

Texas Classroom Teachers Association

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Testimony to the Senate Education Committee Regarding SB 3 By Holly Eaton, Director of Professional Development and Advocacy March 17, 2009

We appreciate the enormous undertaking by the authors and staff in drafting this bill. We are well aware of the massive amount of input they've received on a bill that so broadly affects almost every aspect of education, and we appreciate being part of that process. There are some very good position changes in this bill that seek to address concerns consistently expressed in public testimony to the Select Committee on Public School Accountability regarding an accountability system that relies too heavily on one-time, snapshot student test results. Some of these changes are the ability to base accreditation on 3-year rolling averages of student performance and on student growth.

However, we are concerned that in the bill, the accreditation tier is still heavily reliant on student performance on high-stakes tests. As you're aware, the accreditation tier for campuses is based on student performance on state assessments and dropout and high school graduation rates, which is the same criteria upon which campus accountability ratings are based under our current system, with the exception that, under the bill, student performance on assessments can be based on a 3-year rolling average, and student growth on assessments is also included. We have consistently advocated for lessening the emphasis on student performance on state assessments by expanding this measure to capture a broader and more complete picture of student learning. For example, we have suggested that the accreditation tier include a learning environment indicator, which would be structured as an index of data already collected through PEIMS, including out of field teaching assignments, teacher turnover rates, class size waivers, organizational health surveys, and discipline support. Research supports the use of this data in accountability systems, as many of them serve an important role as "leading indicators" of school and student success. We have attached some language that would insert this provision into the accreditation tier.

We are extremely supportive of the bill's elimination of the requirement that students pass the Reading/Math state assessment in grades 3, 5, and 8, and the return to promotion decisions based largely on course grades and teacher recommendations. However, we note that the bill requires the class size limit of 10 students in an accelerated instruction class only for grades 3, 5, and 8, although the bill expands accelerated instruction to all grade levels. We believe that in order to be effective, all accelerated classes should be subject to the limit of 10 students per class.

We also have other suggestions regarding how to reduce the system's over-emphasis on high-stakes testing. The first would be to scale back testing to only those tests required under the federal No Child Left Behind Act. This would eliminate 4th grade writing, 5th grade social studies, 7th grade writing, and 8th grade social studies, for a net reduction in testing.

Perform some form of existing norm-referenced testing once every 3 years, and count it as a specific percentage of a district/campus accreditation tier determination. This change would reduce the high-stakes nature of state-developed testing and provide a better overall picture of student learning.

Although the legislature made a good start last session in trying to limit the amount of time districts spend on test preparation activities by limiting benchmark testing to 10% of the instructional days, we would like to see this bill go further by putting a flat cap on the number of benchmark or practice tests that can be administered, for example to no more than once each calendar month. This approach would be more tangible and easier to measure.

Finally, districts and campuses should receive credit for students who successfully retake the test required for graduation, which they don't under the current system.

Although we are supportive of the use of the student measure of improvement in determining accreditation status, we believe that the bill should specifically preclude the use of this measure for purposes of evaluating individual teachers, since there is currently no scientifically validated method to accurately and fairly isolate teacher effects on student performance.

We believe that a better approach to rewarding high-performing campuses than excellence exemptions is to allow accredited campuses to maintain that rating for a 3-year period. This is a more reasoned response to the quest for excellence rather than to reward high-performing campuses by exempting them from the very laws that they operated successfully under as high-performing campuses. Require more frequent rating only for campuses rated unaccredited (annually, which would also allow them to recover accredited status more quickly) or those which fail to make AYP for two consecutive years. Additionally, we're greatly concerned about the bill's amendment to current law (which only allows exemplary districts to be receive excellence exemptions) allowing the top 25% of campuses to receive excellence exemptions. This results in a huge increase in the number of campuses potentially exempt from much of the Texas Education Code (if there's approximately 6000 campuses in the state, and the top 25% can earn distinction and be exempt from state laws, that's 1500 campuses that could be exempt from state laws, compared to current law which only applies to exemplary districts. There were only 43 districts rated exemplary in 2008 (there were 79 campuses in these districts).

We are greatly supportive of the bill's new pass/fail system of accountability, with opportunities for distinction. However, we are concerned that the financial accountability provisions may have the unintended effect of discouraging higher teacher salaries and would appreciate the opportunity to work with the authors to clarify and prevent this outcome.

We are deeply concerned about provisions in the bill which appear to eliminate the requirement that open-enrollment charter schools are subject to satisfactory performance on state assessments. Charter schools are public schools and should be held accountable under the same standards as all public schools.

Regarding high school graduation, we greatly appreciate the inclusion of options for students to meet either college readiness, skilled workforce and technical readiness, or postsecondary readiness in order to graduate. However, we note that by requiring students to attain a certain level on the Algebra II and English III end-of-course exams for college readiness and a certain level on Algebra I and English III end-of-course exams for skilled workforce and technical readiness, the bill eliminates the flexibility in current law that recognizes students have varying strengths and permits a composite score to satisfy graduation requirements.

Although we appreciate the bill's attempt through the Teacher Report Card to provide teachers with comparisons of student performance based on the necessary annual improvement required for students to be successful on 5th and 8th grade assessments and end-of-course exams needed for graduation, we are concerned that the bill does not address *when* that report is given to teachers. The report will only serve as a useful guide for instruction if given to teachers at the beginning of the school year for incoming students. If the report is given to teachers after-the-fact, then we question the purpose for which the report would be used.

