislature	1-Sep-24

Due to high application rates, all appropriated funds were allocated to program participants by April 22; in the absence of supplemental funding, additional applicants will be waitlisted. Medically fragile students are exempt from the waitlist due to Governor Abbott designating ESSER III funds specifically for these types of students.

To ensure funds are spent before they expire, participants must complete the following in a timely manner after they are accepted to the program:

- within 30 days, they must complete their account activation by logging into the account and signing the parental affidavit form, and
- within 6 months, they must begin spending funds.

If families do not complete these requirements, funds are reclaimed and awarded to waitlisted applicants.

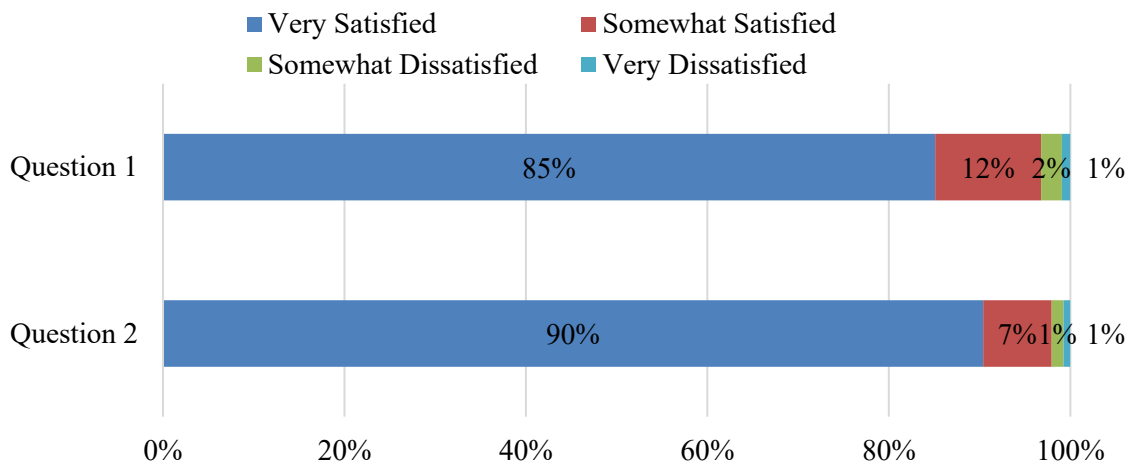
## Program Impact

As mentioned above, SSES demand is high. Given all appropriated funds were allocated to students by April 14, 2022, all submitted applications have been waitlisted. TEA projects that 48,000 to 74,000 more eligible students will apply for the program by May 2023.<sup>53</sup> Additionally, SSES families reported high levels of satisfaction in a spring 2022 ESC 10 survey. Notably, 93% of families reported that the goods or services helped their child meet their learning goals.<sup>54</sup> Detailed results for the five questions are illustrated in **Figures 2 and 3**.

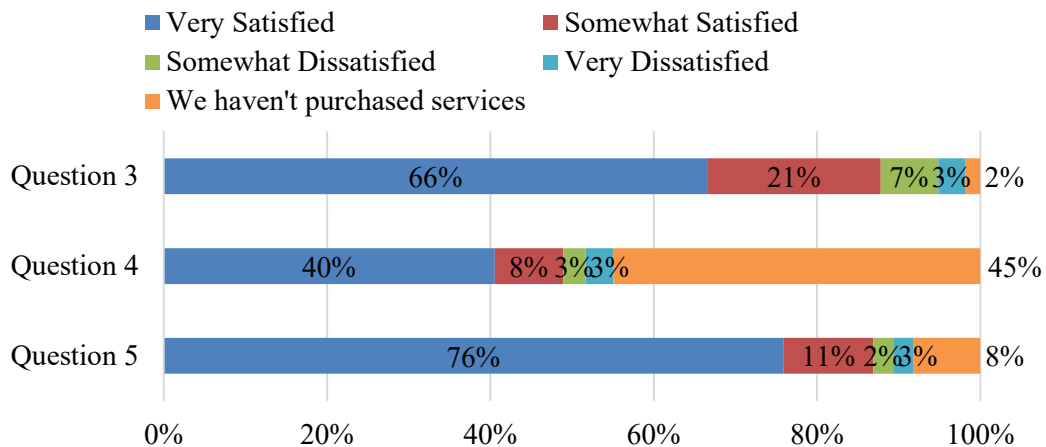
- **Question 1:** It was easy to apply for this grant.
- **Question 2:** The goods and/or services I purchased through this grant have helped my child(ren) progress toward learning goals.
- **Question 3:** The process for purchasing goods, such as a computer or sensory material through ClassWallet marketplace was easy.
- **Question 4:** The process for purchasing services (such as therapy and tutoring) through ClassWallet marketplace was easy.
- **Question 5:** I am happy with the level of customer service I have received.

**Figure 2**

*Family Satisfaction with SSES, Survey Questions 1-2 (Spring 2022)*



**Figure 3**  
*Family Satisfaction with SSES, Survey Questions 3-5 (Spring 2022)*



Surveyed parents also pointed to the need for an efficient process to approve more qualified educators and vendors, robust search tools to find educators and vendors, and more time to use services before funds expire. One parent wrote " It was too difficult and too short a time period to use SSES for services like tutoring or therapy. Those services usually have a long waiting list and then to make it an even longer process the vendor would need to be approved to be paid. Another parent responded, "I felt like these services would have been the best use for the SSES funds, but I could not find an already approved vendor in my area nor anyone who was able to add my child to their program. This was very frustrating." Another parent noted "Maybe have more suppliers on the network since my purchase orders kept being rejected since by the time the order was processed, the supplier would run out of stock. I kept trying until one purchase order finally got through." Senate Bill 1716 is set to expire September 1, 2024.

### **RECOMMENDATIONS**










1. The Committee recommends the Legislature remove the expiration date and continue funding the SSES program.
2. The Committee recommends TEA establish an annual application cycle with fixed application and acceptance dates.
3. The Committee recommends the option for families to roll over unused funds across fiscal years to improve service availability.

## BACKGROUND

Three decades after the establishment of the first statewide assessment program, the 81st Texas Legislature passed House Bill 3 (2009), replacing the Texas Assessment of Knowledge and Skills (TAKS) with the State of Texas Assessments of Academic Readiness (STAAR). Texas’ fifth statewide testing program, the STAAR test was developed to more rigorously assess the same grades and subjects (Grades 3-8 and 9-12 End of Course exams) as the TAKS and serve as a foundational component of the state’s education accountability system.

As Texas’ standardized summative assessment, the STAAR test is administered annually at the end of each year or course to provide a comparable measure of student mastery of the core academic standards as outlined in the Texas Essential Knowledge and Skills (TEKS). According to the Texas Education Agency, the primary purposes of the summative assessment are to:

- “Serve as a bar for rigor and standards alignment in planning
- Determine mastery of a breadth of knowledge & skills for students
- Help determine which individual students should receive additional holistic supports
- Evaluate the effectiveness of curriculum and instruction programs after delivery”

Type	What	When	Why	TEA Examples	School Year or Instructional Cycle
<b>Diagnostic Assessments</b>	Measure student knowledge and skills on any variety of student expectations	Prior to a new instructional cycle or year	To inform instructional plans and curriculum to meet the needs of individual students	Beginning Of Year (BOY)	
<b>Formative Assessments</b>	Ongoing process of measuring student performance on specific student expectations	Throughout the year	To inform instructional choices, student supports, and updates to planning within existing curricular structures	Texas Formative Assessment Resource (TFAR)	    
<b>Interim Assessments</b>	Measure student understanding of a broader span of student expectations	At check-points during the year	To monitor progress, predict summative performance, and identify students for intervention	STAAR Interim Assessments	 
<b>Summative Assessments</b>	Measure student mastery of a broader span of student expectations	At the end of a unit or course	To determine the effectiveness of the program, report summative mastery, and inform future planning	STAAR, STAAR Alternate 2, TELPAS, TELPAS Alternate	

Since the STAAR’s initial development, the Texas Legislature has passed legislation requiring independent evaluations which confirmed the test as a valid and reliable instrument (House Bill 743, 84R),<sup>55</sup> aligned with the TEKS and inclusive of passages with on grade-level readability (House Bill 3, 86R).<sup>56</sup>

### ***House Bill 3906 (86R)***

The Texas Legislature passed House Bill 3906 during the 86th Legislative Session, which mandated updates and modifications to the state’s assessment system and its administration. The bill made several changes, with key provisions including removing statutory requirements for the STAAR’s administration in 4th and 7th grade Writing; introducing guidelines on the use of technology; capping the proportion of multiple choice questions to 75%; directing the TEA Commissioner to develop interim assessments, an integrated formative assessment pilot, and a technical advisory committee; as well as mandating the transition to the electronic administration of the assessment system. This last provision was subsequently affirmed by the passage of House Bill 3261 during the 87th Legislative Session which directed the Agency to complete a technological needs assessment and develop grant funding to support LEA technology, personnel, and materials expenses related to electronic testing.

To fulfill these requirements and respond to the initial stakeholder concerns which predicated HB 3906’s passage, the Texas Education Agency introduced multiple initiatives intended to upgrade STAAR by improving its instructional alignment.

### ***Assessment Educator Advisory Committee***

In 2020, the Agency established the Assessment Educator Advisory Committee, a group of curriculum and instruction experts from LEAs and institutions of higher education, to provide input on the academic appropriateness of the statewide assessment.

### ***STAAR Interim Assessments***

The bill also required the Agency to create two free, optional resources (not linked to the accountability system) in order to support districts with accessing and administering a suite of aligned assessments beyond the mandated annual summative exam. STAAR Interim Assessments were developed as “benchmark tests” for educator use to 1) “monitor student progress on grade-level standards,” 2) “understand students’ expected performance on STAAR,” and 3) “identify students who need more targeted supports.” In the 2021-22 school year, 3.75 million tests were administered to 1.1 million students, having been utilized by 55% of districts.

### ***Texas Formative Assessment Resource***

The Texas Formative Assessment Resource (TFAR) is the second non-accountability based resource that TEA is providing to interested districts at no expense. TFAR is an online platform that offers the capabilities for educators to “create, share, administer, and analyze curricular-aligned formative assignments” that integrate with LEA’s existing formative assessment practices. In the 2021-22 school year, 154,000 tests were administered to 66,000 students across 19% of districts in the state via the online platform.

## ***STAAR Redesign***

With input from the newly created Assessment Education Advisory Committee and additional stakeholder contributions, the Agency is currently reworking the STAAR test to better mirror the effective instructional practices happening in Texas classrooms. The redesigned assessment is to include new question types, cross-curricular passages reflective of updated English Language Arts and Reading TEKS, and evidence-based writing components. Additionally, through the transition to electronic administration, the Agency seeks to provide a more comprehensive suite of robust accommodations to support students with specific learning needs. TEA is on track for the STAAR Redesign to be fully implemented in 2023.

## ***Texas Through-Year Assessment Pilot***

In School Year 2022-23, TEA launched an optional multi-year Texas Through-Year Assessment Pilot (TTAP) to assess the validity of replacing the current assessment model of a single test per year with multiple opportunities for students to demonstrate mastery and contribute to their summative performance score. With multiple shorter, adaptive tests administered three times, TTAP is aligned with the 2016 Next Generation Assessments and Accountability Commission recommendation to “implement a computer-adaptive assessment system of multiple integrated assessments throughout the school year.”<sup>57</sup> According to the Agency, the aim of the pilot is exploring the viability of TTAP in generating a “cumulative score similar to STAAR and someday potentially replac[ing] STAAR as Texas’s summative assessment.”<sup>58</sup>

## **WHAT DID WE LEARN?**

STAAR data serves as a key tool for parents, school leaders, and policymakers to herald bright spots and strategically support students to meet their full academic potential. The Committee reviewed material demonstrating that STAAR is a valid, reliable, and comparable measure that helps decision-makers determine student mastery and adjust to achieve better student outcomes. In fact, half of public school parents in Texas use their students’ STAAR scores as a major source of information—even more so for parents of students experiencing economic instability and parents of color (62% of Hispanic parents compared to 24% of White parents).<sup>59</sup> STAAR data is also essential for schools and policymakers to identify which students need additional support, align the rigor of instructional material with standards, and evaluate the effectiveness of curriculum.

Overall, the changes enacted in House Bill 3906 maintain the integrity and value of the current system while addressing stakeholder input. The STAAR Redesign and TTAP improve the alignment between the assessment, strong instructional practices, and the classroom experience. The intention is that these changes will promote positive, engaging instructional practices that steer teachers away from teaching to the test and decrease student testing anxiety.

As outlined in the table below, together the STAAR Redesign and TTAP directly address the top negative perceptions of parents of public school students as identified by recently collected survey data:<sup>60</sup>

STAAR Criticism	Addressed in HB 3906
Requires students to focus on test answers rather than deeper thinking (70%)	In alignment with high-quality instructional practices, the STAAR Redesign has incorporated new question types, placed a 75% cap on the number of multiple choice questions, and introduced writing passages to help ensure that students are <b>exhibiting cross-subject thinking, deep understanding, and demonstrating knowledge in a variety of modalities.</b>
Forces teachers to “teach to the test” (64%)	The updates through the STAAR Redesign to better align the exam with the daily classroom experience and the new question types described above are specifically “meant to <b>improve student engagement and curb "teaching to the test."</b> ” <sup>61</sup>
Puts too much pressure on students (56%).	Although the STAAR exam is no longer “high-stakes” for students as a result of House Bill 4545 (87R), some concerns remain regarding the pressure it will continue to put on students. Further mitigating this concern, TTAP’s combination of providing <b>multiple learning opportunities</b> and granting students the best of either their <b>final score or a weighted average</b> of the three assessments seeks to minimize the student stress of summative testing (which is normally one test on a single day). <sup>62</sup>

Throughout its initial implementation the STAAR Redesign has received support from students, teachers, and superintendents. The Agency worked closely with a multitude of stakeholders on the STAAR Redesign, consulting 600 educators and over 200 students on new question types. Participating educators largely agree that the new question types allow students to better demonstrate their knowledge (92%), are more engaging (89%) and will impact instructional planning (80+%). Feedback from over 100 superintendents demonstrated the strong belief that the STAAR Redesign will have a positive impact (71%), citing support for cross-curricular passages, assessment variety, emphasis on reading and writing, and the availability of student accommodations. The Agency also shared those students who participated in piloting the new question types reported finding the testing experience more enjoyable and engaging.

The Committee heard testimony from teachers who participated on the assessment’s development committee stating that HB 3906’s modifications help educators better support students and develop more effective classroom practices and materials. The new item types now more closely align with the classroom experience to ensure that effective instruction is followed by student outcomes. Educators emphasized the importance of increasing



teacher training and mentorship to give teachers the tools to adequately prepare students and align instructional planning with assessments.

With the move toward STAAR's administration fully online by School Year 2022-23, the Agency shared that as of 2021-22, 87% of tests were taken online.<sup>63</sup> Members considered the logistics and age appropriateness of online assessments. An online assessment requires reliable internet connection, access to technology, and technological fluency. Training graders to consistently and reliably assign scores for open-ended questions can be time consuming and costly. Teachers must also be trained to adapt their instructional practices and understand new question types. Other concerns included student data privacy, subpopulation accommodations, ability for parents to opt-out of the new online assessment design, and further stress for students.

Through HB 3906, Texas is leading the way in innovating our assessments system to better meet the needs of students, teachers, and our state. Specifically, only two other states (Nebraska and Florida) plan on using a through-year assessment model in the 2022-2023 school year, with the Texas pilot singularly attempting "to incorporate results from the first two tests into a student's final score." Although preliminary feedback is largely positive on its initial implementation, additional time is needed to assess the impact of these changes on alignment with effective classroom practices, student experiences, and ultimately academic performance.

## **RECOMMENDATIONS**

1. The Committee recommends the Legislature maintain summative, comparative, annual assessments in key subjects.
2. The Committee recommends continued monitoring and biannual evaluation of the innovative changes being implemented in the state's assessment system through HB 3906 in terms of usage data, improvements in instructional alignment, student outcomes, and stakeholder input.
3. The Committee recommends the Legislature create enabling conditions in funding for the continued rollout of the Texas Through-Year Assessment Pilot (TTAP) through the move to an operational computer-adaptive test.
4. The Committee recommends the Legislature support scoring automation where appropriate to reduce costs while ensuring reliability of assessment grading.

## **CHARGE II: TEXAS-MEXICO BORDER**

*Examine the impact, including any financial impact, to the Texas public school system of an increase in the number of children crossing the Texas-Mexico border. Review the history, any applicable precedents, and the legal landscape regarding the education of migrant children in Texas' public schools.*

### **SUMMARY OF COMMITTEE ACTION**

The Committee held a public hearing on April 26, 2022, to address the above interim charge. The Committee heard testimony from the following invited witnesses:

*Witnesses are listed in alphabetical order*

- Von Beyer, General Counsel, Texas Education Agency
- Dr. J.A. (Jay) Gonzalez, Superintendent, McAllen ISD
- Dr. Ricardo Lopez, Superintendent, Garland ISD
- Leo Lopez, Texas Education Agency
- Dr. Veronica Vijil, Superintendent, Fabens ISD

### **BACKGROUND**

The Fourteenth Amendment of the United States Constitution provides that

*[n]o State shall...deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.<sup>64</sup>*

In May of 1975, the Texas Legislature revised its education laws to withhold from local school districts any state funds for the education of children who were not "legally admitted" into the United States. The 1975 revision ("revised statute") also authorized local school districts to deny enrollment in their public schools to children not "legally admitted" to the country.

During 1978 and 1979, suits challenging the constitutionality of the revised statute were filed in the United States District Courts for the Southern, Western, and Northern Districts of Texas. Each suit named Texas and TEA as defendants, along with local officials. In November 1979, the Judicial Panel on Multidistrict Litigation, at Texas request, consolidated the claims against the state officials into a single action to be heard in the District Court for the Southern District of Texas. In July 1980, the court entered an opinion holding that the revised statute violated the Equal Protection Clause of the Fourteenth Amendment.<sup>65</sup> The District Court determined Texas' concern for fiscal integrity was not a compelling interest' and that the educational needs of the children the revised statute excluded were no different from the needs of children not excluded.

On June 15, 1982, in the United States Supreme Court ("Court") case known as Plyler v. Doe, Justice Brennan delivered the opinion of the Court. The question presented by the cases was whether, consistent with the Equal Protection Clause of the Fourteenth Amendment, Texas may deny to undocumented school-age children the free public education that it provides to children who are citizens of the United States or legally admitted aliens. The Court held if the State is to deny a discrete group of innocent children the free public education that it offers to other children residing within its borders, that denial must be justified by a showing that it furthers some substantial state interest.<sup>66</sup> The Court found no evidence was provided. The Court relied on three factors:<sup>67</sup>

a) The discrimination contained in the Texas statute could not be considered rational unless it furthered some substantial goal of the State. The Texas statute imposed a lifetime hardship on a discrete class of children not accountable for their disabling status. These children can neither affect their parents' conduct nor their own undocumented status. The deprivation of education takes an inestimable toll on the social, economic, intellectual, and psychological wellbeing of the individual, and poses an obstacle to individual achievement. In determining the rationality of the Texas statute, its costs to the Nation and to the innocent children may properly be considered.

b) The undocumented status of these children does not establish a sufficient rational basis for denying them benefits that the State affords other residents. It is true that, when faced with an equal protection challenge respecting a State's differential treatment of aliens, the courts must be attentive to congressional policy concerning aliens. But in the area of special constitutional sensitivity presented by these cases, and in the absence of any contrary indication discernible in the legislative record, no national policy is perceived that might justify the State in denying these children an elementary education.

c) Texas' statutory classification cannot be sustained as furthering its interest in the "preservation of the state's limited resources for the education of its lawful residents." While the State might have an interest in mitigating potentially harsh economic effects from an influx of illegal immigrants, the Texas statute did not offer an effective method of dealing with the problem. The record did not show that exclusion of undocumented children is likely to improve the overall quality of education in the State. The Court also found lack of any merit to the claim that undocumented children are appropriately singled out because their unlawful presence within the United States renders them less likely than other children to remain within the State's boundaries and to put their education to productive social or political use with the State.

## WHAT DID WE LEARN?

Admission to Texas public schools is largely based on residency. The Texas Education Code requires schools to accept, free of tuition, residents of the school district. Federal guidance discourages the use of any documents to establish residency that would discourage or bar an undocumented child from attending or enrolling.

In 2014, joint guidance from the U.S. Departments of Justice and Education advised schools that any discrimination based on race, color, or national origin, among other characteristics, violates the U.S. Constitution and Title IV of the Civil Rights Act of 1964.<sup>68</sup> Discrimination may be outright denial of enrollment or include direct measures through enrollment requirements that presents barriers, such as asking families to present certain legal documentation (i.e., social security numbers or birth certificates) or charging tuition to immigrant students despite their residence in the district's boundaries.

In *Hispanic Interest Coalition of Alabama v. Alabama*, the 11th Circuit, U.S. Court of Appeals, struck down an Alabama law requiring schools to collect information when enrolling a student regarding whether the child was "born outside the jurisdiction of the United States or is the child of an alien not lawfully present in the United States."<sup>69</sup> The Court applied the "heightened scrutiny" standard - does the action significantly interfere with the exercise of a right to an elementary or secondary public education and does a substantial state interest justify the interference.

