



## ATPE Input to the Senate Education Committee – February 1, 2011

Regarding “Flexibility and Mandate Relief”

The **Association of Texas Professional Educators (ATPE)** is the preeminent educator association in Texas and makes a positive difference in the lives of educators and schoolchildren. ATPE is a member-owned, member-governed professional association with more than 115,000 members, making it the leading educators’ association in Texas and the largest independent association for public school educators in the nation.

Creating an optimal learning environment for all Texans in the public education system from pre-kindergarten through 12th grade should always be our primary education goal, regardless of the state’s financial circumstances. The development, recruitment and retention of the nation’s highest quality educator work force are the state’s most effective and efficient means of accomplishing this goal. As such, educational policy decisions, including the structure of the school finance system, should be aligned to accomplish this priority. In addition to advocating for a fully funded state and federal public education system for every student, ATPE supports incorporating financial accountability measures into our school finance system and allocating funds for mandates that enhance the learning environment, effective program weights for special populations and all grade levels, and competitive educator compensation and benefits.

Without question, one of the main reasons this committee finds it necessary to conduct a hearing on “flexibility and mandate relief” is the absence of a budget proposal that balances spending cuts with measures to secure more revenue. A cuts-only philosophy that ignores available sources of additional revenue, such as the state’s \$9 billion Rainy Day Fund, will do unnecessary harm to our public education system and will turn back the clock on much of the progress we have made over the past few decades. **A balanced approach to a balanced budget is absolutely necessary.**

ATPE understands that our current financial woes will most likely necessitate some cuts in state public education funding. Public education is an investment in our long-term future economic viability, so it is important that we view any cuts as short-term budget decisions and not confuse cutting school funding with sound education policy decisions. Many of the quality-control standards that help ensure equitable educational opportunities across the state provide the foundation for success in student learning. It is important for the Legislature to make decisions that will have the least impact on the student-teacher relationship and the long-term economic health of our state.

**Accordingly, ATPE strongly supports maintaining the following as high priorities:**

- **22-1 class size limits in elementary grades.**
- **Contracts and due process for educators.**
- **The state minimum salary schedule.**
- **Educator quality initiatives, such as comprehensive mentoring/induction for new teachers; a high-quality, state-regulated system of educator preparation and certification; meaningful professional development opportunities for teachers, and differentiated pay that targets shortage areas and the highest needs,**

Each of these programs contributes to the development, recruitment or retention of high-quality educators and the creation of an optimal learning environment; many also provide (or could provide, if implemented) cost savings and efficiencies.

## The Importance of the 22:1 Class-Size Limit

Small class sizes not only allow for more individualized student instruction, but they also reduce the discipline problems that are cited as a major factor in teachers' decisions to leave the profession. ATPE members support reduced class sizes and caseload limitations that are mandated and enforced by the state for all grade levels and instructional settings to allow for optimal learning environments. Since 1984, state law has imposed a class-size limit of 22:1 in grades K–4, far above what many education experts consider to be an optimal class size of 15:1.

Unfortunately, class-size limits have been unduly targeted by some school districts and legislators; they have labeled the 22:1 statute an “unfunded mandate” and an example of over-burdensome state regulation. In reality, districts already have considerable flexibility with regard to the class-size limit. Current law provides a process by which districts can obtain a waiver from the Texas Education Agency (TEA) if extenuating circumstances prevent a campus from complying with the limit. The waiver process is simple; a one-page form must be sent to TEA and notification of the waiver must be sent to the parents of students in the affected class. In practice, waiver requests are generally granted automatically and have been denied by TEA only in a handful of unusual cases. The claim that districts are being forced to create new classrooms whenever a 23rd student moves in during the middle of a school year has not been supported by any evidence. The waiver process exists to prevent that from happening and should be kept in place.

*The benefits of small class sizes have been well documented and have a lasting effect.* Research shows that smaller classes benefit all students, regardless of race, location or socioeconomic background, and benefit minority and high-poverty students at a greater rate than their peers, thus helping to eliminate the achievement gap. Studies have shown that students who benefited from smaller classes in early grades were 37-percent less likely to drop out of high school than students in larger classes; 16 percent more of them completed high school on schedule; 36 percent more received an honors diploma; and many were more likely to have taken the ACT or SAT exams. Thus, while class-size limits might require the commitment of additional resources, they are an investment that pays off.

