

Pat Jacoby  
Coalition of Reading and English Supervisors of Texas, Treasurer and Governmental Relations  
Representative

SB 2275: Senate Education Committee Hearing on April 14, 2009

Dear Chairperson Shapiro and Senate Committee Members:

I appreciate the opportunity to speak to you today about the process and product surrounding the State Board of Education's adoption of the English Language Arts standards. I have four decades of experience in teaching and administration. In addition to teaching a range of academically and economically disadvantaged students, I have also taught in gifted education programs. Administratively, I have worked at the Texas Education Agency, a regional service center, and as a curriculum director in a school district. I now provide consultation and professional development within Texas and at a national level. With all of my qualifications and experience, I have never experienced the disregard for professional educators as I did during the three-year English Language Arts adoption of standards.

I was selected by SBOE board member, Pat Hardy, as a member of the teacher work group. In October 2005, we were charged with revising the ELA standards. I'd like to give you a brief history of why the newly adopted TEKS, slated for implementation next school year, contain errors and instructional gaps.

Initially, our work group was given one day to make minor changes to the current TEKS; however, this product never saw the light of day because the SBOE, without reviewing the results of its first charge, demanded a complete revision after hearing from a panel of consultants who are not recognized for advancing literacy opportunities for diverse populations.

The teacher work group was then given three days of face-to-face meetings plus TETN and e-mail time to produce a comprehensive revision of the current TEKS. Over the next three years, the work group was faced with ten different documents, represented in the colored hand out. Each time the teacher work-group document was presented to the board, SBOE members changed the process. In February 2008, SBOE Chairman Don McLeroy resurrected the 1997 Texas Alternative Document. With university, district, and professional organization representation, we were able to successfully defeat the attempt to sabotage our work by replacing it with an outdated document that called for students to master use of the library's card catalogue and the VCR.

The process again changed when the commissioner and SBOE chairman tried to hire a facilitator to oversee the process without the rest of the board's awareness. After the agency admitted that it could not oversee the process, the board approved the hiring of StandardsWork, a Washington, D.C., firm. The first document StandardsWork presented to the work group was a cut-and-paste job from multiple states. Educators worked diligently to make revisions and create a research-based document. Still not pleased with StandardsWork's facilitation of the teacher document, the Board changed the process again and called upon six experts (mostly with experience in special education) to give direction to the facilitator, a lawyer. At this point, StandardsWork returned to Washington D.C. to write the standards independently of the teacher work group.

The new StandardsWork document ignored current research and focused beginning reading on isolated phonics, separated the writing composition from conventions, and reorganized the reading strand from a skills-based structure to a confusing mixture of elements that included titles, which had already been rejected in committee discussion. Members of the work group and professional educators protested, with 95% of the presenters giving testimony about research-based literacy, but the StandardsWork document, without the inclusion of titles and authors, was selected for public review. Later, the commissioner would once again advocate for a suggested reading list.

Then in May 2008, board members Gail Lowe and Barbara Cargill cobbled together two documents (one that had never been reviewed by teachers or the public), slipped the new document under hotel room doors, and ignored the work of teachers and voted to approve a document that lacked coherence, realistic expectations, and appropriate rigor. The vote left our students and teachers with a belief- versus research-based document. The final product, convoluted standards that leave students without a focus on higher-order thinking skills, will not lead to the high expectations the legislature has set for our students. Rather, Texas standards are a national embarrassment.

Because neither the SBOE nor the Texas Education Agency could establish a transparent process, a coalition of sixteen professional literacy organizations representing nearly ten thousand educators banded together to provide recommendations supported by research. Each time drafts of the standards were made available, the coalition solicited teacher input. In the final months of the process, the coalition hosted ten meetings around the state so that teachers could review and comment on the drafts because neither TEA nor the SBOE had solicited such feedback.

When feedback was solicited at public hearings and through the thirty-day public comment period after the draft was posted to the Texas Register, the SBOE ignored the input. The board also ignored letters from the National Council of Teachers of English and the International Reading Association.