Children in custody of the federal government are provided for by the federal government not the State of Texas. Texas statute requires tuition charges for students held by another state or the United States in a residential facility in Texas and requires full compensation of the education of a student placed in a private juvenile detention facility as a result of a court order from another state.<sup>70</sup> Under federal law, generally, minors are:

- a) Released from federal custody pending a hearing; or
- b) Held in custody and placed in a facility by the federal government.<sup>71</sup>

When released and the minors are in Texas, they become eligible for admission into Texas public schools. When held in federal custody, minors are not eligible for admission into public schools and state funding. Per federal guidance, children in the care of the office of refugee resettlement care do not attend local public schools.

TEA has not received any information directly from the federal government regarding the precise number of unaccompanied children ("UAC") in Texas. Additionally, since the State of Texas does not track the citizenship status of students enrolled in Texas public schools, there is no way to ascertain the exact financial impact of serving UACs in Texas public schools. The Foundation School Program ("FSP") serves as the primary funding mechanism for providing state aid to public schools in Texas. Any additional UACs enrolled in Texas public schools would increase the State's cost of the FSP over what would

otherwise have been spent. To the extent that UACs enroll in Texas public schools once released to sponsors, then all the costs of educating these students would be borne by the State.

Generally speaking, on a per pupil basis, the cost to the public school system is at least \$6,160, with additional costs for special programs as follows:

- a) Bilingual/ESL: Additional \$616 (funding weight of 0.10).
- b) State Compensatory Education: \$1,386-\$1,694 (funding weights range from 0.225 to 0.275).
- c) Special Education: varies greatly depending on instructional setting.
- d) Small/Midsize District Allotment: if the child enrolls in districts with fewer than 5,000 students, cost varies depending on the size of the district.

## **CHARGE III: PARENT EMPOWERMENT**

*Identify and examine efforts to ensure that parents have a meaningful role in their children's education. Recommend necessary changes in both independent school district board and open-enrollment charter governing board governance to protect the right of parents to participate in their child's education.*

### **SUMMARY OF COMMITTEE ACTION**

The Committee held a public hearing on July 26, 2022, to address the above interim charge. The Committee heard testimony from the following invited witnesses:

*Witnesses are listed in alphabetical order*

- Dr. Susan Bohn, Superintendent, Aledo ISD
- Ms. LaTonia Busby, Public School Parent
- Corey A. DeAngelis, Senior Fellow, American Federation for Children
- Shani Dowell, CEO, Possip
- Andrew Freeman, Executive Director, BASIS Texas Charter School
- Ms. Roslyn Griner, Public School Parent
- Mr. Gregory Harrington, Public School Parent
- Ms. Suzi Kennon, President, PTA
- Mike Morath, Commissioner, Texas Education Agency
- Ms. Janice Thomas, Public School Parent

### **BACKGROUND**

In 1995, the Texas Legislature passed Senate Bill 1, which included a Parent's Bill of Rights. The bill of rights found in Chapter 26 of the Texas Education Code, provides a framework of parental rights to assist parents and teachers with the common goal of educating our youth. The purpose of Chapter 26 notes "parents are partners with educators, administrators, and school district board of trustees in their child's education."

A list of key parental rights and protections include:

#### ***Right to View Content & Materials***

- Parents may remove their student temporarily from class or school activity for conflict with religious or moral beliefs. The removal may not be done to avoid taking a test or taking a subject for an entire semester. The student must still satisfy grade level or graduation requirements.
- Parents must provide written consent for instruction regarding human sexuality or instruction relating to the prevention of child abuse, family violence, dating violence and sex trafficking.

- Parents may remove the student from any part of instruction in human sexuality or instruction relating to the prevention of child abuse, family violence, dating violence and sex trafficking.
- Parents must provide written permission for their student under 14 to participate in a parenting and paternity awareness program.
- Reasonable access to a principal or a designated administrator with the authority to reassign a student, or to request a change in the class or teacher to which the parent's child has been assigned, if reassignment or change would not affect the assignment or reassignment of another student.
- Access to their student's written records such as attendance, test scores, grades, disciplinary records.
- Parents are entitled to review teaching and instructional materials; review tests after administered, observe instruction, request their student to take home instructional materials, and obtain login credentials to their student's learning management system or online learning portal.

### ***Grievance Process***

#### *Limited Statutory Requirement:*

The board of trustees for a school district must establish a process where district personnel, students or parents and members of the public may obtain a hearing from the district administrators and the board regarding a complaint.

#### *Practical School District Implementation:*

Generally, grievance processes are organized in the following tiers:

- Level One - School or Campus Principal: In most districts, a formal grievance is first filed, in writing, with the school or campus principal. Each school district or charter school may have their own timelines and complaint forms so the parent/guardian will need to request these from the District or Charter (if required by local policy). The parent /guardian may also include any other supporting documentation relating to the complaint.
- Level Two – Superintendent or Superintendent’s Designee: If the parent did not receive the relief requested at Level One or if the time for a response has expired, the parent/guardian may request a conference with the Superintendent or designee to appeal the Level One decision. The appeal notice must be filed in writing, on a form provided by the District or Charter (if required by local policy). The parent should include the original complaint form and all other documents submitted and

received at Level One. The parent/guardian may also include any other supporting documentation relating to the complaint.

- Level Three – School Board of Trustees or Charter School Board: If the parent/guardian did not receive the relief requested at Level Two or if the time for a response has expired, the parent may appeal the decision to the school board. The appeal notice must be filed in writing, on a form provided by the District or Charter (if required by local policy). The parent/guardian should include their original complaint form and all other documents that were submitted and received at Level One and Level Two. The parent/guardian may also include any other supporting documentation relating to your complaint.

### ***Student Transfers***

#### *From District to District:*

- Parents may request transfer to another district but receiving district determines whether to accept.
- Districts may charge tuition.
- Districts may contract with other districts for transfers.
- In **2021-22, 204,241 students transferred** to another district.<sup>72</sup>

#### *Within District:*

- Board of trustees determines assignment and transfer of students and may deny petition of transfer based on ‘reasonable basis for denying the request’.
- Must allow transfer under Public Education Grant Program.
- Practical implementation: School zones only; Open transfer or limited transfer; Magnet schools

### ***Open-Enrollment Charter Schools***

Whether or not Chapter 26 of the Education Code applies to open-enrollment charter schools is unclear. While there are two subsections, Chapter 26.004(b)(11) and Chapter 26.0081(c) and (d) relating to a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child, Chapter 12 does not explicitly state that Chapter 26 applies to charter schools, nor is the term "open-enrollment charter school" included in Chapter 26.

For the grievance process, there is no statutory guidance. (Tex. Const. art. I, § 27 grants the right to apply to those invested with the powers of government for the redress of grievances.) and a governing board of an open-enrollment charter school may not delegate final authority to hear or decide employee grievances, citizens complaints or parent concerns.



For student transfers, open-enrollment charter schools must serve a geographical area, and they are open-enrollment unless overprescribed then lottery by order of applying. In SY2021-2022, 377,375 students chose to enroll in an open-enrollment charter school.<sup>73</sup>

### ***Texas Education Agency***

The Texas Education Agency is able to investigate the following grievances:

- Violations of programs required by federal law or programs for which the public education agency receives federal funds;
- Misuse of federal or state funds by a public education agency;
- Conditions at a school district or charter school that present a danger to the health, safety, or welfare of the students;
- Violations of duties defined by statute or rule of school district boards of trustees, governing bodies of public charter schools, or superintendents or chief operating officers of school districts and public charter schools;
- Violations of state assessment instrument security procedures;
- Falsifications, fraudulent misrepresentations, or manipulations of information, including manipulations of records, reports, data, forms, statements of assurances, or certifications submitted to TEA through the Public Education Information Management System (PEIMS); or
- Educator misconduct.

## **WHAT DID WE LEARN?**

Family engagement has been recognized as an important missing link in school improvement. Research shows that the more families support their child's learning at home, the more likely their children will do well in school and continue their education beyond high school graduation. When families establish working relationships with teachers and are actively involved in their child's education, students have better attendance rates, fewer behavioral problems, achieve better academic performance, and they are more likely to complete high school than are students whose families are not as involved in their school.

While all children need their families involved in their education, families with students in high-need schools may face unique challenges to engage in their child's school. Teachers in high-need schools report lower levels of family engagement and report that they are less likely than other teachers to receive preparation and support to engage families in their child's learning. Families, especially in high-need areas, say that, although they want to support their children, they do not know what to do to become engaged with their child's learning and school improvement. Parents tend to lack the confidence in their abilities to help their child academically or to interact with school personnel.

Ms. LaTonia Busby, a single mother, whose children attend public schools in Northeast Houston, testified that while she would love to be more active at her children's school, barriers such as inflexible work hours, low self-esteem and lack of her own education to help her children with their schoolwork hinders her involvement on a regular basis. Additionally, she stated that schools do not always have a welcoming climate - she feels that school officials incorrectly tend to decide in advance that as a single and low-income working parent, she cannot be approached or relied upon. "As parents, sometimes we don't know what we don't know, and we rely on teachers and school administrators to help us navigate the system."

Ms. Janice Thomas, a parent who started a non-profit to assist parents by informing them of their rights testified that she started her organization after speaking to a group of parents who did not know how to advocate on behalf of their children. She spoke about how parents from lower socioeconomic backgrounds face more barriers to involvement, including work schedules, lack of resources, transportation problems, and stress due to residing in disadvantaged neighborhoods. Additionally, Ms. Thomas asserted the common theme among the parents she assists is a sense of feeling of inadequate, limited school background, or preoccupation with necessities which prevent parents from communicating with schools. Despite these barriers, low-income parents can and want to participate in the education of their children as much as middle-class or wealthy parents.

Every school district must have a grievance policy to guide informal and formal dispute resolution. The goal of these policies is to allow for transparency and accountability in the prompt resolution of grievances. While some stakeholders believe the parent grievance process creates a fair and consistent process for parents to pursue their concerns, parents frequently testified that the process is far from prompt and creates barriers for parents seeking redress.

Most parents expressed concern with the ease of accessing the complaint form, testifying that it took an average of 30-45 minutes just to locate the grievance process on the school district website. Once located, the instructions were not in clear, easy-to-understand language. After locating and reading the instructions, parents then must locate the actual form that does not state the deadlines listed for each level of complaint and some school districts only have the form available in English. Parents expressed frustration that while schools encourage parents to seek resolution through informal means, school districts do not extend any deadlines of the formal process except by mutual written consent. Often, parents are unaware this is an option.

If a complaint reaches Level Three which falls under the school board, the school board must consider the complaint. The school board may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled school board meeting. Parents testified that the entire process could extend well beyond 90 days making them feel

as if the process was designed to "wear them down to dismiss the complaint." Witnesses testified that school boards define the process's reasonableness and therefore determine how easy or difficult it is for parents to avail themselves of their rights. Adding to parents' frustration, if a school board does not decide regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the school board upholds the administrative decision at Level Two. Committee members raised issue with this policy given that a school board could essentially fail to follow their own policy for which they adopted and punish the parent by forcing the parent to accept an administrative decision with which they did not agree with.

Along with concerns about the grievance process, parents expressed concerns about the nature of inappropriate library books. In October, it was revealed that a school district provided a sexually explicit graphic novel to minors from the school library. The book contained explicit illustrations and inappropriate content. The school district responded and removed the book from the library. Similarly, the school district removed several other books from their classrooms due to descriptive passages of "overtly sexual and pornographic acts." As a result of rising concerns from parents across the state, TEA, the Texas State Library and Archives Commission, and the State Board of Education, at the direction of Governor Abbott developed statewide standards to prevent the presence of pornography and other obscene content in public schools.

For some parents, the new model policy aims to emphasize transparency and parental rights. To ensure parental engagement, each school must make the selection process of library materials readily available for parental review, with a list of all library materials posted online on the district's website, and the content of all materials available for direct review. In recognizing that parents hold an essential role in the education of their children and have the right to guide what their children read, each library must maintain a printed list of materials onsite and on the school library website that shows what has been selected as well as what is slated for acquisition. The Superintendent, or designated District-level administrator, must offer a "Parent Preview" at least ten days before books are to be placed on the shelves, once in the fall and once in the spring.

The model policy also requires a district librarian to read new library materials - something school officials acknowledge doesn't always happen - and submit a list to the superintendent and school board at least 30 days before any books are purchased. The legal responsibility for the purchase of all library materials is vested in the school board. The school board must provide final approval for all new materials added to the library. TEA's model local school board policy can be adopted by school boards or governing bodies of open-enrollment charter schools to establish strong procedures related to the selection, review, and transparency of library materials that emphasize the rights of Texas parents.

Although some parents are in support of the removal of certain books, other parents and stakeholders view the removal as censorship and driven by political pressure from individuals and organized groups. Opponents of the removal of books advised that while

parents have the right and are encouraged to be active participants in their children's education, including the selection of the books they read, they do not have the right to impose their personal beliefs on other families or make decisions for all children. Furthermore, they testified that when school boards approve policies designed to appease one group, they deny the rights of others in the community.

A strong education system requires the involvement of families at all levels, throughout their child's school years. Families are a key support for student growth, and involving families as partners in education is important, irrespective of the challenges this involvement poses to educators and families.

## **RECOMMENDATIONS**

1. The Committee recommends the Legislature provide a statutory requirement to create a uniform parental grievance process for all traditional school districts and open-enrollment charter schools to follow, where a resolution must be reached within 120 days.
2. The Committee recommends the Legislature ensure Chapter 26 specifically applies to open-enrollment charter schools.
3. The Committee recommends the Legislature provide more transparency around public school options for students and families.
4. The Committee recommends the Legislature continue to reform intra- and inter-district policies to best address student and family needs.

## **CHARGE IV: EDUCATION AND WORKFORCE PARTNERSHIPS**

*Examine partnerships between K-12, higher education institutions, and employers that promote postsecondary and career readiness and identify current obstacles that public schools, higher education institutions, and employers face. Make recommendations to ensure career and technical education programs, internships, apprenticeships, and other opportunities are more accessible.*

### **SUMMARY OF COMMITTEE ACTION**

The Committee held a public hearing on July 26, 2022, to address the above interim charge. The Committee heard testimony from the following invited witnesses:

*Witnesses are listed in alphabetical order*

- Dr. Kim Alexander, CEO, Edu-Nation
- Dr. Pam Anglin, President, Paris Junior College
- Maresa Bailey, Executive Director of School Leadership Crandall ISD
- Dr. Eric J. Ban, Executive Director, Economic Mobility Systems
- Tiffany Barfield, Senior Director of Policy and Advocacy, NAF
- Dr. Elizabeth Camarena, Ed.D., Executive Director, Premier High School
- HD Chambers, Superintendent, Alief ISD
- Bryan Daniel, Commissioner Representing the Public, Texas Workforce Commission
- Dr. Carol Fletcher, Ph.D., Director of EPIC, University of Texas at Austin
- Michael Gonzalez, Executive Director, The Rural Schools Innovation Zone
- JD Hale, Director of Government Affairs, Texas Association of Builders
- Glenn Hamer, President & CEO, Texas Association of Business
- Dr. Stephen C. Head, Chancellor, Lone Star College
- Dr. Angela Hill, Vice President & Provost of Academics, Lamar Institute of Technology
- Katrina James, Managing Director, Dallas County Promise
- Caroline Joiner, Public Policy Leader, Amazon
- Harrison Keller, Commissioner, Texas Higher Education Coordinating Board
- Will Krebs, Senior Vice-President Government Affairs, Project Lead the Way
- Dr. Justin Lonon, Chancellor, Dallas College
- Dr. Kenyatta Lovett, Managing Director, Higher Education, Educate Texas
- Romanita Matta-Barrera, SA Works
- Mike Morath, Commissioner, Texas Education Agency
- Hon. Mattie Parker, Mayor, Fort Worth
- Beau Pollak, CEO, Trio Electric
- Dr. Mike Reeser, Chancellor, Texas State Technical College
- Dr. Neal Smatresk, President, University of North Texas
- Dr. Desmontes Steward, Superintendent, Gainesville ISD
- Dr. Annette Tiel, Superintendent, Del Valle ISD

## BACKGROUND

### House Bill 3767 and Tri-Agency Workforce Initiative

To develop strong links between education and industry, the 87th Legislature passed House Bill 3767, which codified the 2016 Tri-Agency Workforce Initiative. The initiative requires strategic coordination among the Texas Education Agency (TEA), the Texas Higher Education Coordinating Board (THECB), and the Texas Workforce Commission (TWC) to carry out the mission of "building a strong Texas workforce and ensuring that Texans are prepared for jobs in the industries that power the state's economy today and tomorrow."<sup>74</sup>

House Bill 3767 authorized the agencies to develop a strategic plan for a unified workforce data repository, create state workforce development goals and strategies, establish a web-based credential library and internet-based resources, braid state and federal funding for career and technical education and training programs, and determine self-sufficient wages for each Texas county. In addition to statutory requirements, the Initiative must also act upon the Governor's charges, which were most recently updated in 2020 after the enactment of House Bill 3. The charges require Tri-Agency collaboration in developing strategies in seven key areas: readiness, completion, transitions, upskilling, educator pipeline, partnerships, and infrastructure.

The statutory change increased the degree of collaboration and coordination among the three agencies and improved the quality of high school career preparation. Since House Bill 3767, the Tri-Agency Workforce Initiative has dedicated a focused effort to "advance economic growth and prosperity." As a result, the Initiative has identified three main priorities:

- Pathways: The Tri-Agency will support efficient and flexible pathways to earning degrees, certificates, and other credentials linked to high-wage, in-demand jobs.
- Support: The Tri-Agency will ensure students receive the supports necessary to succeed at all stages of their educations and in their transitions to the workforce.
- Infrastructure: The Tri-Agency will create a robust infrastructure for interagency collaboration around common goals, data, and processes to ensure improved student outcomes and meet employers' needs.

Strategies to support these priorities include improving alignment of career and technical education (CTE) pathways, supporting work-based learning frameworks and college/career advising, supporting regional collaboration and aligning programs with high-wage in-demand jobs, and modernizing and coordinating data. Notable projects to support the Tri-Agency goals and strategies include:

- The Data Modernization Initiative and Tri-Agency Master Data Sharing Agreement, which streamlines data sharing and increases data usability for institutional leaders as well as the public to make informed decisions.
- The Credential Library, which is a comprehensive library of credentials such as diplomas, certificates, certifications, digital badges, apprenticeships, licenses, or degrees. Included credentials will prioritize alignment with industry standards and employer needs.
- The Texas Regional Pathways Network (TRPN), which incentivizes and supports regional talent pipelines through K-12, postsecondary education, workforce and economic development, business and industry, government, and nonprofit and community-based organization collaboration.
- College and Career Advising through resources such as the Texas OnCourse digital academy, virtual advising programs, and data dashboards.
- Pathways in Technology (P-TECH) Early College High Schools, which is an innovative school model that allows students to participate in work-based learning opportunities and earn a high school diploma, associate degree, and a credential upon high school graduation.
- Registered Apprenticeship Programs, which are U.S. Department of Labor approved, paid on-the-job- trainings with related classroom instruction.
- A Work-Based Learning Strategic Framework, authorized by House Bill 1247, which defines and encourages work-based learning programs in Texas.

Much of this work informed the development of *Building a Talent Strong Texas*, the Texas Higher Education Coordinating Board (THECB) newest strategic plan to ensure at least 60% of Texans ages 25-64 have a postsecondary credential of value by 2030.

## **K-12 Career Pathways**

TEA, through House Bill 3 and House Bill 1525, has taken significant steps to support the Initiative by incorporating, improving, and prioritizing career readiness. House Bill 3's College, Career and Military Readiness (CCMR) outcomes bonuses, for example, redefined college and career readiness and incentivized local and regional K-12 institutional partnerships with higher education institutions and business and industry. House Bill 1525 created tiered weighted funding for CTE programs to incentivize districts to offer meaningful programs of study, which has resulted in TEA identifying 53 statewide programs of study in 14 career clusters and 8 regional programs of study. Significant federal and state investments in College and Career Ready School Models (CCRSM) have exponentially grown the models from 113 campuses in 2012 to 542 campuses in 2022, with

P-TECHs showing the most significant growth.<sup>75</sup> And in just three years, the TRPN has grown from 55 LEAs, 15 IHE partners, and 20 industry partners to 119 LEAs, 29 IHE partners, and 67 industry partners.<sup>76</sup>

## **Postsecondary Workforce Education**

In supporting the Initiative, THECB aids institutions in developing credit and non-credit workforce education degree and certificate programs. More specifically, they are redefining and innovating "postsecondary credentials of value" by placing value on wage premiums, making Texas the first state to do so. In order to be considered a credential of value, there must be a positive return on investment when comparing the credential holder's earnings to a high school graduate's earnings. To accelerate the number of high-value credential opportunities for students, THECB awarded \$15.8 million from the Governor's Emergency Education Relief (GEER) fund to 10 consortia and 33 individual institutions (43 grants total) to support the development or expansion of short-term, industry-recognized credentials.<sup>77</sup> Originally funded through GEER and the American Rescue Plan Act (ARPA) and authorized by Senate Bill 1102, THECB has invested \$41 million into the Texas Reskilling and Upskilling through Education (TRUE) program, supporting more than 270 credentials in high-demand, high-wage industries across 11+ consortia.<sup>78</sup> Furthermore, THECB awarded \$4.8 million in Work-based Learning Opportunity Grants to 23 Texas public universities and colleges.<sup>79</sup> The grants are designed to help Texas college students access internship and apprenticeship opportunities to strengthen the education to workforce pipeline.

