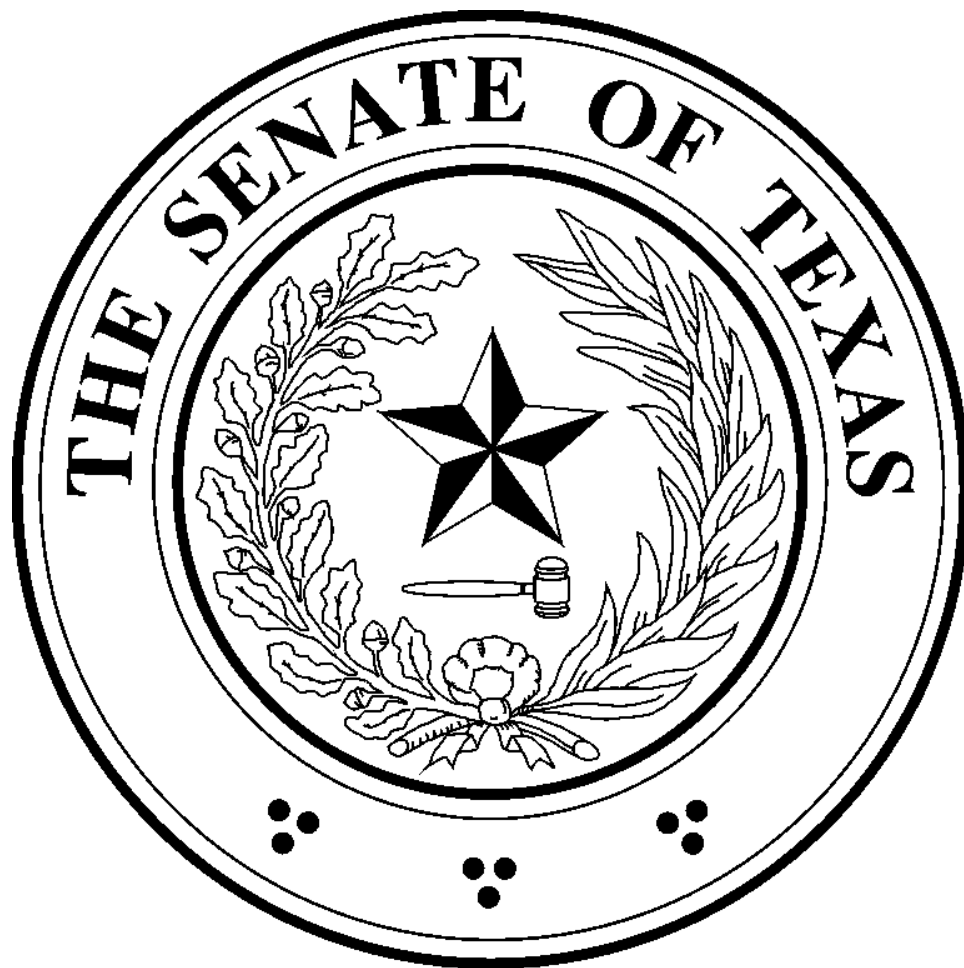


Senate Committee on Education



Report to the 87th Legislature
December 2020

December 28, 2020

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

Dear Governor Patrick 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 87th Legislature in preparation for the regular session.

Respectfully submitted,



Senator Larry Taylor, Chair



Senator Eddie Lucio, Vice-Chair



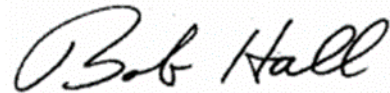
Senator Paul Bettencourt



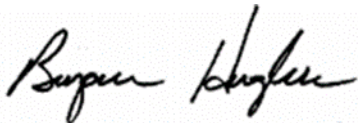
Senator Donna Campbell



Senator Pat Fallon



Senator Bob Hall



Senator Bryan Hughes



Senator Angela Paxton



Senator Beverly Powell



Senator Royce West



Senator Judith Zaffirini

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CHARGES TO THE SENATE COMMITTEE ON EDUCATION



Interim Charges Related to COVID-19 Response

1. Examine best practices by school districts and charters in providing education during the COVID-19 pandemic, including methods of delivery for education. Highlight the best practice responses to challenges such as a lack of electronic devices and broadband/internet connection, as well as methods utilized to ensure students maintain growth throughout the academic year.

Interim Charges

1. **Teacher Workforce:** Examine best practice models to recruit, prepare, and retain highly effective teachers. In particular, focus on methods to train and prepare educators for teaching through virtual, in-person, or a blend of methods.
2. **Adult Education:** Identify and evaluate current innovative programs that assist non-traditional students (first-time adult learners, re-enrolling students, working adults, and educationally disadvantaged students) in completing a high school diploma, General Education Development (GED), post-secondary degree, or workforce credential, including a review of adult education charter schools and their performance framework. Make recommendations to help successful expansion with partnered business and education entities.
3. **Digital Learning:** Assess the Texas Virtual School Network and the new Texas Home Learning System to evaluate effectiveness of each and recommend model legislation to improve digital learning options for students, families, and educators.
4. **Special Education:** Evaluate ongoing strategies to continuously improve special education services for students in public schools, including methods for educating students in a remote setting, as well as the Texas Education Agency's corrective action plan.
5. **Monitoring:** Monitor the implementation of legislation addressed by the Senate Committee on Education passed by the 86th Legislature, as well as relevant agencies and programs under the Committee's jurisdiction. Specifically, make recommendations for any legislation needed to improve, enhance, or complete implementation of the following:
 - a. House Bill 3, relating to public school finance and public education.

- b. House Bill 3906, relating to the assessment of public school students, including the development and administration of assessment instruments, and technology permitted for use by students.

INTERIM CHARGE RELATED TO COVID-19

Examine best practices by school districts and charters in providing education during the COVID-19 pandemic, including methods of delivery for education. Highlight the best practice responses to challenges such as a lack of electronic devices and broadband/internet connection, as well as methods utilized to ensure students maintain growth throughout the academic year.

The Senate Committee on Education (Committee) held a hearing on November 13, 2020, and received invited testimony on its COVID-19 charge. A digital recording of the hearing is available via the Committee's website.

