



**Texas AFT**

*A Union of Professionals*

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**TESTIMONY OF ERIC HARTMAN  
ON BEHALF OF TEXAS AFT (AMERICAN FEDERATION OF TEACHERS)  
BEFORE THE SENATE EDUCATION COMMITTEE  
FEBRUARY 1, 2011**

The teachers and other school employees of Texas AFT are deeply concerned that appeals for so-called "mandate relief," driven by a desire to shrink the state budget, will lead to a retreat from important state commitments to uphold the quality of public education. We think the damage to our students and schools would be great and long-lasting if the legislature goes down this road.

**Class Size**

For instance, enacting the state law setting class-size limits of 22 to 1 in each classroom in grades K-4 is one of the best things the Texas legislature has ever done for Texas schoolchildren. Decades of scholarly research have confirmed what teachers and parents know from experience—smaller classes are better for children, especially for disadvantaged children, and especially in the early grades. As a study conducted by the Bush School at Texas A&M said in 2006, "small class size and low student-teacher ratios are associated with positive outcomes" due "to the increased amount of time these characteristics allow a teacher to spend with individual children. Increased individual interaction time allows the teacher to have more knowledge about the learning abilities of each child."

A 2003 report of the Institute of Education Sciences at the U.S. Department of Education found that class-size reduction is one of the evidence-based reforms that have been proven to increase student achievement via rigorous, randomized controlled trials. The Texas Elementary Principals and Supervisors Association has created an online compilation of much of the extensive supporting research that bolsters this conclusion ([www.tepsa.org](http://www.tepsa.org)). For example, analysis of the key STAR experiment in Tennessee found that students who had the benefit of smaller classes in early elementary grades did better in school, had a higher likelihood of attending college. And studies by Alan Krueger of Princeton University among others have shown that even within the control group of STAR students who were in larger classes, the smaller the class, the better results. We ask you to recognize what the research shows: Class-size limits are a crucial contributor to teacher effectiveness and student achievement.

The public certainly recognizes this reality. The independent Texas Poll commissioned by the Texas Association of School Boards in July of last year found that Texans strongly support class-size limits. In fact, the poll found this sentiment is so strong that in spite of economic distress 71 percent actually supported paying higher taxes to lower class size. A more recent poll conducted for major Texas newspapers also found strong support (more than 60 percent) for the 22-to-1 class-size limit in grades K-4.

It's true that the state comptroller has come out with a report making extravagant claims of savings to be reaped from eliminating the 22-student limit for each K-4 classroom and turning it into a 22-student average instead. But the claim she attributes to unnamed administrators that classes with up to 25 students could operate without any loss of instructional effectiveness is simply not evidence-based. Former Lt. Gov. Bill Ratliff has put it well: "rather than raising the number, the State of Texas should do all in its fiscal power to set its sights on lowering this number. In our current fiscal situation, this is not a realistic goal for today. But we should at least fight to maintain the current limit."

For districts faced with undue hardship from compliance with the class-size limit for each K-4 classroom, the legislature already has provided for waivers, and this option has been used extensively over the years without difficulty. However, the waiver process preserves a crucial safeguard: parents have to be notified of the district's intention to increase class sizes." This requirement keeps school administrators accountable to parents and community, and many administrators will tell you that they have no problem with asking for and obtaining a waiver under this provision.

Texas AFT has conducted a survey of superintendents regarding the potential impact of state-imposed budget cuts, and it is striking how many of the 188 respondents thus far have singled out the adverse impact of larger classes as one of the most damaging effects. Texas AFT joins with administrators, parents, and the public at large in defense of class-size limits. We urge you to do all in your power to maintain the current law on class size in grades K-4—one of the most effective education reforms ever enacted in this state.

### **Teacher contracts and due-process safeguards**

Texas AFT general counsel Martha Owen will address issues that have been raised about teacher contracts and procedural safeguards in separate testimony. You have her written testimony as well. For now, let me just remind you that it is not difficult or onerous for school districts to comply with teachers' contract rights and procedures for teacher non-renewal or termination. And it's not just teachers who will tell you so. For example, Jim Walsh, a prominent school-law attorney who represents school districts, routinely tells school administrators at his legal seminars that in Texas it's just not that hard to fire a "bad teacher." He rightly notes that contested cases of teacher termination are few and far between, and school districts seldom lose. In the rare instances when they do, it's typically because they failed to meet the most elementary standards of fair procedure.