## **Innovative Training**

TWC is supporting industry by focusing on upskilling and reskilling initiatives. In addition to launching major statewide registered apprenticeship initiatives in critical skills and healthcare, TWC has also awarded grants through Texas' premier upskilling program, the Skills Development Fund (SDF). The SDF provides private, customized training opportunities for Texas businesses and their employees to increase skill levels and wages of the Texas workforce and requires collaboration between businesses, technical colleges, and workforce development boards. TWC has also partnered with Metrix Online Learning Platform to provide over 5,000 free professional certification courses for Texans to remain competitive for employment at Fortune 500 companies. Lastly, TWC is leading the development of the Credential Library and Self-Sufficient Wage Tool, both designed to provide Texans the opportunity and access to high-quality workforce education resources.

## **WHAT DID WE LEARN?**

Despite the progress made through the Initiative, the Texas Association of Business testified to the Committee that the current employment gap is 7x greater than it was prior to the pandemic.<sup>80</sup> Additionally, according to data from the 2009 8th grade cohort, only 23% of students achieved any postsecondary degree or credential within 6 years of



graduating high school.<sup>81</sup> While prior legislation laid the foundation for investment in partnerships between K-12, higher education institutions, and employers, it is essential that we continue to expand upon them to drive student opportunity and advance the state's economic competitiveness.

While existing partnerships have established many career and technical education programs, internships, apprenticeships, and other opportunities to prepare students, there are barriers that prevent stronger effectiveness. Many of these programs are not tightly aligned with regional and emerging workforce demands. Furthermore, high schools need more professionals to help students pursue and complete pathways. The Tarrant To and Through Partnership (T3 Partnership) is an effective example, whereby the TCU College Advising Corps places recent college graduates from TCU as advisors in high-need schools to support students. Currently, private and corporate philanthropy is supporting the initiative.

Separately, courses taken in high school that are meant to accelerate a student's path to a college degree do not easily transfer to applicable college courses. The Committee heard testimony from schools confirming that this misalignment in courses creates significant roadblocks for student degree progression. Oftentimes, students take any available courses offered within their high school, leading to an excess of credit hours that may not apply to their future degree or credential. Rather than building programs first and turning to employers for input after, programs should be intentionally designed in partnership with regional employers, with workforce alignment as a foundational cornerstone. Some schools have utilized industry advisory councils to increase alignment but have expressed concerns over the burden placed on regional employers. The Legislature should encourage engagement from, employers prior to the creation of workforce education programs and incentivize programs that demonstrate streamlined alignment to workforce demands.

The most significant barrier preventing many students from utilizing college and career readiness programs is their incredibly high cost. To make dual credit courses more affordable for students, some community colleges have waived tuition; however, for some institutions, this has had a significant impact on their revenue. There is extreme variation in costs and prices for institutions across the state and colleges have expressed a need for a more standardized cost and payment structure.

One particularly effective partnership model is exemplified by work-based learning programs. The Commission heard testimony about effective partnerships between high schools and employers that provide paid internships, leading to job offers post-graduation. Mayor Mattie Parker of Fort Worth highlighted the Lockheed Martin high school internship program as an example. The effectiveness of the work-based learning framework stems from the development and application of in-demand, employable skills. Based on lessons learned from successful work-based learning programs, schools have echoed the need to prioritize internships and apprenticeships approved by industry that are aligned with employer demands.

Though many colleges have created short term workforce programs dedicated to reskilling and upskilling students in a short amount of time, schools have expressed challenges with the cost of starting these programs. Initiatives such as the TRUE program have proven to reduce the workforce skills gap and schools have expressed the need for continued and expanded state investment to reduce costs and improve access.

Regional partnerships have streamlined work between K-12, higher education institutions and employers. For example, the Dallas County Promise partnership, which connects Dallas area high schools and higher education institutions, has a stellar track record of improving regional outcomes, increasing financial aid submission rates to exceed the state and national average as well as substantially increasing retention rates at partner colleges. The Rural Schools Innovation Zone is another strong regional collaborative model that has made strong progress in closing achievement gaps and Mayor Mattie Parker testified about partnerships between industry and education in the city and highlighted her new Mayor's Council on Education and Workforce. Community colleges also testified on the necessity of regional service centers to avoid duplication of efforts and resources with high school partners. House Bill 3 and its emphasis on postsecondary readiness and completion was a major catalyst for conversations about regional partnerships, and schools have voiced their need for continued state support of effective regional partnerships.

Members asked questions about the benefits and barriers to better data utilization. Data is consistently one of the most important aspects in ensuring programs' fidelity of implementation. In the past, it tended to be siloed and was typically only collected for regulatory processes and ad hoc reports. While the Tri-Agency Initiative prioritizes data-sharing amongst the agencies and public facing dashboards, there remains a strong need for stakeholders to have access to real-time, quality data. The Committee heard testimony from several education partners on the necessity of such data in empowering student advising, determining workforce needs and evaluating our overall talent pipeline. Texas must shift in the direction of making data readily accessible, timely, and actionable.

## **RECOMMENDATIONS**

1. The Committee recommends the Legislature incentivize career and technical education programs, internships, apprenticeships, dual credit courses, and postsecondary credentials, in each case, aligned to regional workforce demand.
2. The Committee recommends the Legislature increase need-based financial aid for dual credit courses as well as postsecondary credentials aligned to regional workforce demand to make them more accessible.
3. The Committee recommends the Legislature support and expand partnerships for paid work-based learning programs, including internship and apprenticeships.

4. The Committee recommends the Legislature support the creation and expansion of short term workforce programs in high demand fields.
5. The Committee recommends the Legislature set a deadline for the dissemination of timely and actionable data by the Tri-Agency to support programs aligned to workforce demands and overall student outcomes.

## **CHARGE V: TEACHER WORKFORCE**

*Evaluate the impact of the pandemic on the state's teacher workforce, and current practices to improve the recruitment, preparation, and retention of high-quality educators. Explore the impact of the educator preparation program regulatory environment. Make recommendations to improve educator recruitment, retention, and preparation throughout the state. (Joint charge with Committee on Higher Education)*

### **SUMMARY OF COMMITTEE ACTION**

The Committee held a public hearing on September 20, 2022, to address the above interim charge. The Committee heard testimony from the following invited witnesses:

*Witnesses are listed in alphabetical order*

- Pamela Awbrey, Chief Engagement Officer, Compass Rose Public Schools
- Lauren Bloomquist, Policy Analyst, Education Commission of the States
- Hon. Seale Brand, School Board Trustee, Orange Grove ISD
- Andrea Chevalier, Ph.D., Association of Texas Professional Educators
- Dr. Shelly Diviney, Vice-President, Academic and Student Affairs, Brazosport College
- Tonya Davis, Regional Manager, DISYS
- Brock Gregg, Associate Director Strategic Partnerships and Outreach, Texas Retired Teachers Association
- Carrie Griffith, Governmental Relations/Policy Specialist, Texas State Teachers Association
- Brian Guthrie, Executive Director, Texas Retirement System of Texas
- Rebecca Hampton, Senior Education Specialist-INSPIRE TEXAS, Educator Preparation by Region 4 ESC
- Abbie Harper, Director of University Partnerships, Texas A&M University Commerce
- Marissa Castanon-Hernandez, Theatre Teacher, Wayside Sci-Tech Middle School
- Anthony Hernandez, Executive Director, Urban Teachers
- Lonnie Hollingsworth, General Counsel, Texas Classroom Teacher Association
- JoLisa Hoover, Teacher Specialist, Raise Your Hand Texas
- Dr. Diann Huber, CEO, ITeach
- Brandon Jenkins, SHI Fellow, University of Houston Downtown
- Kristi Kirschner, Chief Human Resource Officer, Brazosport ISD
- Dave Lewis, Superintendent, Rochelle ISD
- Dr. Justin Lonon, Chancellor, Dallas College
- Dr. Michael Marder, Ph.D., Co-Founder of UTeach Natural Science and Professor, Department of Physics, College of Natural Science University of Texas at Austin
- C. Michele Martella, Executive Director of SPED, Comal ISD
- Danny Massey, Superintendent of Schools, Brazosport ISD
- Chris Mayes, Superintendent, Beatrice Mayes Institute
- Mike Miles, Superintendent, Third Future Schools

- Scott Muri, Superintendent, Ector County ISD
- Dr. Roosevelt Nivens, Superintendent, Lamar CFISD
- Kelvey Oeser, Deputy Commissioner of Educator Support, Texas Education Agency
- Dr. Michael O'Malley, Ed.D., Dean of College of Education, Texas State University
- Lisa Parker, Gym Teacher, Spring ISD
- Yvette Pena, English/Social Studies Teacher, Teach Plus Senior Policy Fellow
- Dr. Lizdelia Pinon, IDRA Bilingual Education Associate
- Patrick Powers, Teacher, Denton ISD
- Dr. Stephen L. Pruitt, Ph.D., President, Southern Regional Educational Board
- Charles (Chad) Contero-Puls, Assistant Commissioner, Student Financial Aid Programs, Texas Higher Education Coordinating Board
- Gabriela Rodriguez, State Relations Strategist, Education Commission of the States
- Dr. Jonathan Schwartz, Dean of the College of Public Services, University of Houston Downtown
- Dr. Salena Fenceroy-Smith, Former Teacher, Dallas ISD
- Dr. Vincent Solis, President, Brazosport College
- Jacob Stewart, Director of State Government Relations, Early Care and Education Consortium
- Jean Streepey, Chair, State Board of Educator Certification
- Dr. Clifton Tanabe, Dean, College of Education, University of Texas at El Paso
- Tania Tasneem, 8th Grade Science Teacher, Kealing Middle School
- Josue Tamarez Torres, Chair, Texas Teacher Vacancy Task Force
- Dr. Fernando Valle, Department Chair, College of Education, Texas Tech University

## **BACKGROUND**

Every future begins with a high-quality education, which starts with having a high-quality educator. Schools with great teachers support the common goal of having an educated population, a prepared and productive workforce, and a strong economy. Teachers prepare and inspire the next generation of leaders critical to our future. Yet for years, our education system has faced challenges in attracting, recruiting, and retaining qualified teachers—challenges that were worsened by the COVID-19 pandemic.

The pandemic created unprecedented disruption for students, educators, and school systems. The nationwide school closures in March of 2020 marked the beginning of a long series of pandemic-induced disruptions spread across three school years. During this time, teachers faced a wide range of additional pressures, including unexpected shifts in schooling mode, learning new technologies, and managing personal and professional health concerns. These pressures have led to undue strain on the educator workforce causing dissatisfaction to be at an all-time high. According to a 2021 RAND survey, 66% of teachers said they seriously considered leaving their jobs in the past year.<sup>82</sup>

To address these rising concerns, Governor Abbott directed the Texas Education Agency (TEA) to create the Teacher Vacancy Task Force (TVTF). The TVTF, chaired by Josue Tamarez Torres (Dallas ISD teacher) is comprised of teachers and school system leaders hailing from a variety of districts and geographies, who serve student populations that are representative of the diversity in Texas. Members of the TVTF were chosen due to their understanding of teacher vacancy challenges and experience with innovative solutions to these challenges. The TVTF has been meeting every other month since March 2022, with final recommendations for the Texas Legislature due in February 2023.<sup>83</sup>

In order to become a certified teacher in Texas, an individual must participate in an educator preparation program (EPP). Universities offer traditional programs, in which candidates earn an undergraduate degree as they complete the certification requirements set forth by the State Board for Educator Certification (SBEC). Candidates that already have a bachelor's degree can enroll in an alternative certification program, which can be offered by several entities, including community colleges, private providers, and regional education service centers, or in a post-baccalaureate program at a university, through which they may receive a master's degree in education.

Texas has the largest teacher labor market and educator preparation system in the United States, with more than ten percent of the United States public school teaching workforce.<sup>84</sup> Despite having the largest teacher labor market, Texas faces significant retention challenges creating urgency around vacancies that is mirrored across the country. Those who opt to obtain a teaching certificate are choosing non-university-based programs in higher numbers, and data shows these alternative certification routes lead to increased attrition in the first five years, further contributing to the retention issue.<sup>85</sup> In light of these circumstances, the Texas Legislature must consider current practices to improve the recruitment, preparation, and retention of high-quality educators.

## **WHAT DID WE LEARN?**

The teacher shortage is a pervasive problem. Public schools across Texas face staff shortages in key subjects, increased difficulty in filling vacancies, and a significant decline in those wanting to enter the profession. The issue is one of quantity, with not enough teachers, substitutes, and other staff; quality, with fewer experienced, prepared, and certified teachers; diversity, with most teachers being white females; and equity, with highly effective teachers concentrated in more affluent public schools. It's time Texas leads the country in addressing the systemic issues facing the teaching profession.

### ***Educator Preparation***

The State Board of Educator Certification (SBEC) is the regulatory body that has a direct oversight of educator preparation in Texas. SBEC is currently working towards an "Effective Educator Preparation Framework" that aims to outline best practices in educator preparation, including P-12 partnerships.<sup>86</sup> SBEC also oversees EPP approval and renewal

in Texas and is statutorily bound to develop a list of accountability metrics used for EPP accreditation and the Accountability System for Educator Preparation Programs (ASEP). SBEC also has the authority to set procedures to change the accreditation status of an EPP that violates state law or rules and the authority to establish rules to sanction EPPs that are out of compliance.<sup>87</sup> In addition to ASEP and accreditation, SBEC holds EPPs accountable through a complaint process and a five-year continuing review of EPPs, which TEA can also conduct at their discretion at any time.<sup>88</sup>

Historically, when Texas has faced teacher shortages, there has been pressure to lower the bar for entry into the profession and reduce requirements for preparation and certification. Texas has the most flexible preparation pathways of any state.<sup>89</sup> Many of the newly hired teachers are entering the workforce without the training and support they need to be successful. The various EPP pathways in Texas: institutions of higher education (IHE), alternative certification programs (ACP), and post-baccalaureate have resulted in inconsistencies in teacher preparedness.<sup>90</sup> In the 2021-22 school year, about 20% of newly hired teachers who entered the classroom had no certification or state-issued credential.<sup>91</sup>

### *Institutions of Higher Education*

Four-year institutions produce the most prepared teachers in Texas through multiple pathways including partnerships with high schools, community colleges, local education agencies, traditional undergraduate programs, and post-baccalaureate programs.

According to a study by the University of Texas at Austin and Educate Texas, IHE-certified teachers have higher student learning and stayed longer in the field than alternatively certified teachers.<sup>92</sup> Over a nine-year period, 73% of IHE-certified teachers remained in the teaching profession compared to only 59% of alternatively certified teachers.<sup>93</sup> Additionally, every year, from fourth through ninth grade, students gained the equivalent of one to two extra months of learning in mathematics if they had an IHE-certified teacher.<sup>94</sup> For low-income students, having an IHE-certified teacher can offset half or more of the disadvantages that come from living in poverty.<sup>95</sup>

IHE programs also tend to have higher than average pass rates on content exams and their graduates are better prepared to teach after completion of clinical fieldwork.<sup>96</sup> Dr. Jonathan Schwartz, Dean of the College of Public Services, University of Houston Downtown (UHD), testified their teacher preparation program includes three semesters of field experience opportunities. Teacher candidates are required to complete two semesters of 60-hour observations in a P-12 classroom with two supervisor-evaluated lessons before the third and final semester of student teaching. In the past decade, twenty-five alumni have been named "Teacher of the Year" at their respective campuses. The program has also maintained one of the highest percentages of teachers retained in the classroom for the past decade and currently has the highest in-serve teacher retention rate at 87%.

Teachers prepared through IHEs compared to any other certification pathway, save districts up to \$20,000 per teacher in turnover costs annually.<sup>97</sup> However, the recent trend is showing fewer teachers are coming from IHEs with certification of middle and high school teachers from IHEs continuously dropping and more teachers selecting the ACP route.<sup>98</sup> Testimony before the committee attributed this trend to the rising costs of post-secondary education and the ease of obtaining a certificate through an ACP program.<sup>99</sup>

Emerging economic research on the benefits of high-quality teachers also indicates IHE-certified teachers create a measurable increase in student earnings throughout their lifetime.<sup>100</sup> Investing in these high-quality programs is a key step in strengthening the teacher pipeline, increasing degree completion, and reducing the teacher shortage.

### *Alternative Certification Programs*

ACPs offer a nontraditional route to certification that accelerates entry into the classroom as coursework and internship experiences are completed while serving as the teacher of record. Over the last 20 years, Texas has seen a significant increase in the number of teachers entering the field through ACPs.<sup>101</sup> Currently, Texas produces far more alternatively certified teachers than any other state.<sup>102</sup> Specifically, Texas produces 60% of the nation's alternatively certified teachers.<sup>103</sup> While 50% of newly certified teachers enter the teaching profession through an ACP, alternatively certified teachers are less prepared to provide high-quality instruction, which ultimately increases costs for public schools and Texas.<sup>104</sup>

Currently, 40% of newly hired teachers for the current school year were either uncertified or came through an ACP.<sup>105</sup> Roughly 19% of teachers entered the classroom on an intern certificate, which is almost exclusively earned through the ACP.<sup>106</sup> The certificate is provided to candidates who pass a content exam and complete 150 hours of coursework and at least 30 hours of field-based experience. Those on an intern certificate can be hired by a school district as a full-time teacher and must be assigned a mentor teacher.<sup>107</sup> However, these interns, who are still learning, often have limited hands-on experience with instructional skills and classroom management. In contrast, IHE-certified teachers complete clinical teaching in their final semester, are not required to hold an intern or probationary certificate and are assigned a cooperating teacher.<sup>108</sup>

Alternatively-certified teachers leave the teaching profession at a faster rate than IHE teachers, with the biggest drop happening after their first year of teaching.<sup>109</sup> According to testimony provided by TEA, if teachers prepared in alternative certification programs were retained at the same rate as teachers prepared in traditional programs, over 3,700 fewer new teachers would have been needed in the last school cycle.<sup>110</sup> Additionally, many candidates in alternative certification programs do not obtain a standard certificate, even after completing the internship. Data shows 18% of the intern certificate holders did not obtain a standard teaching certificate, compared to a decade ago when 16% of intern certificate holders did not obtain a standard certificate.<sup>111</sup>



### *Late Hire*

Texas late hire provision allows an individual who has not been accepted into an educator preparation program before the 45th day of the first day of instruction and who is hired for a teaching assignment by a school after the 45th day before the first day of instruction or after the school's academic year has begun.<sup>112</sup> This provision allows a candidate to be hired after passing their content exam, before they complete pre-service training and 30 hours of field-based observations.<sup>113</sup>

While late hires may be essential for districts that are desperately seeking teachers, this flexibility should be met with greater support for the late hire candidate, such as increased site visits by a field supervisor, additional meetings with a mentor teacher, support groups with other new and experienced teachers, and intensive efforts to get the candidate trained on essential practices and responsibilities as soon as possible. Greater support requirements for late-hire teaching candidates will ensure they are prepared as they enter the classroom.

### *Increased Transparency*

The committee heard testimony on the need to increase transparency in accountability for EPPs by making the accreditation status, candidate passing rates, and other data available for public consumption.<sup>114</sup> As part of the process to determine the accreditation status of an EPP, all EPPs are required to annually submit key program indicators, including candidate passing rates, principal appraisals of teacher candidates, and field observations. Currently, the public can view only the accreditation status of Texas EPPs via TEA's website. The "EPP Map" is a start to allowing the public to better understand the ASEP ratings, but the current design and location of the site is not easily accessible to other candidates, district staff, or the public.<sup>115</sup>

In addition to accreditation status, TEA also collects candidate retention data, candidate satisfaction survey data, and data about the improvement in the achievement of students taught by beginning teachers. Currently, this data is not publicly accessible. Good Reason Houston testified, "If publicized, this data would help teacher candidates choose a program that best suits their needs for teacher preparation rates over time and is particularly important to districts seeking to recruit candidates to their district and establish formal partnerships with EPPs."<sup>116</sup>

### ***Recruitment and Retention***

Teachers enter the profession for a variety of reasons, and often the result of multiple, interdependent factors with economic considerations significantly contributing to their decisions. While the demand for quality educators is rising, fewer individuals are entering the profession. Only 3 percent of Texans who took the SAT in 2021 cited an interest in teaching, and most parents in Texas do not support the idea of their children becoming teachers.<sup>117</sup> The Committee heard extensive testimony on ways the Legislature can

improve the recruitment and retention of Texas educators.

