



Texas AFT

A Union of Professionals

www.texasaft.org

3000 S. IH-35
Suite 175
Austin, TX 78704

(512) 448-0130
(800) 222-3827
f: (512) 448-0678

TESTIMONY OF ERIC HARTMAN
ON BEHALF OF TEXAS AFT
BEFORE THE SENATE EDUCATION COMMITTEE
OCTOBER 30, 2012

SB 8

Texas AFT maintains that SB 8 represents a historic wrong turn in state policy, downgrading vital safeguards of due process and salary standards in state law. Because this law took effect well into the 2011-2012 school year, it is only in the current 2012-2013 school year that key provisions will take effect. That means you now have an opportunity to revisit and correct decisions that were made last year in a climate of crisis, before those decisions do lasting damage.

Foremost among the provisions that need to be corrected are these:

--Mid-contract termination hearings based on "financial exigency": In any case of contract termination during a contract's term that is based on a declaration of "financial exigency" by the district, SB 8 permits school boards to bypass the required use of an independent hearing examiner and to delegate the hearing task instead to an attorney chosen and paid by the school district. This attorney makes a recommendation to the school board, but the board can reject it for any reason or no reason at all.

--Nonrenewal hearings in districts with 5,000 or more students: The foregoing alternative hearing procedure before an attorney-designee also is an option that all school districts with 5,000 or more students can use instead of a full board-level hearing for any nonrenewal of a term contract at the end of the contract's term.

--Good cause: In any case of contract termination during the term of an employee's contract, SB 8 allows school boards to override the judgment of an independent hearing examiner—the individual who has actually heard and weighed the evidence—on the issue of "good cause" for termination. (Prior law has made "good cause" a fact issue decided by the hearing examiner, unless there is no evidence to support the hearing examiner's determination.)

--Salary rollback: SB 8 permanently repealed the salary floor in state law that prevents rollback of state pay raises. While the bill leaves unchanged the state minimum salary schedule, it thus erases the salary floor enacted in 2009 that has barred districts from rolling back the salaries of teachers and full-time school nurses, librarians, counselors, and speech pathologists below the level reached in 2010-2011. Without such a salary

floor, SB 8 ensures that any state pass-through pay raise in the future can be undone by districts that choose to supplant rather than supplement educator salaries. For a state in which average teacher compensation falls substantially below pay for comparable in-state occupations, this provision is clearly counterproductive.

--Lack of sunset date: The provisions of SB 8 relating to furloughs and salary reductions, to the extent they can be justified at all, can only be justified as temporary responses to a state fiscal crisis. The shortfall in state revenue that occasioned this legislation already has substantially abated. An appropriate response would be for the legislature to set a date certain by which these legislative provisions will automatically expire.

HB 1942

Texas AFT strongly supports full implementation of this anti-bullying initiative, which took effect with the start of the 2012-2013 school year. We urge the committee and the Texas Education Agency to make certain that districts are taking the measures called for in HB 1942, which we see as an important contribution to making our schools safe havens for learning for all students.

HB 3/SB 1031

The time is ripe for a thorough reconsideration of the testing fixation that has taken the focus away from real teaching and learning in our classrooms, not just in Texas but across the nation. Parents, students, teachers, superintendents, and concerned citizens agree there's something seriously amiss with the test-driven accountability system.

The problem is largely but not only a matter of the inappropriate use of test results. The system does not focus on the diagnosis of students' difficulties to guide instructional solutions. It focuses the attention of administrators, teachers, and students alike on the narrow goal of test preparation. This relentless focus, driven by punitive use of test results, actually undercuts the intended purpose of lifting all students toward college/career readiness, a purpose on which we all agree.

Recent testimony in the Texas House also calls into question exactly what the state's standardized tests measure. Dr. Walter Stroup, a University of Texas at Austin specialist in mathematics education, contends that they are designed to measure test-taking ability, not subject-matter mastery. Dr. Stroup asserts that the methodology used by test developers to select test questions for Texas students is "insensitive to instruction"—that is, test questions are systematically skewed to reproduce the score distribution achieved by student populations in the past, not to reflect the impact of instruction in the current classroom. Dr. Stroup has said 72 percent of the variance in a student's standardized-test score from one year to the next merely reflects test-taking skills, not the instruction and learning occurring over the school year.

As Dr. Stroup has written previously: "For reform-oriented accountability to work, test scores need to be highly sensitive to what educators do. Instead, we have tests made up

of items selected for their ability to consistently sort students, year in and year out, in the same order relative to a...psychometric 'profile' developed by the testing organizations." We urge this committee to take up the questions raised by Dr. Stroup regarding the design of current state standardized tests.

In closing, we ask you to heed a warning that came last year from the National Research Council at the National Academy of Science. A blue-ribbon NRC committee of education scholars, economists, and scientists concluded that there's no substantial evidence that reliance on testing data for high-stakes decisions improves student outcomes (see http://www.nap.edu/catalog.php?record_id=12521).

One of the scholars involved, behavioral economist Dan Ariely of Duke University, noted that policies should have been piloted but instead have been implemented wholesale with no foundation in good research. He said: "We went ahead, implementing this incredibly expensive and elaborate strategy for changing the education system without creating enough ways to test whether what we are doing is useful or not." He added: "We're relying on some primitive intuition about how to structure the education system without thinking deeply about it....It raises a red flag for education. These policies are treating humans like rats in a maze. We keep thinking about how to reorganize the cheese to get the rats to do what we want. People do so much more than that."

Ultimately, even the best-designed state test should be used to inform, not to eclipse, teaching. We urge you to make this your guiding principle as you consider further changes in the state's testing regime. To that end, Texas AFT will follow up on this testimony with a set of specific recommendations to establish a more effective accountability system.