For three years, ELA educators advocated the inclusion of reading comprehension skills in the state standards. At each turn, SBOE member Bob Craig proposed amendments to include reading comprehension skills. Until the day of the final vote, Commissioner Scott remained silent. At that time, he explained that the state would lose its bank of test questions if the skills were not included. Then rather than support the inclusion of the skills in the body of the TEKS, where they would be most useful to teachers, the commissioner supported placing the comprehension standards in an appendix and adopting a special rule to allow the appendix to be tested.

In retrospect, it is painfully obvious that this three-year process was less about creating quality standards and more about exercising political power. This flawed process has resulted in flawed standards that will handicap Texas students for the next ten years. A change is clearly in order, and I applaud Senator Seliger for outlining a plan for change. However, this change must be more than a simple transfer of power. For democracy to work, we must have a system of checks and balances. Granting all the power to one individual, particularly a politically appointed individual, does not guarantee quality decision making. Rather, we must outline an open and transparent process that favors sound educational practices, that provides for representation from across the state, and that includes educators representing all levels and varying student needs, educators from professional organizations, experts recognized in the discipline, parents, and business people.

## ELA TEKS Document/Process Shifts 2006-2008

Document 1—September 2006  
TEA Facilitating  
Workgroup on ELA TEKS for document by TEA Staff. Two days of teacher time taken for hotels and travel. Original date chosen via TEA website.

### Document 2—February/March 2007

TEA Facilitating with SBOE directive to eliminate repetition, make all standards measurable, and make standards grade-level specific.

Three days for elementary

Three days for secondary

Hotels, meals, and travel for six total days

\*\*Days planned were far from enough time to meet SBOE directives or to align standards. Work group members collaborated three and half days in K-12 TETN sessions.

Point of Information and transition between documents 2 and 3-

At July 2007 meeting, coalition and work group members testified that Document 2 was not ready. Time had not been allocated for careful review regarding gaps and inconsistencies present due to the rushed, flawed process. ELA TEKS should have been a discussion item in September; it was left off of the agenda. **However, an RFQ was posted to contract out for a facilitator since TEA indicated they could not manage the revision of the ELA TEKS. (\$85,000 contract).**

### Document 3—January 4 and 5, 2008

Standards Work Facilitating (\$85,000 contract)

Only one day was allocated for elementary and one day for secondary reviews, even though history with this process had already indicated this was not adequate.

\*\*This document was not the work of the teachers. Indiana, Massachusetts, NAEP, and other standards had been meshed together by Standards Work in Washington for this version.

### Document 4—January 10 and 11, 2008

Standards Work Facilitating

January 10-Workgroup members received incomplete revised draft of some strands from Document 3. Feedback due January 14.

January 11-Workgroup members received incomplete revised draft of remaining strands of Document 3. Feedback due January 15.

Amendment between the strands could not be considered since the documents were received and feedback was due at different times. This created another flawed document.

### Document 5—January 24, 2008

Standards Work Facilitating

Revised document (after input from educator workgroups) was submitted to the TEA and the SBOE.

\*\*Again, there were problems with this document due to time not being allocated for work group members to carefully review the document for gaps, alignment concerns, and errors.

\*\*Again, ELA educators testified that the document was not ready for first reading. More time was needed.

### Document 6—February 13, 2008

Proposed Substitute Amendment sponsored by David Bradley

The process was subverted when members of the SBOE brought forward the Texas Alternative Document (Donna Garner, et al. circa 1997) as a substitute document. No SBOE-appointed workgroup or SBOE-contracted facilitator input was considered in the creation of this document.

### Document 7—March 19, 2008

Standards Work Facilitating with addition of six consultants selected by Mc Leroy's subcommittee (additional \$65,000 contract extension)

SW and Consultant document presented to subcommittee. This document was VASTLY different from anything the teachers had seen or reviewed.



**Document 7, 2<sup>nd</sup> version—March 26, 2008-Yellow Document**

**Document 7 with suggested revisions from the coalition and work group members** was presented to the SBOE on **March 26**. It became known as the “**yellow document**.” It was an improvement to the SW/March 19 document, but time was not available for a complete review. Work groups members were doing this work independently on their own time prior to the SBOE meeting the same week. Through a motion, this document was to be used by SW and the teacher work group to improve the document posted on the Texas Register.