### *Teacher Apprenticeships*

Registered Apprenticeships are an effective, high-quality "earn and learn" model that provides structure, paid on-the-job learning experiences with curriculum and instruction, and mentoring by skilled teachers. In November 2021, the United States Department of Labor codified K-12 teaching as an apprenticeable occupation.<sup>118</sup> Registered Apprenticeship programs can be used to establish, scale, and build on high-quality pathways into teaching that emphasize classroom-based experience, such as Grow Your Own (GYO) and teaching residency programs.<sup>119</sup>

The Committee heard testimony from Dr. Justin Lonon, Chancellor of Dallas College, which was approved as one of the first registered teacher apprenticeship programs in Texas. The program is designed to align with their Early Childhood Education bachelor's program and address the teacher shortage in North Texas. Students will earn a bachelor's degree in teaching; serve as "resident teachers" three days per week and either tutor or substitute teach one day per week and receive \$30,000 during a year-long residency. At scale, the apprenticeship program aims to serve 500 future educators in partnering with school districts across Dallas County. Currently, Dallas College has partnered with Richard ISD, Uplift Education, and Irving ISD with nearly 100 students enrolled in the Fall 2022 semester.

The Committee also received testimony from Brazosport College, Brazosport ISD, and ESC Region 4 on their teacher apprenticeship program. The registered apprenticeship program offers participants the opportunity to earn a salary in Brazosport ISD under the guidance of a master teacher, work toward a bachelor's degree in education at Brazosport College, and complete the requirements to be a certified teacher with INSPIRE TEXAS. Apprentices will enter the program at one of four levels based on their stage of education. Level one students with fewer than 60 hours of college, level two are those with an associate degree or near completing one, and the top level are those with a bachelor's degree, who will be in a classroom full-time. Dual-credit students are considered pre-apprentices. All but dual-credit students will be full-time district employees, and levels two and three will function as paraprofessionals while the residents will be akin to student teachers. Dual-credit students will take classes at Brazosport College and participate in the INSPIRE Texas teacher certification curriculum. The apprenticeship program received over 150 applicants and accepted 67 students in the program.

### *Grow Your Own Program*

Texas created Grow-Your-Own (GYO) programs in 2018 to increase the quality and diversity of the teacher workforce throughout the state. GYO programs are district-sponsored pathways for certification for non-certified staff and paraprofessionals employed by the district. GYO pathways can also include district-sponsored pathways for

high school students to experience dual-enrollment courses to pursue a teaching credential. GYO pathways: 1) lower the cost for a teacher candidate to enroll in a high-quality pathway; 2) allow for close district and educator preparation program (EPP) collaboration on the selection and training of teacher candidates; and 3) recruit teacher candidates directly from the district community, often resulting in a teacher candidate pool reflective of the cultural, linguistic, and demographic diversity of the district community.<sup>120</sup>

TEA offers three pathways through the GYO programs:

- Pathway 1 prioritizes the recruitment of future educators by funding LEAs to implement education and training courses in high schools.
- Pathway 2 funds LEAs that have applied for Pathway 1 to recruit and support paraeducators, instructional aides, and substitute teachers already working in the district to transition into fully certified teaching roles.
- Pathway 3 funds EPP programs that partner with school districts to place teacher candidates in year-long clinical teaching assignments that can equip candidates with the skills and knowledge to be successful within a particular school district.

TEA has supported GYO teacher pathways through the Texas COVID Learning Acceleration Supports (TCLAS) –a set of funding and targeted supports available to Local Education Agencies (LEAs) to accelerate student learning in the wake of COVID-19, utilizing state and federal funds– and through other GYO teacher grants. There are currently 382 school districts participating in a Grow Your Own program.<sup>121</sup>

### *Teacher Residency*

A high-quality teacher residency model is one in which a teacher candidate is paired with an experienced, highly effective mentor teacher for a full year of clinical training/co-teaching in a K-12 classroom (typically, a minimum of 3 days per week for a full year). Teacher residencies typically take place at the undergraduate and post-baccalaureate level, however some alternative-certification programs in Texas are exploring incorporating the residency model in programming.<sup>122</sup> In some cases, teaching residents receive a stipend during the year-long residency, funded by districts.

Some districts in Texas have implemented innovative or strategic staffing models to compensate teacher residents. Strategic staffing allows campus leaders to customize their staffing budget/allocation and to adjust teacher-to-student ratios, schedules, and staffing structures to 1) create stipends and pathways for teacher-leaders; and 2) pay for teacher residents and/or fellows, in a budget-neutral strategy.<sup>123</sup>

Dr. Clifton Tanabe, Dean of the College of Education at the University of Texas at El Paso, discussed its teacher residency model. Dr. Tanabe testified the primary goal of the teacher residency is to prepare the highest-quality teachers that are Day 1-ready to meet the needs

of culturally, linguistically, and economically diverse learners who provide rigorous, high-quality learning experiences for all students. The key components of the residency include co-teaching for a full year alongside a selected trained mentor; intensive coaching and feedback by the site coordinator; shared governance between partnered school districts and UTEP's Teacher Prep program; and stipends for residents funded by philanthropy and school districts. In 2019-2022 when the pilot began, there were 19 residents with 2 district partners (2 campuses) and 2 site coordinators. After scaling the program, there are 175 residents with 135 undergraduates and 35 within their ACP; 7 district partners (32 campuses) and 9 site coordinators.

Brandon Jenkins, a current teacher resident at UHD, testified before the committee on the need for paid teacher residencies. Jenkins started his education journey through Galena Park ISD's "HomeGrown" GYO program. After earning an associate degree from San Jacinto Community College, he transferred to the UHD entering their Teacher Education Program. Through the program, Jenkins can practice the core elements of instruction, such as lesson planning and differentiating for diverse learners and receive quality feedback to receive the support he needs. Jenkins also emphasized the need for these residencies to be paid. He stated, "Paid teacher residencies give students financial stability during their clinical studies while allowing schools to identify, develop, and hire talented candidates swiftly. To complete his teacher residency requirements, Jenkins must resign or take a leave of absence from his current position as a special education resource instructional aide.

The Texas Education Agency has supported paid, sustainable teacher residencies and strategic staffing through Texas COVID Learning Acceleration Supports (TCLAS). Currently, 92 LEAs and 15 EPPs participate in teacher residency programs.<sup>124</sup>

### *Bilingual Educators*

Bilingual/ESL teachers are consistently among the subject areas with the highest percentage of substitute teachers.<sup>125</sup> According to the 2021 Texas Teacher Workforce Report from the University of Houston, Texas has struggled to fill bilingual teacher positions since 1990.<sup>126</sup> The ratio between students and full-time equivalent bilingual/ESL teachers worsened from 43.4:1 teacher in 2010-2011 to 46.3:1 teacher.<sup>127</sup>

Dr. Lizdelia Pinon testified on the importance of Texas to implement a better way to test language skills beyond the Bilingual Target Language Proficiency Test, an assessment that measures content area skills more than language. Furthermore, aspiring bilingual educators face additional financial burdens because they must pay for five tests instead of the three required in other fields. Dr. Lizdelia Pinon advised, "The cost to become a bilingual certified educator costs \$600 compared to \$368 for a general educator certification." Likewise, "bilingual teachers coming from out-of-state, are required to retake several exams and pay the fees - a cost many cannot afford."

## *Diversity*

Teachers of color make up less than 20% of the teaching workforce and leave at twice the rate of their White counterparts.<sup>128</sup> In Texas, over 115,000 Black and Latino students attend schools with no same-race teachers, 37% of White students attend schools without a single Black teacher and 13 percent without a single Latino teacher.<sup>129</sup> Studies have shown students of color perform better and are more likely to attend college when taught by a teacher of the same race.<sup>130</sup> Patrick Powers, an African American 6-year English teacher testified about a student who moved from Alabama to Texas after several behavior infractions at his former school. Powers testified that after learning more about this student's cultural interests, he incorporated those interests into his curriculum to create a more inclusive environment. As a result, the student became less reluctant and excelled as a leader in the classroom. The student went on to graduate from high school with a 3.2 GPA and is continuing that success in his first semester at Texas Tech University.

The male-to-female ratio of educators in Texas is even more astounding. In 2021-2022, only 24 percent of educators were male compared to 76% who were females.<sup>131</sup> To attract more Hispanic males into the teaching profession, Texas Christian University established a program called Maestro to strengthen the diversification of Texas' teaching force by recruiting, preparing, and supporting Hispanic men to earn their degrees and teaching credentials. In return, the candidates must dedicate five years of teaching service to a Forth Worth-area school district.

## *Financial Incentives*

For aspiring teachers, the financial roadblocks to a teaching credential are numerous. A survey produced by The Aspiring Teachers' Financial Burden shows that many teachers choose financial security over strong preparation by entering the field through alternative certification.<sup>132</sup> Most students who responded to the survey reported an inability to handle an expense above \$250, and the need to take out loans to support clinical fieldwork was a high factor in financial stress.<sup>133</sup>

The Texas Higher Education Coordinating Board (THECB) testified on different programs, including the Teach for Texas Loan Repayment Program, the Math and Science Scholars Loan Repayment Program, and the Educational Aide Exemption Program that help support recruitment of the teaching workforce.

The purpose of the *Teach for Texas Loan Repayment Program* is to recruit and retain certified classroom teachers in fields and communities that have a shortage of teachers in Texas. To qualify for participation, applicants must meet the following requirements:

- Certified in a critical shortage teaching field, be currently teaching full-time in that field, and have taught in that field full-time for at least one year in a Texas public school; or

- Be a certified educator currently teaching full-time in a critical shortage community and have taught in that community full-time for at least one year.

Appropriations for this program have steadily declined over time. In FY2012, the maximum annual award amount was reduced from \$5,000 to \$2,500 to spread funding to more recipients.<sup>134</sup> For multiple years, the program could only fund recipients already in the program due to budget constraints.<sup>135</sup>

The *Math and Science Scholars Loan Repayment Program* encourages teachers who have demonstrated high academic achievement as math or science majors to teach math or science for at least four years in Title I public schools in Texas. The program is open to teachers who completed an undergraduate or graduate program in math or science with a GPA of at least 3.0, are certified to teach math or science, and have an employment contract as a full-time classroom teacher to teach mathematics or science in a Title I school. Teachers can qualify for up to \$10,000 a year in student loan repayment for up to 8 years. The THECB testified they receive a low number of applications for this program each year despite continued outreach efforts with teacher associations.

The *Educational Aide Exemption Program* is designed to encourage educational aides to complete full teacher certification by providing need-based exemptions from tuition and fees at participating Texas public universities. Institutions award exemptions based on applicant eligibility and the availability of funds. THECB is appropriated limited funding to defray the cost to institutions for exempted tuition and fee revenue. To be eligible, a student in financial need must:

- Be enrolled in courses required for teacher certification in areas that TEA has determined to be experiencing a critical shortage of teachers
- Be employed in some capacity by a public school district in Texas during the full term for which the student receives the award
- Have been employed by a public school district in Texas working full-time, in a classroom directly with the students, in a teaching capacity as:
  - an educational aide for at least one school year of the past five school years preceding their initial exemption; or
  - a substitute teacher for 180 days of the past five school years preceding the term or semester for which the student is awarded their initial exemption.

## *Teacher Compensation*

Despite their critical function, Texas teachers are not compensated as the professionals that they are. They face what the Economic Policy Institute calls the “Teacher Pay Penalty,” which is “how much less, in percentage terms, public school teachers are paid in weekly wages relative to other college-educated workers (after accounting for factors known to affect earnings such as education, experience, and state residence).” In 2021, the comparable college graduates in Texas made 21.5% more than Texas teachers.<sup>136</sup>

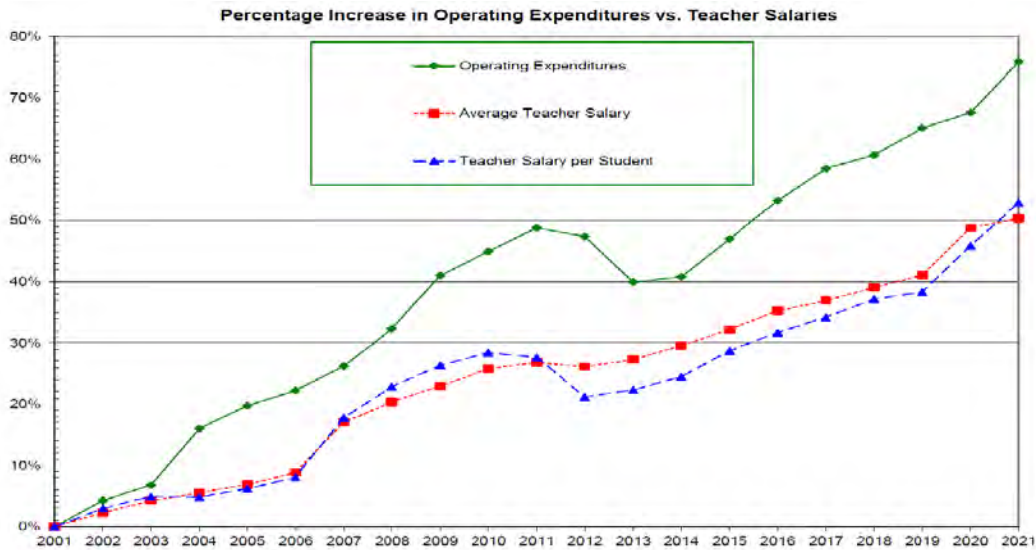
It is widely acknowledged, including in TEA’s testimony before the committee, that teacher salaries are not keeping up with the cost of living.<sup>137</sup> In addition, rapidly increasing healthcare premiums are a key concern when the goal is to increase take-home pay. School employees are facing a crisis of health insurance unaffordability that must be recognized as a factor in low morale. Increasing the state’s contribution to active employee health insurance must be part of the teacher compensation discussion.

If the state's goal is to attract and retain teachers, prospective employees need assurances of higher pay. The data shows that fewer people are willing to choose to be in a profession that puts them at a financial disadvantage.<sup>138</sup> The Texas Legislature has recognized the singular importance of teachers when crafting school finance legislation by explicitly directing school districts to raise teacher salaries and the implementation of the Teacher Incentive Allotment. While the legislature has significantly increased state funding, the impact on teacher salaries depends on local school districts' staffing decisions. According to testimony, that mandate from the Legislature has proved necessary to ensure school districts use the money for that purpose.

The Texas Classroom Teachers Association (TCTA) presented an analysis<sup>139</sup> that shows teacher pay has not kept pace with overall increases in school funding over the past two decades. In 2001, teacher salaries accounted for 43.8 percent of school districts’ per-pupil operating expenditures. Two decades later, that figure has dropped to 38.1 percent.

The analysis shows that if teacher pay had remained in line with increases in school expenditures over that same period, the average teacher salary would have been 15 percent higher in 2021 — lifting the average teacher salary of \$57,641 by an additional \$8,660.

The TCTA chart showing the growing disparity in operational expenditures and teacher salaries per pupil is shown here:



In 2019, the Legislature implemented a more strategic approach to educator compensation through the Teacher Incentive Allotment (TIA). School systems serving more than ten percent of Texas students currently participate in TIA.<sup>140</sup> Within the next 2-3 years, TEA projects that more than 40 percent of the student population will attend a TIA district.<sup>141</sup> The average payout for more than 6,000 teachers benefitting from TIA ranges from \$6,600 to \$22,500 depending on designation level.<sup>142</sup> While the TIA has been proven as a meaningful strategy to improve teacher retention, some stakeholders feel as though the TIA should not be a substitute for overall compensation increases.

### *Teacher Workload*

The teacher's role and schedule look very different in other countries. In higher-performing countries, teachers are in front of students between three and four hours per day, compared to the average of six hours in the United States.<sup>143</sup> Teacher workload has been identified as a major barrier to job satisfaction and teacher retention.<sup>144</sup> Often, this work time goes unnoticed or unacknowledged and interferes with a teacher's ability to deliver high-quality instruction, resulting in them leaving the profession.

One key factor leading to increased teacher workload is the lack of access to high-quality instructional materials. Teachers reported spending seven hours per week or 250 hours per year developing or selecting instructional materials.<sup>145</sup> Teachers also reported being given only three hours and forty-five minutes per week on average for lesson planning.<sup>146</sup> As a result, 94 percent of teachers have indicated they find their instructional materials from Google and 84 percent indicated their materials come from Pinterest.<sup>147</sup>

When teachers were asked to identify what parts of their vast workload require the most work time outside of contract hours, a survey conducted by Teach Plus identified documentation associated with accommodations for Special Education paperwork and lesson planning as big buckets of work that requires the most unnoticed or unacknowledged



work time.<sup>148</sup> The charts below identify the amount of time teachers reported it took to perform each task.

	2 Hours or Less	2-5 Hours	more than 5 Hours
Managing IEPs	59.1%	31.8%	9.1%
ARDs & ARD Prep.	92%	6.8%	1.1%
FIE Paperwork	95.4%	3.4%	1.1%
Academic Progress Monitoring	42.1%	40.9%	17%
Managing 504s	62.5%	29.5%	8%
PLAAFP	83.9%	10.3%	5.7%
Behavior Progress Monitoring	53.4%	33%	13.6%

	2 Hours or Less	2-5 Hours	more than 5 Hours
Creating Lesson Plans	17%	55.7%	27.3%
Sharing/Publishing LPs*	65.9%	27.3%	6.8%
Creating HQIM	13.6%	56.8%	29.5%
Data Triangulation	51.7%	36.8%	11.5%

### *Workplace Conditions/Environment*

Teacher retention can be enhanced when teachers work in collaborative and supportive environments. Research has shown that teachers' working conditions affect their teaching ability.<sup>149</sup> A teacher's working conditions can also have direct implications for attitudes about their work and their decisions to remain at their school or in the profession. Teachers who testified before the Committee stated lack of school leadership and administrative support and opportunities for professional collaboration and shared decision-making led them not to feel supported by their school's administration.

The quality of administrative support is a major factor in whether teachers leave or stay in the profession. Several studies have found that support from principals and other school leaders is one of the best predictors of teacher attrition.<sup>150</sup> Support from administrators can take many forms such as providing emotional, environmental, and instructional support.

The Committee also heard testimony from teachers that one of the best ways they feel supported is through high-quality mentoring. High-quality mentoring is even more

important for novice teachers with one to five years of teaching experience. Currently, Texas has 102,754 novice teachers that make up most of the teaching workforce, and they are more likely to serve low-income and students of color.<sup>151</sup> However, novice teachers leave the profession in large numbers.<sup>152</sup> Strong support for novice teachers during their first years in the profession can increase their retention. The first few years of a teacher's career are formative ones as teachers make the leap from preparation to practice. Depending on the quality of support they encounter in their first teaching job, novice teachers can grow into highly competent ones - or they may develop counterproductive approaches or leave the profession entirely.

In the 86th Legislative Session, the Legislature established the mentor program allotment under House Bill 3. The mentor program allotment provides \$1.65 million annually to districts to support the implementation of job-embedded, research-based mentoring practices.<sup>153</sup> Teaching is not a one-size-fits-all profession, and teachers need individualized support.

The amount of voice teachers has in decision-making on issues directly affecting their ability to do their job well also contributes to the decision of teachers staying in the profession. Schools that foster more collaborative work environments and shared-decision making typically empower teachers and can have a positive impact on teacher retention. Importantly, the benefits of having productive working relationships and environments lead to greater consistency in instruction, more willingness to share practices and try new ways of teaching, increased job satisfaction, and increased student achievement. In addition, teachers who work in schools with a strong healthy work environment improve their quality of teaching at a much faster rate than teachers in weaker professional environments. Moreover, strong professional environments also can have positive effects on teacher attitudes and fuel a desire to remain in the profession.

### *Student Discipline*

Student discipline challenges are a leading factor for teachers leaving the profession, along with other working conditions and compensation. One study found that, among teachers who left the field permanently, almost 35% report the reason is related to problems with student discipline.<sup>154</sup> Research has also found that “[t]hose schools that do a far better job of managing and coping with and responding to student behavioral issues have far better teacher retention.”<sup>155</sup>

Attempts to address disruptive behaviors cost considerable teacher time at the expense of academic instruction. Other students are negatively affected as classrooms with frequent disruptive behaviors have less academic engaged time, and students in disruptive classrooms tend to have lower grades and lower performance on standardized tests.<sup>156</sup> The TVTF also noted that increased student behavior issues and inadequate support are key sources of teacher stress.

While student misbehavior was on the rise pre-pandemic, two out of three teachers, principals, and district leaders say students are misbehaving more these days than they did in the fall of 2019.<sup>157</sup> Experts point to this rise in student misbehavior as a symptom of the struggle many students have had in dealing with the pandemic.<sup>158</sup>

To provide teachers additional discipline support on campus, the Legislature should invest in the hiring of behavior interventionists. Behavior interventionists have specialized training in addressing behavior issues and work to implement evidence-based and student-specific interventions to help the student. A behavioral interventionist would be a key component in a system that provides for temporary, short-term removals that allow a student's needs and behaviors to be addressed immediately so they can return to the classroom as rapidly as possible. A behavior interventionist can also coordinate with the counselor, campus behavior coordinator, or appropriate administrator when mental health needs to be addressed. The campus behavior coordinator, typically a designated administrator on campus, is the administrator a teacher can send a student to when incidents of disruption occur. However, they are not specially trained and often cannot assist a teacher immediately upon disruption. The campus behavior coordinator is also the administrator tasked with notifying parents of behavior incidents. The coordination between all these parties could assist with the identification of additional school safety issues that a student's behavior may impact.