The hearing included invited testimony from the following individuals:

- Mike Morath, Commissioner, Texas Education Agency
- Dr. Michael McFarland, Superintendent, Crowley Independent School District
- Andrew Kim, Superintendent, Comal Independent School District
- Eddie Conger, Superintendent, International Leadership of Texas

SUMMARY:

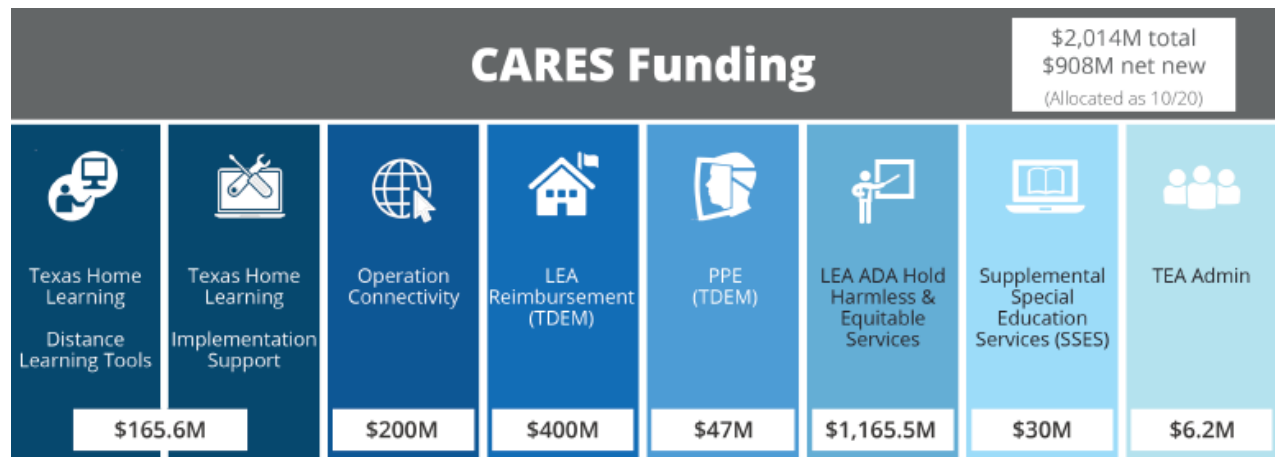
Commissioner Morath's testimony focused on Texas Education Agency (TEA) response, and action taken by the state in response to COVID-19. He highlighted several areas including:

- Public health guidance through the Governor's Strike Force to Open Texas
- Joint COVID-19 testing program through TEA/Texas Department of Emergency Management (TDEM)/Department of State Health Services (DSHS)
- Joint public school case tracking between TEA and DSHS
- Flexible school funding for remote and hybrid students
- Over 350 pieces of guidance for districts posted by TEA
- Personal Protective Equipment supports for all school systems
- Meal finder
- Public health campaign
- Remote speech therapy
- Operation Connectivity
- Free online Learning Management System for school districts
- Optional beginning of year assessments
- Supplemental special educational services
- Intersessional calendar supports
- Texas Home Learning
- Remote instruction framework

Commissioner Morath also noted the grade promotion requirement related to State of Texas Assessments of Academic Readiness (STAAR) testing for the 2020-21 school year has been waived, and the STAAR online testing windows have been extended up to five weeks to allow districts greater flexibility in scheduling.

Coronavirus Aid, Relief, and Economic (CARES) Act Funding

TEA highlighted state education support through federal appropriation:



Two reimbursement programs have been authorized by Governor Abbott to reimburse local educational agencies (LEAs) for certain expenditures made during the COVID-19 pandemic:

- The Operation Connectivity Prior Purchase Reimbursement Program (PPRP) provides reimbursement funding to eligible LEAs for technology-related purchases made to serve students and staff during the COVID-19 pandemic.
- The Coronavirus Relief Fund Operation Connectivity Bulk-Purchase Local Match Reimbursement Program (LMRP) provides reimbursement funding to eligible LEAs to facilitate distance learning. This would include technological improvements, in connection with school closings to enable compliance with COVID-19 precautions and for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures.

Connectivity

Commissioner Morath provided an update on Operation Connectivity highlighting that, on aggregate, the device gap in the state has been closed. In March 2020 the estimated device gap in the state was roughly 1.6 million students, and the estimated connectivity gap was roughly 1.9 million students. Since that time, LEAs and the state have purchased 2.5 million individual learning devices, including 1.7 million purchased between March 1 - July 21, and an additional 700,000 through TEA bulk order matching funds. Although enough devices have been purchased, individual LEAs could still have a gap. In addition, 700,000 hotspots have been

purchased to help narrow the gap in student connectivity. However, an estimated connectivity gap of 1.2 million students remain.

Remote Instruction

Asynchronous instruction, involves far more self-guided student instruction and it is defined as a curricular experience where students engage in the learning materials on their own time, interacting intermittently with the teacher via the computer or other electronic devices or over the phone. The instruction must cover the required curriculum per TEC, §28.002; open eligibility for all grades; and be graded with school grading policies that are consistent with those used before COVID-19 for on-campus assignments. In addition, school districts and charters must submit a plan to TEA for approval to generate funding for asynchronous instruction, although not necessarily before the start of school.

Commissioner Morath reiterated that TEA has used emergency rulemaking to temporarily fund remote instruction for school year 2021, and he also recommended that the legislature will need to craft the permanent posture of the state of Texas for remote instruction funding.

As of October 30, 2020, 2,873,693 students were receiving instruction on campus; 379,445 students were receiving instruction through the remote synchronous method (requires all students to be present virtually); and 2,084,036 students were being instructed through the remote asynchronous method (does not require all students to be present virtually).

Addressing Learning Loss

Commissioner Morath also noted the grade promotion requirement related to STAAR testing for the 2020-21 school year has been waived, and the STAAR online testing windows have been extended up to five weeks to allow districts greater flexibility in scheduling.

In order to measure COVID-19 related learning loss the state will need to continue to administer a strong assessment framework. While STAAR is part of this framework, the Commissioner highlighted several other aspects crucial to student success, including beginning-of-year, interim, and formative assessments. TEA provided a free beginning-of-year assessment to LEAs at the beginning of the 2020-2021 school year.

Based on these assessments, the Commissioner asked the Committee to consider three key aspects to addressing learning loss:

- Rigorous instructional materials designed to make up ground, and designed to work remotely and on campus.
- Increase dedicated support for teachers who are equipped to deliver excellence, getting more than one year of growth in a single academic school year.
- More instruction time for the students most in need, including in the summer.

Dr. Michael McFarland, Superintendent, Crowley Independent School District, testified that Crowley ISD had a 1:1 student-to-device ratio from 9th to 12th grade, but made the decision in March 2020 to redistribute these devices to each household for all grades. Having one device in a home with multiple students creates a burden for the family. In addition to the device, many

families did not have adequate internet bandwidth or connectivity necessary to succeed. Dr. McFarland noted the district continues to make significant financial investments to ensure students have access to learning, and every student currently has a device.

Dr. McFarland offered four key areas in addressing student needs:

- Educational time is crucial to preventing learning loss, and technology can be used to increase the educational time for each student.
- Increase professional development through current virtual environment.
- Ensuring resources are aligned with classroom curriculum, including assessments.
- Ensure the instruction is rigorous and relevant.

