

Texas School Alliance Testimony on House Bill 3

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House Bill 3 represents a significant effort to drive the entire education system towards improved results that will render Texas a national and international leader in production of a competitive workforce. The current system of accountability in our state was evaluated by the Joint Select Committee as having several problems (p. 4):

- Overemphasizes minimal performance on one test
- Fails to recognize/reward growth
- Narrows scope of curriculum and instruction
- Focuses on minimum passing standard
- Reports do not provide easily understandable information.

House Bill 3 takes some noteworthy and positive steps in addressing the problems found by the Committee. For instance, it provides flexibility to students in completing graduation plan requirements; focuses on alignment to postsecondary readiness; eliminates the need for developmental courses in college for those students who demonstrate postsecondary readiness; allows high school credit to be accrued in middle school; provides better access to data by parents and educators; and it restores local control to grade level promotion and retention decisions. The professionals most knowledgeable of the students' accomplishments – the teams of teachers who work with them every day – will find that their judgment is respected by this new process. And, students who need extra help to achieve at high levels will get that help.

However, Texas School Alliance districts find that there remain significant and on-going concerns for the current system and how HB 3 and its implementation address changes that are needed for public education. The proposed system in HB 3 continues to be heavily driven by test scores; it maintains the current, overly punitive sanctions structure; and it is more complex than what is in place now.

- HB 3's approach is anchored to a laudable goal – some form of postsecondary readiness for all learners – without creating either sufficient understanding of what that is and how it will be measured, or sufficient infrastructure to support its attainment.

There needs to be clarity and alignment in what is meant by postsecondary readiness, and districts need data to help everyone understand the system before sanctions are attached to it. Where will standards be set, and how do they compare to what districts have now? Will multiple cut scores be used to capture postsecondary readiness and workforce readiness? How will districts receive credit for students who demonstrate postsecondary readiness in non-test-based ways, such as through successful completion of dual credit courses in senior year of high school?

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Rather than moving to implementation in the absence of good information, TSA urges you to begin with a two-year research study to permit sound, deliberate development of the approach outlined in HB 3. We know so much more now about what it takes to have a quality accountability system, than we did when Texas first led the country by examining disaggregated data to put a spotlight on student performance. TSA believes that the following conditions must be in place for an accountability system to work: clear content standards, professional development on those content standards, instructional materials aligned to the content standards, and an aligned and high quality assessment program with the capacity to measure growth.

Engaging in a significant research and development effort would let Texas slow down to move faster, as high school reform experts often phrase it. Give the state time to build a new assessment program around a clearly articulated set of standards, and give educators time to revamp instruction before summary judgments are made about the acceptability of their work. Give the Commissioner time to lay out a detailed implementation plan with adequate opportunities for educator input into system development. Give the system time to have sufficient data to calculate a consistent set of metrics. To calculate a three-year rolling average, for instance, you need three years' worth of data. The bottom line appears to be this: If postsecondary readiness is somewhat of a "black box" for accountability purposes, and educators are expected to boldly march into that box, then don't pull open the trap door and lower ratings the first time that students, teachers and districts venture into it.

- HB 3 continues from current law the very same sanctions structure that the Select Committee described as overly punitive, and there are few if any carrots rather than sticks. Sanctions continue to be tied to overall status and are based on time lines that conflict with an established body of research on school improvement. Some sanctions, such as eligibility for the Public Education Grant program, are disjointed from the rest of the system and are simply not addressed by HB 3.

The Commissioner should have flexibility to administer sanctions relative to actual areas of insufficient performance, rather than being required to tie actions to a single, overall status determination. Let the decisions be driven by the extent of improvement shown, even if not all standards have been met, so that campus stability is maintained and the investments made in professional development for the staff in schools subject to sanctions are not lost by fiat. The commissioner should be allowed to authorize very focused actions, such as limiting reconstitution to particular areas of insufficient performance, or in the context of closure and repurposing, allowing educators to continue at a repurposed campus if they are working in areas other than the ones identified as having insufficient performance, rather than forcing an arbitrary percentage of staff to leave.

Grant funds should be made available to support district and campus interventions targeted to the problem areas. That adds a layer of support along with accountability for action and a related expenditure trail on solving the problems. Further, TSA believes that districts should be responsible for the appointment of campus intervention teams until a school has failed to meet standards for two consecutive years, so that coordination and integration with local initiatives can take place, instead of having to navigate an array of external teams' preferences.