**Document 7, 3rd Version—March 28, 2008-Texas Register Document**  
Standards Work and Subcommittee-appointed Consultant Document from March 19 without reading selections.

March 28, 2008 SW/Subcommittee Consultant Document from March 19 **without reading selections** was approved for first reading. It passed 15-0 with the understanding that it would be improved by work group members and SW. It was posted to the Texas Register in April.

**Document 8—April 14, 2008**  
April 10: Bilingual experts receive TEA's Standardized where SW, without any input from educator work group members, have already made changes to Document 7, 2<sup>nd</sup> Version

**Document 9—April 25, 2008**

April 25, 2008-SW sent work group members a version of their revisions made in Washington (no work group input). This document was different from the document sent to the bilingual experts for review April 10.

**Document 7, 4th Version—April 30**

Regional review team suggested revisions to the Texas Register document (with changes tracked) to be considered by SBOE-appointed workgroup members. This version was sent to work group members in advance of the workgroup meetings in Austin, only as considerations for revision to the Texas Register document. This was clearly stated in the letter sent to them with the files.

**Document 9, 2<sup>nd</sup> Version-May 1, 2008**

Sent to TEA by Standards Work to distribute May 2 to teacher workgroup members. No teachers in attendance saw this version until the workgroup meeting started the morning of Friday, May 2.

\*\* This document with no review by educator work group members was passed by the 9-6 SBOE vote May 22. SBOE member Cynthia Dunbar told educators after the vote that they would see the “final document tomorrow” (Friday).

**Document 7, 5<sup>th</sup> Version—Sent to TEA and SW May 7 and posted on TEA website May 15**

May 2-6, 2008-Work group members revised the Texas Register document, giving consideration to input from the subcommittee experts, SBOE members, and regional review teams. **\*\*This is the ONLY version that included extensive review and collaboration from Texas ELA educators since Document 1, September 2006.**

**Document 10-Gail Lowe and Barbara Gargill Document** (Submitted to SBOE at 8:00 am, May 23, 2008)

May 23, 2008-The final ELA TEKS passed by the SBOE. The teacher work group members DID NOT review or support this document.

Alana Morris  
Texas Council of Teachers of English Language Arts-Past President  
Coalition of Reading and English Supervisors of Texas- Past President

Senate Education Committee Hearing  
April 14, 2009

Re: SB 2275

Dear Chairperson Shapiro, Vice Chairperson Patrick, and Committee Members:

I would like to open by thanking Kel Seliger and co-authors of SB 2275 for recognizing the need to change the way curriculum and textbooks are adopted in our state. I come to this bill with recent and extensive experience regarding this important process.

During the recent three-year English Language Arts/Reading standards revision process (or more accurately, lack of process), I served as one of the SBOE appointed educator work group members. In addition, I served as the Language Arts Program Director for grades 5-8 and the dyslexia coordinator for grades 5-12 in a large district in the Houston area and served as president of the Texas Council of Teachers of English Language Arts, president of the Coalition of Reading and English Supervisors of Texas, and as president of the North Harris County Council of Teachers of English. My personal and professional commitment to ensuring that Texas students receive meaningful, research-based literacy instruction that will facilitate post-secondary success remains solid. Considering the complete disregard the majority of the SBOE had for educators, for transparency, for one another, for ethics, and for the students in Texas, it would seem logical to support this bill without reservation.

Perhaps it is my intense involvement in the ELA/R standards adoption that makes me scrutinize this bill with both hope and trepidation. I am not sure that simply changing the gatekeeper will change the outcome. Lacking most from the standards process for ELA/R, science, and now social studies was transparency, respect for the professional education community, and a clearly defined process that would bring relevant stakeholders to the same table at the same time. Much of SB2275 does not alter the weak processes, it simply shifts control from an elected body of fifteen individuals to an appointed single political position.