Dr. McFarland closed by noting potential recurring costs in addressing COVID-19, including ongoing device leases, the increasing scope of work for school nurses, and an ongoing shortage of substitute teachers.

In response to Senator Powell's question concerning reports of students not returning to schools for various reasons, Dr. McFarland estimated around 10% of students are either not completing assignments or are not present in school. He said there is an ongoing effort to make contact with these students and parents to establish attendance barriers.

Andrew Kim, Superintendent, Comal Independent School District, testified that when Comal ISD resumed classes on August 25, 2020, 75% of students returned to on-campus instruction, and that since then, that number has since increased to around 80%. He noted that teachers have become more innovative in the classroom, students have generally been compliant with health mandates, the district has had to revamp their use of technology, and bilingual and dual language programs have more buy-in through the use of technology.

Regarding challenges the district is facing, Mr. Kim is concerned with low participation rates among students engaging in the virtual environment, particularly at the elementary level.

Mr. Kim offered the following recommendations to the legislature:

- More cross content certification opportunities for teachers.
- Asynchronous foreign language opportunities for all students, particularly at the lower levels.
- Increase focus on blended learning.
- Give districts the option to develop their own virtual schools.
- Continued flexibility to provide professional development for teachers.

Eddie Conger, Superintendent, International Leadership of Texas (ILT), testified that ILT used 5 days of instruction, in which students logged on to educational software to transition to an online platform. On the 6th day of instruction, students resumed classes virtually with their teachers. Mr. Conger testified the funding stability offered by TEA was crucial to the school and to his staff. The flexibility provided by the state allowed the school to stay in operation during the pandemic.

Mr. Conger noted that students who have returned to campus are doing significantly better than students who are not on campus. Mr. Conger stated ILT is counseling those remote students, and strongly advising them and their families to return to the physical classroom. Mr. Conger outlined campus safety procedures, and stated that around 1.5% of students have tested positive for COVID-19. He feels confident that through mitigation processes, he has had 0 students infected by a classmate. Mr. Conger encouraged the legislature to provide funding certainty to LEAs to prevent teachers leaving the profession.

Recommendations

Regarding its interim charge on COVID-19 best practices, the Committee makes the following policy recommendations:

- Explore methods to offer increased hours of instruction for students adversely affected by school closures and distance education related learning loss.
- Review methods TEA has used to create stability in funding to districts while allowing districts the flexibility to adapt to rapidly changing circumstances. Consider legislation to codify temporary measures.
- Review seat-time funding requirements currently in place for districts offering distance education options, to include and accommodate for hybrid models that share instruction time between the brick and mortar classroom and an online setting.
- Expand the training and technical support for teachers and educators as the digital education landscape continues to grow.

INTERIM CHARGE I

Teacher Workforce: Examine best practice models to recruit, prepare, and retain highly effective teachers. In particular, focus on methods to train and prepare educators for teaching through virtual, in-person, or a blend of methods.

The Senate Committee on Education (Committee) held a hearing on October 14, 2020, and received invited testimony on its teacher workforce charge. A digital recording of the hearing is available via the Committee's website.

The hearing included invited testimony from the following individuals:

- Holly Eaton, Texas Classroom Teachers Association
- Tim Miller, Raise Your Hand Texas
- Monty Exter, Association of Texas Professional Educators
- Dr. Diann Huber, Ed.D., President and Founder, iTeach
- Dave Saba, Chief Development Officer, Teachers of Tomorrow
- Dr. Stacey Edmonson, Ed.D., Dean of the College of Education Sam Houston State University
- Dr. Glenda Ballard, Ed.D. Dean for the School of Human Development and Education, St. Edward's University
- Kelvey Oeser, Deputy Commissioner Educator and System Support, Texas Education Agency

SUMMARY:

Kelvey Oeser, Deputy Commissioner of Educator and System Support, Texas Education Agency (TEA) noted recent legislation that impacts teacher recruitment and retention, mentioning the strategic compensation and across the board compensation increases in House Bill 3 (86R). She also mentioned "Grow Your Own" initiatives focused on recruiting teachers likely to stay in their communities, increasing standards of certification exams through the science of teaching reading, supporting research based mentorship programs, and investment in ongoing professional development through lesson study and reading academies.

TEA has provided three "excellence in remote instruction" trainings open to school leaders across the state, with over 5,000 participating. Modules included: Introduction to Remote Learning; Driving Remote Instruction Quality and Improvement; and Building Staff Capacity Remotely. TEA also provides free high-quality, virtual professional learning to all Texas educators called "Teach Like a Champion" (TLAC), that is based on research backed teaching techniques and utilizes practice based delivery methods in which a teacher views different techniques in action, practices the techniques, and then uploads video of their practice to an instructional coach for feedback. Ms. Oeser highlighted Reading Academies that provide online teacher training modules on evidence-based literacy instruction to teachers across the state. Over 23,000 Texas teachers are currently participating in reading academies in a face-to-face or virtual format.

Using STAAR data, Ms. Oeser notes that new teachers experience a steep learning curve in their first five years in the classroom, and make up more than 35% of the teaching force. This disproportionately affects students of color and low-income students, as they are more likely to have less experienced teachers. High-quality teacher residency programs could significantly shift the learning curve for new teachers, ensure teachers are well prepared for their first day in the classroom, and benefit thousands of students in new teacher classrooms.

Tim Miller- Raise Your Hand Texas, Holly Eaton- Texas Classroom Teachers Association, and Monty Exter- Association of Texas Professional Educators, began testimony on behalf of the Texas teacher workforce workgroup convened by the Lieutenant Governor's office. This workgroup was formed in response to the Senate Committee on Education's interim charge to review existing teacher continuing education requirements, professional development and training for teachers, and examine whether they are appropriate, should be reduced, eliminated, or increased to improve student academic outcomes.

The workgroup worked over a period of seven months to identify recommendations that established meaningful teacher training requirements, enabling educators to more freely select training opportunities to improve their craft. Members in the workgroup included representatives from:

- Raise Your Hand Texas
- Texas American Federation of Teachers
- Texas Association of School Administrators
- Texas Classroom Teachers Association
- Texas Public Policy Foundation
- Texas District Charter Alliance
- Texas Association of Secondary School Principals
- Teach For America
- Texas Elementary Principals and Supervisors Association
- Texas Association of School Boards
- Association of Texas Professional Educators
- Teach Plus
- Texas Public Charter School Association

The Texas teacher workforce workgroup [report](#) offered 31 unanimous recommendations to the legislature falling into six categories:

- Creating a training requirement clearinghouse with recommendations for best practices and frequencies
- Empowering local school boards
- Distinguishing difference between Certificate Renewal and Professional Development
- Streamlining and minimizing duplication of training
- Consolidating where needed
- Record-keeping and reporting

Diann Huber, Ed.D., President and Founder, iTeach, testified to the services offered by iTeach in response to the pandemic, and the quick pivot to online learning. Dr. Huber suggested the legislature make the virtual teacher preparation observations, permitted by the State Board of Educator Certification (SBEC) during the pandemic, permanent. Dr. Huber testified that video observation allows for greater review of instructional practices, and will benefit educators following the COVID-19 pandemic.

