

**Senate Bill 3: Fixing a Badly Flawed System**  
**Written Testimony of the Texas State Teachers Association**  
**March 17, 2009**

TSTA believes that SB 3 can be the framework for creating a new and better accountability system. TSTA is testifying neutrally on the bill because we believe it is a good start but needs additional changes before we can give it our full support. The bill makes several positive changes at the elementary and middle school/junior high grade levels by moving toward creating a system that provides more local control over the role testing plays in our accountability system.

The changes at grades 3, 5 and 8 make the test one of several components that will determine if a student will advance a grade. This is in keeping with our long-held position that no major educational decision should be based on a single standardized test score. We do believe that the proposed change to allow only one opportunity to retest should be changed back to the current language that allows for two additional opportunities to take the test. We also think that expanding the system to include grades 4, 6 and 7 in the grade placement process is a positive development.

SB 3 requires schools to provide additional instruction in a smaller classroom setting for students who fail the test, and the bill requires student participation in that smaller classroom setting before they can advance to the next grade. These requirements are appropriate ways to try to get students caught up as quickly as possible. However, we believe this kind of accelerated instruction should be provided for any student who doesn't meet any of the standards the district establishes for promotion. We also believe due process safeguards need to be put in place to protect any teacher from retaliation due to a recommendation that a student not be promoted to the next grade.

At the secondary level, we still have serious concerns about the direction taken by SB 3 as filed. While the bill shifts toward a growth measure in determining the rating of districts and campuses, it is still essentially a high-stakes testing system. In place of the TAKS, SB 3 proposes end of course exams in English III and in either Algebra II or Algebra I. It appears that other end of course exams may eventually be considered as well. In any case, students will have to pass at least eight out of 12 end of course exams to graduate. While the district's accreditation status is based on a three-year average, the fact that the standard is supposed to increase every year for the first 10 years of the program seems almost impossible to calculate. Furthermore, the performance of one small subgroup can result in a district or campus not being accredited.

The bill stipulates that dropout and completion rates are factors that must be used in the accountability system. While TSTA has serious concerns about the high dropout rate, particularly of minority youth in the state, making the dropout rate one of the key factors in determining the accountability ratings of campuses and districts has always been a concern for us. We believe a precise definition of these rates that works in the real world is hard to find. Moreover, not being in school for those under 17 years old is a violation of the law. It is an area that should be primarily the purview of parents and law

enforcement, not of the public schools.

TSTA also urges you to consider a hard cap on how much time can actually be spent testing, practicing for tests and benchmarking tests. We recommend that no more than 10 days a year can be used for all such test-related activities.

Finally, and very importantly, the current system of punitive sanctions is seriously flawed because it does more to ensure school failure than it does to improve schools that have problems. TSTA considers SB 3's failure to address the current system of sanctions to be a tragic flaw in the bill.

As filed, SB 3 is all sticks and no carrots with regard to campuses that may not perform up to standards. The bill provides nothing real in the way of assistance to campuses and districts that need help. The proposed language creates negative incentives regarding the staffing of those campuses but fails to recognize those who have proven an ability to contribute to improvement. This section of the current law was a disaster when originally passed, and it remains so in this proposed revision of the accountability system. In fact, about the only good language in this section was deleted in the filed version of SB 3. Further, it adds a new provision that would allow campuses to be turned over to for-profit companies in spite of the awful track record they have in Texas and the absence of any reliable research that would support this approach.

Finally, while the bill lays out a framework that could create a better accountability system, TSTA believes it is critical to point out the distinction between what an accountability system does and what really needs to occur to improve instruction. Tests don't make students smarter. In order for this ambitious plan to succeed, districts are going to need additional resources and teachers are going to need additional training. To believe that all we have to do is say "more rigor" and "higher standards" to make everything better is absurd. If these proposed changes are to work and produce the desired results, our schools and the socioeconomically disadvantaged communities many of them serve must have additional resources. And if SB 3 imposes new financial requirements on school districts, the state must fully fund those mandates.