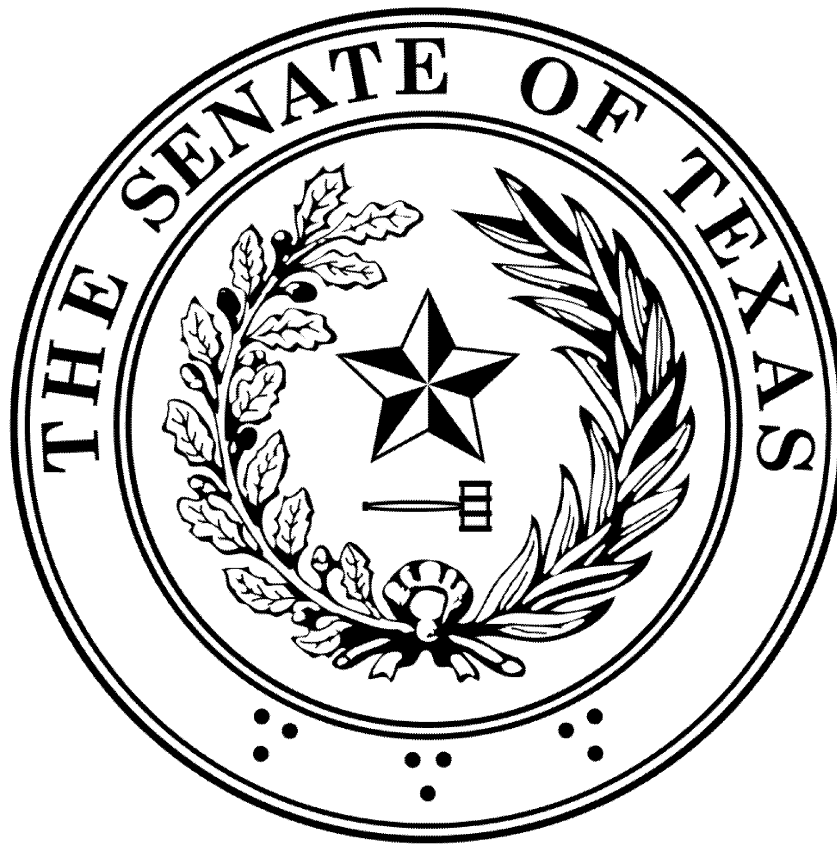


SENATE COMMITTEE ON EDUCATION



**Report to the 83rd Legislature
January 2013**



The Senate of The State of Texas

January 2013

The Honorable David Dewhurst
Lieutenant Governor of the State of Texas
Members of the Texas Senate
P.O. Box 12068
Austin, Texas 78711

Dear Governor Dewhurst and Members of the Texas Senate:

The Senate Committee on Education is pleased to submit its final interim report with recommendations for consideration by the 83rd Legislature in preparation for the regular session.