Dave Saba, Chief Development Officer, Teachers of Tomorrow, testified that COVID-19 bolstered interest in the teaching profession due to increased teacher retirements and layoffs in the private sector. Teachers of Tomorrow's new courses are created and provided to educate new teachers on blended learning best practices. These programs are updated regularly to incorporate new technology and innovation in the teaching field. Mr. Saba added that 3,282 virtual field observations have been completed this school year by his organization.

Stacey Edmonson, Ed.D., Dean of the College of Education at Sam Houston State University, testified that health and safety guidelines established due to COVID-19 prevented her program from satisfying many rules and statutory requirements for teacher certification. The unanticipated disruption of field experiences resulting from school closures meant that program requirements, specifically the number and type of hours spent in K-12, could not be fulfilled. Additionally, candidates needing to take certification exams did not have access to testing centers, and computer based testing was not permitted.

Dr. Edmonson testified that working with the TEA is necessary for adapting expectations and rule requirements that best meet the changing context and demands for high quality teacher preparation. While many obstacles are overcome through this collaborative approach, some barriers remain such as ensuring access to K-12 schools for field experiences for candidates. Dr. Edmonson detailed how her program is preparing teachers for the virtual environment such as simulated environments for virtual teaching, developing libraries of videos of examples of high quality teaching in virtual environments, virtual reality sessions to simulate the in-person classroom setting, and shadowing mentor teachers as they pivot to virtual settings.

Recommendations

Regarding its interim charge on the teaching workforce, the Committee makes the following policy recommendations:

- Review existing teacher training, professional development, and continued education as noted by the [Texas teacher workforce workgroup](#), and examine whether they are appropriate, should be reduced, eliminated or increased to improve student academic outcomes.
- Continue programs offered through HB 3 that increase teacher compensation and provide incentives for high-performing teachers to stay in the classroom.
- Review and continue programs currently offered by TEA to offer professional development regarding education in a distance learning environment.

- Review temporary actions taken by SBEC regarding virtual teaching observations and consider legislation to make these permanent.
- Review temporary actions taken by TEA to assist and accommodate high quality teacher preparation programs and consider legislation to make these permanent.

INTERIM CHARGE 2

Adult Education: Identify and evaluate current innovative programs that assist non-traditional students (first-time adult learners, re-enrolling students, working adults, and educationally disadvantaged students) in completing a high school diploma, GED, post-secondary degree, or workforce credential, including a review of adult education charter schools and their performance framework. Make recommendations to help successful expansion with partnered business and education entities.

The Senate Committee on Education (Committee) held a hearing on October 14, 2020, and received invited testimony on its adult education charge. A digital recording of the hearing is available via the Committee's website.

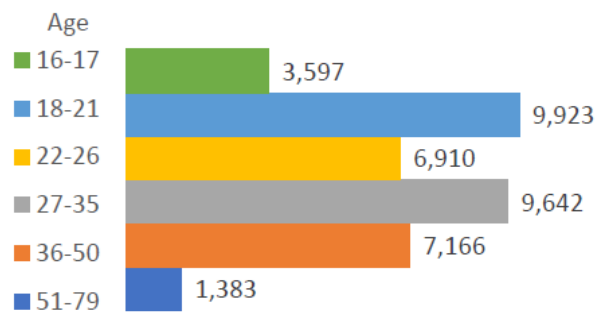
The hearing included invited testimony from the following individuals:

- Traci Berry, Superintendent of Schools at The Goodwill Excel Center
- Kristina Hartman, Superintendent for the Windham School District
- Joe Siedlecki, Associate Commissioner System Support - Adult Education, Texas Education Agency
- Debbie Middleton, MS, Senior Coordinator, San Antonio College-Empowerment Center
- Kareema Ali, Student at The Goodwill Excel Center

SUMMARY:

Joe Siedlecki, Associate Commissioner System Support - Adult Education, Texas Education Agency (TEA) began testimony by providing an overview of adult education in Texas. Students over 18 can earn a high school diploma or a Texas Certificate of High School Equivalency (TxCHSE). Students earning an accredited diploma have standards, curriculum, and graduation requirements set by the Texas State Board of Education (SBOE), and if they first enrolled in ninth grade during or after the 2011-2012 school year they must pass End-of-Course exams. Students attempting to earn a TxCHSE must be a resident of Texas who has not graduated from an accredited high school, and is eligible to take the high school equivalency test if they are 18 years of age or older. Individuals lacking an accredited high school diploma can earn a TxCHSE by passing either the General Educational Development exams (GED) or High School Equivalency (HiSET) tests. The GED consists of four computer-based tests, while the HiSET consists of five tests that can be taken on computer and/or paper. Tests can be taken in either English, Spanish, or a combination, and average cost for a battery of tests is \$141.00.

Number of 2019 Test takers by Age



	# of Test Takers	# of Completers	# of Passers	Pass Rate
Calendar Year 2019	Number of test takers that took at least one test in a series	Number of test takers that completed all tests in a series	Number of test takers that completed and passed all tests to earn a certificate	Number of Passers / Number of Completers
Total	38,537	24,161	18,648	77.18%
Institutional *	10,634	6,319	4,924	77.90%

*Includes Texas Department of Criminal Justice, county jails, private correctional facilities and juvenile programs

Senate Bill (SB) 1142 by the 83rd Legislature established a pilot program to fulfill community and workforce development needs in the state of Texas. The pilot allowed participation of students 18-50 years old, enabled successful completion of a high school program leading to diplomas and industry certifications, and removed the statutory maximum enrollment. Allowable enrollment for students 26-50 years old is effectively set by the biennial funding amount in the General Appropriations Act, and enrollment for students 18-25 is funded through the Foundation School Program (FSP). The program was made permanent by the Legislature in 2017.

SB 1142 creating the adult education pilot program specified that an eligible non-profit entity must demonstrate a successful history of serving an older student demographic and commit at least \$1 million to the program. In addition, the education commissioner was directed to approve and grant an open-enrollment charter school based on an application submitted by a single, non-profit entity. TEA was directed to create a performance framework containing performance data in order to evaluate the performance of the charter school.