The use of certified behavioral interventionists has been successful in the special education arena. But for the general education population, specially trained – but not necessarily certified -- behavioral interventionists would benefit students and teachers alike. Some districts have successfully implemented similar programs,<sup>159</sup> but a state investment would expand their use. Behavioral interventionists can help to immediately address discipline problems and aid in teacher retention, which would help to offset the cost of the additional staffing while also minimizing disruption to a student's educational experience.

### *Retired Teachers*

Statewide there are about 480,000 retired education employees, and a total of 1.5 million active and retired educators. The Texas teacher pension fund operates as an alternative to Social Security. While Social Security, with a cost-of-living-adjustment (COLA), keeps pace with inflation, the teacher retirement system does not. The Committee heard testimony on the need to incorporate more funding options into the Texas Retirement System (TRS) that allows for inflation.

The average monthly TRS check is about \$2,100.<sup>160</sup> According to the Bureau of Labor Statistics consumer price index, today's prices are 1.62 times higher than average prices in 2001 and where the inflation rate was 2.85% in 2001, it is now 8.54%.<sup>161</sup> Absent any other income or savings, a retired teacher would have to make this amount cover everyday costs such as rent, groceries, gas, medical bills, and other daily expenses. Although stakeholders voiced concern on the possibility the TRS could run out of money if there are not enough

workers putting into the fund, the Committee received testimony that the TRS has done well to manage its assets and have enough funds to pay the future cost of benefits for TRS retirees.<sup>162</sup>

As Texas moves forward with efforts to strengthen its educational system, it is incumbent upon the Legislature that elevating the status of the teaching profession must remain a top priority.

## RECOMMENDATIONS

### 1. Educator Preparation

- a. The Committee recommends the Legislature reduce financial barriers to high-quality educator training and completion of teacher credential exams
- b. The Committee recommends the Legislature direct TEA in consultation with SBEC, and THECB to establish and incentivize articulated pathways from K-12 institutions, community colleges, and four-year institutions to shorten time to degree and certification through stackable credentials and required transfer degrees for teacher candidates.
- c. The Committee recommends the Legislature create a website for educator preparation programs and detailed educator preparation program information to provide more transparency around practices and outcomes of different educator preparation programs.

### 2. Teacher Recruitment

- a. The Committee recommends the Legislature incentivize development and enhancement of innovative partnerships to strengthen the educator pipeline and increase degree completion by:
  - i. Increase flexibility for how GYO funding can be used, and which institutions can directly receive funding
  - ii. Provide funding for development or enhancement of integrated community college and four-year institution pathways.
  - iii. Provide a living stipend to all students completing clinical fieldwork, residencies, or internships.
- b. If funds are available, the Committee recommends the Legislature appropriate funding for the cost of certification testing fees for new teachers, especially those obtaining high-need certifications for a certain period.

### 3. Teacher Retention

- a. If funding is available, the Committee recommends the Legislature invest in teacher salaries and compensation.

- b.* The Committee recommends the Legislature amend the Teacher Incentive Allotment qualifications to recognize that National Board certified teachers are designated as exemplary.
- c.* If funding is available, the Committee recommends the Legislature increase the state's contribution to employee health insurance and require schools to maintain a matching local contribution per month.
- d.* If funding and statute allows, the Committee recommends the Legislature provide a supplemental financial support for retired teachers.
- e.* The Committee recommends the Legislature increase the support for the Mentor Program allotment, while maintaining a rigorous bar for mentor-teacher qualifications.
- f.* The Committee recommends the Legislature appropriate funding for behavior interventionist to provide teachers with additional support in the classroom to address student discipline issues.

## **CHARGE VI: COVID-19 and LEARNING LOSS**

*Study the effects of COVID-19 on K-12 learning loss and best practices that exist to address learning loss. Monitor the implementation of state and local plans to address students' achievement gaps. Make recommendations for supporting the state and local efforts to increase academic development.*

### **SUMMARY OF COMMITTEE ACTION**

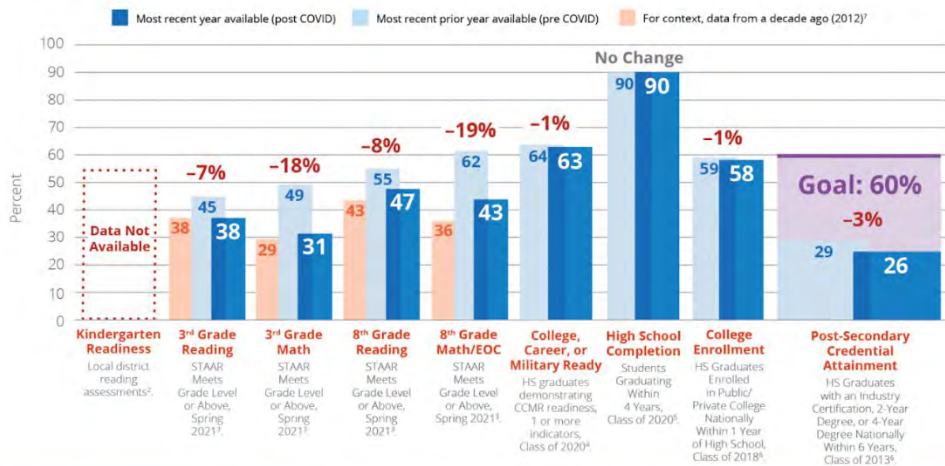
The Committee held a public hearing on July 25, 2022, to address the above interim charge. Commissioner Morath testified at the beginning of the May 24, 2022 hearing on this interim charge. The Committee heard testimony from the following invited witnesses:

*Witnesses are listed in alphabetical order*

- Yasmin Bhatia, District Charter Alliance
- Merl Brandon, Superintendent, Stanton ISD
- Dr. Jan Bryan, National Education Officer, Renaissance Learning
- Dr. Jonikka Charlton, Associate Provost for Student Success & Dean of University College at University of Texas Rio Grande Valley
- Christopher Downs, Executive Director of Government Affairs, Instructure
- Ty Duncan, Partner Development, MindPlay
- Jonathan Feinstein, Texas State Director, The Education Trust
- Austin Hawk, Executive Director, San Antonio Leadership ISD
- Dr. Toni Hicks, Superintendent, Jarrell ISD
- Millard House, Superintendent, Houston ISD
- Derek Little, Deputy Chief of Teaching and Learning, Dallas ISD
- Mike Morath, Commissioner, Texas Education Agency

### **BACKGROUND**

Longitudinal data from 2012 to 2019 shows that prior to the pandemic, student academic outcomes in both Reading and Math were increasing steadily. Because of COVID-19, however, student performance dropped across all academic and attainment milestones, resulting in a historic decades' worth loss of education gains and an unprecedented number of Texas students performing below grade level.



Given that students who behind tend to stay behind (historically, 93% of 3rd grade students who are below grade level in Math and 95% in Reading fail to catch up within two years)<sup>163</sup>, it was and remains paramount that Texas intentionally implements a strong, evidenced-based response that supports our students in getting back on track. Considering this, the Texas Legislature acted in the 87th session to allocate COVID Relief Funding and pass new policy solutions in House Bill 1525 and House Bill 4545 with the goal of accelerating student performance to pre-pandemic levels and beyond (see corresponding monitoring charges for additional background information on the intent and implementation of the of legislation).

### ESSER and COVID Relief Funding

In 2021, the Texas Legislature appropriated billions of COVID Relief dollars to support unfinished learning. Of the \$21.4 billion dollars infused into the Texas education system, \$17.9 billion went directly to LEAs to spend on recovery activities through COVID-19 Elementary and Secondary Emergency Relief (ESSER) I, II, and III formulas.<sup>164</sup> \$1.9 billion dollars of the remaining funds were allocated to TEA under House Bill 1525 for the Agency’s administration of the Texas Covid Learning Acceleration Supports (TCLAS) Grant. Aligned with the Agency's Accelerated Learning Strategies of Rigorous Instructional Materials, Strongly Supported Teachers, and More Time and High-Impact Tutoring, TCLAS funds were distributed to LEAs to:

- Support additional learning time
- Develop innovations in curriculum and instruction
- Expand Grow Your Own teacher programs
- Fund tutoring support
- Expand and scale P-TECH programming<sup>165</sup>

719 LEAs were awarded TCLAS grant funding including school systems across all 20 of the Education Service Center regions throughout the state.<sup>166</sup>

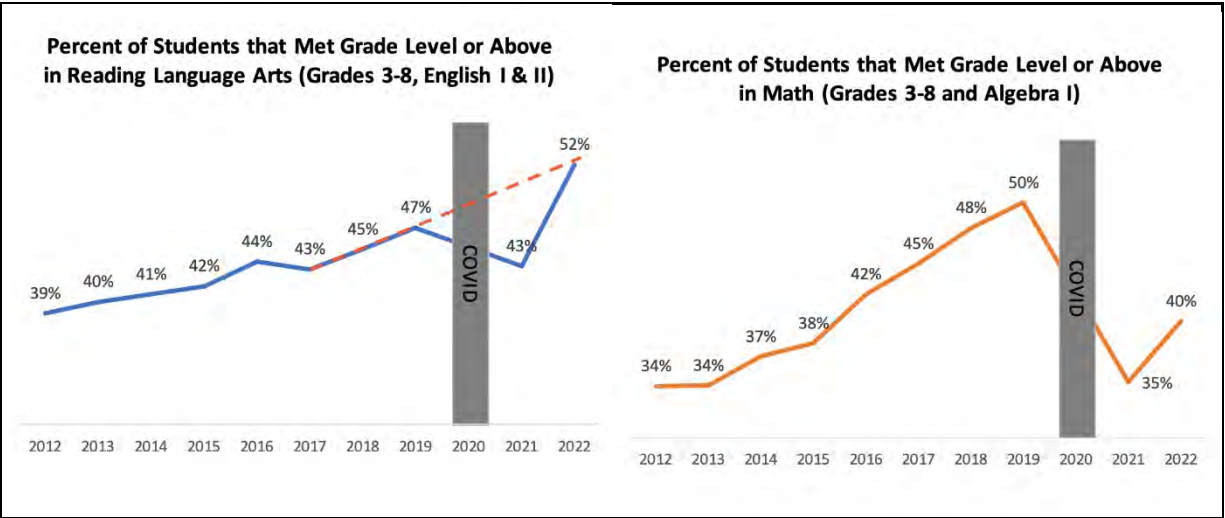
LEAs reported utilizing their Formula ESSER Funds for a variety of expenses across 13 categories. As of May 2022, the largest spending category was "Other" (36% of funds) with LEAs having spent 31% of the funds on one-time expenses versus 27% on recurring costs (42% were unknown).<sup>167</sup>

Before/After/Summer School	\$90 M	3%
Tutoring	\$74 M	2%
Curricular Resources	\$161M	5%
Professional Development	\$22M	1%
Training Time Stipends	\$46M	2%
Staffing Model & Planning Supports	\$43 M	1%
Student Services (e.g., Counseling, Nursing, Food, etc)	\$280M	9%
Additional Teachers	\$298 M	10%
Teacher Pay Increases	\$353 M	11%
COVID-related Facilities Supports (e.g., cleaning, PPE)	\$191M	6%
Technology	\$239 M	8%
Other	\$1113M	36%
Indirect (administrative support)	\$183M	6%

## WHAT DID WE LEARN?

Statewide results from the 2022 administration of STAAR show that after staggering declines students were largely able to recover and improve in Reading (in 2022 52% of students scored at Met Grade level or Above on STAAR grades 3-8 and English I & II, with only 47% and 43% reaching that threshold in 2019 and 2021 respectively). With Math, however, student performance recovered some in 2022 but remains far short of pre-pandemic levels (in 2022 40% of students scored Met Grade Level or above in Grades 3-8 Math and Algebra 1, still a 10% percentage point gap below 2019). Across all subjects, achievement gaps by race and economic levels persist.





Against this statewide backdrop of student performance data, Committee members and witnesses strongly agreed that supporting long-term learning recovery for all students with a determination to accelerate outcomes for those furthest behind has been and should remain a top priority for Texas public education.

The Committee heard from practitioners about LEA experiences grappling with this data to make local academic recovery plans to support students at unprecedented levels. School system leadership specifically described teacher vacancies and the inability to fully staff campuses with effective educators as barriers to accelerating student learning. As such, Millard House Superintendent of Houston ISD spoke to his district’s increased interest in the development of a high quality Grow Your Own program. Other considerable challenges included low student attendance and remote (non-face-to-face) learning constraints. Notably, Merl Brandon, Superintendent of Stanton ISD shared the academic success his district has seen after developing community partnerships with a local hospital to expand family access to medical care and subsequently decrease absenteeism while increasing students’ on-campus instructional time.

Both the Agency and school system leadership credit past legislation as key opportunities and supports in addressing unfinished learning, citing the potential of House Bill 4545 (87R) and the preliminary impact of House Bill 3’s (86R) Additional Days School Year Program, the Teacher Incentive Allotment, and Reading Academies as evidence-based strategies for improving student academic outcomes at this critical time.

Beyond past legislation, practitioners heralded additional strategies to maximize ESSER funds which early indicators reveal are resulting in improved student performance. Superintendent Merl Brandon as well as Derek Little, Deputy Chief of Teaching and Learning at Dallas ISD, shared the positive consequences of their districts’ focus on high-quality instructional materials (HQIM), strong Tier 1 instructional practices, and targeted interventions to address specific learning gaps. Across the state, LEAs are providing targeted intervention in-house as well as by contracting out vendors to implement

additional services for their students. The Committee heard from several vendors who currently support school systems across Texas with interim and formative assessments, instructional materials and approaches, and technology solutions.

Overall, the Committee members appreciated the specific data-driven strategies witnesses provided but expressed some concern about the limited data collection across the state especially given the Agency's understanding that for school systems to successfully accelerate student learning, intensive, coordinated planning and implementation with fidelity is required. Although Superintendent House shared that Houston ISD has developed an ESSER Dashboard to track their relief funding utilization, several Committee members worry about a lack of statewide data on local LEA plans, implementation quality, and resource usage that is detailed enough to inform future policy decisions. The Committee members expressed additional concern about the upcoming expiration of federal funds that are currently supporting the bulk of initiatives being leveraged to address learning loss.

## **RECOMMENDATIONS**

1. The Committee recommends the Legislature expand data collection on local academic recovery plans and LEA ESSER Formula fund expenditures to ensure quality implementation of learning acceleration supports. The Legislature should define the data tracking requirements and provide resources and tools for districts to reduce data collection complexity and ensure compliance.
2. The Committee recommends the provision of funding for evidence-based targeted support and intervention strategies with a quality framework to ensure LEAs contract high-quality third party partnerships with a proven track record of accelerating learning.

## **CHARGE VII: COVID-19 and MENTAL HEALTH**

*Examine the impact of COVID-19 on students' mental health, including the availability and workload of mental health professionals across the state and their role in the public school system. Make recommendations to reduce or eliminate existing barriers to providing mental health services in a traditional classroom or through teletherapy.*

### **SUMMARY OF COMMITTEE ACTION**

The Committee held a public hearing on May 24, 2022, to address the above interim charge. The Committee heard testimony from the following invited witnesses:

*Witnesses are listed in alphabetical order*

- Jill Adams, Director of Counseling and Social Work, Texas School Counselor Association
- Bonnie Contreras, Clinical Account Director for Psychoeducational Services, PresenceLearning Inc.
- Shannon Hoffman, Policy Program Specialist, Hogg Foundation
- David Lakey, Presiding Officer, TCMHCC, Vice-Chancellor for Health Affairs/Chief Medical Officer, University of Texas System
- Dr. Angelica Ramsey, Superintendent, Midland ISD
- Tim Regal, Associate Commissioner Instructional Support, Texas Education Agency
- Dr. Hani Talebi, Senior Vice-President of Health Systems Integration, Meadows Mental Health Institute
- Julie Wayman, Manager of Mental Health & Wellness, Texas Education Agency
- Dr. Laurel Williams, M.D., Medical Director, Texas Child Mental Health Consortium/Chief of Psychiatry, Director of Residency Training/Associate of Professor of Psychiatry & Behavioral Sciences, Texas Children's Hospital & Baylor College of Medicine

### **BACKGROUND**

For families, raising a child is often filled with joy and new experiences as they hit new developmental milestones in their educational and social journeys to adulthood. Every child's path to adulthood, however, is very different and can be impacted by challenges and adversity. Public schools have assisted parents and families in helping their children reach necessary milestones for developmental and social skills and have served as a place to receive additional assistance and resources beyond academics.

The mental health needs of children had never been greater before the COVID-19 pandemic, but in the aftermath of the pandemic, mental health needs have reached all-time highs. As children have had to deal with the realities of the pandemic such as isolation, losing loved ones, witnessing their families experience financial hardship, facing the possibilities of becoming homeless, or being put in unsafe situations at home, the rates of

children experiencing anxiety, depression, loneliness, and suicidality has increased dramatically. As a result, stakeholders have undoubtedly raised concern about the current state of children and mental health care access in public schools.

### ***Mental Health Prior to COVID-19***

Increases in mental health issues is not a unique phenomenon to Texas; rather, rates of children with diagnosed and undiagnosed mental health needs have been increasing nationwide. Additionally, according to the 2021 U.S. Surgeon General’s Advisory on Protecting Youth Mental Health:

- Leading up to the COVID-19 pandemic, nearly 1 in 5 children ages 3 to 17 had a mental, emotional, developmental, or behavioral disorder<sup>168</sup>;
- From 2009 to 2019, the number of high school students reporting that they had persistent feelings of sadness or hopelessness increased by 40%, the number of high school students that had seriously considered attempting suicide increased by 36%, and the number of high school students that had created a suicide plan increased by 44%<sup>169</sup>;
- Between 2011 and 2015, the number of youth psychiatric visits to emergency rooms for depression, anxiety, and behavioral challenges increased by 28%<sup>170</sup>; and
- Between 2007 and 2018, suicide rates among the 10 to 24-year-old age group increased by 57%.<sup>171</sup>

In Texas, major suicide-related behavior metrics reached or nearly reached all-time reported<sup>172</sup> highs; in some instances, statewide averages exceeded the nationally reported averages (see *Table 1*). According to the Youth Risk Behavior Survey (YRBS) in 2019<sup>173</sup>:

- 38.3% of high school students surveyed indicated that they had felt sad or hopeless almost every day for two weeks or more in a row and that they had stopped doing some usual activities during the past 12 months;
- 15% of high school students surveyed indicated that they had planned about how they would have attempted suicide in the past 12 months; and
- 18.9% of high school students surveyed indicated that they had seriously considered attempting suicide in the past 12 months.

Category	United States	Texas	Difference
Felt Sad or Hopeless	36.7%	38.3%	+1.6%
Planned About How They Would Attempt Suicide	15.7%	15%	-0.7%
Seriously Considered Attempting Suicide	18.8%	18.9%	+0.1%

Table 1: Comparison of Suicide-Related Behaviors between State<sup>174</sup> and National<sup>175</sup> Average

### ***Legislative Action to Address Mental Health***

In 2019, the Texas Legislature passed a suite of bills to address mental health in schools, including Senate Bill 11, House Bill 18, House Bill 19, and House Bill 906.

#### *Senate Bill 11*

Senate Bill 11, which is widely regarded as a school safety bill, is the result of the work completed by the Senate Select Committee on Violence in Schools and School Security after the shooting at Santa Fe High School. In addition to language that seeks to increase security on school campuses, Senate Bill 11 also established the Texas Child Mental Health Care Consortium. This legislation required that the newly-established consortium create a network of comprehensive child psychiatry access centers at participating health-related institutions of higher education and to establish telemedicine and telehealth programs, more familiarly known as the Texas Child Health Access Through Telemedicine (TCHAT), to identify and assess behavioral health needs and provide access to mental health care services.

#### *House Bill 18*

House Bill 18 addressed training requirements regarding student mental health for school district personnel. Specifically, the legislation revised provisions relating to continuing education for a classroom teacher, a principal, and a school counselor to include information on students eligible for special education programs, students eligible for Section 504 programs, students with intellectual or developmental disabilities, and students with mental health conditions or who engage in substance use. Additionally, HB 18 required the State Board of Education to adopt TEKS for health curriculum that address matters related to substance use, authorized a school district to employ or contract with one or more nonphysician mental health professional (e.g. a psychologist, a registered nurse with a degree in psychiatric nursing, a clinical social worker, a professional counselor, or a marriage and family therapist), and provides for TEA-developed guidelines for school district regarding partnerships with mental health providers and obtaining mental health services through Medicaid.

### *House Bill 19*

House Bill 19 requires that a local mental health authority employ a nonphysician mental health professional to serve as a mental health and substance use resource for school districts located in the region served by a regional education service center and in which the local mental health authority provides services.

### *House Bill 906*

House Bill 906 establishes the Collaborative Task Force on Public School Mental Health Services for the purpose of studying and evaluating:

- Mental health services that are funded by the state and provided at a school district or open-enrollment charter school directly to a student enrolled in the district or school, a parent or family member of or person standing in parental relation to a student enrolled in the district or school, or an employee of the district or school;
- Training provided to an educator employed by the district or school to provide mental health services; and
- The impact mental health services have on the physical and emotional safety and well-being of the individuals who are provided the mental health services and the number of violent incidents that occur at districts or charter schools.

