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TESTIMONY TO THE SENATE EDUCATION COMMITTEE REGARDING IMPLEMENTATION
OF HB 1, 79 (3RD C.S.) AND HB 2237, 80 (R.)

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Implementation of H.B. 1 79, (3rd C.S.):

We still have significant concerns regarding the sanctions imposed on schools deemed to be low-performing for two consecutive years. The automatic nature of these sanctions needs to be revisited to ensure that the statute is doing what it was intended to do – ensure the best resources for the students of that campus. Consider the situation of a principal who has made significant and steady progress for two years, but whose campus is still labeled as “low-performing.” Should that principal really be removed from what could be a promising plan that is already underway for that campus’ success? Our concern is that these strict time limits will have a punitive effect on the campus, exacerbating the existing problem, while ignoring a campus’ potential success. This rule also creates a perverse disincentive for dedicated professionals who might otherwise want to work in a hard-to-staff or “low-performing” campus. This sanction would directly jeopardize the career of a successful principal who made considerable improvements for a campus that happens to be labeled “low-performing” after two years of real growth.

The “District Awards for Teaching Excellence” was initially billed as a state-funded bonus plan. However, by adding several caveats, TEA has redefined the program as merely a “start-up grant.” Districts are now required to provide matching funds of at least 15 percent in the first year, 25 percent the second year, and 35 percent the third year. It should have come as no surprise, therefore, that more than half the state's school districts declined the state's invitation to participate in the bonus-pay program.

During the drafting process of this program, there was a common understanding among lawmakers and educators that bonus-pay plans are likely to fail unless they have clearly demonstrated buy-in from a majority of those affected by the plan. The Texas Education Agency, in its own commentaries on particular plans designed previously by local school districts, has rightly singled out for special praise those plans that require not just majority approval but super-majority approval at the campus level for the initiation of a bonus plan. The Milken Foundation’s Teacher Advancement Program, a well-known source of expertise on the implementation of such bonus plans, also has stressed the practical need to demonstrate overwhelming support from those affected by a bonus plan before Milken financial support will be provided to implement such a plan. Administrators should understand that employee buy-in will be a key factor in determining the success of any new program, and the best way to secure that support is by letting employees take part as full partners in the program's design. Now, TEA is proposing

administrative rules that would allow the imposition of a local awards plan without the approval of a majority of classroom teachers at any campus if a district's local awards plan is drafted to cover all campuses in the district. Under this proposed rule, only if a district's local awards plan were drafted to exclude some campuses would the statutory requirement of majority approval by teachers at participating campuses be enforced. This administrative narrowing of the "majority approval" requirement for campus participation in a local awards plan is not supported by the language of Texas Education Code Section 21.704 or by any expression of your legislative intent. It would be a perverse misreading of the plain language of the statute to narrow this majority-approval requirement now by rule, so that every classroom teacher at every campus in a district could be disenfranchised by a district-level decision to impose a local awards plan from the top down. We have asked for a public hearing on this issue before the commissioner adopts the pending proposal.

Implementation of H.B. 2237, 80(R):

While we applaud professional-development components of HB 2237 such as reading academies for middle-school teachers, there is an important component missing from H.B. 2237 that we know you in the Senate worked hard to include in this bill when you first passed it, only to have it stripped once the bill went to conference committee. I am referring to the inclusion of S.B.840 by Senator Eddie Lucio Jr., which would have provided professional development institutes for teachers and paraprofessionals relating to research-based instructional services for students with disabilities, including autism spectrum disorders. Restoring this component is imperative considering the use of brand-new research-based instructional approaches in special education and dropout prevention, such as Response to Intervention (RtI), that are emerging in district special education programs throughout the state. To ensure the proper implementation and relevancy of this and other new initiatives in special education and dropout prevention, our teachers and paraprofessionals need the appropriate professional development to ensure the best delivery of services to the students who need them.

During recent hearings, the High School Completion and Success Initiatives Council heard from a variety of experts who spoke of significant improvements in "at-risk" students' performance after transferring to smaller classes. An overarching theme among them all was the importance of building relationships between students and teachers, as well as students and counselors. This ensured that students not only were invested in the class, but also were accountable to someone who had invested personally in their success. Class size has long been known to be an important contributor to student success, but the recent findings of these researchers provide fresh confirmation that a smaller class size could be even more valuable to an "at-risk" student. Requiring smaller class sizes and low ratios of counselors to students, specifically for "at-risk" students, should be a priority. Every proposal or program to improve high-school completion rates and post-secondary success for students should be measured by how much it helps build these all-important individual connections between students and educators. The question in each