*In addition to research, there is compelling anecdotal evidence supporting the benefits of smaller classes.* Increased instructional time and individualized attention have been hallmarks of the charter movement. A number of charter operators have testified that small class sizes contribute the success of their schools. Although not required by state law, many of these campus-level decision makers have chosen to place student learning above cost-cutting by maintaining class sizes close to the 15:1 optimal ratio. Small class sizes exist in a number of successful private schools, too.

*Allowing class sizes to be averaged on the district level (or even on the campus level) would effectively stop a typical student from benefiting from class-size reduction in the elementary grades.* Under such a plan, the size of small specialized classes, such as those in special education and gifted-and-talented programs, would offset dramatic increases in the size of traditional classes. Due to the effect of these specialized classes, traditional classes could far exceed current class-size limitations while schools still maintained a district-wide average of 22 (or even 21) students per teacher. District-wide class-size averages will not serve the purpose of educational quality, equity or creating an optimal learning environment for young children.

Currently, TEA's class-size waiver request form instructs districts to identify whether the reason for their seeking the waiver is inadequate facilities, a shortage of teachers or unanticipated enrollment growth. ATPE suggests that TEA consider revising this form to include a declared financial exigency as a condition prompting the request for a class-size waiver.

It is worth mentioning that ATPE has advocated for reforms that would prevent the abuse of class-size waivers and require full public disclosure of such requests. In the event that the current law on class sizes is changed in any way, it is critical that the Legislature continue to insist on transparency, which should include parental notification of the size of their children's classes.

## Contracts and Due Process Rights

***Contracts and due process rights benefit educators, districts and students.*** ATPE supports maintaining current educator contract laws and due process laws regarding teacher assignment, transfer, hiring and dismissal, including requirements for independent hearing examiners. In addition to fostering stability in the classroom for students, contracts and due process rights also minimize litigation costs for school districts.

***Contract rights exist to ensure continuity in classroom instruction.*** One of the roles of a contract is to prevent educators from resigning in the middle of a school year without good cause. Educators risk harsh penalties for contract abandonment, including being sanctioned by the State Board for Educator Certification (SBEC). Without contracts, the disruptions caused by mid-year resignations and job changes would be highly detrimental to students' learning.

***Diminishing or eliminating teachers' contract rights would actually result in an increase in costly employment litigation against school districts.*** There is a misconception that school districts could save money by simply eliminating educator contracts. ATPE and those who wrote contract rights into the law believe the opposite to be true. Watering down teachers' contract rights in a misguided effort to make it easier for districts to fire teachers would result in a substantial increase in costly employment litigation against school districts. As has been pointed out by Commissioner of Education Robert Scott, "contracts exist for the benefit of both parties, and there is a benefit to the districts for having a contract."<sup>1</sup> The current system offers an effective administrative process for dispute resolution that insulates districts against the high costs of going to court. If that system is restructured in such a manner that teachers lose all hope of getting a fair hearing through the administrative process, then more teachers will pursue the alternative of civil litigation. In addition, even if contract rights in Chapter 21 of the Texas Education Code were dramatically weakened, educators would still benefit from a large body of well-established due process law that exists irrespective of state law; in other words, teachers would still have constitutional rights that could be enforced through court action but at a much greater expense to both sides. The majority of school-related wrongful termination claims would end up on crowded court dockets and in protracted Equal Employment Opportunity Commission (EEOC) proceedings. Districts would be compelled to hire more attorneys, deal with costly and extensive document production, and risk involvement in extremely lengthy cases. Another inevitable consequence of this increase in litigation is that liability insurance premiums would rise. Additionally, with such a high risk of costly litigation, every adverse employment action would be subject to intense scrutiny, making it harder for administrators to manage and staff our schools. Clearly, contracts benefit both the educator and the school district.