## **WHAT DID WE LEARN?**

There is indisputable evidence that children, prior to the COVID-19 pandemic, were struggling with mental health. When schools closed in March 2020, COVID-19 removed students from the building and community where their primary social activity took place and where they were able to reliably access food, health care, and mental health care; students also had to deal losing their loved ones, witnessing the emotional and financial impacts of COVID-19 on their families, and, for some, being placed in unsafe home environments.

According to the Centers for Disease Control and Prevention, during COVID-19, 37% of youth experienced poor mental health and 44% of youth experienced sadness or hopelessness during the past 12 months.<sup>176</sup> In addition, 55% of youth reported experiencing emotional abuse by a parent or caregiver, 29% reported a parent or other adult in their home lost a job, and 11% reported experiencing physical abuse by a parent or caregiver.

Accompanying the data is evidence reported from school districts and stakeholders from across the State about the increased need for mental health services. School districts are seeing:

- dramatic declines in academic performance;
- significant increases in mental health provider referrals for students;
- increases in aggression, anxiety, depression, PTSD, and grief and loss in students;
- severe disciplinary infractions resulting in longer expulsions and alternative placements;
- increased absence rates for school staff; and
- school staff burnout.

Currently, supports for students experiencing mental health needs come from school counselors, school psychologists, and social workers. While each one of these professions has their own specialties, all three are responsible for crisis intervention and often work in tandem to address issues that arise. Tables 2<sup>177</sup> and 3<sup>178</sup> outline current, statewide, student to staff ratios and the total number of employed mental health workforce in Texas schools.

Position	Recommended Ratio by Professional Associations (Students to Staff)	Actual Ratio of Students to Staff			
		2017-2018	2018-2019	2019-2020	2020-2021
Counselor	250:1	431:1	422:2	413:1	375:1
School Psychologist	500:1	2,792:1	2,769:1	2,751:1	2,627:1
Social Worker	400:1	7,200:1	6,882:1	6,626:1	6,008:1

*Table 2: Student to Staff Ratios for Mental Health Workforce*

Position	Number of Staff Employed in Texas Schools			
	2017-2018	2018-2019	2019-2020	2020-2021
Counselor	12,536	12,835	13,306	14,337
School Psychologist	1,934	1,956	1,997	2,045
Social Worker	750	787	830	894

*Table 3: Total Number of Employed Mental Health Workforce by Position*

While over the past four school years, LEAs have been able to increase staffing in these three positions, counselors are still serving 150% of the recommended capacity, school psychologists are serving more than 525% of the recommended capacity, and social workers are serving 1500% of the recommended capacity. Stakeholders have expressed that the ratios remain high due to:

- A lack of qualified mental and behavioral health professionals available in the local workforce for school districts and open-enrollment charter schools;

- The salary for these positions not being commensurate with the work being performed; and
- Requirements, at the district-level, to perform work outside of the scope of practice, including administrative tasks such as exam proctoring and lunch monitoring.

While the Texas Legislature, in recent years, has made strides in addressing mental health in schools, including important work done by this Committee, any, if not all, progress made in addressing the mental health challenges faced by students was erased when schools closed due to the COVID-19 pandemic. Prior to the impact on students by COVID-19, more and more students reported feeling sad or hopeless or exhibited a suicide-related behavior; these metrics drastically increased in response to the COVID-19.

Now that students and school staff are returning to their campuses, districts' mental health workforces are drastically understaffed in comparison to professional standards. In certain cases, some mental health professionals are serving anywhere between 150%-1500% more students than their professional associations recommend. This chronic understaffing is largely attributable to a lack of a qualified mental and behavioral health workforce but can also be attributed to these positions not having a salary commensurate with the work performed and requirements to perform tasks outside the positions scope of practice.

## **RECOMMENDATIONS**

1. The Committee recommends the Legislature monitor TEA's implementation to ensure that all public schools have appropriately implemented Senate Bill 179 passed by the 87<sup>th</sup> Texas Legislature. Additionally, the Legislature should consider expanding the scope of SB 179 to include other school-based mental health professionals.
2. The Committee recommends the Legislature should explore the necessary statutory changes to ensure that school-based mental health professionals are defined in statute and that their respective roles and responsibilities are also defined.
3. The Committee recommends the Legislature should explore necessary statutory changes to expand the School Safety Allotment to be used on mental health and school climate strategies.
4. The Committee recommends the Legislature should explore opportunities to increase the number of mental health and behavioral professionals on campuses by supporting teletherapy providers, incentivizing degree completion or incentivizing work at campuses with higher "at-risk" populations.
5. The Committee recommends the Legislature exempt school psychologists from the jurisprudence exam to allow for more efficient and timelier placement of providers.



6. The Committee recommends the Legislature enact state reciprocity agreements to honor school psychologist licensure from other states without reducing quality standards during times of workforce shortages.
7. The Committee recommends the Legislature allow providers who hold the Nationally Certified School Psychologist (NCSP) credential have an expedited route to licensure.
8. The Committee recommends the Legislature provide statutory authority to ensure the state Medicaid program covers teletherapy services delivered by Licensed Specialists in School Psychology, social workers, licensed mental health workers and licensed counselors.

## **CHARGE VIII: COMMISSION ON NEXT GENERATION ASSESSMENTS AND ACCOUNTABILITY**

*Study the unfulfilled recommendations from the 2016 Commission on Next Generation Assessments and Accountability. Evaluate the state’s progress on assessments and accountability and consider possible legislation to support the recommendations from the report. Study and recommend measures needed at the state level to prevent unintended consequences to students, campuses, and districts, including changes that could improve the system for students or help public schools serving a disproportionate number of educationally disadvantaged students impacted by the pandemic.*

### **SUMMARY OF COMMITTEE ACTION**

The Committee held a public hearing on August 9, 2022, to address the above interim charge. The Committee heard testimony from the following invited witnesses:

*Witnesses are listed in alphabetical order*

- Dee Carney, Education Consultant & Accountability Specialist
- Kate Greer, PK-12 Policy Director, The Commit Partnership
- Dr. Tory Hill, Superintendent, Channelview ISD
- Christy Hovanetz, Senior Policy Fellow, ExcelinEd
- Shea Mackin, Senior Advisor, National Parents Union
- Faith Olson, Parent, K-12 Public Schools
- Megan Perez, Math Gap Intervention Specialist 3-5, Gregory Portland ISD
- Margaret Spellings, President/CEO, Texas 2036
- Lana Sveda, Associate Director/K-12 Education Manager, The College Board
- Cindi Williams, Co-Founder, Learning Heroes

### **BACKGROUND**

#### ***History of Student Assessment in Texas***

Texas created its first assessment program, the Texas Assessment of Basic Skills (TABS), in 1979 with the passage of SB 350 (66R).<sup>179</sup> This bill required basic skills competencies in mathematics, reading, and writing for grades 3, 5, and 9, and the student data was aggregated.

In 1984, in response to the Nation at Risk Report and with the work of the Perot Commission, Texas expanded to annual assessment in reading, writing, and math with the Texas Assessment of Minimum Skills (TEAMS) and began to disaggregate data in effort to better understand the needs of every child and every unique population of students.<sup>180</sup>

TEAMS tested students in grades 1, 3, 5, 7, 9 and 11 and was the first statewide assessment that students were required to pass to be eligible to receive a high school diploma.

In 1990, the state replaced TEAMS with the Texas Assessment of Academic Skills (TAAS) as the emphasis shifted from the assessment of minimum skills to academic skills.<sup>181</sup> Instead, TAAS was designed in such a way that critical thinking and higher-order reasoning skills were required for test mastery. Beginning in 1990, students were assessed in reading, writing, and math every fall in grades 3, 5, 7, 9, and 11.

In 1993, the state began assessing in the spring with every student in grades 3-8 and 10 tested in reading and math tests.<sup>182</sup> Additionally, students in grades 4, 8, and 10 were tested in writing with students in grade 8 also being tested in science and social studies. The 10th grade exit level tests were math, reading, and writing.

In 2003, the Texas Assessment of Knowledge and Skills (TAKS) replaced TAAS as the primary state assessment program as required by SB 103 (76R).<sup>183</sup> To satisfy legislative requirements, TAKS was designed to be more comprehensive than its predecessors and to measure more of the state mandated curriculum known as the Texas Essential Knowledge and Skills (TEKS). As required by law, students for whom TAKS was the graduation testing requirement had to pass exit-level assessments in mathematics, English language arts, science, and social studies to graduate.

SB 103 also created the Student Success Initiative (SSI) which made satisfactory performance on the grade 3 reading assessment, the grade 5 mathematics and reading assessments, and the grade 8 mathematics and reading assessments a promotion requirement for students. Students that did not pass either test in the first round were required to receive accelerated instruction and could retest twice. Alternatively, a grade placement committee could unanimously decide to advance the student to the next grade if they believed the student was likely to be successful after additional instruction. In 2009, the Texas Legislature amended the SSI to remove the grade 3 promotion requirement.<sup>184</sup> In 2021, the legislature removed grade promotion requirements for grades 5 and 8 with the passage of HB 4545 (see more on pg. 16).<sup>185</sup>

In response to various legislative mandates and executive orders, TAKS was replaced with the State of Texas Assessments of Academic Readiness (STAAR) in 2012.<sup>186</sup> The same subjects were assessed in grades 3-8, but at the high school level, grade-specific assessments were replaced with end-of-course exams in Algebra I, Geometry, Algebra II, English I reading, English I writing, English II reading, English II writing, English III reading, English III writing, Biology, Chemistry, Physics, World Geography, World History, and U.S. History.

In June 2013, HB 5 (83R) reduced the number of STAAR EOC assessments from 15 to 5: Algebra I, English I, English II, Biology, and U.S. History. Unless an individual graduation committee (IGC) decides otherwise, students are required to pass these 5 exams to graduate high school.<sup>187</sup> The current state and federal STAAR testing requirements by grade level are provided in the chart to the right.

Through two separate analyses, STAAR has been proven valid, reliable, aligned to the Texas Essential Knowledge and Skills (TEKS), with passage readability on grade-level. HB 743 (84R) required an independent evaluation of the validity and reliability of STAAR.<sup>188</sup> An evaluation by the Human Resources Research Organization (HumRRO) confirmed the “test bears a strong association with on-grade curriculum requirements.”<sup>189</sup> HB 3 (86R) required an institution of higher education to conduct a study to independently evaluate the readability and alignment of STAAR.<sup>190</sup> The Meadows Center for Preventing Educational Risk at The University of Texas at Austin concluded all tests included in the study were aligned with the TEKS for the grade level tested.<sup>191</sup> The study included tests across grade levels and subjects.

In 2019, the Legislature passed HB 3906 (86R), which directed TEA to develop a plan for transitioning to electronic administration of assessments, established a new assessment Educator Advisory Committee, develop an integrated formative assessment pilot, capped

Grade	Subject	Who requires it?
3 <sup>rd</sup> Grade	Reading	Federal
	Math	Federal
4 <sup>th</sup> Grade	Reading	Federal
	Math	Federal
5 <sup>th</sup> Grade	Reading	Federal
	Math	Federal
	Science	Federal
6 <sup>th</sup> Grade	Reading	Federal
	Math	Federal
7 <sup>th</sup> Grade	Reading	Federal
	Math	Federal
8 <sup>th</sup> Grade	Reading	Federal
	Math	Federal
	Science	Federal
9 <sup>th</sup> – 12 <sup>th</sup> Grades	Social Studies	State
	Reading (English I)	Federal
	Math (Algebra I)	Federal
	English II	State
	Biology	Federal
	U.S. History	State

the number of multiple choice questions on tests at 75%, and eliminated the stand-alone writing assessments.<sup>192</sup>

## **Types of Assessment**

### *Diagnostic*

Diagnostic assessments measure student knowledge and skills on any variety of student expectations and are administered prior to a new instructional cycle or year. Educators use these to inform instructional plans and curriculum to develop appropriate instructional plans and address gaps in student learning.<sup>193</sup> TEA offers optional beginning-of-year (BOY) assessments at the start of the school year to provide educators with data.<sup>194</sup>

### *Formative*

Formative assessments provide an ongoing process of measuring student performance on specific student expectations throughout the year. Educators use these to inform instructional choices, student supports, and updates to planning within existing curricular structures. TEA recently launched the Texas Formative Assessment Resource (TFAR), an online platform that enables educators to create, administer, analyze, and share formative assessments.

### *Interim*

Interim assessments measure student understanding of a broader span of student expectations at checkpoints during the year.<sup>195</sup> Educators use data from these assessments to monitor progress, predict summative performance, and identify students for intervention. TEA provides optional STAAR Interim Assessments, which are administered online and aligned to the Texas Essential Knowledge and Skills (TEKS) in order to help educators, monitor student progress and predict student performance on STAAR.<sup>196</sup>

### *Summative*

Summative assessments measure student mastery of a broader span of student expectations at the end of a unit or course to determine the effectiveness of the program, report summative mastery, and inform future planning.<sup>197</sup> TEA's summative assessment program includes STAAR, STAAR Alternate 2, TELPAS, and TELPAS Alternate.

STAAR Alternate 2 is designed to assess students in grades 3–8 and high school who have significant cognitive disabilities and are receiving special education services.<sup>198</sup> The Texas English Language Proficiency Assessment System (TELPAS) assesses the progress that emergent bilingual (EB) students, also referred to as English learners (ELs), make in learning the English language. TELPAS Alternate assesses EB students with the most significant cognitive disabilities who cannot participate in the general ELP assessment,

even with allowable accommodations.<sup>199</sup>

TEA provided testimony to the Committee on the purposes of state summative assessments which include:<sup>200</sup>

- To serve as a bar for rigor and standards alignment in planning
- To determine mastery of a breadth of knowledge & skills for students
- To help determine which individual students should receive additional holistic supports
- To evaluate the effectiveness of curriculum and instruction programs after delivery

### ***Principles of Sound Assessment***

The following provides a summary of key pillars of an accurate assessment system:

#### *Validity*

Validity is the degree to which conclusions based on test results are appropriate and meaningful. A valid assessment is a good representation of the standards it measures.

#### *Reliability*

Reliability means consistency. In a reliable assessment, different administrations of the same exam will have the same results for the same student. Likewise, different administrations of the test will also yield the same results across years and across student groups.

#### *Fairness*

Fairness means the tested concepts are teachable and learnable in school, instead of incorporating experiences from outside of school.

#### *Comparable*

An exam that is valid, reliable, and fair, is also comparable. This means that results can be compared across districts, in an apples-to-apples manner, resulting in the state having grounds to take legitimate action to support students or intervene in school districts.

The Commission on Next Generation Assessments and Accountability was created in 2015 under HB 2804 (84R), which also created the original version of the state's A-F public school accountability system. The Commission was tasked with developing and making recommendations for new systems of student assessment and public school accountability that address five specific areas:

- The purpose of state accountability and the role of student assessment in accountability.
- Assessment opportunities that provide actionable information, support learning activities, recognize application of skills and knowledge, measure growth toward mastery, and value critical thinking.
- The alignment of performance standards with college and career readiness requirements.
- Policy changes to enable a student to progress through subjects and grades based on content mastery.
- Policy changes to establish an assessment and accountability system that meets state goals, is community-based, promotes parent and community involvement, and reflects the unique needs of each community.

### ***Recommendations from the 2016 Commission***

#### *Recommendation #1: Implement an Individualized, Integrated System of Multiple Assessments Using Computerized-Adaptive Testing and Instruction*

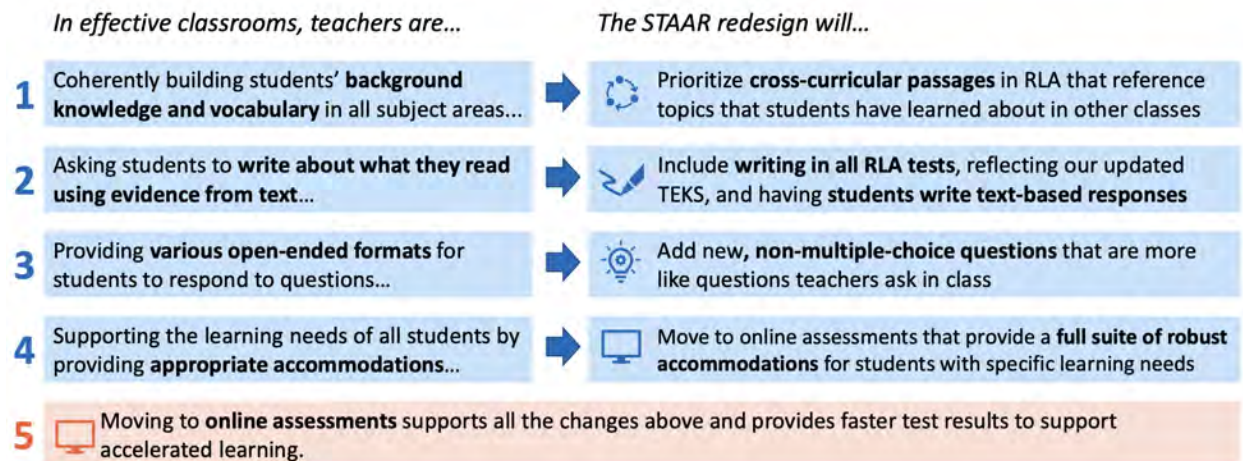
The Commission determined that the implementation of a computer-adaptive assessment system would allow for more useful, real-time feedback to educators, parents, and students. It was also recommended that through-year assessments be evaluated as a potential alternative to end-of-year summative assessments.

This recommendation was fulfilled with the passage of HB 3906 (86R) in 2019. HB 3906 redesigned the state’s system of assessment, with a goal of full implementation within 5 years. As a part of this work, the STAAR Redesign was launched with the following changes:

- Transitioning to online assessments by the 2022–23 school year.
- Adding new item types and capping the percentage of multiple-choice items.
- Eliminating stand-alone writing assessments for grades 4 and 7 and incorporating cross-curricular passages to assess new reading language arts (TEKS).

TEA provided the Committee with a chart showing how the STAAR is being designed to better align with strong instructional practices. That chart is immediately below for further reference.

## Phase 1: STAAR Redesign reflects educator feedback to improve alignment to the classroom experience



HB 3906 required TEA to continue the development and administration of STAAR Interim Assessments, optional assessments that align to the TEKS, and allow educators to monitor student progress throughout the school year.

Additionally, HB 3906 directed TEA to develop a through-year assessment pilot that features three progress monitoring opportunities during the school year and has the potential to eventually replace the single, summative assessment model. The Texas Through-year Assessment Pilot (TTAP) is a multi-year, fully online pilot that launched in the 2022–2023 school year. The model will be piloted over several years to assess its benefits and to ensure that the design maintains the rigorous level of validity and reliability that STAAR currently meets. The goal is to create a scoring methodology that is comparable and can be used for state accountability.

TEA provided testimony on TTAP pilot design questions and comparison to other states planning to use through-year assessments next school year.

### *Recommendation #2: Allow the Commissioner of Education to Approve Locally Developed Writing Assessments*

The Commission proposed LEAs have the option to use a locally developed writing assessment in place of the state-developed STAAR writing assessments. The idea was the local processes could allow for more meaningful assessment with options such as classroom-based projects or portfolios that are evaluated by teachers.

Simultaneously, TEA was already launching the Texas Writing Pilot Program to explore alternative, authentic methods of assessing writing at the direction of HB 1164 (84R). The pilot study included the collection and scoring of a range of student writing samples



produced throughout the school year. TEA testified that the HB 1164 writing pilot could not validate the creation of an alternative writing assessment, but the lessons learned from the HB 1164 pilot are being incorporated into the STAAR redesign. In addition, with the elimination of standalone writing assessments (see: HB 3906), this recommendation is no longer relevant to the current state of STAAR.

*Recommendation #3: Support the Continued Streamlining of the Texas Essential Knowledge and Skills (TEKS)*

The Commission signaled their support for the SBOE's efforts to streamline the TEKS allowing for a more manageable number of TEKS to be assessed. It is worth noting as well that this was statutorily required under Senate Bill 313 (84R).

The work is ongoing as part of the SBOE's TEKS review and revision process and has already led to the streamlining of the social studies and science TEKS.

*Recommendation #4: Limit State Testing to the Readiness Standards*

Based on educator recommendations and as part of the development of the STAAR program, TEA identified, for each grade/subject and course assessed, a small percentage of eligible TEKS student expectations as the most critical to assess. These are called readiness standards and are defined as those student expectations that are not only essential for success in the current grade or course but also important for preparedness in the next grade or course. Readiness standards are emphasized on the assessments and are identified for each grade/subject and course tested.

TEA testified before the Committee that this recommendation is not possible under existing federal requirements.

*Recommendation #5: Add College-Readiness Assessments to the Domain IV (Postsecondary Readiness) Indicators and Fund, with State Resources, a Broader Administration of College-Readiness Assessments*

The Commission recommended adding assessments such as SAT, ACT, AP, IB, etc. to the accountability system at the high school level as an indicator of how schools are preparing students for college and career.