Mr. Siedlecki highlighted Goodwill Industries of Central Texas as the single entity awarded the adult education charter as part of the Adult Education Pilot program. Named the Goodwill Excel Center, the school provides education to students up to the age of 50, and the mission-specific charter began serving adult students in the 2014-15 school year. Goodwill Industries of Central Texas also applied for an open-enrollment charter and began serving 17-25-year-old students in the 2015-16 school year. Goodwill surrendered their open-enrollment charter serving youth (under 18) at the end of the 2019 school year, as they felt the current accountability system did not accurately capture the circumstances of these learners.

As required by statute, the Excel Center must deliver 75%+ of instruction in person, provide child-care for students with young children, life coaching and mental health counseling, and offer instructional supports for students with identified disabilities.

Excel provides innovations that go beyond statutory requirements, including transportation vouchers for students, flexible scheduling- including eight week accelerated sessions, and enrollment support for Austin Community College and industry credential programs. Enrollment in Excel's adult programs has risen from 132 in 2014-2015 to 706 in 2019-2020.

The Goodwill Excel Center:

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Adult Education Charter School						
Ages 18-25 Enrollment	46	0	0	1	169	305*
ADA	31.684	0	0	0	85.276	152.715
FSP Funding	\$293,522	\$0	\$0	\$0	\$830,340	\$1,749,553
Ages 26-50 Enrollment	86	147	148	195	213	401
ADA	66.613	91.797	88.249	87.441	124.486	271.941
Rider Funding	\$589,747	\$847,600	\$747,652	\$876,989	\$1,183,752	\$2,755,266
Total Enrollment	132	147	148	196	382	706
Total ADA	98.297	91.797	88.249	87.441	209.762	424.656
Total Funding	\$883,269	\$847,600	\$747,652	\$876,989	\$2,014,092	\$4,504,819

**2019-2020 includes four (4) 17-year-olds
Separate Funding Sources: FSP funding for Age 18-25 and Rider funding for Age 26-50*

TEA is currently refining the adult-ed-specific charter school performance framework. The rating will be consistent with current charter school accountability framework, consisting of 70% academic rating, 20% financial rating, 10% operations and compliance rating. Mr. Siedlecki noted accountability will be different than traditional charters on STAAR cut scores, graduation rates, and enrollment rates at institutions of higher education or industry based credentialing programs.

Mr. Siedlecki also highlighted other adult education programs in the state including Brownsville Independent School District's Learning Academy High School and Pharr-San Juan-Alamo's Pathways Toward Independence Program.

Traci Berry, Superintendent of Schools at The Goodwill Excel Center testified that Excel Center accepts all students regardless of circumstance who have been disconnected from education, and that on average Excel students have been disconnected from school for 13 years. Ms. Berry noted that TEA data may be incomplete as it is a singular snapshot in a moment of time, and does not accurately represent the work of the Excel Center or account for individual students who migrate in and out of 8-week accelerated terms. She stated actual enrollment is closer to 1,300 students, and enrollment is often staggered based on the scheduling needs of the student.

Ms. Berry testified the Excel Center has 898 graduates to date, and of those: 31% are enrolled in college, 43% have completed vocational training, and earn around a \$7 an hour increase in wages. She further noted 30% of Texans over 25 years old without a high school diploma live in poverty, 62% of people incarcerated do not have a high school diploma, and cited findings of Princeton University research indicating a net taxpayer benefit of \$127,000 when converting a high school drop-out to a high school graduate.

Ms. Berry noted that, due to its funding mechanism, Excel Center was the only public school that has received a funding cut this fiscal year. She asked for a new funding model for adult education that allows for planning stability beyond a two-year appropriation by the legislature.

Kareema Ali, Student at The Goodwill Excel Center, testified to the importance of the Excel Center in helping her earn a high school diploma, professional certifications, and to enroll at Austin Community College.

Kristina Hartman, Superintendent for the Windham School District (WSD) addressed the adult education opportunities provided to eligible incarcerated individuals within the Texas Department of Criminal Justice (TDCJ). Adult learners at Windham are generally targets for the high school equivalency program. However, when the circumstances permit, based on length of sentence and age of the student, they do offer a standard high school diploma option. On October 5, 2020, Windham launched its first high school diploma program, the Matthew Gaines High School.

WSD offers Title 1 services to eligible students and has an equity and inclusion specialist to focus on additional interventions for older adult students. WSD's workforce section within the Career and Technical Education department places special emphasis on students who need additional assistance during and following incarceration. In school year 2019, 33,695 third party industry certificates were issued to Windham students. WSD partners with employers to support post-release employment. Partners are invited to visit WSD programs and have access to view photos, benchmarks, and videos of students engaged in training. Ms. Hartman noted this has supported removing perception barriers associated with adult education and incarcerated students. WSD has a Memorandum of Understanding in place with TDCJ, Texas Department of Licensing and Regulation, and Texas Workforce Commission to address occupational licensing barriers, issues with identifying student employment in the field in which they were trained and collaboration to support student success.

Ms. Hartman highlighted WSD's life skills programs, which are cognitive behavioral programs that address criminal thinking, communication skills, substance abuse education, and reentry programs. The Family Literacy Program offers eligible incarcerated parents opportunities to be supportive partners in the education of their children, both virtually and through visitation.

Debbie Middleton, MS, Senior Coordinator, San Antonio College-Empowerment Center, highlighted the Seguir Adelante Adult Learning Academy which serves non-traditional students and offers services including pre-college readiness, academic advisement for first-time college students, and High School Equivalency (HSE) programs. The High School Equivalency component includes a GED-to-college transition program, a dual enrollment program, and the Train for Jobs SA program. The Train For Jobs SA program is done in conjunction with City of San Antonio to train and place students in high needs positions. Seguir Adelante Adult Learning Academy has a 79% completion rate, an 89% HSE passage rate, and a 67% college enrollment rate for students who complete the program.

Seguir Adelante leverages local funding sources to deliver services. San Antonio Independent School District provides in-kind GED instruction (instructors and customized curriculum development at no cost to the program), San Antonio College provides institutional funds for staffing, equipment, technology, and the City of San Antonio offers grant funding for supportive services including testing vouchers and school supplies.

Ms. Middleton suggested that Texas adopt a dual credit policy for adult education to allow adult learners to earn up to 24 credit hours simultaneously with their HSE enrollment.

Recommendations

Regarding its interim charge on adult education, the Committee makes the following policy recommendations:

- Explore models to provide permanent and stable funding for adult education high schools, including models that are based on enrollment funding in conjunction with performance-based completion models.
- Explore adult education models that maximize dual enrollment options for adult learners.
- Consider legislation addressing adult education accountability models.

INTERIM CHARGE 3

Digital Learning: Assess the Texas Virtual School Network and the new Texas Home Learning System to evaluate effectiveness of each and recommend model legislation to improve digital learning options for students, families, and educators.