***Existing contract laws do not make it unreasonably difficult to remove bad teachers.*** Texas has in current law the effective means for school districts to get rid of educators who persistently fail. Our Commissioner's rules provide that "a teacher who has not met all requirements of the intervention plan ... by the time specified may be considered for separation" from employment. Moreover, the Education Code empowers districts to hire and fire teachers as they choose before each school year. In other words, it is absolutely possible for a school district to get rid of a low-performing teacher. If a teacher does not meet expectations, the district can and should replace him. Moreover, the decision to nonrenew a teacher's contract can be based on virtually any reason, as long as the district's cited reason is not specifically illegal. (As one example, just as federal law prescribes for private-sector employers, a school district cannot fire an employee—regardless of contract status—on the basis of his race.) In this sense, contract nonrenewal standards are no higher than the standards for termination of at-will employees. There is simply no proof to back up the claims that it is too difficult to remove a teacher.

***The current contract nonrenewal process is efficient.*** Term contracts, which are the contract type that the majority of districts have rightly adopted for educators, are easily nonrenewed if district personnel are trained in using the process. As explained last year by Hudson ISD Superintendent Mary Ann Whiteker, "With nonrenewals, we're going to have all our ducks in a row ... If my staff on a campus has done their job correctly,

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<sup>1</sup> Hearing of the Select Committee on Public School Finance Weights, Allotments and Adjustments, April 22, 2010.

then at that point in time either the teacher is turning around and moving in the direction they need to, or I have all I need to go through the hearing process for a nonrenewal.”<sup>2</sup> The nonrenewal process places no additional administrative burdens on school administrators and requires no more paperwork than would be kept in the ordinary course of business. Because nonrenewal is based upon incidents that occur during the school year, the teacher’s performance should be documented in mandatory appraisals. These teacher evaluations, if conducted appropriately, already offer adequate documentation of a teacher’s performance whether his contract is ultimately renewed or not; that same documentation is all that is required for nonrenewal. In other words, nonrenewal requires no more paperwork and investigation than what the principal would already have undertaken in determining whether to renew the teacher’s contract in the first place.

***The current contract nonrenewal process is quick.*** The process begins in April and can be completed by the end of the school year if all statutory timelines are followed. Ironically, it is often the school district that voluntarily waives the statutory timelines and prolongs the process.

***Existing contract laws are cost-effective.*** There is no evidence that the current due process system imposes unbearably high costs on school districts. Separations from employment almost always take place at the end of a school year, typically through nonrenewals of contracts. Several districts have told us over the years that they generally do not incur any legal fees for nonrenewals unless the affected teachers specifically request a hearing, and those hearings infrequently occur. Very few teachers who are proposed for nonrenewal will even request a hearing, especially when the district has appropriately documented its reasons for nonrenewal. Typically, a principal will inform a teacher that he is planning to recommend nonrenewal before making the formal recommendation. Our experience shows that when presented with the reasons and an opportunity to talk to the principal at this early stage, a majority of teachers facing possible nonrenewal choose to resign before the board ever hears the recommendation. Mid-year contract terminations that can be more expensive occur only under extraordinary circumstances and are extremely rare, as they should be to avoid unnecessary disruptions for students during the school year. Lawmakers would be hard-pressed to find any evidence—even in our largest school districts—of high costs being routinely incurred by districts through termination proceedings. For example, when ATPE asked Cypress-Fairbanks ISD (believed to be the state’s third-largest district) for data on its termination costs in recent years, we were informed that there had been only two termination cases and that neither had resulted in a hearing or necessitated the hiring of outside legal counsel. Legislators should not change or abandon current contract laws on the basis of anecdotal, unsupported claims that it costs too much to get rid of a bad teacher through our existing administrative processes, especially considering the comparatively high cost of civil lawsuits.

***Diminishing teachers’ contract rights would not correlate to improved student instruction.*** Texas has utilized a system of teacher contracts since 1981, and students have made huge strides in academics during that time frame. The suggestion that Texas’ classrooms are widely staffed by bad teachers has not been backed up by statistics. Subsequent to the adoption of rigorous accountability standards, overall TAKS passage rates and the number of schools with exemplary and recognized ratings have risen consistently. Surely these numbers have some correlation to the quality of instruction found under the current system. In response to calls for increased flexibility and mandate relief, the Legislature should certainly avoid the unnecessary alteration of such a well-designed system of due process.