The College, Career, and Military Readiness component of the accountability system now includes data from ACT, Advanced Placement, International Baccalaureate, SAT, and TSI. Funding for ACT/SAT exam reimbursements was included in recent school finance reforms enacted in HB 3 (86R).

*Recommendation #6: Align the State Accountability System with ESSA Requirements*

The Commission recommended the state accountability system align to ESSA requirements which provides greater flexibility to states to develop high-quality accountability systems. TEA testified that the House Bill 22 (85R) redesign of the accountability system aligned the Closing the Gaps Domain of the A-F system with ESSA requirements.

*Recommendation #7: Eliminate Domain IV (Postsecondary Readiness) from State Accountability Calculations for Elementary Schools*

The Commission was unable to identify meaningful measures that are appropriate for elementary school-level accountability. Additionally, it was determined using student attendance as the sole indicator for Domain IV is problematic because attendance rates among campuses and districts are too similar effectively differentiate school performance.

The following indicators were considered for use in Domain IV for elementary schools but, ultimately, there were concerns about the validity, reliability, and/or comparability of these measures:

- Student engagement survey
- Participation in clubs
- Participation in UIL
- Participation in Fine Arts
- Fitnessgram®
- Teacher turnover rate
- Accelerated instruction rate
- Participation in science fair
- Disciplinary data
- Participation in GT programs
- School climate survey
- AB Honor Roll rates
- Retention rates (student)
- Student Success Initiative (SSI) data
- Professional development opportunities
- STAAR participation rates

The accountability system has since been restructured into three domains: Student Achievement, School Progress, and Closing the Gaps. Elementary and middle schools are still measured based on STAAR performance but there is no longer a separate postsecondary readiness domain.

*Recommendation #8: Place Greater Emphasis on Growth in Domains I–III in the State Accountability System*

The Commission recommended that TEA weight the Student Progress domain higher to place greater emphasis on growth. This recommendation has been accomplished through the work of House Bill 22. Under the current A-F system, school districts receive the better of Domain 1: Student Achievement or Domain 2: School Progress. This means that the system does not consider the relative performance of a student on a year-over-year basis, a direct response to the Next Gen Commission’s recommendation.

*Recommendation #9: Retain the Individual Graduation Committee (IGC) Option for Graduation as Allowed by TEC, §28.0258*

Established by SB 149 (84R), Individual Graduation Committees (IGC) allow students the option to graduate even though they have not passed all their EOC exam requirements to receive a Texas high school diploma through additional remediation, the completion of a project or portfolio, or other means as determined by the student’s committee.

IGCs were made permanent with the passage of HB 1603 (87R) in 2021. The bill also allowed TEA to investigate when 10% or more of the students graduate from a “particular” high school in a “particular year” with an IGC determination.

TEA provided the Committee with a chart summarizing the status of all the recommendations from the Next Gen Commission. That chart is immediately below for further reference.

**The Commission on Next Generation Assessments and Accountability made 9 recommendations that have largely been addressed**

Recommendation	Status
1. Implement a computer-adaptive assessment system of multiple integrated assessments administered throughout the school year	<b>In progress</b> – HB 3906 resulted in STAAR Interims, Texas Formative Assessment Resource, and the Through-Year Assessment Pilot
2. Allow the commissioner of education to approve locally developed writing assessments.	<b>Addressed</b> – HB 1164’s Texas Writing Pilot in 2015 couldn’t validate the creation of an alternative writing assessment, but learnings from the pilot are being incorporated into the STAAR redesign
3. Support the continued streamlining of the TEKS.	<b>Addressed</b> – SB 313 required the SBOE to streamline the TEKS
4. Limit state testing to the readiness standards.	<i>Not possible under federal requirements</i>
5. Add college-readiness assessments to Domain IV of the accountability system and fund a broader administration.	<b>Addressed</b> – SAT, ACT, AP, & IB are post-secondary readiness options under the A-F system. Funding for SAT/ACT provided under HB 3.
6. Align the state accountability system with ESSA requirements.	<b>Addressed</b> – HB 22 incorporated ESSA requirements into the Closing the Gaps domain of the A-F accountability system.
7. Eliminate Domain IV from state accountability calculations for elementary schools.	<b>Addressed</b> – HB 22 removed this domain from the A-F accountability system.
8. Place greater emphasis on student growth in Domains I–III in the state accountability system.	<b>Addressed</b> – Through the HB 22 A-F methodology, schools get the better of growth or proficiency.
9. Retain the individual graduation committee option for graduation as allowed under TEC, §28.0258.	<b>Addressed</b> – HB 1603 removed the expiration date for the law providing for individual graduation committees.



## WHAT DID WE LEARN?

TEA massively expanded educator outreach to ensure that the STAAR exam reflects the classroom experience. Each item on the STAAR exam is reviewed by 16-20 Texas teachers to ensure:

1. Alignment with TEKS
2. Grade level appropriateness
3. Lack of bias
4. Accessibility for all students

Through the STAAR Redesign process, TEA has worked closely with students and educators to determine which new question types best support students:

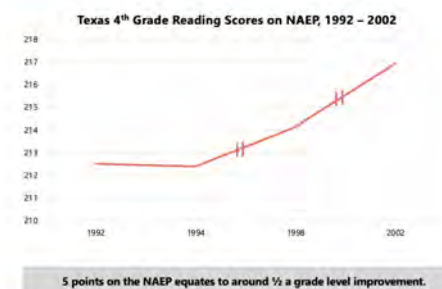
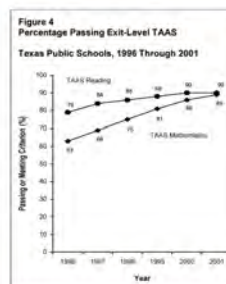
- 600 educators participated in focus groups on new question types.
- 200+ students participated in input gathering around new question types including feedback sessions, think-aloud, and perception sharing.
- 92% of educators agree that the new question types allow students to better demonstrate their knowledge.
- 89% of educators believe that the new question types are more engaging for students.
- 80%+ of educators agree that new question types will impact instructional planning.

The Committee heard testimony from former U.S. Secretary of Education Margaret Spellings on the importance of assessment. Secretary Spellings provided a history of assessment in Texas and how the improved education trends in Texas spurred national efforts to improve student achievement which ultimately led to No Child Left Behind.<sup>201</sup>

Committee members stressed the role assessment plays in ensuring the performance of historically marginalized populations such as English Language Learners, special education students, and students of color are not brushed aside or hidden in aggregated data.

### Texas Education Trends: 1990s

Texas and National assessment data showed a consistent score increase on assessments during the 1990s



TEXAS

Source: Texas Education Agency, NAEP. Note: NAEP data from the time period was not gathered consistently. We have provided the data NAEP has available from 1992 to 2002.

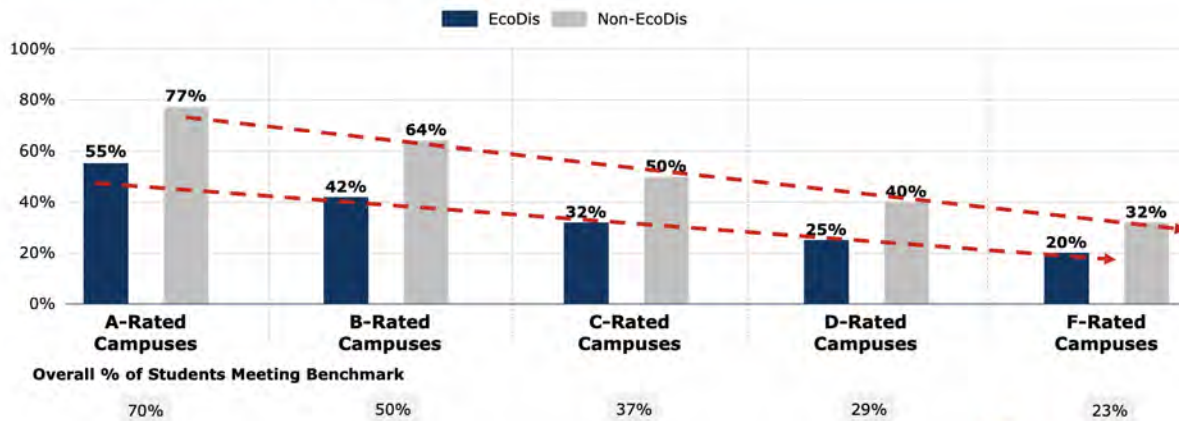
The Commit Partnership provided testimony on the design principles of the A-F Accountability System and cautioned against changes to the system that would move away from the focus on academic outcomes and ensuring students are set up for success in life after high school.<sup>202</sup> Commit provided data showing that A-F scores accurately reflect student proficiency and college readiness as shown on the charts immediately below.

### A-F Accurately Measures Student Proficiency

A campuses achieve **2.5x greater STAAR proficiency** than F campuses, regardless of family income

#### All Grades, All Subjects STAAR "Meets" Proficiency by Campus Rating, 2019

% of all STAAR testers achieving "meets standard" on exams



Source: TEA Accountability Ratings, 2019; TEA TAPR Report, 2019; TEA STAAR Aggregated Data, 2019

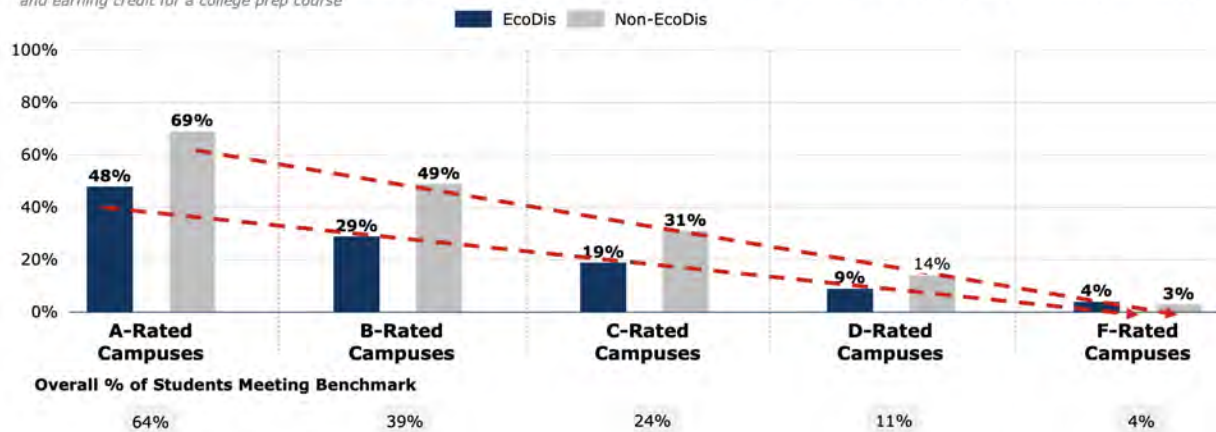


### A-F Scores Accurately Measures College Readiness

A-Rated campuses demonstrate **20x greater College Readiness (SAT, ACT, TSIA)** than F-Campus peers, regardless of family income

#### College Readiness by Campus Accountability Rating, 2019

% of annual graduates meeting TSI criteria, which requires meeting the college-ready criteria on the TSI assessment, SAT, ACT, or by successfully completing and earning credit for a college prep course



Source: TEA Accountability Ratings, 2019; TEA TAPR Report, 2019; TEA STAAR Aggregated Data, 2019



The College Board testified to the Committee about their concerns with the Next Generation Commission recommendation to replace STAAR EOC exams with the SAT which was not designed to be used as an exit exam.<sup>203</sup> College Board data shows that more students who take the SAT do not meet the college and career readiness benchmarks than students who fail EOCs. This means there would be an increase in the number of students needing to retest or go through the IGC process.

The Committee heard concerns from stakeholders who believe additional indicators could be added to provide a better measure of school quality. There is an ongoing effort to find additional indicators for elementary and middle schools that can be fairly compared across LEAs. As mentioned above, the Next Generation Commission was not able to accomplish this in their study.

Stakeholders representing parents testified to the importance of assessment data in informing a parent's understanding of their student's learning. A survey by Learning Heroes found that parents use the data from end-of-year assessments to see if their child is on track for the next grade.<sup>204</sup> This is especially true for Hispanic parents.

## **RECOMMENDATIONS**

1. As the changes that were proposed by the Next Gen Commission that were allowable under federal law have been implemented or are currently in progress, the Committee does not make any recommendations connected with the Next Gen Commission's recommendations.
  
2. The Committee recommends against the inclusion of new indicators or metrics in the state accountability system that cannot maintain standards of validity, reliability, comparability, and fairness.

## CHARGE IX: CURRICULUM and INSTRUCTIONAL MATERIALS

*Monitor and analyze the state policy on curriculum and instructional materials used in public schools.*

### SUMMARY OF COMMITTEE ACTION

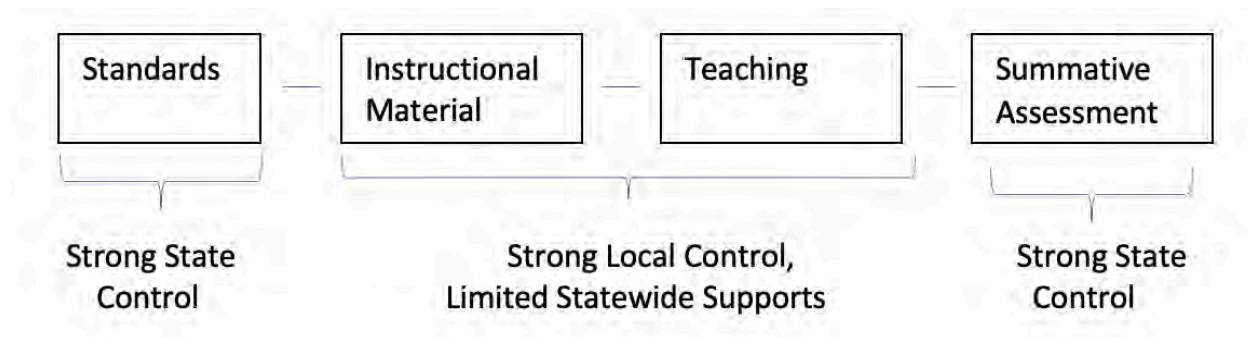
The Committee held a public hearing on July 26, 2022, to address the above interim charge. The Committee heard testimony from the following invited witnesses:

*Witnesses are listed in alphabetical order*

- Ms. Anetra Cheatham, Chief Innovation Officer, Beaumont ISD
- Dr. Kevin Ellis, Chairman, Texas State Board of Education
- Dr. Angela Herron, Chief Teaching & Learning Officer, Grand Prairie ISD
- Hon. Pam Little, Vice-Chair, Texas State Board of Education
- Mike Morath, Commissioner, Texas Education Agency

### BACKGROUND

Texas employs a standards-based education approach, where the State Board of Education defines the essential knowledge and skills – or TEKS – and LEAs are responsible for covering the TEKS through instructional material of their choosing. LEAs are held accountable through a standardized summative assessment, which demonstrates how students learn. While the SBOE approves the curriculum standards, it does not approve the materials educators use to teach these standards. Largely, these decisions are left to individual campus and teacher discretion, with varying levels of quality and rigor.



To support teachers and districts, the Legislature has appropriated \$20 million to the Texas Education Agency in the previous two biennium to acquire “open source instructional materials” (OER). This OER is designed to lessen teacher workload by providing high-quality instructional materials (HQIM) that are aligned to TEKS.

These state-developed materials are subject to a rigorous third-party review to ensure the core materials and supplemental materials are aligned to the TEKS, provide support for all learners, and include progress monitoring, and implementation supports. Though TEA is still scaling the OER program, the intent is to have material for grades PK-12 in English and math, and PK-8 for science and social studies.

## WHAT DID WE LEARN?

Given the distributive model, TEA recently reproduced a national study to examine curriculum across Texas classrooms. The Agency found that only 19% of elementary classrooms across 26 school systems were using material that allowed students to achieve at or above grade-level. This gap leads to mixed signals for schools and parents: students can be “on track” according to classroom materials, tests, and quizzes, but still fail to meet grade-level expectations on STAAR because they were taught with below-grade-level material.

Members from the State Board of Education (SBOE) testified in front of the Committee and spoke to the work SBOE undertakes to review instructional materials alignment with TEKS. Though SBOE determines the percentage of TEKS covered by instructional materials, local education agencies (LEAs) are empowered to adopt their own curriculum if they certify chosen materials encompass all the TEKS. Chairman Keven Ellis and Vice Chair Pat Hardy spoke at length to the Committee about the balance of local control by ensuring that LEAs have rigorous enough curricula to improve student outcomes. It is outside of the SBOE’s jurisdiction to reject instructional materials based on rigor, nor does SBOE have authority over the Open Educational Resource (OER) materials. Any rejection of instructional materials by the SBOE must fall under one of four reasons:

1. TEKS alignment (at least 50% required)
2. No factual errors
3. Poor binding
4. Suitable grade-level content

LEAs may choose to adopt materials that SBOE has rejected. In fact, TEA reports that only 47% of instructional materials LEAs report using in English/Language Arts are SBOE-approved instructional materials, and only 23% in math are SBOE-approved materials.<sup>205</sup>

Regardless of selection, LEAs must ensure that 100% of TEKS are addressed by their materials. Members of the Committee were assured that raising the bar for rigorous instructional materials would not result in a monopoly for certain vendors. Rather, it would ensure that LEAs would have better quality from which to choose.

Committee members also heard from practitioners in school districts utilizing high quality curriculum and instructional materials. Dr. Angela Herron, Chief Learning Officer at Grand Prairie ISD, shared the district’s focus on High-Quality Instructional Materials



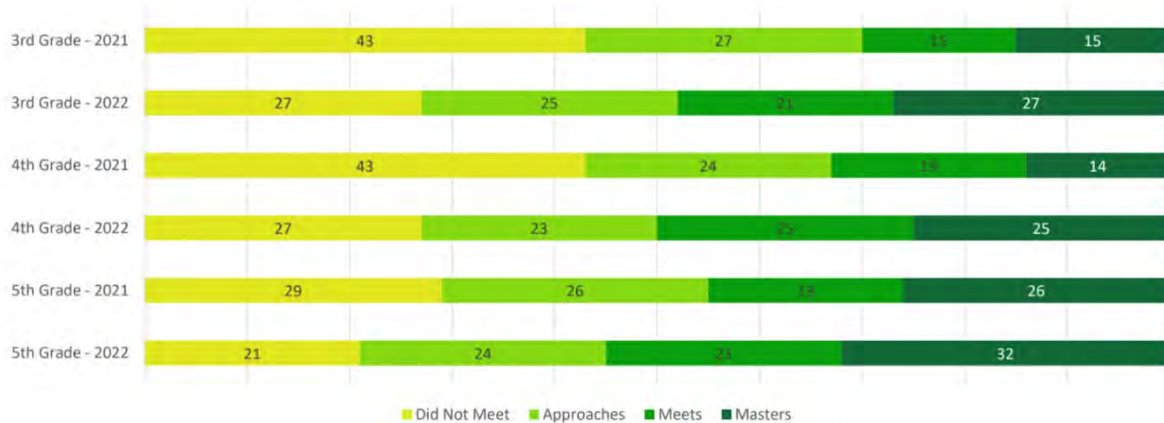
(HQIM) through the support of the Resilience School Support Program (RSSP).

The adoption of HQIM improved student outcomes: between the 2020-21 school year and 2021-22 school year, more students accelerated learning.



## STAAR Performance Comparison by Grade Level 2021 & 2022

Elementary Reading Performance Level by Grade



Beyond academic outcomes, teachers in Grand Prairie also praised the transition to HQIM, saying it saves planning time, as they no longer must search for their own materials, and they know the provided HQIM is 100% aligned to TEKS.

Beaumont ISD also testified and shared research around the amount of time teachers spend searching sites like Pinterest and Google to source instructional materials for their classrooms. This material is often below grade level, sending false signals of “readiness” to teachers and students alike. When Beaumont ISD transitioned to HQIM, they invested heavily in teacher training and development in these new materials. The focus on staff development is considered a best practice in adoption of HQIM. The data on Beaumont ISD shows similar academic gains to Grand Prairie ISD.

Committee members expressed strong support for HQIM as a tool to improve student learning and save teachers time that they traditionally spend planning. Members appreciated the witnesses’ focus on academic gains while also emphasizing the need to have targeted professional development to equip educators with the necessary knowledge to implement HQIM with fidelity.

Given the expected surplus in General Revenue funds, many members of the Committee expressed that this upcoming legislative session marks a critical opportunity to invest in HQIM, provide targeted training for educators, and give Texas students the rigorous materials needed to help recover from COVID-induced unfinished learning.

## RECOMMENDATIONS

1. The Committee recommends the Legislature provide funding for TEA to continue developing a robust open source instructional material of high-quality instructional materials.
2. The Committee recommends the Legislature consider policy to ensure more students have access to high -quality instructional materials, including but not limited to:
  - a. Requiring LEAs to report unapproved instructional materials to TEA, and to be subject to a curriculum audit.
  - b. Leveraging high-quality instructional materials for chronically underperforming campuses.
3. The Committee recommends the Legislature ensure any changes to curriculum include parental transparency without increasing teacher workload.
4. The Committee recommends the Legislature extend a greater focus on high-quality instructional materials at the educator preparation program (EPP) level.

