



## Texas Association of Community Schools

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### TACS Legislative Update

What a couple of weeks it has been, and the fun has just begun. I hope you have your seat belts fastened, because things are picking up on the electoral and legislative fronts. Early voting starts October 24th and the election is a mere 7 weeks away! Of course, as we mentioned last week, all of the pre-session activity reinforces how important our votes really are.

Since I didn't find any time turners, I didn't make it to all of the important meetings, hearings, and presentations that took place last week. But, I'll hit on some key points from the ones I did get to attend. You may want to grab a cup of coffee and a comfy chair and settle in to read this!

#### TACS San Antonio Conference:

Last Monday, I spent the day at the TACS San Antonio Conference before whipping back to Austin for two marathon Senate Education hearings. It was a real treat to listen to Representatives Dan Huberty, Ken King, and Gary VanDeaver give previews of the 85th legislative session.

Representative Huberty started off by reminding us of all the great members of House Public Ed we will be losing, most importantly Chair Jimmie Don Aycock and also Marsha Farney. He expressed the importance of having a committee that is filled with "friends of public ed." Representative Huberty is a conservative Republican, but stated several times that he "is not a voucher guy." He said that the big issues he sees the committee dealing with are:

- 1) Finance: "It is important, but NO ONE wants higher taxes." I heard some sounds in the back of the room suggesting that some people would be willing to have higher taxes depending on what they were spent on, but alas, Representative Huberty's electorate seems to take a different stance.
- 2) Testing: He anticipates that every legislator will file a testing bill for his or her constituents. Representative Huberty is not satisfied with TEA's implementation of HB743 and he will wait to hear from superintendents on whether SB149 was helpful and if it continues to be needed. (Speak up!!!)
- 3) Flexibility: He touched briefly on the issue of measuring the school year in minutes, not days. He also pointed to legislation giving superintendents additional flexibility, which was opposed by teachers. He stressed the need for kids to be the focal point in these discussions.
- 4) School Choice: He doesn't want vouchers, but he does intend to sponsor a "grant" program for special needs kids to get money to pay for tutors, specialists, and whatever they need. He said that not all districts have dyslexia specialists, but Humble now does because of his work. (I might suggest his funds would be better spent getting each district a dyslexia specialist, but he didn't ask for my input on that.) Again, here would be another good time for superintendents to speak up!
- 5) Pre-K: Representative Huberty reported that he had spoken with the Governor recently who told him that he intends to double down on Pre-K. "Either you spend the money today or over the next 12 years." We will see if this becomes a reality in the cost cutting mode we are hearing about.

Representative King spoke next and focused predominantly on school finance. He recalled his service on the school board and on the board of the YMCA. He remarked on how much easier and more pleasant it is to be on a board when there is enough money. That wasn't the case at the YMCA and it won't be the case this next session. He said that the easiest fix would be to add money into the basic allotment, but without additional spending, that won't happen. Challenges include ASATR and recapture. Representative King discussed his wish to promote an ASATR extension. He thinks that school finance will get traction, but there will not be easy solutions. Just like with roads, education isn't a big deal in the capitol until it becomes an urban problem. Houston is a Chapter 41 school district for the first time and there is going to be a fight. Now that Houston has a problem, there will have to be a solution.

Representative King said that his "minutes" bill is having the "bugs" fixed and the only two things that still needed fixing relate to teacher contracts and ½ day waivers. He is working with TEA on resolving those issues. Representative King did seem irritated though that Senate Ed had put this bill on the hearing for the

following day and neglected to inform or invite him. I mention this to demonstrate that relations between the house and senate are strained at best.

Representative King's main piece of advice (which was echoed by all speakers) was: **EDUCATE YOUR EDUCATORS TO EDUCATE LEGISLATORS! VOTE FOR THE BEST CANDIDATES, AND THEN TELL THEM WHAT IS GOING ON IN YOUR DISTRICT AND HOW THEY CAN HELP.** He said that ASATR districts specifically need to get busy talking to their representatives. He can foresee recapture and ASATR being pulled into negotiations on vouchers. When asked how much is likely to get done this session, he replied, "Not much if the Senate is pushing vouchers. But there won't be vouchers as long as I'm there!" His prediction for the session was: "It won't be fun, but it will be entertaining."

Last, but not least, was former superintendent, Representative Gary VanDeaver. He said he was glad to be back among his people. He enjoyed being on the Public Education Committee, and thinks he can be even more effective next session. He also mentioned the vacancies including the chair, and time will tell how the committee will be next session. VanDeaver made it 3 for 3 in legislators standing up against vouchers, and accurately said: "Thank God for the Texas House of Representatives standing in the gate AGAINST VOUCHERS." The House members know their districts and see their constituents at the grocery store and schools. He feels confident that they will stand up for public schools against vouchers.