The Senate Committee on Education (Committee) held a hearing on November 13, 2020, and received invited testimony on its digital learning charge. A digital recording of the hearing is available via the committee's website.

The hearing included invited testimony from the following individuals:

- Monica Martinez, Associate Commissioner-Standards and Support Services, Texas Education Agency
- Dr. Michael Hinojosa, Superintendent, Dallas Independent School District
- Dr. Chris Bigenho, Director of the Virtual Learning Academy, Lewisville Independent School District
- Hector Madrigal, Superintendent, Karnes City Independent School District
- Tiffany Carey, Director of Innovative Learning, Frisco Independent School District

SUMMARY:

Dr. Michael Hinojosa, Superintendent of Dallas Independent School District (ISD), opened testimony by recognizing the lack of preparedness many districts faced while rapidly implementing digital and distance instruction on a large scale with the emergence of the pandemic, the lack of connectivity within his district, and his belief that the school finance system as it exists does not adequately address online learning models. Dr. Hinojosa testified that Dallas ISD has invested significant time and resources in the preceding nine months to train educators to use the online tools necessary for distance instruction. He noted significant improvements in instruction delivery as a result, and added that some students perform well with this kind of instruction.

Dr. Hinojosa highlighted significant obstacles Dallas ISD has to overcome to deliver high quality digital and remote instruction, including: obtaining waivers from the Texas Education Agency (TEA) Commissioner, as well as burdensome online instruction documentation requirements. He then stated his belief that all online instruction should be delivered by certified teachers. Dallas ISD has been refining and implementing a model to provide high quality digital instruction to some students, and Dr. Hinojosa emphasized this must be done voluntarily by parents, and that his district wishes to only provide these services to students solely within the district.

Dallas ISD had been developing a hybrid virtual and in-person instruction before the pandemic. In 2019, the Dallas ISD school board approved the creation of a choice virtual school. Created in conjunction with Apple Inc., instruction would be delivered in-person two days a week and

virtually three days a week. Due to Texas seat time requirements to receive state funding, Dr. Hinojosa applied for a waiver to the Commissioner that was neither granted nor rejected. Dr. Hinojosa stated Dallas ISD would proceed with the opening of this campus regardless of state funding in August of 2021.

Texas Virtual Schools Network

The testimony of Monica Martinez, Associate Commissioner-Standards and Support Services, TEA, focused primarily on the Texas Virtual School Network (TXVSN) as it currently exists.

TXVSN has two distinct components: a statewide catalogue of supplemental online courses for credit toward high school graduation, and a 100% virtual full-time Online Schools (OLS) program that serves eligible public-school students in grades three through high school who reside anywhere in Texas.

The statewide catalogue offers high-quality online courses that are interactive, and led by teachers that are state-certified, appropriately credentialed, and trained in effective online instruction. The statewide catalogue only provides individual high school courses where students remain enrolled in their home district or charter school (TXVSN receiver district) and are funded for in-person attendance at that home district. The home district reimburses the TXVSN course provider per student per course completion and the TXVSN teacher serves as the teacher of record.

The TXVSN OLS program provides access to complete educational programs that are high quality, interactive, and instructor-led. TXVSN teachers are state-certified, appropriately credentialed, and trained in effective online instruction and serve students in grade three through twelve. Students are enrolled in the district that houses the online school, and that district receives funding for the student based on course completion.

In grades three through eight a student demonstrates successful program completion by achieving academic proficiency with passing grades equivalent to 70% or above on a 100-point scale, as assigned by the properly credentialed online teacher(s) for the education program; and being promoted to the next grade level.

High school aged students achieve successful course completion by completing a TXVSN high school course; demonstrating academic proficiency of the content for the high school course with a minimum passing grade of 70% or above on a 100-point scale, as assigned by the properly credentialed online teacher(s); and earning credit for the course.

Perfect attendance is assumed for funding purposes in the TXVSN OLS.

During the 85th Legislative Session significant budget reductions were made to TXVSN. In fiscal years 2016-2017 the TXVSN appropriation was funded at \$8,000,000. In fiscal years 2018-2019 the TXVSN appropriation was funded at \$800,000. Funding for TXVSN has remained at fiscal year 2018-2019 levels.

The current appropriation does not support the following statutorily required activities:

- Review and approval of electronic courses (TEC, §30A.105)
- Non-profit entity, private entity, corporation review (TEC, §30A.101(c))
- Informed choice reports public access to user comments (TEC, §30A.1021)
- Student performance information (TEC, §30A.054)
- Verification of successful completion by a teacher with the required level of appropriate professional development (TEC, §30A.1111(b))
- Review of professional development courses (TEC, §30A.1121(b))

According to TEA, the operating costs of the state virtual school network may not be charged to a school district or open-enrollment charter school. If TEA determines that the costs of evaluating and approving a submitted electronic course will not be covered by TEA due to a shortage of funds, the entity that submitted the course for evaluation and approval may pay a fee equal to the amount of the costs in order to ensure that evaluation of the course occurs. (TEC, §30A.105(d)).

Texas Home Learning

Ms. Martinez then noted TEA's attempt to help mitigate learning losses and to help districts and teachers transition to a virtual setting in the wake of learning disruptions caused by COVID-19, while highlighting Texas Home Learning (THL). THL is an optional, no cost, suite of resources that local education agencies (LEA) can use fully, or in-part, in the new virtual learning environment. THL includes TEKS-aligned instructional materials, a Learning Management System (LMS) to support student engagement and instructional collaboration, and professional development. LEAs may adopt none, part, or all of any of these three components.

TEA has negotiated a statewide license for Schoology, a learning management system, cost free for all LEAs for two years that allow for integration with existing platforms, future THL instructional resources, and other products as needed. LEAs already using Schoology may pause current contracts to benefit from an additional two years of the LMS. Districts must begin using Schoology by March 1, 2021, to benefit from the statewide license. After the two years, participating LEAs can continue use of Schoology with a paid license. To date, 397 LEAs representing two million students have contracted with Schoology to benefit from this offer.

THL curricular resources are selected through an emergency procurement process based on the ability of the publisher to develop high quality, Texas Essential Knowledge and Skill (TEKS)-aligned instructional materials designed for flexibility and accessibility to all learners. THL curricular resources are being developed specifically for Texas schools in response to the realities of COVID-19.

THL curricular materials undergo a rigorous review process to confirm alignment with TEKS and quality standards. Texas teachers and stakeholders will be involved in the review process before the release of each set of materials to interested LEAs and continuous improvements will be made to the materials.

Dr. Chris Bigenho, Director of the Virtual Learning Academy, Lewisville ISD noted that Lewisville ISD's Virtual Learning Academy (VLA) is a district program that offers fully online courses to students in the district and across Texas. All of the courses are approved by TEA through the TXVSN, and are eligible for funding through the FSP by generating 60 minutes of instructional time per course successfully completed up to three courses in a year per student. VLA has been delivering fully online courses since 2007.