## **CHARGE X: CHRONIC ABSENTEEISM**

*Examine the causes and contributors for chronic absenteeism in public schools and its impact on student outcomes. Consider techniques and approaches that have been utilized by public schools to identify students who are chronically absent and return these students to classrooms.*

### **SUMMARY OF COMMITTEE ACTION**

The Committee held a public hearing on July 25, 2022, to address the above interim charge. The Committee heard testimony from the following invited witnesses:

*Witnesses are listed in alphabetical order*

- Hon. Martin Castillo, Justice of the Peace, Pct. 2, Hood County
- Chris Dickinson, Executive Director, Grad Solutions
- Julia Grizzard, Executive Director, Bexar County Education Coalition
- Tyler Heath, Chief Operating Officer, Austin Achieve Charter School
- Hon. Rick Hill, Justice of the Peace, Pct. 3, Brazos County
- Kara Peck, Asst. Principal, Deerwood Elementary/Houston Food Bank
- Monica Martinez, Associate Commissioner of Standards & Support, TEA
- Caroline Roberts, Associate Director of Policy & Staff Attorney, Children At Risk
- Vicky Luna Sullivan, J.D., Ed.D., Senior Staff Attorney, Education Justice Project, Texas Appleseed

### **BACKGROUND**

There are undoubtedly several benefits of ensuring that students are attending school. For students, being in the classroom means that there are opportunities to learn and participate in the exchange of ideas, engage with their friends and peers, and grow into productive members of the community. On the other hand, for districts, having students in a classroom gives them the opportunity to shape the next generation of Texans and ensure that they can generate the funding necessary to keep the district running.

Rates of chronic absenteeism<sup>206207</sup>, defined as a student who is enrolled for at least 10 days, is absent for 10 percent or more days, is a data point<sup>208</sup> that was just recently captured by the Texas Education Agency (TEA), but is not something new for our schools. During the 2018-2019 school year, 11.4% of students statewide were considered chronically absent; after the height of the COVID-19 pandemic, during the 2020-2021 school year, rates of chronic absenteeism increased to 15.0% statewide. Stakeholders have raised concerns about chronically absent students and the impact of their absences on the student's education. Additionally, stakeholders have reported that increases in absenteeism have not impacted all students uniformly, rather emergent bilingual students and English learners, African American students, and economically disadvantaged students have seen the

greatest increases.

### ***Compulsory Attendance and Taking and Reporting Attendance***

In most circumstances, a student in Texas, who is at least six years old as of September 1 of the applicable school year until the student's 19th birthday, is required to attend school.<sup>209</sup> If a student is unable to attend school, for a reason outlined in Sec 25.087, Education Code, (observing religious holidays, appointment with a healthcare professional, etc.) their absence will count toward their compulsory attendance and toward the district's average daily attendance. For otherwise unexcused absences, the absence will be counted against both the student and the district.

Currently, to track attendance, the Texas Education Code requires that every district adopt an attendance accounting system, more commonly known as the Texas Student Data System Public Education Information Management System (PEIMS) that includes procedures to ensure the accurate taking, recording, and reporting of attendance data.<sup>210</sup> Subsequently, this data is required to be reported to TEA for the purpose of determining the allocation of state funding for the district.

Annually, TEA reviews, updates, and publishes the Student Attendance Accounting Handbook (SAAH), which serves as the official standard for all required information for all attendance accounting systems.<sup>211</sup>

### ***House Bill 2398 (84R)***

In 2015, the Texas Legislature passed House Bill 2398 which decriminalized truancy for students. Most notably, HB 2398 established truancy court procedures for a student who has been alleged to committed truant conduct, reclassified parent contributing to nonattendance from a Class C Misdemeanor to a misdemeanor punishable by a fine only, and established guidelines for district-level truancy prevention measures.

### ***District-Level Truancy Prevention Measures***

To help reduce the number of truant students, Texas requires that school districts adopt truancy prevention measures that are designed to address student conduct related to truancy and minimize the need for referrals to truancy court.<sup>212</sup> A school district is required to enter truancy prevention measures with a student if the student has three or more unexcused absences for three or more days or parts of day within a four-week period but less than 10 or more days or parts of a day within a six-month period. At minimum, statute requires that a school district take one of the following actions:

- Impose a behavior improvement plan or school-based community service; or

- Refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at addressing the student’s truancy.

### ***COVID-19 and Chronic Absenteeism***

On March 19, 2020, Governor Greg Abbott issued Executive Order GA-08 which temporarily closed public schools. In response to the Governor’s Executive Order, TEA stood up the Instructional Continuity Task Force to focus on ensuring that students were still able to continue learning at home. With the closures of schools and with districts implementing new distance methods of teaching, schools also stopped taking attendance in March 2020.

	State	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races
2018-2019	11.4%	14.5%	12.6%	9.2%	13.1%	3.2%	12.7%	11.0%
2020-2021	15.0%	20.7%	16.9%	10.7%	16.4%	3.3%	17.9%	13.9%
Difference	+3.6%	+6.2%	+4.3%	+1.5%	+3.3%	+0.1%	+5.2%	+2.9%

*Table 1: Chronic Absenteeism Rates by Ethnicity<sup>213</sup>*

	State	Special Education	Economically Disadvantaged	Emergent Bilingual/English Learner
2018-2019	11.4%	16.9%	13.9%	9.7%
2020-2021	15.0%	19.4%	19.3%	16.1%
Difference	+3.6%	+2.5%	+5.4%	+6.4%

*Table 2: Chronic Absenteeism Rates by TAPR Reported Student Groups<sup>214</sup>*

According to TEA, between the 2018-2019 school year and the 2020-2021 school year chronic absenteeism increased across all student populations and had a 3.6 percent increase statewide. Table 1 demonstrates the increases in chronic absenteeism across all ethnic groups and Table 2 demonstrates the increases in chronic absenteeism across special education students, economically disadvantaged students, and emergent bilingual students and English learners.

## **WHAT DID WE LEARN?**

Although Texas’ public schools have worked to address issues related to chronic absenteeism and its root causes, there is more work to be done. Importantly, Texas does not have a statutory definition of “chronic absenteeism” and TEA is not required to report on chronic absenteeism. Additionally, chronic absenteeism was not included on annual Texas Academic Performance Reports (TAPR) until data for the 2018-2019 school year

was available and has not been included in annual, publicly available, reporting for nearly two decades.<sup>215</sup>

In terms of funding, public schools receive little-to-no consistent additional state-level funding to target causes of chronic absenteeism and are expected to combat chronic absenteeism utilizing existing resources. Since the State funds schools based on average daily attendance, districts and open-enrollment charter schools are forced to rely on temporary grants to address systemic issues attributing to chronic absenteeism.

On a district level, chronic absenteeism, especially in the lower grades, is rarely never the fault of the student and is often caused by an issue outside of the public school system; these external issues range from issues regarding housing and homelessness, transportation, and parent employment or lack-there-of. Furthermore, the rate of a district's chronically absent student population strongly correlates with the district's rate of economically disadvantaged students; nearly 1 in 5 (19.4%, Table 2) low-income students were considered chronically absent.

Overall, whatever progress was made in addressing chronic absenteeism at a district level was erased by the COVID-19 pandemic. Between the 2018-2019 school year and the 2020-2021 school year, every student group saw increases in chronic absenteeism with the largest increases in emergent bilingual students and English learners, African American students, and economically disadvantaged students.

## **RECOMMENDATIONS**

1. The Committee recommends the Legislature define chronic absenteeism in the Texas Education Code and add chronic absenteeism to the "at risk" category to better support these students.
2. The Committee recommends the Legislature require TEA to report chronic absenteeism clearly, consistently, and in an easily accessible format to increase transparency and better target student supports.
3. The Committee recommends the Legislature should continue to monitor statewide chronic absenteeism rates and rates of chronic absenteeism across student groups.
4. The Committee recommends the Legislature should explore necessary statutory changes to require biennial reporting of chronic absenteeism rates from TEA.

## **CHARGE XI: IMPACT OF INVESTMENTS OF THE PERMANENT SCHOOL FUND**

*Review the impact of investments of the Permanent School Fund by the State Board of Education in businesses and funds owned or controlled by the Russian government or Russian nationals and determine the need for investment restrictions. Consider the impact of any proposed investment restrictions on fund performance.*

### **SUMMARY OF COMMITTEE ACTION**

The Committee held a public hearing on April 26, 2022, to address the above interim charge. The Committee heard testimony from the following invited witnesses:

*Witnesses are listed in alphabetical order*

- Tom Maynard, Chair of the Committee on School Finance/Permanent School Fund, Texas State Board of Education
- Holland Timmins, Chief Investment Officer, Texas Education Agency
- Rusty Martin, General Land Office

### **BACKGROUND**

Originally called the Special School Fund, the Texas Permanent School Fund (PSF) was created in 1845 when Texas became the 28th state as a perpetual fund to which ten percent of all tax revenue would be devoted. However, Texas had no tax base, so the fund failed to accumulate any significant deposits. The PSF received a \$2 million appropriation by the Texas Legislature in 1854 expressly for the benefit of public schools in Texas. These funds were available as a result of a \$10 million settlement from the United States government in exchange for giving up claims to western lands claimed by the former Republic of Texas. In 1854-1855, the PSF first annual per student distribution for public education was 62 cents. By 1861, the PSF was depleted by railroad loan defaults, collapse of the Confederate monetary system, and an eventual loan of the PSF to the Civil War effort. The Constitution of 1876 stipulated those certain lands and all proceeds from the sale of these lands should also constitute the PSF. Additional laws later gave more public domain land and rights to the PSF. The State Board of Education (SBOE) manages financial assets for the PSF and the School Land Board (SLB), an independent entity of the General Land Office, oversees the management, sale, and leasing of more than 13 million acres of PSF land. Since its initial capitalization, the PSF has grown to \$58.5 billion as of fiscal year-end 2021 (August 31).<sup>216</sup>

On a cold wintry day on February 24, 2022, Russia invaded Ukraine. Leaders around the world immediately condemned this unjustified aggression. The United States government has helped lead a movement with other nations (including those of the European Union) to

impose sanctions on Russia as punishment for its aggression. These sanctions include freezing Russian assets, removing Russian banks from participation in national banking systems, and banning the importation of many Russian exports. Russia shut down its public stock market on February 25, and there are very few prospective buyers in the private market. With no way for prospective buyers and sellers of Russian assets to interact, current owners of these assets cannot dispose of them. The difficulty in divesting is a problem faced by all who wish to join the United States in sanctioning Russia.

**WHAT DID WE LEARN?**

Emerging market investments means investments in emerging countries such as Russia, Brazil, China, Mexico, and India. They are labeled emerging markets because their economies are in a developmental stage rather than an established, mature market like the United States, or the United Kingdom. These investments are riskier, but they also produce slightly higher returns. The PSF invests in emerging markets due to their generally growing economies and young populations; generally strong fiscal positions; and potential for strong returns. As illustrated below<sup>217</sup>, these markets have provided exceptional returns despite the recent collapse of Russian asset valuations. Emerging equity markets outperformed domestic and developed equity markets.

<b>Asset Class<sup>1</sup></b>	<b>Annualized Returns</b>
Emerging Market Equities Index	8.50%
US Equities Index	7.47%
<i>PSF Composite<sup>2</sup></i>	6.48%
International Developed Equities Index	4.65%

Prior to the Ukraine invasion, the total PSF portfolio investments in Russian assets were \$259.7 million (December 2021).<sup>218</sup> After the invasion, these assets declined in value to \$14.2 million, for an unrealized loss of 95% (March 2022).<sup>219</sup> SBOE member Tom Maynard, who Chairs the PSF's oversight corporation told the House Committee this unrealized loss does not include realized capital gains and income earned prior to the sanctions.

PSF Chief Investment Officer Holland Timmins advised the House committee that the PSF does have exposure to Russian assets, but those are due to emerging market allocations. Timmins further stressed this is not an allocation specifically to Russian investments, but to broad and emerging market investments which include Russian investments. The PSF's exposure to Russian investments is concentrated in externally managed emerging market portfolios for equity and debt, which model common benchmarks. The benchmarks for these portfolios are meant to track the MSCI (equity) and JP Morgan (debt) indices, both of which removed the Russian exposure from their benchmarks in March.



Committee members expressed concern of such a loss, but recognized it was almost impossible to get out of such volatile investments in a timely fashion. Additionally, selling too quickly could have benefitted Russia in the end.

Due to trading restrictions and economic sanctions, Russian assets cannot be liquidated, nor payments remitted at this time.

## **RECOMMENDATIONS**

1. The Committee recommends once liquidity improves and there is greater clarity in market mechanics, PSF external managers should perform an orderly and prudent sale of assets.

# ENDNOTES

- <sup>1</sup> Legislative Budget Board, House Bill 3 Fiscal Note, 86th Legislative Session. Available at: <https://capitol.texas.gov/tlodocs/86R/fiscalnotes/pdf/HB00003F.pdf#navpanes=0>
- <sup>2</sup> Dr. Bruce Gearing, Treasurer Fast Growth School Coalition. Written and Oral Testimony. House Public Education Hearing. July 25, 2022.
- <sup>3</sup> Mike Morath, Commissioner of Education, TA. Written and Oral Testimony, House Committee on Public Education, May 24, 2022.
- <sup>4</sup> *Ibid.*
- <sup>5</sup> *Ibid.*
- <sup>6</sup> *Ibid.*
- <sup>7</sup> *Ibid.*
- <sup>8</sup> *Ibid.*
- <sup>9</sup> *Ibid.*
- <sup>10</sup> *Ibid.*
- <sup>11</sup> *Ibid.*
- <sup>12</sup> *Ibid.*
- <sup>13</sup> *Ibid.*
- <sup>14</sup> *Ibid.*
- <sup>15</sup> Ben Mackey, Interim Executive Director, Texas Impact Network. Written and Oral Testimony. House Committee on Public Education Hearing on July 25, 2022.
- <sup>16</sup> *Ibid.*
- <sup>17</sup> Mike Morath, Commissioner of Education, TEA. Written and Oral Testimony, House Committee on Public Education Hearing on May 24, 2022.
- <sup>18</sup> *Ibid.*
- <sup>19</sup> Donald Kamentz, Founder and CEO, Contigo Ed. Written and Oral Testimony, House Committee on Public Education Hearing on July 25, 2022.
- <sup>20</sup> Mike Morath, Commissioner of Education, TEA. Written and Oral Testimony, House Committee on Public Education Hearing on May 24, 2022.
- <sup>21</sup> *Ibid.*
- <sup>22</sup> *Ibid.*
- <sup>23</sup> *Ibid.*
- <sup>24</sup> *Ibid.*
- <sup>25</sup> Mike Morath, Commissioner of Education, TA. Written and Oral Testimony, House Committee on Public Education Hearing on May 24, 2022.
- <sup>26</sup> The Commit Partnership. Written Testimony, House Committee on Public Education Hearing on July 25, 2022.
- <sup>27</sup> Texas Public Education Information Resource (TPEIR) report.
- <sup>28</sup> *Ibid.*
- <sup>29</sup> Texas Public Education Information Resource (TPEIR) report.
- <sup>30</sup> Mexican American School Boards Association. Written Testimony, House Committee on Public Education Hearing on July 25, 2022.
- <sup>31</sup> Overview of 2021 STAAR Results,” TEA, <https://tea.texas.gov/sites/default/files/covid/Overview-of-2021-STAAR-Results.pdf>
- <sup>32</sup> <sup>32</sup> Mike Morath, Commissioner of Education, TA. Written and Oral Testimony, House Committee on Public Education Hearing on May 24, 2022.
- <sup>33</sup> *Ibid.*
- <sup>34</sup> *Ibid.*
- <sup>35</sup> *Ibid.*
- <sup>36</sup> *Ibid.*
- <sup>37</sup> *Ibid.*
- <sup>38</sup> *Ibid.*
- <sup>39</sup> Without evidence-based strategies, Texas risks a long-term generational decline in educational attainment. That shortfall, if left unchecked, could “equate to an average 6% reduction in lifetime earnings [... for Texas students] -- for a net present value of \$2 trillion in foregone income,” according to TEA Commissioner Mike Morath; Austin American-Statesman, “Pandemic's drain on education could become economic problem for Texas,” <https://www.statesman.com/story/business/2021/10/04/pandemics-drain-education-could-become-economic-problem-texas/5992301001/>
- <sup>40</sup> <https://files.eric.ed.gov/fulltext/ED394205.pdf>. Interesting, the performance elements in the original Texas school accountability system are very similar to what we use today:
- Statewide standardized assessments and end of course exams in core subjects.
  - Dropout rates.
  - Graduation rates.
- It is also work nothing that in this system, SAT and ACT results were also used (like they are today), but they were not part of the district’s accreditation ratings.
- <sup>41</sup> [https://rptsvr1.tea.texas.gov/perfreport/account/2017/State\\_Summary\\_Nov\\_2017.html](https://rptsvr1.tea.texas.gov/perfreport/account/2017/State_Summary_Nov_2017.html)
- <sup>42</sup> [https://tea.texas.gov/sites/default/files/STAAR\\_Sum\\_2017\\_03Mar\\_G8\\_F.pdf](https://tea.texas.gov/sites/default/files/STAAR_Sum_2017_03Mar_G8_F.pdf)
- <sup>43</sup> Senate Bill 1365 Bill Analysis. Available at: <https://capitol.texas.gov/tlodocs/87R/analysis/pdf/SB01365F.pdf>
- <sup>44</sup> Source: <https://tea.texas.gov/sites/default/files/2021-briefing-book.pdf> pp 16
- <sup>45</sup> Kate Greer, Director PK-12 Policy, Commit Partnership. Written Testimony. House Public Education Committee Hearing on August 9, 2022.
- <sup>46</sup> Source for the example is the TEA summary of SB 1365: <https://tea.texas.gov/sites/default/files/senate-bill-1365-explanatory-document.pdf>
- <sup>47</sup> Mike Morath, Commissioner, Texas Education Agency. Written and Oral Testimony. House Public Education Hearing on May 24, 2022.
- <sup>48</sup> Justin Porter, Associate Commissioner, Director of Special Education, Texas Education Agency. Written and Oral Testimony. House Public Education Hearing on July 25, 2022.
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<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*

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<sup>55</sup> An analysis completed in 2016 confirmed the validity and reliability of the test, citing that it “bears a strong association with on-grade curriculum requirements.”  
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<sup>56</sup> In 2019, a subsequent analysis found STAAR to be aligned with the TEKS for all grade levels and subjects with 91% of its included passages meeting “the criterion for readability.” <https://tea.texas.gov/sites/default/files/staarstudypartifinal.pdf>

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<sup>58</sup> *Ibid.*

<sup>59</sup> Connected Through Our Schools: The 2022 poll on Texans’ attitudes toward public education, Charles Butt Foundation.  
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<sup>60</sup> Connected Through Our Schools: The 2022 poll on Texans’ attitudes toward public education, Charles Butt Foundation.  
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<sup>62</sup> Future of Testing in Education: The Way Forward for State Standardized Tests, Center for American Progress, September 2021.  
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<sup>63</sup> 2022 STAAR Results Summary, July 2022. <https://tea.texas.gov/sites/default/files/2022-staar-results-summary.pdf>

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<sup>69</sup> *Ibid.*

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<sup>74</sup> <https://triagency.texas.gov/wp-content/uploads/2022/01/Tri-Agency-Executive-Summary-FINAL-Jan-2022.pdf>

<sup>75</sup> Mike Morath, Commissioner, Texas Education Agency. Written and Oral Testimony. House Public Education Committee Hearing, July 26, 2022.

<sup>76</sup> *Ibid.*

<sup>77</sup> Harrison Keller, Commissioner, Texas Higher Education Coordinating Board. Written and Oral Testimony. House Public Education Hearing on July 26, 2022.

<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*

<sup>80</sup> Glenn Hamer, CEO and President, Texas Association of Business. Written and Oral Testimony. House Public Education Hearing, on July 26, 2022.

<sup>81</sup> Texas Higher Education Data  
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<sup>89</sup> Dr. Stephen L. Pruitt, Ph.D., President, Southern Regional Educational Board. Oral and Written Testimony. Joint Hearing with House Public Education and Higher Education Committee Hearing, September 20, 2022.

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- REWARDING TEACHER EXCELLENCE A teacher compensation handbook for state and local policymakers*, Allan Odden and Marc Wallace, Consortium for Policy Research in Education Wisconsin Center for Education Research University of Wisconsin February 2007, <http://picusodden.com/wp-content/uploads/2013/09/tcomp-handbook-feb-28-07-final-3-05-07.pdf>. "Average salaries are critical for retention; average teacher salaries should be set at some competitive level to enable the education system to retain teachers that have entered teaching and at some point decide whether or not they want to remain in the profession."<sup>139</sup> <https://capitol.texas.gov/tlodocs/87R/handouts/C4002022092010001/e8f8569c-5367-45b0-a86e-5799a961327c.PDF>
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<sup>207</sup> Texas Family Code, §65.003, defines "truant conduct" as failing to attend school on 10 or more days or parts of days within a six-month period in the same school year.

<sup>208</sup> Chronic absenteeism was not first reported until the 2018-2019 Texas Academic Performance Report.

<sup>209</sup> Texas Education Code, §25.085(a)

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