## **Minimum Salary Schedule**

ATPE members support a career compensation and benefits package for all certified, licensed and contracted public school employees that mandates competitive salaries that are equal to or greater than the national average and competitive with private industry. ATPE believes that maintaining a minimum salary schedule is a critical factor in attaining Texas educator wages that are competitive when compared to teacher salaries in other states and the wages paid in other professions. Providing predictable and meaningful salary increases not only

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<sup>2</sup> Hearing of the Select Committee on Public School Finance Weights, Allotments and Adjustments, April 22, 2010.

encourages the most experienced educators to stay in the profession but also provides an incentive for people to choose teaching as a career.

ATPE also believes that the state salary schedule should provide for step increases over a 30-year period to recognize longevity in the profession and improve retention rates. It is not difficult to find veteran educators who have taught for more than 20 years and have reached the top of the current salary schedule. It is rarer for an educator to remain in the classroom for more than 30 years. When veteran educators stay longer in the classroom and delay their retirement, the state saves money.

Also, it should be noted that abandoning the minimum salary schedule would cost the state approximately \$260 million because of the manner in which the state pays for a portion of contributions to the Teacher Retirement System (TRS) fund. Under the current compensation system, the state is only responsible for matching educator contributions for the portion of the educator's salary mandated by the minimum salary schedule. Required contributions on salaries above the minimum salary schedule must be covered by the district. If the state were to abandon the minimum salary schedule, the responsibility for making contributions to TRS for the portion of salaries currently covered by school districts would shift to the state by default, resulting in an additional yearly cost of approximately \$260 million.

## **Educator Quality Initiatives**

Research has shown that of the many school-based factors that affect a student's academic success, having access to an effective educator is the most important factor. Thus, recruiting, training and rewarding high-quality teachers, though expensive endeavors, are essential to the success of public education. There is a vast body of research showing that high-quality teachers can positively affect student achievement. However, research also shows that teacher quality is not equitably distributed in our schools in spite of legislation, such as the No Child Left Behind Act, that mandates an equitable distribution.<sup>3</sup> At a time when resources for public education are so scarce, it is imperative for the Legislature to prioritize funding for initiatives that can improve educator quality throughout the state.

### ***I. Comprehensive Mentoring and Induction Programs***

***Comprehensive mentoring and induction programs reduce costs and improve educational outcomes.*** These are highly effective education-profession recruitment and retention tools that can produce long-term savings following a minimal upfront investment. ATPE supports mandatory state-funded and research-based mentoring and induction programs for beginning educators. National research has found that comprehensive induction programs are an effective way to increase educator retention and, ultimately, student achievement. ATPE believes that the state should expand its efforts to encourage and fund district- and campus-based induction programs both for beginning teachers and for those moving to a new subject area or grade level by making mentoring a funding priority.

Since 1996, SBEC has required that all beginning teachers who do not have prior teaching experience be assigned a mentor teacher. In spite of this regulation, however, there has been no structured, statewide, state-funded mentoring program in Texas. Current Texas law merely states that districts "may" provide mentors to certain inexperienced classroom teachers. The National Council on Teacher Quality (NCTQ), in the 2008 edition of its annual *State Teacher Quality Yearbook*, criticized Texas for not requiring effective induction for all new teachers, with special emphasis on teachers in high-needs schools. The report emphasized the fact that Texas does not require mentoring for all new teachers. The NCTQ recommended not only that mentoring be made mandatory for new teachers, but also that mentoring programs be implemented early in the school year and that the state employ support strategies such as providing release time and time for observation of experienced teachers. The NCTQ

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<sup>3</sup> See, for instance, ATPE's *2010 Study on the Distribution of Teacher Quality in Texas Schools*, conducted by Dr. Ed Fuller. The full study may be viewed at [www.atpe.org/Advocacy/Issues/teacherqualitystudy.asp](http://www.atpe.org/Advocacy/Issues/teacherqualitystudy.asp).

also believes that mentors should be properly trained, evaluated and compensated. Despite being at the forefront of so many education reforms, Texas has not shown leadership in any of these areas highlighted by the NCTQ.<sup>4</sup> Stating it bluntly, Texas education leaders have simply not made mentoring a priority. To illustrate the lack of a strong focus on mentoring in Texas, one need only visit the “Teacher Resources” section of the TEA website to realize that there is not a single mention of mentoring.