Respectfully submitted,

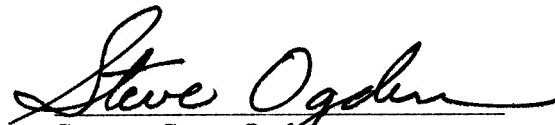


Senator Dan Patrick, Chair



Senator John Carona

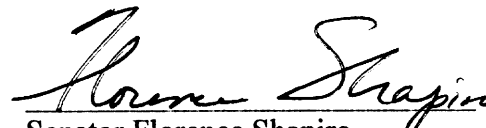
Senator Wendy Davis



Senator Steve Ogden



Senator Kel Seliger



Senator Florence Shapiro

Senator Leticia Van de Putte

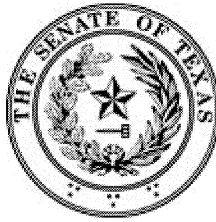
Senator Royce West



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CHARGES TO THE SENATE COMMITTEE ON EDUCATION



1. Study public school management practices, including the use and options for shared services for both academics and operations. Examine the role of Regional Education Service Centers. Specifically, review the types of services being provided and their ability to assist school districts with improving efficiencies.
2. Study educator and principal preparation programs through colleges of education and alternative certification. Make recommendations to improve these programs. Examine strategies to improve recruitment of high-quality teachers. Examine alternative approaches to improving teacher retention. Study the benefits of comprehensive induction and mentoring programs.
3. Study the growing demand for virtual schools in Texas. Review the benefits of virtual schools, related successes in other states, and needed changes to remove barriers to virtual schools.
4. Study the impact of extended learning time on school success. Evaluate the different programs offered, best practices, school implementation, and incentives for building community partnerships that allow a variety of academic and career-related learning opportunities. Examine the effect of after-school programs on academic performance, school attendance, behavior, and promotion to the next grade level, and the relationship between the availability of after-school programs in an area and the high school dropout rate.
5. Study the performance and accountability of charter schools, best practices of high-performing charter schools, and barriers to replication. Review policies and practices for authorizing high-quality charters and closing poor-performing charters. Study the benefits of and costs related to increasing the number of

charters, as well as establishing additional authorization boards to grant new charters.

6. Study the impact of school choice programs in other states on students, parents, and teachers. Explore the use of education tax credits and taxpayer savings grants, and examine potential impacts on state funding.
7. Conduct a comprehensive review of school discipline practices. Specifically, review and make recommendations on:
 - o The effectiveness of Disciplinary Alternative Education Programs (DAEP) and Juvenile Justice Alternative Education Programs (JJAEP) in reducing student involvement in further disciplinary infractions and in promoting positive educational achievement;
 - o Disproportionate school discipline referrals, including suspension, expulsion, and Class C misdemeanor citations;
 - o The issue of "Zero Tolerance" in secondary education school discipline, the use of alternative education campuses, and the barriers to graduation. Also include the role that specialized school police departments play in these systems. Consider the impact on the juvenile justice system and the adult prison system;
 - o The number of students in the conservatorship of the Department of Family and Protective Services (DFPS) referred to juvenile or municipal courts, suspended, expelled, and placed in Disciplinary Alternative Education Programs (DAEP). Examine data-sharing practices between DFPS, TEA, and local education agencies, and make recommendations to increase communication between schools and DFPS to increase educational outcomes for children in foster care;
 - o Evidence based models used for addressing juvenile delinquency prevention that is targeted to non-adjudicated, but at-risk youth, in the school disciplinary system. (Joint Charge with Senate Committee on Criminal Justice)
8. Monitor the implementation of legislation addressed by the Senate Committee on Education, 82nd Legislature, Regular and Called Sessions, and make recommendations for any legislation needed to improve, enhance, and/or complete implementation. Specifically, monitor the following:
 - o SB 6, relating to the establishment of the instructional materials allotment;

- SB 8, relating to the flexibility of the board of trustees of a school district in the management and operation of public schools;
- HB 1942, relating to bullying in public schools;
- The implementation of legislation related to the state's accountability system and other reforms enacted by HB 3, 81st Legislature, Regular Session, and SB 1031, 80th Legislature, Regular Session.

COMMITTEE REPORT

Interim Charge 1

- Study public school management practices, including the use and options for shared services for both academics and operations. Examine the role of Regional Education Service Centers. Specifically, review the types of services being provided and their ability to assist school districts with improving efficiencies.

The Senate Committee on Education held a hearing on July 17, 2012 and received both invited and public testimony on interim charge one. Digital recordings of the hearings along with submitted written materials are available via the committee's website:

<http://www.senate.state.tx.us/75r/senate/commit/c530/c530.htm>

Summary:

In 1967, the Legislature created Regional Education Service Centers (ESC) in 20 regions of the state to serve public school districts. Since that time, statute has been amended to specify that ESCs should assist school districts in improving student performance, efficiency, and in implementing initiatives assigned by the governor and legislature. Over the years, ESCs have evolved to offer services such as professional development, cooperative purchasing, data processing, technology assistance, and communications services.

ESCs cannot levy taxes and do not have bonding authority; rather, they receive funding from federal, state, and local sources. ESCs offer opportunities for efficiencies and services that streamline operations in both rural and urban regions of the state. Combined, the 20 ESCs partner with over 10,000 vendors for a total of over \$900 million worth of goods and services.

