



## Great Schools, Great Texas

*Part IV – Great Standards: Great Texas*

### ***As Governor, Wendy Davis will:***

- **Sign, rather than veto, legislation such as HB 2824<sup>1</sup> and HB 2836<sup>1</sup>.**
- **Direct the Texas Education Agency (TEA) to broaden the state’s accountability system to include more accurate quality of learning measures.**
- **Provide parents and administrators with discretion and control over the frequency and type of assessments used to measure student growth.**
- **Support districts with locally-developed accountability plans regardless of federal mandates.**
- **Evaluate the process by which the TEA selects the testing contractor to improve financial transparency and to eliminate conflicts of interest within the Agency.**

Texas has been using test scores to assess student performance for decades. Though the names of the exams have evolved from TABS to TEAM to TAAS to TAKS – and now, STAAR – the state remains stuck in the same accountability mindset it had in 1979<sup>1</sup>. Rather than focusing on improving the quality of education offered to all students, the state has focused exclusively on comparing testing outputs<sup>2</sup>.

In 2001 President George W. Bush reauthorized President Lyndon B. Johnson’s sweeping Elementary and Secondary Education Act of 1965. He dubbed the new plan No Child Left Behind and introduced the rest of the country to Texas’s test-driven approach to measuring student progress<sup>3</sup>. Though the goals of NCLB are laudable, the legislation’s emphasis on standardized testing as the sole measure of student growth and learning is flawed. Instead of pausing to reflect on whether a decade of federally-mandated high-stakes testing has resulted in better educational outcomes, President Barack Obama’s Race to the Top<sup>4</sup> initiative and subsequent federally-supported education programs such as Common Core ramped up the amount of pressure on states to test in spite of growing parent opposition.

Enough is enough. Good teachers are fleeing the profession in droves, frustrated parents are taking it upon themselves to protect their children, and the Texas Education Agency is hiding behind federal mandates as it creates increasingly burdensome testing schemes for schools.

<sup>1</sup> Presentation by Criss Cloudt of TEA to the Texas Senate: <http://www.senate.state.tx.us/75r/Senate/commit/c835/handouts08/0218-Criss-Cloudt-2.pdf>

<sup>2</sup> TEA guidance for 2014 School Accountability System: <http://ritter.tea.state.tx.us/perfreport/account/2014/20130404coe/summary.pdf>

<sup>3</sup> Dallas Morning News regarding standardized testing: [http://res.dallasnews.com/interactives/2014\\_March/standardized\\_tests/part1/](http://res.dallasnews.com/interactives/2014_March/standardized_tests/part1/)

<sup>4</sup> <http://www.whitehouse.gov/issues/education/k-12/race-to-the-top>



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Wendy Davis believes schools should be more than test-prep factories. It is time for the next evolution in education accountability. It is time to learn from the failures and the successes of what has been done before. And, it is time for the voices of parents to be heard over the dictates of the federal government. Texas students have been subjected to too many standardized tests at the expense of a broader, more effective educational experience.

### *Proposal Details*

#### **Sign, rather than veto, legislation such as HB 2824<sup>1</sup> and HB 2836<sup>1</sup>**

- During the 83<sup>rd</sup> Legislative Session, two bills that addressed testing in 3<sup>rd</sup> through 8<sup>th</sup> grades passed out of both the Texas House of Representative and Texas Senate with unanimous consent and were subsequently vetoed by Governor Perry.
- HB 2824 would have supported the Texas High Performing Schools Consortium in its efforts to pilot alternate accountability systems with significant participation by local communities, parents, and teachers<sup>5</sup>.
- The Texas High Performing Schools Consortium is made up of 23 diverse districts from around the state with the expressed purpose of developing an accountability system that reduces the current over-reliance on standardized tests<sup>6</sup>.
- HB 2836 required that the standardize tests mandated by the state be valid and reliable measures of student learning, limited the length of the exam to no more than three hours for the majority of students in grades third through 8<sup>th</sup> grades, and required the State Board of Education to review the currently tested curriculum standards<sup>7</sup>.
- **As Governor, Wendy Davis will force legislative consideration of our burdensome testing system by designating standardized testing as an emergency matter for priority consideration by the Texas Legislature.**

<sup>5</sup> HRO Bill Analysis: <http://www.hro.house.state.tx.us/pdf/ba83r/hb2824.pdf#navpanes=0>

<sup>6</sup> Texas High Performing Schools Consortium: <http://texashpsc.org/consortium-members/>