When there is evidence of improvement in areas of insufficient performance, and when less than 15% of the school's population is driving the accreditation status, do not automatically advance sanctions. TSA districts recommend allowing a three- to five-year time frame following a focused, rather than wholesale, campus reconstitution, before issuing an order to close and repurpose a campus or order alternative management for a campus. This would be consistent with a wide body of research on school reform.

If the time comes for closure and repurposing a school, then there needs to be clear criteria for proposing repurposing to the Commissioner. There should not be arbitrary percentages of turnover required in either the student body or in the faculty and staff. Allow all students who choose to remain at the facility to attend the new school, so that instructional program planning can begin immediately and continue throughout the summer, supporting best practices for the neediest students; this will also respect the preferences of parents and community members. Replacing staff should be done in an orderly and focused way, again concentrating on the identified areas of insufficient performance and not disrupting staffing in supporting program areas such as career and technical education, fine arts, and so forth.

TSA further requests that identification for Public Education Grant (PEG) program eligibility needs to be aligned within HB 3. Right now, it is driven by a hard percentage in statute that is in no way aligned to the rest of the accountability system. It does not take into account the fact that choice options already exist for most students in large districts, and students and families exercise those options already. The letters sent to families about PEG are largely duplicative and because of that, sometimes very confusing or disheartening. Superintendents of TSA districts have even heard stories about parents asking staff whether or not they have to transfer somewhere else, because of all the letters they've gotten.

As the system changes over to one focused on accreditation, it would be especially helpful if there were more meaningful distinctions in the sanctions associated with accredited-warned and accredited-probation status, particularly relative to the next steps of having accreditation revoked. Also, the labels almost seem out of order: accredited-warned sounds worse than accredited-probation, contrary to actual impact of the labels relative to

loss of accreditation. Perhaps accredited-watch is more communicative of what is actually happening at the time of sanctions being applied, rather than accredited-warned. TSA believes that rules need to be developed to ensure reasonable transitions for schools losing accreditation, particularly in the circumstance of small districts where there may be a single high school, with the closest available high school for receiving students being geographically remote. In addition, requiring local Boards of Trustees to adopt contingency plans for school closure often is associated with a great deal of public tumult, without generating productive support for the school. And if contingency plans are adopted and the school actually achieves standards, then Trustees are in the position of having to tell their communities, "Never mind." Parents feel as though their children's academic careers are being subject to upheaval and uncertainty in either scenario. It is far better to require campus-based forums where parents can be informed of possibilities and can express their views about what needs to happen, without the public perception of Trustees "lowering the axe" on a neighborhood school.

Finally, HB 3 is silent on the possibility of having accreditation restored, either by a campus through repurposing or by a district. That is a glaring omission that TSA believes needs to be addressed.

- At the same time that HB 3 maintains a test-driven and punitive sanctions structure, it is diminishing the forms of relief available to schools and districts by limiting the ways in which improvement can be considered.

HB 3 requires consideration of individual student growth when calculating performance on state assessments. TEA's approach is to project whether or not a student is on track to meet a standard at some point in the future, rather than comparing a student's performance from prior year to current year to assess actual change. Parents can understand when someone tells them their student has improved since last year by a certain amount. It is less likely that they will understand when someone tells them their student isn't learning fast enough to hit a target related to college readiness at some point in the future. Beyond that lack of transparency, HB 3 excludes examination of aggregate improvement in passing rates to determine school or district ratings, instead relying upon three-year rolling averages to determine whether or not overall performance is within range of the standards. If the purpose of this new system is to stimulate dramatic improvement so that Texas is a national or international leader in postsecondary readiness, then consideration of actual improvement needs to be folded into the system at every point along the way. While the rolling averages make sense in a stable context, the assessment system being described by HB 3 is neither stable nor static. It is intended to be dynamic, with standards increasing over time. Until the system is stable, TSA districts submit that every possible means of capturing improvement and taking that into

consideration in determining accreditation status is both necessary and appropriate. To do anything less is to increase the punitive and “gotcha” feel to the system.

- High school completion rates are a vital component of both the current and the proposed accountability systems. Both the measure and its treatment in the accountability system are known to have problems and HB 3 is silent on these issues.

TEA requires districts to report dropout data in ways that are compliant with the National Center for Education Statistics’, or NCES, definition. Differences in the requirements have been associated with increasing annual dropout rates and decreasing completion rates. TEA set the standards for completion rates before there were enough data to know the full impact of the change in methods. Unlike test scores, there is no “growth” component embedded within the completion rate. TEA also does not grant any exceptions to the completion rate, like it does with the TAKS measures. Agency staff will tell you that, if it were not for special provisions in effect last year, many more high schools and districts would have been rated academically unacceptable than actually got that label. In the absence of any other changes, relief on this measure is necessary. Remember, the ratings that come out in 2009 reflect events that may have taken place as long ago as 2004. And large, diverse districts and high schools such as those in TSA have five completion rate hurdles to clear, not just one or two. If the new accountability system is not intended to be a “gotcha” system, then no additional sanctions should be imposed on schools or districts as a function of missing the completion rate standard alone, and TEA should be required to re-examine the standards now that there are enough data to do so.