ESCs provide services to rural and urban school districts alike; in fact, most school districts regularly use services offered by their regional ESCs. Rural districts, such as Claude ISD, depend upon Region 16 ESC for a number of services, including business and accounting operations and technical assistance. Other districts, like Sharyland ISD, use services in Region 1 ESC to provide for an efficient operation

of the district and help with education programs such as career and technical education and distance learning.

Urban school districts like Austin ISD also make use of education service centers for services such as professional development and educator certification programs. Ultimately, Austin ISD estimates that it saves approximately \$500,000 annually by partnering with Region 13 ESC. Region 13 ESC acts as a liaison between Austin ISD and the Texas Education Agency and provides valuable assistance with Public Education Information Management System (PEIMS).

The Senate Committee on Education studied the variety of public school management policies, and examined the role of Regional Education Service Centers and their role in promoting efficiencies among school districts. The committee makes the following policy recommendations:

Recommendations:

- 1) Encourage ESCs to assist school districts in advancing technology, particularly related to expanded internet services and online testing.
- 2) Encourage the expansion of shared services through ESCs throughout Texas school districts.
- 3) Continue state funding and TEA oversight of ESCs.

Interim Charge 2

- Study educator and principal preparation programs through colleges of education and alternative certification. Make recommendations to improve these programs. Examine strategies to improve recruitment of high-quality teachers. Examine alternative approaches to improving teacher retention. Study the benefits of comprehensive induction and mentoring programs.

The Senate Committee on Education held a hearing on May 18, 2012 and received invited testimony on interim charge two. Digital recordings of the hearings along with submitted written materials are available via the committee's website:

<http://www.senate.state.tx.us/75r/senate/commit/c530/c530.htm>

Summary:

Educator quality is one of the most pressing issues in education today. Teachers are consistently found to be the most influential in-school factor in student success. However, the quality of principal leadership has an important part to play as well. Principals can influence teacher retention, parental engagement, student discipline, and a number of other elements affecting the quality of education students receive. The 82nd Legislative Sessions included in-depth discussions regarding both teacher and principal effectiveness. Senate Bill 1383, which focused on principals, passed. This legislation requires the state to develop leadership standards to serve as a foundation for principal training, evaluation, and professional development. Unfortunately, several other important bills to significantly improve the teaching profession did not pass. Improving the quality and preparation of our educators will continue to be a focus for the legislature.

In its charge to study educator and principal preparation programs, the Senate Committee on Education reviewed best practices in improving preparation programs, as well as effective strategies to improving recruitment and retention of high-quality teachers. The committee makes the following policy recommendations:

Recommendations:

- 1) Fully implement the Accountability System for Educator Preparation (ASEP) and expand the system to include principal preparation programs.
- 2) Ensure policies regarding administrator certification programs match the state's demand for school and district leaders and promotes increased entry/exit standards.
- 3) Examine educator quality issues and develop state policies that include identifying, developing, and retaining effective teachers, as well as effective teacher mentoring policies.
- 4) Continue to monitor the new principal appraisal and professional development system.

Interim Charge 3

- Study the growing demand for virtual schools in Texas. Review the benefits of virtual schools, related successes in other states, and needed changes to remove barriers to virtual schools.

The Senate Committee on Education held a hearing on October 8, 2012 and received both invited and public testimony on interim charge three. Digital recordings of the hearings along with submitted written materials are available via the committee's website:

<http://www.senate.state.tx.us/75r/senate/commit/c530/c530.htm>

Summary:

Currently, virtual learning services are provided to Texas students through the Texas Virtual School Network (TxVSN) via two programs known as "the catalog" and "full time virtual schools" (OLS). The TxVSN central operations, course review, and training of professional staff are managed by Region 10 in partnership with Harris County. The catalog serves grades 8 through 12 and provides students with an opportunity to take courses online. Many of the courses offered supplement a student's graduation plan, enabling them to take courses not offered in their home district or that fit within their schedules. Students participating in the catalog must be physically present on campus. Full-time online schools serve grades 3 through 12 with full curriculum. Students participating in OLS are not required to be physically present on campus. Texas currently has 3 full-time OLS in operation: Texas Connections Academy at Houston, hosted by Houston ISD, Texas Virtual Academy, hosted by ResponsiveEd Solutions charter, and Texarkana ISD.