We note that the bill allows for for-profit entities to become eligible to provide alternative management when a school is closed for low performance; this causes us concern and is particularly problematic since they are not required to show experience and track record of success (rather, only preference is given on this basis).

We're also concerned that decisions about the frequency of on-site visits to districts by TEA is limited in the bill to consideration of student performance and equity in relation to student performance on state assessments, dropout rates and high school graduation rates, while current law requires the decision to be based on all AEIS indicators, including student attendance, SAT/ACT results, percentage of students receiving accelerated instruction, etc.

Again, we thank you for all your hard work and openness to suggestions on this extremely important bill, and we look forward to continuing to work with you to improve it.

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Amend SB 3 as follows:

- (1) In SECTION 23 of the bill, in Subchapter C, Section 39.052(b)(1), after Subdivision (A) insert a new Subdivision (B) as follows:

"performance on learning environment indicators described by Section 39.0551"; and re-letter the following Subdivisions accordingly.

- (2) In SECTION 23 of the bill, in Subchapter C, Section 39.052(c)(1), after the words "Section 39.053(c)", strike the semicolon and the word "and" and insert the words "and learning environment indicators described by Section 39.0551; and".

- (3) In SECTION 23 of the bill, after Section 39.055, insert a new Section, Section 39.0551 as follows:

"Sec. 39.055 LEARNING ENVIRONMENT INDICATORS. (a) The Commissioner of Education shall develop an index system incorporating the following learning environment indicators to be used in determining the accreditation status of school districts and campuses:

- (a) Percentage of teachers assigned out of field;
- (b) Teacher turnover rates;
- (c) Number of teachers with less than three years of experience;
- (d) Number of class size waivers by grade level; and
- (e) Results of organizational health surveys completed by district and campus staff.

(b) The Commissioner of Education shall form a stakeholder group comprised of teachers, paraprofessionals, other instructional personnel, and teacher and principal organization representatives, to develop the required contents of the organizational health survey to be administered by districts and campuses."

- (4) In SECTION 23 of the bill, in Subchapter C, Section 39.056(b), after the words "analysis of", insert the words "student equity in relation to the learning environment indicators adopted under Section 39.0551 and".
- (5) In SECTION 23 of the bill, in Subchapter C, Section 39.056(e), after the words "Section 39.053(c)" insert the words "and Section 39.0551".
- (6) In SECTION 30 of the bill in Subchapter E, Section 39.102(5), after the words "student achievement" add the words "and learning environment".
- (7) In SECTION 30 of the bill, in Subchapter E, Section 39.102(5), after the words "Section 39.053(c)" add the words "and Section 39.0551" ..

OVER

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- (2) In SECTION 23 of the bill, in Subchapter C, Section 39.052(c)(1), after the words “Section 39.053(c)”, strike the semicolon and the word “and” and insert the words “and learning environment indicators described by Section 39.0551; and”.

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- (7) In SECTION 30 of the bill, in Subchapter E, Section 39.102(5), after the words “Section 39.053(c)” add the words “and Section 39.0551”.
- (8) In SECTION 57 of the bill, in Subchapter J, Section 39.305, after the words “Section 39.053(c)” add the words “and Section 39.0551.”
- (9) In SECTION 57 of the bill, in Subchapter J, Section 39.305(c), after the words “Section 39.053(c)” insert the words “, learning environment indicators described by Section 39.0551,”

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Support for expanding indicators upon which accreditation is based beyond student performance on tests:

In a recent report, the Annenberg Institute found that "while it certainly makes sense to focus on improving student performance, there are many indicators that contribute to student learning that are not direct measures of student performance itself."

Research-based examples of other indicators contributing to student learning are:

School Resources, staffing/Measures:

- % out of teachers assigned out of field (CEP)
- % of teachers on emergency permits (CEP)
- Number of teachers with less than three years of experience (current TEC section 39.1323, one of the factors campus intervention team must assess in developing needs assessment for campus)
- Teacher turnover (Annenburg)
- Teacher satisfaction surveys (Annenburg)

From *Good measures for good schools: At-a-glance*, Center for Public Education, 2008

<http://www.centerforpubliceducation.org/site/pp.aspx?c=kjJXJ5MPlwE&b=3501683&printmode=1>;

Beyond Test Scores: Leading Indicators for Education, Annenburg Institute, 2008

<http://www.annenberginstitute.org/pdf/LeadingIndicators.pdf>)

The federal Blue Ribbon School program uses various indicators, including:

SCHOOL ORGANIZATION & CULTURE - This category focuses on the school culture exemplifying a caring community that supports continuous learning. There are four sections within this category concentrating on:

- the culture of the school supporting learning experiences and fostering a caring community.
- building sustained and caring relationships among students, teachers and other adults, as well as promoting a healthy peer climate among the students.
- hiring practices and assignment of staff.
- a safe, orderly and drug-free environment

OVER

A high-level commission in California recommended recently that the California State Board of Education adopt a new "Right Track" index that incorporates both state and federal criteria – growth and performance. This index should include **multiple metrics, such as improving proficiency levels for subgroups, improving graduation and attendance rates, increasing the number of Advanced Placement courses, raising redesignation rates for English learners, improving parent participation, placing more experienced teachers in hard-to staff schools, reducing school suspensions and reducing teacher absenteeism.**

The New York City school accountability system includes voluntary surveys showing how parents and teachers view academic expectations and other factors of a school's environment which account for 10 percent of the grade a school receives.