***ATPE believes that the state should make it a high priority to encourage and fund district- and campus- based induction programs for both beginning teachers and those moving to a new subject area or grade level.*** We have long recommended that the state compensate mentors and give them sufficient training and resources in order for them to be successful. The Legislature should also explore ways to utilize not only veteran teachers but also retired teachers to provide mentoring to new or struggling teachers. In addition, districts would benefit from opportunities to receive funding that would allow for beginning teachers to have reduced course loads and/or additional planning time.

***The need for mentoring is even more critical in struggling schools.*** Mentoring would help to improve the distribution of teacher quality across high-poverty, high-minority and low-performing schools. Consider the following excerpt from the report *New Teacher Support Pays Off: A Return on Investment for Educators and Kids*, published in late 2007 by the New Teacher Center at the University of California, Santa Cruz:

“While all schools and students can benefit from more effective teachers, the power of high-quality induction holds special promise for hard-to-staff schools that serve disproportionately low-income and minority students, where teacher turnover is rampant, and which often employ a disproportionately high percentage of inexperienced and out-of-field teachers. High-quality induction programs can develop the human capacity that these high-need schools require for success. Without teachers at the heart of a functioning learning community that nurtures professional growth, the academically disadvantaged students who overwhelmingly populate these schools will continue to flounder.”

***Mentoring is an investment that will save the state money. Building a powerful, stable work force of high-quality teachers through mentoring and induction is arguably the most important expenditure the state can make, especially when funding is scarce and must be prioritized.*** It has been estimated that teacher turnover costs the state and school districts more than \$500 million per year. By investing in quality induction programs, the state and local school districts stand to save a substantial portion of the yearly education budget through reduced turnover. Studies have demonstrated that between 30 to 50 percent of teachers leave the profession within their first five years of teaching. Experts have pointed out that the attrition rate for teachers in Texas has been even higher than the national average. An abundance of research points to mentoring as one of the most effective ways to improve teacher retention rates, which would save the state money.<sup>5</sup> Mentoring is a wise investment from the standpoint of simple economics: It might cost thousands of dollars to provide adequate support to a first-year teacher, but the cost of replacing that teacher when she walks away from the classroom in frustration is more than double the cost of proper mentoring and induction.

Texas has already made investments in promising education reforms, such as transitioning to rigorous end-of-course exams, setting high achievement standards for accountability ratings, beginning to raise the standards for

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<sup>4</sup> The NCTQ identified South Carolina as a model state for best practices in effective induction for new teachers: “**South Carolina** requires that all new teachers, prior to the start of the school year, be assigned mentors for at least one year. Districts carefully select mentors, who must undergo additional training, based on experience and similar certifications and grade levels. Adequate release time is mandated by the state so that mentors and new teachers may observe each other in the classroom, collaborate on effective teaching techniques and develop professional growth plans. Mentor evaluations are mandatory and stipends are recommended.”

<sup>5</sup> See, for example, U.S. Department of Education, National Center for Education Statistics (1997). *The characteristics of stayers, movers, and leavers: Results from the teacher followup survey, 1994–95* Washington, D.C.; and U.S. Department of Education, Southern Regional Education Board (2001). *Reduce your losses: Help new teachers become veteran teachers* (available at <http://www.sreb.org/main/highered/TeacherAttrition.pdf>).

educator preparation programs and adopting college-readiness standards well ahead of the curve. However, there simply is no substitute for widespread, properly funded implementation of research-based practices that have been proven effective at increasing teacher quality. One of the most effective of these research-based practices is state-funded mentoring.

*We are fortunate in these trying economic times that Texas already has an excellent model for state-funded educator induction programs.* In 1999, SBEC implemented the Texas Beginning Educator Support System (TxBESS), a three-year pilot program funded through a federal grant. This program offered comprehensive support and training to assist novice teachers in their first years of teaching. The state's regional education service centers (ESCs) provided training for the mentors in accordance with the TxBESS standards and framework. The standards guided participating ESCs and school districts in the design and organization of their mentoring programs, suggested strategies for the support and assessment of beginning teachers, and identified resources for operating and strengthening the mentoring programs. The TxBESS framework helped to identify the skills that beginning teachers should acquire. The program also incorporated a formative assessment to provide feedback to the beginning teacher with the goal of fostering the teacher's continued professional growth. Initial funding for the TxBESS pilot was provided by a \$12 million grant through the U.S. Department of Education and state funds.