Dr. Bigenho stated Lewisville ISD is not allowed to receive full funding for providing students full-time online learning. While offered in very limited cases, it is not a sustainable practice outside of a handful of students per year. Lewisville ISD is losing nearly 100 high school students per year to one of the state-authorized fulltime online schools, resulting in a funding loss of over \$600,000 per year.

Existing TXVSN restrictions impeded Lewisville ISD's ability to address student's immediate needs. These same standards did not apply to the emergency remote teaching. As of September 28, 3,142,180 students (57% of Texas public school students) were reported as receiving remote synchronous or asynchronous instruction. 2,136,847 students (39% of Texas public school students) were receiving on-campus instruction. Lewisville ISD stood up three pathways of learning: Virtual Learning Pathway, Virtual Plus Pathway (Hybrid Model), Campus Learning Pathway.

Dr. Bigenho stated that Lewisville ISD would not be able to continue to meet the needs of students who were unable or unwilling to return to the classroom post-COVID-19 because current law does not allow for full funding of online learning. Additionally, he stated that this prevents school districts from meeting the needs of students who need or want full-time online learning will result in additional defunding of local school districts.

According to Dr. Bigenho current law has set in perpetuity for eight Texas educational authorizers to receive full funding for offering full-time online learning to any student in the state. Currently there are six authorizers operating seven full-time online schools that can serve any student in Texas and receive full funding. Two authorizers are currently not in operation. Current law does not provide any mechanism to add authorizers as the law is tied to a date of entry rather than a set number of authorizers in the state. Furthermore, Dr. Bigenho noted there is no mechanism to remove an authorizer's authority for non-performance, and that this should be the method of accountability. He suggested that the state should have the authority to cancel and re-issue authorizations to operate full-time TXVSN schools, should increase the cap on participation, and should award authorizations via a request for proposal process from LEAs. Dr. Bigenho stated that previous attempts to bar non-performing vendors from operating in the state for extended periods of time would greatly limit innovation within the state, and would likely result in providers being discouraged from operating in the state.

Lastly, Dr. Bigenho testified that the state should eliminate the three-course limit for TXVSN catalogue courses, and that by eliminating this barrier, LEAs would be able to schedule their own students in any combination of face to face and online modality. This includes full-time online options even when the student doesn't have an online campus in their district.

Special Education Remote Learning Interventions

Ms. Martinez also highlighted Special Education Remote Learning Interventions that TEA has made available to ensure that students who need access to speech pathology therapies have access to these services, even in a remote setting.

Month	Number of students in therapy	Number of sessions
April	1,224	2,170
May	2,892	12,968
June	2,895	15,009
July	1,596	8,491
August	855	1,784
September	4,410	17,933
October	4,934	21,288

The first 10,000 sessions were paid for by TEA, using \$1M of CARES funding.

Each subsequent session is paid for by the LEA, at discounted rates negotiated by TEA for the state.

TEA is currently developing tooling to ensure students who are receiving remote instruction can also receive dyslexia interventions remotely.

TEA offers content and technology focused professional development to support educators with implementation both in classroom and remote settings including on-demand support, cross initiative integration resources to build upon other agency initiatives, and a pilot program that will support LEAs in adoption and implementation of these resources.

Hector Madrigal, Superintendent, Karnes City Independent School District, testified that increasing demand for virtual education within his district has created a strain on the system as teachers are not properly trained to operate in the virtual setting. Between March 11, 2020, and March 16, 2020, Karnes City ISD transitioned 100% of its students to online instruction, while missing no days of instruction. Approximately 30% of students opted to stay remote to begin the 2020 school year, but that number has decreased to approximately 10%. The district is able to provide mobile hotspots to students in need.

Mr. Madrigal testified that the demand for online courses would continue after the pandemic has passed, noting the needs of students with medical conditions, student athletes, and military families.

Chairman Taylor noted that many districts are having issues with hotspot connectivity. Mr. Madrigal responded that implementation is an ongoing learning process, and that partnering with multiple providers was necessary to meet the needs of their students.

Mr. Madrigal made the following recommendations:

- Consider updating seat-time based funding models for online students.
- Allow communities to operate broadband development boards to expand broadband infrastructure.

Tiffany Carey, Director of Innovative Learning, Frisco Independent School District, noted in her testimony that the Texas Virtual School Network, as it is currently designed, primarily serves as a catalogue of courses available to students throughout the state of Texas. However, this catalogue remains limited in breadth of high school courses. Additionally, LEAs only receive funding for those courses upon successful completion. TXVSN also provides limited oversight of the small number of approved full-time virtual schools in the state. However, TXVSN was not designed to accommodate school districts utilizing virtual and blended learning options within their own districts. TXVSN classes and schools are open to students regardless of their home district and were designed with a more widespread constituency in mind. TXVSN is not an appropriate mechanism for widespread use of virtual learning by school districts for their own students, according to Ms. Carey.

Ms. Carey stated that hundreds of students in her district might not be able to receive the quality education they deserve because current law prevents school districts from tailoring educational programs that take into account the student's particular needs. Ms. Carey requested that the legislature allow districts to count as present, for the purposes of Average Daily Attendance (ADA), students participating in digital learning programs and testified that this is vitally important to ensuring students receive high quality online instruction. Teaching via a digital platform is as resource-intensive as is face-to-face teaching. Recruiting and retaining high quality teachers is a primary challenge for online learning, just as it is for face-to-face. Additionally, the technology infrastructure required to ensure students have access to high-quality educational resources is expensive.

Ms. Carey requested that the legislature allow districts to determine when and whether to offer online courses to students, including students who may wish to select online courses temporarily rather than full-time; allow districts to establish online campuses in the same manner other campuses are created; and remove any growth restrictions on local programs. This would allow districts to operate full-time programs that can be better tracked for accountability purposes.

Ms. Carey made the following recommendations to the legislature:

- Provide ADA funding for TXVSN courses beyond the current three-course limit.
- Codify the current waiver granted by the TEA to allow any district to submit online courses to the TXVSN course catalogue to be used by other districts.

Recommendations

Regarding its interim charge on digital learning, the Committee makes the following policy recommendations:

- Continue to study options that increase access to online and distance learning models.
- Review seat-time funding requirements currently in place for districts offering distance education options, to include and accommodate for hybrid models that share instruction time between the brick and mortar classroom and an online setting.
- Consider legislation to remove the three-course limit for TXVSN catalog courses.
- Review the method and process by which districts are authorized to receive full funding for offering full-time online learning to any student in the state, and consider legislation to create processes for adding and removing authorizations from districts based on need and performance.
- Review current waivers granted by TEA to allow any district to submit online courses to the TXVSN course catalogue to be used by other districts, and consider legislation to make these waivers permanent.

