Education Policy: 80th Session In Review

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SCHOOL CHOICE

- School Choice was one of the Foundation's two original areas of focus and we continue to aim to introduce competition into the public school monopoly by allowing parents to choose the best public or private school for their child.

- Currently, the only forms of school choice in Texas are charter schools and public school transfers. Aside from these options, the only parents who have "choice" are those who can afford to move to a better neighborhood or send their children to private schools.

- Public school transfers exist through No Child Left Behind (federal), the Public Education Grant program (state), and district transfer policies (local).

- This session, six bills were filed that would have created private school choice, or vouchers. These targeted the following populations:

    - Low-income students in urban districts (Senate Bill 1506 by Senator Kyle Janek & House Bill 18 by Representative Frank Corte)
    - Students with disabilities (House Bill 19 by Representative Frank Corte)
    - Students with autism (Senate Bill 1000 by Senator Florence Shapiro)
    - Dropouts and students at risk of dropping out (Senate Bill 1513 by Senator Royce West)
    - Foster children (House Bill 3867 by Representative Ken Paxton)

- Of these, only the autism voucher bill made it out of the Senate Education Committee, but the Senate did not have the votes necessary to bring it to the Senate floor for debate.

- House Bill 3868 by Representative Ken Paxton would have made it easier for eligible students to utilize Public Education Grants (PEGs). Currently, more than 600,000 students who attend low-performing schools are eligible to apply for transfer to another public school through the PEG program. However, only 188 (or 0.03%) of these students actually use the transfer, largely because districts are not required to accept PEGs. This bill would have required districts with availability to accept PEG transfers. It was voted unanimously out of committee, but was never scheduled for debate in the full House.

- Fewer than 2% of Texas public school students are enrolled in charter schools. Senate Bill 4 by Senator Florence Shapiro, also called the "Champion Charter Schools Act," would have further decreased this number by closing down a number of "low-performing" charters. But the definition of low-performing failed to take into account growth in student performance over time, so the bill only penalized those charters with the most challenging students—many of whom may be homeless, pregnant, or on probation. The bill was never debated in the full House.

- The Texas Legislature passed Senate Bill 1788 by Senator Florence Shapiro to expand access to online courses for students across the state through the creation of a virtual school network. Students attending public and charter schools, private schools, and receiving schooling at home are all able to enroll in virtual courses.

TEACHER QUALITY AND CERTIFICATION

- In the 2006 special session, the Legislature made a commitment to excellent teachers by creating the largest performance-based pay program for teachers in the country. After the House stripped it out of its version of the state budget, the Senate's version maintained the program.

Ultimately, the budget sent to the Governor preserved the majority of the funding for the incentive pay program.

- Regulations, burdensome documentation requirements, and numerous levels of appeal make it nearly impossible to fire an ineffective teacher. Education groups claim there is no evidence that schools are unable to dismiss teachers, but dismissal data over the last five years shows that while the private sector dismissed about 16% of its employees annually and Texas government agencies dismissed about 12% of employees annually, schools only dismissed a fraction of 1 percent of teachers annually.

- Strong teachers make a significant impact on student learning. In fact, research shows that students with strong teachers erase the achievement gap associated with race, ethnicity, and income within three to five years. The Foundation supports efforts to give school leaders more control over their employees. Unfortunately, Senate Bill 1643 by Senator Florence Shapiro, which would have given principals the ability to get rid of ineffective teachers (after three years of poor evaluations), did not make it to the Senate floor for debate.

- Currently, only teachers are eligible for school leadership positions. Successful leaders in business, government, the military, and the non-profit world are effectively kept out of the running for superintendent, principal, and assistant principal openings if they are not a certified teacher. Legislation filed this session would have allowed school boards to hire individuals outside of the education community with a college or advanced degree and significant leadership and management experience, along with a two-year temporary certificate designed to give school boards more flexibility in hiring practices.

TESTING AND ACCOUNTABILITY

- The Foundation's research on the state's testing and accountability system offered legislators an alternative to the state's current system for evaluating student learning. The Foundation's paper on end-of-course exams provided a blueprint for reforming the current system and many of the recommendations were ultimately passed into law through Senate Bill 1031 by Senator Florence Shapiro.

- To better access student comprehension and achievement, the Legislature replaced the high-stakes, cumulative exit exam administered in 11th grade with 12 end-of-course exams to be administered at the end of each core subject course. Slated to begin in 2011-2012,

the exams will be a part of a student's grade, as well as required for graduation.

- The House signaled an interest in sun-setting the current school rating system, but legislators ultimately chose to study the current accountability system over the interim.

FINANCIAL TRANSPARENCY

- The Foundation has long advocated for more transparency in spending and more accountability in the use of tax dollars. In education, the Foundation was a strong voice for ensuring that the roughly $10,000 spent per student for education was actually going to the classroom. During the last interim, the Texas Education Agency (TEA) adopted rules requiring 65% of the money spent on public education to go to the classroom.

- Since then, the Governor's office, the Comptroller's office, and the TEA have begun posting their expenditures online. Also as a result of the TEA's efforts at greater transparency, 30 school districts began posting their spending on the Internet.

- The Foundation supported greater transparency by requiring all Texas school districts to post their financial records on their district websites. House Bill 2560 by Representative Bill Zedler provided such a requirement, and although it passed the House, it did not come up for a vote in the Senate. With the TEA and other districts as an example, the Foundation hopes more school districts will choose to make their spending more transparent over the interim.

PRESCHOOL

- Currently, more than 60% of Texas four-year-olds are enrolled in publicly-funded preschool. Low-income, non-English-speaking, homeless, and military children already qualify for free public pre-K.

- While certain low-income children may benefit from pre-K, there is no evidence to suggest lasting academic benefits for middle- and upper-income children. In fact, several studies demonstrate increased behavioral problems as the result of pre-K enrollment.

- Senate Bill 50 by Senator Judith Zaffirini proposed expanding public pre-K with $122 million in increased spending for publicly-funded preschool and child care. Ultimately, the passed legislation increased spending by a fraction of that amount, and eligibility for government pre-K was extended only to a few hundred foster children.