Evaluations of the TxBESS pilot program after three years showed significantly increased retention rates overall for beginning teachers who participated in the program. For minority teachers and high school teachers, the improvement in retention rates was even more significant. Principals of schools that implemented TxBESS reported improved performance by their beginning teachers who were mentored through the program. Veteran teachers who served as mentors in the TxBESS pilot program reported that the experience improved their professional development. The third-year evaluation of TxBESS concluded: "If TxBESS is to be sustained and expanded, state funding is required to support program training, teacher release time, and mentor stipends."

Sadly, Texas legislators did not heed the recommendation for state funding upon conclusion of the TxBESS pilot program. When federal funding for TxBESS ended in 2002, the program was all but abandoned, although some school districts still use TxBESS as a framework for local mentoring and induction plans.

More recently, Texas' Beginning Teacher Induction and Mentoring (BTIM) program was created in 2006 with an initial appropriation of just \$15 million for mentoring. In 2007, the 80th Legislature funded BTIM with an appropriation of \$15 million per year for the 2007-08 and 2008-09 school years. The 81st Legislature in 2009 recommitted the \$30 million appropriation for the 2009-10 and 2010-11 school years. If you use a very conservative estimate of 20,000 new teachers in Texas per year, our state's current \$30 million biennial appropriation only allows for about \$750 per teacher per year for mentoring and induction support.<sup>6</sup> This amount is woefully inadequate for mentoring, even when supplemented by districts through other limited sources.<sup>7</sup>

Despite its low funding level, a 2009 evaluation of the BTIM program found that participating districts experienced increases in beginning teacher retention by as much as 30 percent. In 2009, ATPE successfully lobbied for legislation to allow districts greater flexibility in the use of BTIM grants, particularly so that they could use the funds to provide mentors to teachers who were not necessarily new to the profession but new to a subject area or grade level. Although BTIM has proven to be successful at increasing teacher retention in some districts, policy reforms may be necessary to maximize the program's effectiveness and increase district participation.

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<sup>6</sup> In 2008, SBEC issued initial teaching certificates to 30,124 individuals. The Texas Public Education Information Management System (PEIMS) data for the 2008-09 school year actually indicated that 24,000 beginning teachers were employed full-time statewide. Using the 24,000 figure, an appropriation of \$30 million actually only covers \$625 of the cost of mentoring each of those teachers in a year.

<sup>7</sup> Eligible school districts are also permitted to use up to 40 percent of their District Awards for Teaching Excellence (DATE) incentive funds for various initiatives that could include mentoring, which would amount to an additional \$80 million per year. However, it's important to note that the 40 percent is not dedicated *exclusively* to mentoring; it is also used at the district's discretion for stipends to address critical shortage areas, bonuses paid to principals and other staff, awards for teachers who obtain post-graduate degrees or national certification, professional development, increasing local data capabilities and more, thereby substantially diluting the \$80 million.

Without question, a comprehensive statewide mentoring program for all beginning teachers is an expensive undertaking. However, the short- and long-term benefits to the schoolchildren of Texas far outweigh the initial investment that would be necessary to implement such a reform. ATPE strongly encourages legislators to conduct their own cost-benefit analyses, after which we believe the most logical conclusion will be that teacher quality initiatives such as mentoring should become one of the state's highest public education priorities.

## ***II. Educator Preparation and Certification***

***Educator preparation and certification standards help ensure that teachers are appropriately trained to handle the rigors of the classroom and provide a quality education for their students while also helping to reduce costly teacher turnover.*** ATPE supports a state certification process that ensures educators are appropriately trained and certified exclusively by the state. Educator certification candidates need comprehensive pedagogical training, including training on classroom and discipline management, child and adolescent psychology, and methods, along with mandatory coursework in the areas of reading, special education, gifted and talented, ESL and computer literacy education. ATPE believes that instructing students with special needs should be an important aspect of the curriculum in all educator preparation programs. Teacher preparation programs should be standardized to include policies and practices designed to ensure that new teachers receive adequate mentoring and support.