<sup>7</sup> Enrolled Bill Summary: <http://www.capitol.state.tx.us/BillLookup/BillSummary.aspx?LegSess=83R&Bill=HB2836>

**Direct the Texas Education Agency (TEA) to broaden the state’s accountability system to include more accurate quality-of-learning measures.**

- The 2014 accountability system breaks down and compares the same test scores four different ways in an attempt to measure student achievement, student progress, achievement gaps, and post-secondary readiness<sup>8</sup>.
- Because this current system relies almost exclusively on test scores, schools and teachers are under enormous pressure to continue to teach testing “tricks” such as requiring students take multiple practice tests and spending time learning how to narrow down multiple choice answers.
- Senator Wendy Davis authored a bill, SB 1310, during the 83<sup>rd</sup> Legislative Session to reduce the amount of pressure the state places on schools to produce test scores<sup>9</sup>.
- This bipartisan bill would have required the Texas Education Agency to evaluate the quality of learning in addition to student performance in the state’s accountability system.
- Though the Texas Education Agency would have had the discretion to include additional measures, the bill would have required Agency to look at such quality-of-education metrics as teacher turnover, class sizes, and teachers teaching out of field.
- **As Governor, Wendy Davis will direct TEA to consider quality-of-education metrics when evaluating school performance.**

<sup>8</sup> TEA’s Summary Document for 2014 Accountability Ratings:

<http://ritter.tea.state.tx.us/perfreport/account/2014/20130404coe/summary.pdf>

<sup>9</sup> SB 1310: <http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=83R&Bill=SB1310>

**Provide parents and administrators with discretion and control over the frequency and type of assessments used to measure student growth.**

- Parents trust teachers and schools to provide their children with a well-rounded education experience. Many of them would also like to know how their children compare to peers across the state and the country.
- Instead of empowering communities to develop local accountability systems that reflect what the communities would like to see happen in their schools, the state has constrained districts to use the tests it wants to see administered in the grade levels it wants tested. It has cut parents and community members out of the process under the guise of gathering objective measures.
  - Of the three advisory groups<sup>10 11 12</sup> composed of 97 members created by TEA to provide guidance to the Agency on the accountability system and how it is used in schools, only two of those members are identified as representing the interest of parents.
  - Other representatives include the Texas Associations of Business, Texans for Education Reform, six members of legislative staff, and various school districts.
- **As Governor, Wendy Davis will require TEA to permit districts to respect the wishes of parents and community members by allowing them additional input into the way students are assessed.**
  - Wendy Davis will direct the Texas Education Agency to release guidance to districts and parents clarifying “opt-out” provisions, medical and mental health waivers, and allowing alternative exams to substitute for STAAR tests if parents in the community formally request alternative assessments.
  - HB 5, the 83<sup>rd</sup> Legislative Session bill that restructured the Texas high school curriculum, began this process by including a section requiring that school districts be evaluated on their community engagement efforts; however, the evaluation does not affect the performance ratings school districts receive from the state<sup>13</sup>.

<sup>10</sup> ATAC: <http://ritter.tea.state.tx.us/perfreport/account/2014/atac.pdf>

<sup>11</sup> APAC: <http://ritter.tea.state.tx.us/perfreport/account/2014/apac.pdf>

<sup>12</sup> AADD: [http://ritter.tea.state.tx.us/perfreport/account/2014/aaddc\\_2014.pdf](http://ritter.tea.state.tx.us/perfreport/account/2014/aaddc_2014.pdf)

<sup>13</sup> HB 5 bill text: <http://www.capitol.state.tx.us/tlodocs/83R/billtext/pdf/HB00005F.pdf#navpanes=0>