On average, students take 1 to 2 courses a semester to meet their graduation plan. The most common reasons given by students for accessing the catalog are to accelerate graduation or to access Advanced Placement (AP) and dual credit courses. According to TEA, enrollment in the catalog went up significantly through Spring 2011, but decreased in the Fall 2011 because of the elimination of the TxVSN catalog allotment.

One of the challenges in expanding online learning lies in the fact that much of rural Texas is without adequate access to the internet. Many areas do not have the bandwidth needed to support virtual learning. Additional data is needed to

determine which areas of the state lack the infrastructure to support online learning.

In its charge to examine the demand and best practices of virtual learning, the Senate Committee on Education reviewed current policies and programs, and examined the needs to expanding online learning in Texas. The committee makes the following policy recommendations:

Recommendations:

- 1) Provide broader access for virtual courses offered through public traditional and charter schools.
- 2) Support teacher training and professional development for the integration of technology.
- 3) Evaluate the academic performance and cost-effectiveness of current virtual schools.
- 4) Ensure the commissioner's authority to revoke participation in the TxVSN for full-time online schools that fail to meet academic and financial accountability standards.
- 5) Revise policies to prohibit a full-time virtual school from avoiding sanctions by changing host districts.
- 6) Limit expansion of grades served and students enrolled to those virtual schools where academic and financial accountability standards are met.
- 7) Require traditional public and charter districts to report disaggregated data of students enrolled in the TxVSN course catalog.
- 8) Require online providers to supply students with downloadable content, videos, and simulations for an array of devices to use when students are without access.

Interim Charge 4

- Study the impact of extended learning time on school success. Evaluate the different programs offered, best practices, school implementation, and incentives for building community partnerships that allow a variety of academic and career-related learning opportunities. Examine the effect of after-school programs on academic performance, school attendance, behavior, and promotion to the next grade level, and the relationship between the availability of after-school programs in an area and the high school dropout rate.

The Senate Committee on Education held a hearing on September 13, 2012 and received both invited and public testimony on interim charge four. Digital recordings of the hearings along with submitted written materials are available via the committee's website:

<http://www.senate.state.tx.us/75r/senate/commit/c530/c530.htm>

Summary:

For a number of years, Texas has placed a priority on education policies to prepare students for the twenty-first century workforce. With the technological transformation of the workplace comes a recognition that readiness for college and careers requires today's students to obtain an education that includes teamwork, problem solving, critical thinking, initiative, and self-direction. Trends in school enrollment reveal the rapid rise in the number of students in our state's public schools, and those who enter school behind their peers.

Many school districts throughout the state are engaging in new and innovative strategies to prevent dropouts and promote college and career readiness through extended learning time programs and effective community partnerships. Research and proven results show that many of these programs benefit all students, regardless of their education attainment or background. Evidence-based practices show that those programs which work with students in a recognition of the differences in a student's life in and out of the school setting are best in terms of understanding what influences their learning.

In addition, national research shows a strong connection between the additional hours of learning time and higher achievement in a student's education. Extended

learning programs often offer students the opportunity to engage in hands-on learning and work on educational concepts through projects, games, and activities.

In its charge to examine the impact of extended learning time on student success, the Senate Committee on Education reviewed current programs in a number of school districts, their implementation and results, as well as examining the relationships between the programs and dropout prevention. The committee makes the following policy recommendations:

Recommendations:

- 1) Review Student Success Initiative (SSI) studies to determine if related programs and academies are meeting performance measures.
- 2) Establish a blue ribbon commission or taskforce to study the impact of extended learning time programs on school success, and to evaluate best practices, school models, and incentives for building community partnerships, processes for extensive data collection, analysis, and sharing.
- 3) Develop a mechanism by which best practices are featured on the Best Practices Clearinghouse and through Regional Education Service Centers.
- 4) Increase incentives for collaborations between school districts and local communities and businesses in developing extended learning programs.
- 5) Review the performance measures related to extended learning programs including academic performance, promotion to the next grade, graduation, school attendance, and reduced truancy, behavior, retention, and utilization of technology.