***Teachers who have completed the training that leads to certification are more effective than those who have not.*** Rigorous state certification standards help ensure that prospective teachers acquire the background knowledge required to be successful in the classroom. This includes both knowledge of the subject matter content to be taught and knowledge of how to teach that content to a wide range of learners, as well as the ability to manage a classroom, design and implement instruction, and work skillfully with students, parents and other professionals. Those who hold full certification have been shown to be more effective than other teachers in stimulating student achievement gains in both reading and mathematics over a multi-year period.

One of our state's top education priorities in recent years has been measuring student growth, but our efforts are of little consequence unless there are concerted efforts to ensure that the necessary underlying structure of a high-quality teaching work force is put in place to enable each and every student to achieve growth. If parents were given a choice between improved assessments of student performance or a guarantee that each of their children's teachers would be well-qualified and trained, our experience leads us to believe that most parents would choose the latter.

With the adoption of Senate Bill 174 last year, Texas put in place accountability requirements for educator preparation programs and a system that will attempt to evaluate their effectiveness. SBEC also took a huge step in the right direction in 2009 by implementing minimum standards for admission into educator preparation programs—including alternative certification programs—and for the preparation those programs should offer. ATPE commends the Legislature and SBEC for these steps taken in recent years. Still, more can be done to improve the preparation that our future educators receive.

ATPE believes that current minimum standards are lower than what the research on educator preparation supports and should be made more rigorous. For instance, for admission into an alternative certification program, SBEC requires only a 2.5 Grade Point Average (GPA) in the last 60 hours of college, and programs can waive that requirement for up to 10 percent of the certification candidates they admit. Also, SBEC rules require certification candidates to have only 12 hours of study in the particular area in which they are seeking certification; that minimal standard combined with the fact that huge numbers of teachers seek multi-grade generalist certificates means that too many teachers are becoming certified to teach subjects in which they do not have a strong foundation of content knowledge.<sup>8</sup>

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<sup>8</sup> Generalist certificates (such as the EC-6 Generalist) employ composite certification examinations that may include only a small number of test items in the actual subject that a teacher taking the exam might eventually teach.



Furthermore, ATPE believes that educator preparation programs share in the responsibility to ensure that new teachers receive adequate mentoring and support at the beginning of their careers. SBEC should take further steps to standardize the policies and practices of these programs in order to hold them accountable for providing support to their graduates. Also, the state should consider placing educator preparation training components and minimum standards in statute as opposed to listing them only in rule as is the current practice. Other reforms the state should consider include offering financial incentives to entice reputable educator preparation programs to produce teachers that can fill shortage areas and rewarding those programs that succeed in that area. ATPE also believes the state should require administrators to have at least five years of classroom teaching experience. Any attempts to weaken our state's certification requirements would be harmful to students and might result in non-compliance with the No Child Left Behind Act's Highly Qualified Teacher provisions.

***In addition to prioritizing strong educator preparation and certification standards, it is essential that we ensure that all students are taught by someone who is certified in the subject matter they are teaching.*** ATPE believes the state should require districts, through the state accountability system, to assign certified educators to teach in their certification areas. In 2009, ATPE recommended legislation to incorporate teacher quality measures into the state's accountability system by making an assessment of teacher quality one of the performance indicators in the system. We believed that such legislation would force schools to work toward an educator quality target that consisted of fully certified teachers being assigned to teach the subjects in which they are certified with a high level of teacher retention.<sup>9</sup> ATPE also urged the Legislature to require an annual report documenting the distribution of teacher quality across the state and a periodic statewide survey of educators' working conditions in public schools. Unfortunately, none of ATPE's teacher quality recommendations were incorporated into the accountability legislation that passed in 2009, but we remain hopeful that these ideas will be considered during the current legislative session.

### ***III. Professional Development***

Each year, ATPE asks our members for feedback on professional development, and they consistently advise us that they want and need professional development covering a broad range of topics related to their employment. These include areas such as utilizing technology, understanding the school laws of Texas, educating special populations such as students with disabilities or students identified as gifted/talented, managing crises, improving classroom discipline, ensuring school safety, and promoting cultural awareness.