Among the issues Representative VanDeaver sees coming up in the next session are: TRS, TRS Care, Active Care, and who contributes what. The state made a promise to teachers and needs to stand behind them. He wishes the state would pay more, but realizes it isn't likely to happen in this current climate. He also worries that the dreaded bathroom issue could "suck the air out of the room" while it should be left to local boards. Representative VanDeaver also predicted that testing is likely to come back up. While he doesn't advocate eliminating all testing, he feels that tests should be reliable measures and actually measure what they are intended to measure. He would like to see data used for the purpose intended - not to determine teacher salaries, and not to determine whether students can graduate. He mentioned that he is considering sponsoring a bill to remove the high stakes. (Can you hear the TAMSA cheers?) Representative VanDeaver also mentioned his dissatisfaction with what happened to HB1164 (writing pilot) and how it is being implemented at TEA." We are extremely lucky to have Representative VanDeaver at the Capitol and his influence will surely grow with each ensuing session.

If I had to sum up the most important recommendation from all three guests, it would be **"MAKE YOUR VOICES HEARD AT THE CAPITOL."**

Monday night, I headed back to Austin, and steeled myself for the Senate Education hearings ahead. Tuesday's Senate Education Committee hearing was a mellow warm up for Wednesday's lively hearing. Attendance was light since across town at the 5-day State Board of Education (SBOE) meeting, hundreds of people lined up to testify against the proposed "Mexican American Heritage" textbook. Opponents testified about the hundreds of false statements and negative comments made about Mexicans in the text. I was sorry to miss the event, but national media covered it closely. The adoption of the textbook will be voted on at the November SBOE meeting.

Back at the Capitol, the morning was spent talking about broadband with invited testimony from the EducationSuperHighway, Texas Computer Education Association, and educators from Region 18, New Braunfels, Pasadena ISDs and others. My main takeaway was that a handful of states have 100% fiber. New York is at 95% and Texas isn't far behind. But, in small rural areas, private companies haven't had the incentive to put down fiber since there are so few businesses there to warrant the expense. The speaker from the EducationSuperHighway stressed that there is matching program in place for the next 2 years, where if the state matches 10% of the cost, the federal government will match another 10%. It would be a one-time cost of \$250 million to bring the rest of the districts online. I believe that is in addition to the \$25 million the state and \$25 million the federal government would provide. The superintendent from New Braunfels explained how their service center helped them get fiber and how ironically, although New Braunfels is the second fastest growing city in the United States, the district now has gigabit fiber, but the city doesn't! (Look for more information on the EducationSuperHighway in Barry's Tuesday Communiqué.)

Tuesday afternoon, there was a brief discussion about SB149, its results so far, and whether there was support to continue the program. Penny Schwinn, Deputy Commissioner of Academics at TEA presented the findings, which showed that less than 2% of graduates used IGCs. Senator Seliger asked TEA whether they had been gathering "best practices" in implementing IGCs and as of yet they haven't. Four people testified all in favor of the removal of the sunset provision in SB149. David Hinojosa, formerly of MALDEF, testified for

the International Development Research Associates (IDRA) in favor of SB149. He pointed out that Texas requires more tests than federal law, and that 83% of IGC grads had failed English 2 or US History, neither of which is required by federal law. He also mentioned the Texas-imposed requirement that students pass state tests to graduate. Mr. Hinojosa stated that high stakes do not lead to improved learning, improved outcomes, or improved educational opportunities. Monty Exter of ATPE, Kristi Hassett, Lewisville ISD Board Member and TAMSA Board Member, and Patty Quinzi of Texas AFT all testified in support of continuing SB149. We believe that Senator Seliger has asked for this data to help him draft legislation to continue SB149. He will need superintendent support for this and we appreciate those of you who have filled out our questionnaire about your use of IGCs. We will likely need your support on this as well to keep this important bill alive past the 2017 sunset date.

On Wednesday, September 14th, the **Senate Education Committee** met again for an 11-hour hearing. The morning was a propaganda-fest for voucher advocates. The first speaker was Adam Peskek, from Jeb Bush's Foundation for Excellence in Education. He discussed the various forms of "school choice" including vouchers (money follows the student), tax credit scholarships (companies donate to a foundation that gives scholarships to students and the companies get tax breaks), and education savings accounts (ESA)s which allow parents to use the money as they wish: for private education, tutoring, college, therapy, and other things. The main push at this hearing was for ESAs so the bulk of the conversation focused on them. Keep your eye on these ESAs. They are essentially vouchers on steroids! There are currently 5 states with ESAs and Peskek said that 80% of the funds in those states go to private school tuition. There were discussions of what type of organization would administer such a program and it appears this is dealt with differently in each state. Ironically, what Mr. Peskek, and Nevada State Senator Scott Hammond stressed was that for these programs to succeed, they can't be strangled by regulations that are used in public schools for assessment and accountability. The Nevada program is open to all students, and it is the one Lt. Governor Patrick has been touting. Senator Garcia pointed out that this system hasn't yet been implemented or shown itself effective since it has been mired in litigation in the Nevada Supreme Court. Senator Hammond said that once the legislation is allowed to move forward it will surely prove effective since people are committed to its success.