Interim Charge 5

- Study the performance and accountability of charter schools, best practices of high-performing charter schools, and barriers to replication. Review policies and practices for authorizing high-quality charters and closing poor-performing charters. Study the benefits of and costs related to increasing the number of charters, as well as establishing additional authorization boards to grant new charters.

The Senate Committee on Education held a hearing on August 24, 2012 and received both invited and public testimony on interim charge five. Digital recordings of the hearings along with submitted written materials are available via the committee's website:

<http://www.senate.state.tx.us/75r/senate/commit/c530/c530.htm>

Summary:

Texas began authorizing charter schools in 1995 to provide a different education option for students to traditional public schools. As public schools, charters are designed to provide flexibility in education and better serve students' individual needs. Texas has a cap of 215 charters in statute. Currently, Texas has 482 charter campuses serving over 154,000 students, 3% of the total student population. However, 101,000 students remain on waiting lists to enter a charter school.

Many charter schools have adopted a specialized mission, focusing on areas such as college preparatory and dropout recovery. Many charter schools in Texas have proven highly effective and enabled many students to succeed in their education. However, far too many charters have not served their student populations well, as a result of poor financial and/or academic management. As a result, the Texas Education Agency spends a disproportionate amount of time and money in the oversight and sanction of poor-performing charter schools. The state has a vested interest in ensuring students have access to high-quality, highly effective charter schools, while ensuring that those charters not fulfilling their responsibilities are closed quickly.

The State Board of Education (SBOE) has the sole statutory authority in Texas to grant charters. Over the years, the SBOE has refined its application and process to ensure high quality candidates receive charters. However, due to limited staff and resources, few charters are granted in each cycle and the success rate remains mixed.

In its charge to examine charter schools, the Senate Committee on Education reviewed the state's performance with charter schools, and examined best practices of other states in authorizing and closing charter schools. The committee makes the following policy recommendations:

Recommendations:

- 1) Provide a mandate for commissioner to take action regarding a charter holder due to a violation of accountability provisions; financial management; and/or a failure to ensure the safety of students at the school.
- 2) Remove the cap on charter schools.
- 3) Provide a mechanism for high-performing charters to assume control of poor-performing charters.
- 4) Authorize additional entities with training and expertise to serve as charter school authorizers.
- 5) Establish uniform standards and accountability for authorizers based upon proven research and practice.

Interim Charge 6

- Study the impact of school choice programs in other states on students, parents, and teachers. Explore the use of education tax credits and taxpayer savings grants, and examine potential impacts on state funding.

The Senate Committee on Education held a hearing on August 24, 2012 and received both invited and public testimony on interim charge six. Digital recordings of the hearings along with submitted written materials are available via the committee's website:

<http://www.senate.state.tx.us/75r/senate/commit/c530/c530.htm>

Summary:

Across the nation, approximately 212,000 students participate in 34 educational choice programs in 16 states, as well as in the District of Columbia and Douglas County, Colorado. Most of these programs provide students access to public and private schools through opportunity scholarships, scholarship tax credit programs, and special needs scholarship programs. Additional options for choice across a broader range of states include broad access to charter schools, virtual schools, online learning options, and home schools.

In general, education tax credit programs provide businesses with tax credits for making donations to a nonprofit organization. The nonprofit organization then issues the funds to students to pay for education expenses. Opportunity scholarship programs provide students and their families the option of using state funds for the school of their choice, public or private. Special needs scholarship programs are dedicated to providing state funds for special needs students to use at a school of their choice.

Texas students have limited access to charter schools, virtual and online learning courses through the Texas Virtual School Network (TxVSN), and public schools through the Public Education Grant (PEG) program. Each program has a number of legislative caps and barriers which prevents the growth or expansion.