**Support districts with locally-developed accountability plans regardless of federal mandates.**

- Because of rigid provisions in the Elementary and Secondary Education Act/No Child Left Behind, school administrators have been wary of risking much-needed federal dollars by adopting rules that do not conform to guidelines issued by the US Department of Education (USDE).
- Without the promise of support and clear guidance from the Texas Education Agency school administrators are required to abide by rules that, in some cases, provide no educational benefit to their students<sup>14</sup>.
  - At the start of the 2013-2014 school year, the Education Commissioner requested flexibility from the USDE regarding double-testing 8<sup>th</sup> graders taking Algebra I. When the state did not receive an explicit waiver from the Department, Commissioner Williams advised schools to double-test students or risk their federal funds<sup>15</sup>. In March 2014, he revised his position to say that he does not believe these 8<sup>th</sup> grade students should be double-tested, but that “the decision about whether to administer multiple assessments is ultimately a local one.”<sup>16</sup>
- **As Governor, Wendy Davis would direct TEA to fight for as much flexibility from provisions in the Elementary and Secondary Education Act as is needed to accommodate locally-developed and approved accountability plans.**
  - Texas has asked for and received additional ESEA flexibility, but the state’s education agency has been unwilling to truly challenge some of the most draconian provisions in the law.
  - HB 866 would have reduced the number of times high performing students are required to test in grades three through eight. The bill passed both chambers and was signed by the Governor, but never implemented because the USDE responded to an initial waiver request saying, “[...] should the TEA submit such a request, I [Assistant Secretary of Education Deborah S. Delisle] would decline to exercise my authority to grant a waiver of the provisions you have identified.”<sup>17</sup>
  - The Texas Education Agency accepted the response, and HB 866 was never implemented.
  - Other states have pushed back with limited success.
    - In August, California requested a waiver for its accountability system, which was initially denied by the USDE. When the state continued to push implementation, the Department revised its position<sup>18</sup> and granted the request.
    - On April 24, 2014 Washington State became the first state in the country to lose its ESEA flexibility<sup>19</sup>. Though the full consequences of losing ESEA flexibility remain to be seen, the state will not be denied federal education funds<sup>20</sup>.

<sup>14</sup> Article from the Texas Tribune discussion the Algebra I confusion: <https://www.texastribune.org/2014/03/26/schools-their-own-avoid-double-testing-math/>

<sup>15</sup> TEA Press Release from August 2, 2013: [http://www.tea.state.tx.us/news\\_release.aspx?id=25769806226](http://www.tea.state.tx.us/news_release.aspx?id=25769806226)

<sup>16</sup> TEA Press Release from March 6, 2014: [http://www.tea.state.tx.us/news\\_release.aspx?id=25769809892](http://www.tea.state.tx.us/news_release.aspx?id=25769809892)

<sup>17</sup> TEA Press Release from September 9, 2013: <http://www.tea.state.tx.us/index4.aspx?id=25769807258>

<sup>18</sup> Article in US News & World Report from August 7, 2013: <http://www.usnews.com/news/articles/2013/08/07/obama-administration-grants-nclb-waiver-to-8-california-school-districts>

**Evaluate the process by which the TEA selects the testing contractor to improve financial transparency and to eliminate conflicts of interest within the Agency.**

- Improving contracting procedures at the Texas Education Agency can save Texas taxpayers hundreds of millions of dollars in wasteful and ineffective spending. One recent state audit revealed that TEA had failed to follow its own contracting procedures in awarding and carrying out a \$468 million testing contract<sup>21</sup>.
- The Sunset Commission’s review of the Texas Education Agency also found significant issues with the way the Agency handled the contract, including failing to include a section on ethics in its contracting manual for Agency staff<sup>22</sup>.
- Long a leader on the issue of transparency, Senator Davis introduced a bill calling for comprehensive auditing and monitoring standards for these kinds of contracts<sup>23</sup>.
  - During the April 23, 2013 Senate Education Committee hearing on SB 1308, the Senate Education Committee learned the full extent of the issues with the \$468M five-year contract with NCS Pearson, Inc., including removal of the revolving door clause from the contract and additional modifications which drove up the cost and size of the contract<sup>24</sup>.
  - **As Governor, Wendy Davis will ensure rigorous auditing and monitoring of TEA’s contracting process to ensure that Texas students are in fact receiving what local tax dollars are paying for.**

<sup>19</sup> Letter from Secretary of Education Arne Duncan to the Superintendent of Public Instruction in Washington State:

<http://www.scribd.com/doc/220113110/042414-WA-ESEA-Flex-Extension-Determination-Letter-Final>

<sup>20</sup> NPR story: <http://www.npr.org/blogs/thetwo-way/2014/04/24/306587388/feds-rescind-washingtons-no-child-left-behind-waiver>

<sup>21</sup> State Auditor’s Office: <http://www.sao.state.tx.us/reports/main/13-042.pdf>

<sup>22</sup> Sunset Commission’s Report, page 115:

<https://www.sunset.texas.gov/public/uploads/files/reports/Education%20Agency%20Staff%20Report%202013%2083rd%20Leg.pdf>

<sup>23</sup> SB 1308 During the 83<sup>rd</sup> Legislative Session: <http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=83R&Bill=SB1308>

<sup>24</sup> Link to the Senate Education Committee Hearing: [http://tlcsenate.granicus.com/MediaPlayer.php?view\\_id=9&clip\\_id=336](http://tlcsenate.granicus.com/MediaPlayer.php?view_id=9&clip_id=336)