

## Education Policy: 81st Legislative Session in Review

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### School Choice

- The Foundation has long been an advocate for competition in education through school choice. One way to improve choice is to give a targeted group of students a scholarship to choose the school that best meets their needs, whether public or private. Several bills were filed this session to increase choice such as SB 183 by Sen. Tommy Williams for students with special needs and SB 2204 by Sen. Florence Shapiro for students with autism. While both of these proposals received a spirited hearing, neither proposal made it out of the Senate Education Committee. Bills filed in the House—such as HB 41 by Rep. Frank Corte, to help low-income students in urban areas; and HB 716 by Rep. Debbie Riddle, to help special education students—were not even granted a hearing.
- Charter schools are a form of public school choice. Texas has a cap or ceiling on the number of open-enrollment charters it may authorize. The cap is currently 215 and was reached in November 2008. Thus, no new charter school entities can open in Texas until a charter school closes or the cap is raised.
- Our research identified that nearly 17,000 students were on a waiting list to attend a charter school last year. With demand clearly outweighing supply, several proposals were filed to remove the cap altogether or to raise it incrementally by 10 or 20 a year. SB 1830 raised the cap on charters by 12 per year (two of the 12 charters are reserved for charter schools created to serve students with special needs), allowed successful charter schools to collocate within a traditional school, made it easier for an academically successful charter school to get an expansion amendment approved by the Commissioner of Education, added financial accountability language for new charters and charter renewals, and strengthened the abil-

ity of the Commissioner of Education to close charters for ongoing academic or financial failures. Unfortunately, politics prevailed over good public policy and the charter school bill died on the House floor on a point of order.

- Currently, Texas public four-year universities have the ability to operate a charter school and are exempt from the cap. The Texas Legislature passed HB 1423 by Rep. Ryan Guillen giving junior colleges and community colleges the option to open a charter school in Texas. The colleges will go through a rigorous application process at the State Board of Education and Texas Education Agency to get their charter school approved and will also be exempt from the cap.
- Texas charter schools struggle to rent or purchase facilities since they do not receive state or local facilities funding. A provision added to school finance legislation, HB 3646 by Rep. Scott Hochberg, makes it easier for successful open-enrollment charter schools in Texas to obtain financing to purchase facilities through a public/private matching program.

### Teacher Compensation & Certification

- The Foundation was instrumental in the creation of Texas' merit pay program and continues to inform policymakers of the importance of the program and highlight successes. Texas has the largest teacher merit pay program in the nation and will continue to be a leader in the area of teacher merit pay with increased funding and flexibility. While teacher unions fought hard to water down teacher merit pay programs, thanks to strong leadership by many lawmakers and examples of results by school districts, they were ultimately unsuccessful. Now more teachers and school leaders around the state will have the opportunity to be rewarded for excellence.

- As a result of Texas' shortage of math, science, bilingual education, and special education teachers, many students are taught by a certified teacher with little or no expertise in the subject matter. Our research highlighting high numbers of out-of-field teaching and examples of burdensome and unnecessary certification barriers for out-of-state certified teachers, led Rep. Patrick Rose to file HB 4152. This passed legislation helps teachers certified in other states in a shortage area get into the classroom more quickly by speeding up the paperwork process.

## School Accountability

- During the interim, key policymakers studied the school accountability system, laying the groundwork for changes. The Texas Legislature passed a massive school accountability bill, HB 3 by Rep. Rob Eissler, keeping intact many reforms from previous sessions and adding some new reforms. For example, the bill retained high school end-of-course tests and graduation requirements and the four years of high school math and science requirement for students graduating on the recommended graduation plan. It also retains social promotion for grades 5 and 8 (changes 3rd grade to include grades and teacher recommendation) and requires students that fail the assessment in grades 3 through 8 to complete accelerated instruction to be promoted.
- HB 3 discourages bad promotion decisions by giving the Commissioner of Education the authority to lower a school or district's accountability rating if there is a pattern of socially promoting students who go on to fail in subsequent grades. It also adds rigor to the rating system by requiring schools and districts to increase the number of students that are ready for college. In addition, the new accountability system allows schools to earn a designation for excellence in specific areas such as math or fine arts. The new system will be less punitive and more honest with the addition of a growth measurement that should allow parents to more accurately determine quality schools and give schools credit for individual student improvement and school-wide improvement rather than

focusing on how many students pass the TAKS test, a very low academic bar. The bill backtracks on school closure by granting *Academically Unacceptable* schools an additional year before reconstitution or closure.

## Financial Transparency

- The Foundation has long been a strong voice for increased transparency in education spending. With more than \$46.5 billion spent on public education in Texas, taxpayers have a right to know how their local school is spending their tax dollars. Costs have nearly doubled over the last decade, with per student spending averaging more than \$10,000 per student per year.
- To increase transparency in school district finances, Rep. Mark Strama filed HB 1314, requiring school districts to post quarterly financial statements online. Although the bill received a favorable hearing in the House Public Education Committee, it died in committee. Another proposal by Rep. Brandon Creighton, HB 1307, required school districts to post their monthly check registers online; it never even received a hearing.
- The omnibus school accountability bill, HB 3 by Rep. Rob Eissler, directs the Comptroller to evaluate academic and financial data of all Texas public schools and districts and rank them by their level of academic achievement and cost-effective operations. In addition, HB 3 requires every school district to post their adopted budget in a prominent location on its website for three years.

## Preschool

- The Texas Legislature created a new and unnecessary government prekindergarten program, HB 130, which was vetoed by the governor. This legislation wrongly put the focus on irrelevant inputs such as a child to staff ratio of 1:11 and a certified teacher with nine hours of early childhood education which are not shown to lead to higher teacher quality or increased student learning. This government program would have increased costs without better preparing students for kindergarten. ★