ATPE members have told us emphatically they want professional development that will assist them in instructing students with disabilities. While many studies have shown the benefits of mainstreaming students with disabilities, they sometimes ignore the fact that teachers not certified in special education might not have the requisite knowledge and skills to meet the special needs of those students. For this reason, ATPE has supported past legislation to require teacher training in areas of special education.

In recent years there have been some efforts to substantially limit teachers' flexibility in choosing courses that will fulfill the state's requirement that they complete a minimum number of continuing education hours each year

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<sup>9</sup> ATPE recognized that it would take time and resources for districts to reach this target, and for that reason ATPE's proposal called for the educator quality assessment to be structured so as to measure both absolute compliance and progress toward compliance. Under ATPE's plan, a district that had no choice but to assign teachers out-of-field would be required to submit an educator quality improvement plan. Such improvement plans would allow the state to analyze the reasons for the out-of-field assignments and direct state resources where needed to address those situations. For instance, if a district had teaching vacancies because its compensation range was not competitive with neighboring districts, the state could work with that district to secure additional incentive funds to boost its compensation raise or offer signing bonuses to attract the teachers needed for those positions. Under ATPE's proposal, if a campus were determined to be out of compliance with educator quality standards and not on target to achieving compliance, the commissioner would assign a technical assistance team to assist the campus in improving the quality of its workforce. Similarly, if a district were out of compliance and not on target toward compliance, the commissioner would appoint a management team to oversee operations of the district. The commissioner would also have the authority to use the educator quality assessment to examine other factors such as the duration of the principal's employment at a campus.

for renewal of their certificates. For instance, some have proposed requiring teachers to select *only* continuing education courses that are directly linked to the subject they currently teach. While we certainly recognize the need for educators to use professional development opportunities as a tool for improving the skills critical to their current job assignments, ATPE believes this type of limitation would have the unintended consequence of discouraging teachers from pursuing additional certifications or taking courses to become “Highly Qualified” in additional subjects. For example, a social studies teacher might be disinclined to work toward becoming a math teacher if she were unable to count her math coursework toward the continuing education requirements. ATPE cautions the Legislature against any proposals that would unreasonably restrict educators’ flexibility in this area or create unintended consequences.

ATPE hopes that the state will be able to offer sufficient funding to school districts to help them provide meaningful staff development that will meet the particular needs of each district’s personnel. It is worth noting the importance of staff development in facilitating the implementation of the new accountability and assessment systems mandated under House Bill 3 (2009). ATPE urges legislators to be mindful of this need when considering any cost-saving proposals that would limit access to this training. If cuts must be made in this area, the Legislature should concurrently consider delaying implementation of the higher accountability standards if necessary.

#### ***IV. Differentiated Pay***

Since 2007, Texas has spent more than \$742 million on three state-funded incentive-pay programs: the Governor’s Educator Excellence Grant (GEEG), the Texas Educator Excellence Grant (TEEG) and the District Awards for Teacher Excellence (DATE). TEA phased out the GEEG program last year, and at the same time ATPE and others lobbied successfully to eliminate the TEEG program and makes changes to the DATE program in order to help districts use program funds for mentoring and induction programs, as well as educator recruitment and retention. With some additional flexibility and continued investment, the DATE program could help the state work toward a more equitable distribution of high-quality teachers and reduce the long-term costs associated with teacher turnover.

Some specific recommendations ATPE offers with regard to differentiated pay are as follows:

- Monetary and nonmonetary incentives would encourage highly qualified teachers and administrators to go to work in hard-to-staff schools. This might include redesigning existing incentive programs or creating new initiatives such as loan forgiveness.
- Teachers should be rewarded for taking on leadership roles at a campus and for modeling best practices involving parental involvement.
- Well-qualified teachers and administrators should be offered incentives to remain at campuses that are facing sanctions under the academic accountability system. Research indicates that it can take up to five years to successfully turn around a failing school.
- Financial incentives should motivate efforts to increase instructional time through reduced class sizes and/or pupil-teacher ratios.
- Districts should be given financial assistance for the implementation of recommendations made in a campus improvement plan.

On behalf of our more than 115,000 members, ATPE appreciates the opportunity to provide input to the Senate Education Committee. For any additional information or for assistance in developing legislative proposals, we encourage you to contact ATPE Governmental Relations at (800) 777-2873 or [government@atpe.org](mailto:government@atpe.org).