With over 4.9 million students across very diverse regions of the state, Texas would be well served to examine additional high-quality education methods that can meet the state's needs in performance and fiscal issues. In Texas, according to the most recent ratings, 530 campuses were rated as "Unacceptable," affecting 315,095 students. By giving students broader access to innovative educational methods and tools, Texas will ensure a better educated populace for the future.

In its charge, the Senate Committee on Education examined the impact of school choice programs in other states and the fiscal impact of those programs. The committee makes the following policy recommendations:

Recommendations:

- 1) Identify appropriate choice program(s) in Texas to ensure a broad range of educational opportunities for families and fiscal efficiency for the state.
- 2) Expand the Parent Trigger provision in statute to enable a majority of parents in a failing school to turn over school management to a high performing charter or educational management organization.
- 3) Identify and work with appropriate non-profit organizations and philanthropic foundations to provide a network of services for assisting parents and families in finding the best schools for their children.

Interim Charge 7 (Joint Charge with Senate Committee on Criminal Justice)

- Conduct a comprehensive review of school discipline practices. Specifically, review and make recommendations on:
 - The effectiveness of Disciplinary Alternative Education Programs (DAEP) and Juvenile Justice Alternative Education Programs (JJAEP) in reducing student involvement in further disciplinary infractions and in promoting positive educational achievement;
 - Disproportionate school discipline referrals, including suspension, expulsion, and Class C misdemeanor citations;
 - The issue of "Zero Tolerance" in secondary education school discipline, the use of alternative education campuses, and the barriers to graduation. Also include the role that specialized school police departments play in these systems. Consider the impact on the juvenile justice system and the adult prison system;
 - The number of students in the conservatorship of the Department of Family and Protective Services (DFPS) referred to juvenile or municipal courts, suspended, expelled, and placed in Disciplinary Alternative Education Programs (DAEP). Examine data-sharing practices between DFPS, TEA, and local education agencies, and make recommendations to increase communication between schools and DFPS to increase educational outcomes for children in foster care;
 - Evidence based models used for addressing juvenile delinquency prevention that is targeted to non-adjudicated, but at-risk youth, in the school disciplinary system. (Joint Charge with Senate Committee on Criminal Justice)

The Senate Committee on Education held a hearing on October 30, 2012 and received both invited and public testimony on interim charge seven. Digital recordings of the hearings along with submitted written materials are available via the committee's website:

<http://www.senate.state.tx.us/75r/senate/commit/c530/c530.htm>

Summary:

School discipline covers a multitude of issues, influencing student safety and student achievement--both areas of critical concern to lawmakers and the public. By federal and state law, districts must implement Zero Tolerance policies for certain offenses, including possession of a weapon on campus. However, districts

retain wide latitude in development of their local discipline policies. In response to student offenses, schools and districts have several disciplinary options, including in-school or out-of-school suspension, placement in a Disciplinary Alternative Education Program (DAEP), placement in a Juvenile Justice Alternative Education Program (JJAEP), or the issuance of class C misdemeanor tickets. Concerns exist regarding the improper use of disciplinary tools, as well as the disproportionate disciplinary placements of minority and special education students.

In its charge to review school discipline practices, the Senate Committee on Education reviewed school district policies and the use of suspensions, referrals to DAEP and JJAEPs, and examined the practice of issuing tickets to students. The committee makes the following policy recommendations:

Recommendations:

- 1) Encourage the use of preventative and innovative responses to school discipline problems.
- 2) Explore the possible use of blended and virtual learning options to ensure that students attending DAEPs and JJAEPs continue to receive a rigorous education.
- 3) Study the impact of partnerships between schools, courts, and community organizations in reducing school discipline violations.
- 4) Create a statewide transition plan for students re-entering the regular classroom from DAEPs and JJAEPs.
- 5) Require the Texas Education Agency to include data regarding student discipline actions disaggregated by subgroup on campus report cards.
- 6) Examine training requirements of campus law enforcement officers in student behavior management techniques.