When the completion rate is considered in the context of intensifying program requirements for graduation, intensifying assessment requirements for graduation, and intensifying accountability, another solution emerges: legislators should eliminate the language in law requiring use of NCES-compliant methodology. That one change would allow schools and districts to receive credit for getting students back in school, even if that happens after the end of September. Isn’t that what schools and districts are supposed to be doing? The NCES definition was created when many states didn’t have the capacity to track individual students over time; its purpose was not related to accountability as it now exists. TEA should be authorized to modify reporting requirements in ways that make sense for Texas.

- Proportionality

The Joint Select Committee heard testimony throughout spring and summer about the lack of equity in ratings outcomes based on the number of measures used to evaluate large, diverse schools and districts compared to those that were smaller and more homogeneous. HB 3 does not change the requirement that each measure be counted the same in

determining a rating. There are systematic differences between schools and districts in the number of measures used to determine ratings. The state's current model and the proposed model in HB 3 are both criterion-referenced and conjunctive in nature: every group has to meet every standard. That makes sense when everyone is comparably situated to reach the standard. It doesn't make sense when the playing field is not level. Pair this with the problem of a rigidly administered, lock-step set of sanctions that cannot acknowledge the actual performance context, and the system disenfranchises the very educators who are supposed to be positively motivated by it. TSA urges that proportionality be incorporated into the new system in some form or fashion: if not in terms of groups to be evaluated or the standards to be met, then at least in terms of the sanctions to be administered.

- HB 3 fails to address the need for extensive transition planning relative to implementation of the new accreditation system.

HB 3 sustains many changes from the last session, such as implementation of end-of-course examinations, and incorporates many more changes on top of those. Committee members acknowledge that it may take as many as ten years to fully implement these changes. To help everyone through this maze of transitions, from TEA down to the classroom and student level, the Commissioner needs to prepare and submit a comprehensive transition plan to the Legislature by December 2010. The plan should include a time line with adequate opportunity for public input, scheduled hearings, engaging in a public rule-making process, and so forth. Give those directly affected by the system ample opportunity to inform its development. The more complex the new system is, the more critical such lead time for transition planning becomes.

Again, as part of the transition plan, sanctions against campuses and districts should not be advanced until there are sufficient data to capture improvement and to establish valid trends in performance. When metrics, standards, and academic programming are all changing simultaneously, it is difficult to ensure that true trends in performance are being captured adequately for administration of sanctions based on a summary label. Further, the standard setting process is of extreme importance in this scenario: the standards need to be set in ways that will neither cause massive failure of schools and districts to reach them, nor cause rejection of the system by the media and/or business community on the basis of having standards that are set too low. Editorials are already appearing in newspapers expressing concern for the graduation plans set out for students by HB 3.

Transition issues abound for students in TSA districts. Current 9th and 10th grade students need flexibility in their graduation plans, just as much as do the cohorts entering high school in the future. As filed, HB 3 does not extend such support to students. In addition, as noted in the Dallas newspapers on Monday, there is concern for ensuring that all

students have access to a diploma – not a Texas diploma versus something called the “standard” diploma. Caution is urged against the possibility of appearing to have three different diplomas, and monitoring systems can be put into place to safeguard against having disproportionate numbers of students pursue a minimum plan, particularly after the first few years of implementation of the new programs. TSA districts believe in flexibility in students’ academic programming, but also believe that students who complete all requirements should all receive a diploma. Endorsements can be added, but every student who completes their program should be a graduate with a diploma recognized across Texas.

Finally, with regard to grade level promotion and retention decisions, HB 3’s effort to restore local control to that process is extremely valuable. Promotions should not hinge on a single test score on a single day. However, TSA believes that requiring use of Grade Placement Committees to make promotion or retention decisions is legislating the method for determining the very decisions that HB 3 seeks to restore to local control. The most appropriate solution is to require that districts adopt policies that articulate the criteria and the process to be followed in making grade level promotion decisions, so that the restoration of local control is complete and cohesive.

Thank you for this opportunity to comment on House Bill 3 at this critical point in the development of Texas’ new state accountability system. TSA is committed to offering staff amendment language by week’s end, that will address the Alliance’s concerns.