Former education commissioner Shirley Neeley, who also served many years as a district superintendent, emphatically stated the same point in legislative testimony a few years back. To the surprise of some, Dr. Neeley dismissed the idea that it's hard to remove teachers who aren't getting the job done. She said: "I get angry when people say, 'Oh, you can't.' Yes, you can. As long as you're not malicious or capricious, you do your documentation, you do your job, there's no excuse for incompetent teachers, or incompetent superintendents, or incompetent principals. They can be removed."

The truth is that state procedures for contested cases are streamlined already, allowing a district to "non-renew" a teacher's term contract in a short span of time, to terminate a contract in the

middle of its term, and to "non-renew" a probationary contract in zero days. Of course, most cases are not contested in the first place, if the administrator has actually documented low performance and given the teacher a chance to correct deficiencies. As Dr. Neeley put it, if an administrator cannot use existing Texas law to remove a low-performing teacher in a reasonable amount of time, then the training or competence of that administrator is the issue.

We therefore ask you to think long and hard before you make any changes in teachers' contract protections, which are a necessary check on arbitrary actions and cronyism and which help our schools recruit and retain effective teachers.

### Salary Standards

Regarding state salary requirements, some districts are heard to complain of legislation such as last session's HB 3646 that requires a state-funded pay raise to be provided on top of whatever salary level is established in their local salary schedule. But those "floor" provisions are essential if the legislature wants the intended pay raise to be passed through fully to add to existing teacher salaries instead of being used merely to supplant local effort.

At a time when teacher turnover imposes hundreds of millions of dollars a year in costs on school districts, the Legislative Budget Board has rightly advised school districts that they can enhance their performance by taking measures to reduce teacher turnover. Even in a bad economy, districts continue to have trouble retaining experienced, qualified teachers, and the state should do nothing to devalue experience and make matters worse.

Certainly at this time of revenue constraints we welcome discussion of options for easing districts' financial difficulties. But lowering state standards for the treatment of our students and our teachers should be discussed only after every alternative has been exhausted, not as a first resort. While this is not the Senate Finance Committee, you do have much to say about funding the needs of Texas schoolchildren, and we are counting on you to defend their best interests. We believe there is potential for a more balanced approach to dealing with the current revenue situation, involving use of the Economic Stabilization Fund (a/k/a the "Rainy Day Fund) for its intended purpose as well as other potential revenue sources, such as discontinuing unjustified tax exemptions and addressing the structural problem caused by the underperforming business margins tax. We and many others will be carrying that message to the Senate Finance Committee.

### Conclusion

As you continue weighing the efficacy and efficiency of state spending for public education, we urge you to keep your bearings by going back to the fundamental state policy directive in the very first section of the school-finance chapter of the Education Code.

Section 42.001 of the Education Code says the state is responsible for providing and substantially financing, through state revenue sources, a public education system "so that each student enrolled in the public school system shall have access to programs and services that are appropriate to the student's educational needs and that are substantially equal to those available

to any similar student, notwithstanding varying local economic factors."

In light of this policy commitment, Texas AFT believes your task is to take a broad view of the question of "efficiency," not to focus narrowly on false economies under the banner of "mandate relief." It is not efficient under our state's constitution to have a school-finance system that does not provide our schools with substantially equal access to similar revenue at similar levels of tax effort. And it is not efficient to provide inadequate funding for formulas intended to help high-need students or to leave low-wealth districts with hundreds of thousands of dollars less per school to educate their students than their counterparts in better-off districts.

Since much is being made of supposed policy disagreements that divide some administrators from teachers, let me close on behalf of Texas AFT by noting our agreement with a policy statement of the Coalition to Invest in Texas Schools, made up of the Texas Association of School Administrators and ten other administrator groups. They got together a couple of years ago on this policy statement of core principles on school finance, which conspicuously omitted any mention of "mandate relief." They called instead for an adequate and equitable formula-based system for all school districts"; a system "providing up-to-date cost adjustments for varying student needs and district characteristics"; and "a meaningful opportunity for each Texas student and school district to meet all local, state, and federal performance expectations." They also called for the restoration of meaningful discretion for duly elected local school boards to use their local taxing authority as other political subdivisions are allowed to do. Texas AFT joins them in support of this position—perhaps the most meaningful "mandate relief" you could offer this session.