Interim Charge 8

- Monitor the implementation of legislation addressed by the Senate Committee on Education, 82nd Legislature, Regular and Called Sessions, and make recommendations for any legislation needed to improve, enhance, and/or complete implementation. Specifically, monitor the following:
 - SB 6, relating to the establishment of the instructional materials allotment;
 - SB 8, relating to the flexibility of the board of trustees of a school district in the management and operation of public schools;
 - HB 1942, relating to bullying in public schools;
 - The implementation of legislation related to the state's accountability system and other reforms enacted by HB 3, 81st Legislature, Regular Session, and SB 1031, 80th Legislature, Regular Session.

The Senate Committee on Education held a hearing on October 30, 2012 and received both invited and public testimony on interim charge eight. Digital recordings of the hearings along with submitted written materials are available via the committee's website:

<http://www.senate.state.tx.us/75r/senate/commit/c530/c530.htm>

Summary:

During the 82nd Legislative sessions, several key education bills were passed. With fiscal issues at the forefront of discussions, flexibility and local control over operations were of great concern for school districts. Several key pieces of legislation provided districts with additional flexibility to operate more efficiently. Senate Bill 8 enhances local control over management practices and provides tools necessary for districts to operate more effectively. Additionally, Senate Bill 6 modifies the instructional materials process, providing greater flexibility to districts. Districts receive a per-student allotment to purchase instructional materials, which now includes both curricular materials as well as instructional technology.

The 82nd Legislature also examined the issue of bullying in response to the public concern at the local and national levels. House Bill 1942, a comprehensive anti-bullying bill, was passed. This bill requires school districts to develop local

policies regarding bullying, adds language to current statute to include cyber- or electronic-based bullying, and ensures educators are prepared in prevention and identification strategies.

Lastly, since the passage of Senate Bill 1031 in 2007, Texas has focused on a series of education initiatives aimed at improving the academic preparation of our students to ensure a more competitive future for Texas and its graduates. As a result, the state created a new assessment and accountability system known as the State of Texas Assessment of Academic Readiness (STAAR). These efforts established Texas as a national leader on college and career readiness issues. As STAAR is rolled out, it is important to monitor the system and ensure it is successfully implemented.

In its charge to review certain important pieces of legislation, the Senate Committee on Education examined the implementation of laws dealing with the Instructional Materials Allotment (SB 6), district flexibility (SB 8), bullying (HB 1942), and the accountability system (HB 1). The committee makes the following policy recommendations:

Recommendations:

- 1) Protect the current accountability system and maintain high expectations for student success and implementing policies to ensure a more efficient and economical system.
- 2) Allow for more transparent scoring on state assessments that is easy to comprehend and communicate to students, parents, and teachers.
- 3) Revise the parent trigger statute to reduce the number of years of unsatisfactory performance required before its use.
- 4) Continue the Instructional Materials Allotment as enacted in 2011.
- 5) Continue to monitor the implementation of HB 1942 related to bullying and SB 1489 related to truancy.

Letters from Members



SENATOR KEL SELIGER

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December 11, 2012

Senator Dan Patrick, Chair
Senate Education Committee
P.O. Box 12068
Austin, Texas 78711-2068

Dear Chairman Patrick:

Congratulations on your appointment as Chairman of the Senate Education Committee. I appreciate the hard work that went into writing the Committee's Interim Report to the 83rd Legislature.

Over the past year, I was pleased to participate in public hearings as the Committee studied various issues that have major implications on the future of public education in this state. I am pleased to sign the report, which includes many sound recommendations that I believe would improve public education; however, my signature does not necessarily indicate an endorsement of all of the recommendations included in the report. With that said, I look forward to working with you on these and other issues during the upcoming session.

Again, thank you to you and your staff for your efforts regarding public education. I appreciate your consideration of the inclusion of this letter as an addendum to the interim report.

Sincerely,

A handwritten signature in black ink that reads "Kel Seliger". The signature is fluid and cursive, with the first letters of "Kel" and "Seliger" being capitalized and prominent.

Kel Seliger