Each of the presenters, including Dr. Patrick Wolf from the University of Arkansas, cited studies that show that students in private school choice programs improved in reading and math, and also said that this helped those left in public schools. His only example of negative impact was the Louisiana choice program where students took the state tests instead of nationally normed tests. Donna Campbell asked why on earth any private school would choose to take a state test instead of a nationally normed test. Yes, she did say that, although she and fellow voucher proponents strongly support doubling down on public schools' need to take these tests and have them be linked to punishing accountability systems.

ESA proponents repeatedly stated that choice programs thrive when they are free of regulations. The argument in favor of vouchers was essentially that we need to let private schools have state money (intended for public schools) since we are making it so hard for public schools to succeed. The irony was missed by many of the voucher supporters. This topic of accountability and assessment was raised many times, and it was often repeated that private schools choose a nationally normed test to give their students and can report to the state.

Senator Sylvia Garcia pointed out that the invited testimony was one-sided and very few committee members were present to hear public testimony that opposed various forms of vouchers. The goal of the hearing wasn't to hear a balanced view on vouchers or ESAs. It was a prelude to session where Lieutenant Governor Dan Patrick has openly stated that "school choice" and ESAs are his primary objective. During public testimony, both sides of the argument were presented. Many testified about the need for private schools when public schools weren't meeting their needs, but many also came to let legislators know that their children were discriminated against when they enrolled their special needs children in private schools. One mother articulately pointed out the recourse under the law that she had in public schools, but once she left the system there were no protections against discrimination. She and others urged the committee to put their time, money, and effort into public schools instead of abandoning them and creating another system of education with limited state funds. Perhaps most moving was Reverend Charles Luke's testimony when he said that he wouldn't abandon his child in a time of need, but would instead double down on his love for him, as the state should do with public schools.

Many thanks to Dripping Springs Superintendent, Bruce Gearing who patiently waited all day long to testify on the ESA issue only to be interrupted by a fire alarm that stopped the meeting for about a half an hour at dinnertime. His testimony was very powerful in giving true accounts of what really happened in the ESA

programs in Milwaukee, DC, and elsewhere that had been so proudly touted earlier in the day. It was a shame he wasn't able to present to a full committee and that his testimony was cut short. I trust he will have another opportunity to share that important information.

Two other topics were discussed at Wednesday's hearing: Districts of Innovation and legislation requiring minimum minutes of instruction. AJ Crabhill, TEA's Deputy Commissioner of Governance spoke about Districts of Innovation and gave an update on the 29 districts that have thus far submitted plans to the agency. The top three items that districts have exempted from are: school start date, teacher certification requirements, and class size. The superintendents of El Paso and Spring Branch ISDs were invited to testify and gave accounts of the process they underwent to become Districts of Innovation and they spoke about the benefits they are enjoying as a result. Some legislators asked for proof that districts were actually "innovating" and not just exempting themselves from laws, and some teacher groups offered the same concerns. Senator Kolkhorst said she is getting a lot of pushback from the tourism industry since most districts have asked for an exemption from the uniform school start date. There is no doubt that this exemption will be revisited during the upcoming legislative session. Also, questions from the committee suggest that they want to know what innovations are being planned as a result of the loosening of some rules. El Paso and Spring Branch superintendents said they would like to innovate in how they measure student outcomes and if the legislation were reopened they would like some flexibility in assessment and other areas.

The third topic was the legislation to require a minimum number of minutes of instruction for each school year. This was Representative Ken King's bill that he discussed on Monday in San Antonio. Associate Commissioner & Chief School Finance Officer for TEA, Leo Lopez testified and addressed the two issues Representative King had mentioned: half day prekindergarten programs and dropout recovery programs. They are working on those issues via waivers. Senator Kolkhorst expressed concerns about the bill as she had voted for it thinking it would allow flexibility for districts to deal with bad weather days, when in practice it allowed for much more flexibility in the school calendar. Again, the tourism industry is very important to her district and they are not fond of these changes. Some charters also testified that the bill is causing them to lose funding through unintended consequences. This bill will likely be raised again for some of the above reasons.

There is so much more that can be said about these and other meetings, but this gives you a few highlights and previews what next session may look like. Next week there is a two-day joint meeting of the House Public Education and Appropriations committees to discuss school finance on September 28th and 29th. We will let you know what transpires.

Have a great weekend at TASA/TASB, the Texas Tribune Fest, or just relaxing! You deserve it, especially if you made it to the end of this update!

Regards,

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