



Texas Association of Community Schools

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Legislative Update

The finish line is in sight, and the runners (aka legislators) are in a full sprint. Any obstacles in the way of a strong finish are being tossed aside with complete disregard for typical southern hospitality. With the 84th legislative session ending in a few short days, the gloves are off and legislators are desperately trying to get their key bills passed and over to the governor for his signature. Equally important, they are trying to kill bills that they oppose. Bills that never had a hearing in one or both chambers are being added onto successful bills as amendments. Some bills are being so measurably amended that their original author can no longer recognize them. When this happens, if the original author does not agree with the changes that have been made, he or she can ask for a conference committee to reconcile differences between the House and Senate version of a bill or the member can opt to "pull down" the bill. Meanwhile, tensions at the Capitol are running high as contentious political issues such as guns on campus, abortion, marriage, ethics reform, and others are driving behavior in both the Senate and the House and many bills that were in line behind them have been sacrificed.

While the education bills that are still in play are quick moving targets, I will give you a status update on some of the key bills that TACS is following.

On Thursday, Governor Abbott signed House Bill 4, the Pre-K bill that was one of his key legislative priorities. The bill provides \$130 million, up to \$1,500 per student, for pre-K programs in districts that meet certain requirements. While the amount of money is less than was allocated for pre-K before cuts, the main focus of the bill is on "high quality" and "accountability."

On the testing front, there have been some wins, some losses, and some battles that are still being fought. As you know, SB 149 is in place and many of you are working with your students on their individual graduation committees. This was the major testing accomplishment of the session, as it reduces complete reliance on state-mandated standardized testing and allows many other important measures to be considered for graduation for a student who has struggled with one or two EOCs.

Surprising and disappointing to many, test reduction for grades 3-8, which was a priority for just about every legislator at the start of session, has stalled in spite of the vast number of bills that were filed to reduce the testing burden on younger students. Only HB 743 is still alive and would require that tests be deemed valid and reliable measures by an outside entity; it would require a review of the TEKS; and it would reduce the length of tests given in younger grades to more age-appropriate lengths. The bill underwent some serious changes in the Senate earlier this week and the House has decided not to concur with those changes. Accordingly, a conference committee is being formed to reconcile differences and come out with a compromise both houses can support. The house has already appointed members to the conference committee. Representative Dan Huberty will chair the committee and Representatives Jason Isaacs, Ken King, Marsha Farney, and Joe Deshotel are on his team. The Senate must appoint committee members with haste to enable the bill to move forward.

Another loss for progress in testing is House Bill 1164. Representative VanDeaver had filed HB 1164 to address parent and teacher concerns over the STAAR writing assessments. As originally filed, HB 1164 would have removed the writing tests from the high-stakes assessments allowing teachers and local school districts to decide how best to teach and assess writing; including the use of portfolios. HB 1164 passed the House by a vote of 142-0 on April 30. Subsequently, the Texas Senate rewrote the bill turning

it into a study. In a press release issued on May 28th, Representative Gary VanDeaver articulately said:

“With HB 1164, the 84th legislature had the opportunity to make it possible for our public school students to receive authentic instruction in writing. Instruction that includes the skills of critical thinking, transferring those thoughts to paper, reviewing and revising their work until arriving at a well thought-out, well-written final product...Unfortunately, senate leadership has chosen to “study” the STAAR writing assessment while continuing to require our students to put their high school diploma on the line by writing a first draft, 26-line essay that is to be graded in less than two minutes by graders recruited from Craigslist. I am saddened that the great state of Texas has missed this opportunity to bring high quality instruction and assessment of writing to our public school students. I am haunted by the thousands of teenagers who might be denied the opportunity to graduate high school while we study this flawed method of assessment.”

Although very disappointed in the Senate version of HB1164, Representative VanDeaver did accept the Senate changes in order to at least keep alive the discussion of how to teach and assess writing in Texas public schools.

Senate Bill 313, relating to the TEKS, has undergone a number of makeovers as well. Originally designed to require a reduction of the TEKS, it now includes language on instructional materials allotments, reporting on testing to parents and students, and a variety of other semi-related issues. Most recently, a portion of the bill that required the TSI exam to be given to 10th graders as a diagnostic tool of college and career readiness has been eliminated. Other changes include a limit on which subjects are covered by the bill (new math TEKS are excluded), and an amendment was added on the house floor to allow some special education students to be exempt from some of the state testing. On Thursday, Senator Seliger, the original bill author, requested a conference committee, as he did not concur with the House changes. Senator Seliger will chair the conference committee and the other Senators on the committee are Senators Larry Taylor, Royce West, Craig Estes, and Kevin Eltife.

House Bill 2804, the bill by Chairman Aycock designed to diversify the accountability system, into which the A-F rating system was later integrated, has undergone some additional changes back at the Senate. Thursday afternoon, Chairman Aycock declined to concur on the Senate changes and requested a conference committee. He was named the chair of the committee and the others working with him on the House side are Representatives King, Dutton, Darby, and Ashby.

House Bill 1842, by Chairman Jimmie Don Aycock was originally drafted to create a process for overhauling schools that have received unacceptable ratings for two consecutive years. Early Wednesday morning, the Senate hijacked HB 1842 and rolled in two divisive education bills that had not been making progress on their own. One of the amendments added the Opportunity School Districts bill (previously known as the Achievement School District bill) and another amendment added on another reformer bill regarding “innovation zones.” These major changes to HB 1842 are unacceptable to Chairman Aycock who said that his bill “is unrecognizable” with these and other Senate amendments tacked on. Accordingly, he has requested a conference committee rather than accepting the Senate amendments.

We can't lie. It has been a pretty tough road for public education during this legislative session. The new Senate, including many on the public education committee, is not particularly supportive of traditional public schools, and far prefers schemes to hand education (and the money to pay for it) over to the private sector. Silent victories we can claim are that more “bad” bills such as “parent trigger” and several voucher schemes have not progressed into law this session.

Your support, testimony, calls to your legislators, and materials you have sent along about the great things you are doing in your districts all have helped us at TACS promote bills that help public education thrive, and stymie legislation designed to make it falter.

This time next week, the session will be over. We will still be awaiting some signatures from the Governor. But we will be able to reflect on the whole of the session, the wins, losses, and where we were able to hold the line.

Thanks again for your support. Hang in there for the crazy ride these last few days.

Laura Yeager
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