The commissioner of education, currently a non-educator in an appointed role, would have complete and final decision-making authority for the following:

- developing all Texas Essential Knowledge and Skills (TEKS);
- designating which subjects constitute a well-balanced curriculum;
- approving courses offered by school districts for local credit;
- deciding how much time or percentage of time in a science course must be laboratory instruction;
- development of a diabetes education program that may be used by districts;
- possibly developing and implementing a plan to incorporate foundation curriculum requirements into the career and technology curriculum;
- revising the TEKS of the career and technology education curriculum;
- appointing educator teams from among those nominated by region education service centers;

- making decisions on the adoption of curriculum and textbooks based on recommendations;
- incorporating college readiness standards approved by himself (at least that is how it is currently worded in the bill) and the Texas Higher Education Coordinating Board;
- approving or not approving the minimum standards established by the vertical teams for each core subject area;
- developing, with the commissioner of higher education, and recommending (to himself as the bill is currently written) college preparatory courses for students who do not meet college readiness standards;
- adopting instructional materials, including technology resources;
- developing, by 2010, TEKS for college preparatory classes;
- establishing guidelines for credit by examination and reviews for such examinations;
- approving examinations that satisfy his own guidelines (as bill is currently written);
- determining curriculum requirements for minimum, recommended, and advanced high school programs;
- adopting rules for the adoption, requisition, distribution, care, use, and disposal of textbooks;
- adopting conforming and non-conforming textbook lists; and
- deciding whether each submitted textbook is conforming, non-conforming, or rejected (*By majority vote, the commissioner* by himself as currently worded in the bill);

Section 28.0024 does include provisions for nominating educators for the standards revision process. Problems in the current language include having only one representative from each region service center (see chart of students from each center), having no process for how the educators will be selected, having no inclusion of professional organizations from the disciplines, having no process for ensuring a diverse team of educators who represent various populations of students, including but not limited to special education, second language learners, gifted and talented, advanced placement, and so forth. Many school districts serve more students than a single region service center. These realities should be considered in selecting representation for such an important task. With amended language, many of the problems could be resolved.

The overarching concern is that this bill gives absolute power to one policy maker. The dangers of such a move are exponential in a system involving billions of dollars of state funds and publisher influence. My hope would be that a system of checks and balances can be included in the language of this bill so that full control and authority is not given to one person. The corruption on the Texas SBOE has been highlighted in *Texas Monthly*, in national journals, in *Education Newsweek*, in newspapers across the state, in political cartoons, and in hundreds of blogs across the nation. As we address this committee today, I am sure they are even fodder for Twitter. In reflecting on the multiple acts of corruption by the majority on the SBOE, I cannot help but recall Lord Acton's now famous quote, "Power tends to corrupt, and absolute power corrupts absolutely." With thoughtful revisions to this important bill, you can impact true change for standards and textbook adoptions in Texas and alleviate the potential for further corruption.

# Region Service Center Representation

ESC Region	Regional ADA	Number Campuses	Percent African American	Percent Hispanic	Percent White	Percent Other	Percent Economically Disadvantaged
1	371,893	533	0.23	96.75	2.49	0.53	85.10
2	105,694	235	3.58	70.09	24.79	1.53	62.49
3	53,009	161	10.87	47.26	40.50	1.38	55.99
4	1,011,117	1,327	21.97	43.14	28.91	5.97	54.17
5	80,510	172	30.17	11.33	55.67	2.83	53.50
6	156,281	300	13.18	24.02	60.56	2.24	46.29
7	163,279	409	20.34	19.76	58.78	1.12	54.63
8	56,625	161	22.90	14.17	61.50	1.43	56.44
9	39,239	127	9.55	19.51	68.49	2.44	49.08
10	694,194	1,120	20.62	37.73	36.23	5.43	50.98
11	498,041	836	14.31	28.72	52.12	4.85	41.44
12	146,555	362	22.81	24.89	49.92	2.38	52.91
13	331,100	568	9.69	40.00	46.48	3.81	43.67
14	46,825	170	7.71	31.00	60.00	1.29	53.26
15	47,501	178	3.40	51.65	44.14	0.82	57.87
16	79,153	222	5.87	39.76	52.51	1.86	53.93
17	77,589	242	8.27	51.59	38.79	1.35	59.10
18	74,494	169	5.68	58.30	34.81	1.21	53.69
19	172,532	248	2.77	88.54	7.61	1.08	75.48
20	371,302	655	7.59	66.91	23.50	1.95	62.34
State Totals	4,576,933	8,195	14.44	46.29	35.65	3.62	55.52

Source: 2007 Accountability Data Tables