INTERIM CHARGE 4

Special Education: Evaluate ongoing strategies to continuously improve special education services for students in public schools, including methods for educating students in a remote setting, as well as the Texas Education Agency's corrective action plan.

The Senate Committee on Education (Committee) held a hearing on November 13, 2020, and received invited testimony on its special education charge. A digital recording of the hearing is available via the Committee's website.

The hearing included invited testimony from the following individuals:

- Matt Montano, Deputy Commissioner - Special Education Review and Support, Texas Education Agency
- Kristin McGuire, Director of Government Relations, Texas Council of Administrators of Special Education
- Steve Aleman, Senior Policy Specialist, Disability Rights Texas

SUMMARY:

Matt Montano, Deputy Commissioner - Special Education Review and Support, Texas Education Agency (TEA), began testimony by covering the TEA response to COVID-19, including parent resources, instructional support in conjunction with Texas Home Learning, and general guidance to districts.

Mr. Montano focused on the district guidance offered by TEA including how to conduct special education evaluations, what happens if these evaluations can not take place, and what kind of communication districts need to have with parents. TEA also provided specific contingency plans for students who were not going to be able to receive the same type of instructional support that they would typically be provided, and guidance on conducting Admission, Review, and Dismissal (ARD) meetings. He noted that TEA had received positive feedback from parents who have been able to make themselves more available in a virtual environment, and also provided districts with information on change of placement or location when necessary.

TEA established a special education taskforce, consisting of 42 members including stakeholders and parent advocates, to provide guidance for districts. In addition, TEA established a feedback and support loop with LEA special education directors and coordinators to determine best practices and disseminate information. Instructional resources, including videos and modules for supporting students with a wide variety of disabilities were created. Mr. Montano also highlighted the work put in by TEA to ensure Texas Home Learning is accessible and that lessons accommodate students with disabilities.

Currently, 275,000 students receive some level of speech language therapy. TEA has made tools available to ensure that students who need speech pathology therapies have access to these services, even in a remote setting. TEA is currently developing tools to ensure students who are receiving remote instruction can also receive dyslexia interventions remotely.

Mr. Montano highlighted Supplemental Special Education Services (SSES), online accounts made available to families of eligible students with disabilities that have been impacted by COVID-19 school closures. Families can use these online accounts to obtain goods and services up to the dollar value in the account (~ \$1,500). This supplement applies to students with significant cognitive disabilities who have complex needs accessing the general curriculum, and low-income families will have priority access to these online accounts. Students must have been enrolled in Texas public school in 2019-20 and 2020-21 in order to qualify. These accounts will supplement and bolster services a child is already receiving in school, and can be used for tutoring, educationally related services, textbooks, curriculum, other instructional materials, computer hardware, software, or other technological devices that are used for educational needs.

Mr. Montano shifted to TEA's corrective action plan created in response to United States Department of Education inquiries, and noted legislative support to funding special education through HB 3 including the mainstream special education weight, dyslexia allotment, and College Career and Military Readiness (CCMR) bonuses. Mr. Montano also noted a 27% increase in special education spending in the last four years.

Since 2013, Texas has seen 33.94% growth in the number of special education students. Beginning with the 2017 prohibition on performance based indicators on students with disabilities, TEA has developed and disseminated guidance and training on how to properly conduct child find practices. TEA has also provided in-depth comprehensive evaluation training to help districts to properly identify students who may be served. Lastly, TEA has also enhanced supervision of school oversight and support to schools when they are struggling to provide services. TEA continues to work with the United States Office of Special Education Programs to provide information and documentation as needed.

Kristin McGuire, Director of Government Relations, Texas Council of Administrators of Special Education, testified that in order for special education students to receive equitable outcomes the state must change the way the special education allotment is funded. She said that currently, special education is funded by instructional arrangement, when it should be funded by the services the student actually requires. Ms. McGuire also asked for state policies that are more inclusive of special education students, and for lawmakers to be cognizant of the fact that special education professionals are not always classroom teachers, and the state needs to have the right incentives to ensure the highest quality professionals are on staff.

Steve Aleman, Senior Policy Specialist, Disability Rights Texas testified that the unprecedented disruption of the Texas public school system beginning in the 2019-2020 spring semester dramatically affected students with disabilities. In the 2019-2020 school year, Texas school districts and charter schools provided special education services to 588,829 students with disabilities. According to data reported to the TEA, districts and charters lost complete contact with over 9,400 students with disabilities once campuses closed due to the COVID-19 pandemic, including over 2,800 students with learning disabilities. Additionally, student engagement was lacking for over 36,500 students with disabilities, 11,400 of which have learning disabilities. Finally, while districts and charters were able to engage with them initially, another 18,300 students with disabilities were lost – there was no further contact or engagement for the remainder of the school year, including over 6,200 students with learning disabilities.

For suggested mitigation, Mr. Aleman highlighted recently introduced Senate Bill 89 (87 R), stating it would add a new section to the Education Code to ensure an individualized review for every student with a disability so that any regression and lost progress during school disruptions, because of the pandemic, are addressed in a coordinated manner.

Mr. Aleman stated TEA created both a special education corrective action response and a special education strategic plan in response to a federal investigation and report that identified major violations of the Individuals with Disabilities Education Act in Texas. These documents have been in place since early 2018. Mr. Aleman believes progress has been made, but that many challenges remain.

Mr. Montano noted that while the federal government required a corrective action plan to ensure compliance with Individuals with the Individuals with Disabilities Education Act (IDEA), TEA developed a strategic plan for special education to focus on improving student outcomes, beyond just improving compliance.

Recommendations

Regarding its interim charge on special education, the Committee makes the following policy recommendations:

- Continue to review and monitor TEA efforts to support special education through both its strategic action plan and special education corrective action plan.
- Review and consider recommendations offered by the Special Education Advisory Committee created by HB 3 (86R) in their [report to the 87th Legislature](#).
- Review funding of instructional arrangement and alternatives that contemplate actual costs of education.

MONITORING CHARGES

MONITORING CHARGE 5.A

Monitoring: *Monitor the implementation of legislation addressed by the Senate Committee on Education passed by the 86th Legislature, as well as relevant agencies and programs under the committee's jurisdiction. Specifically, make recommendations for any legislation needed to improve, enhance, or complete implementation of the following:*

- *House Bill 3, relating to public school finance and public education.*

The Senate Committee on Education (Committee) held a hearing on November 13, 2020, and received invited testimony on its HB 3 monitoring charge. A digital recording of the hearing is available via the Committee's website.

The hearing included invited testimony from the following individuals:

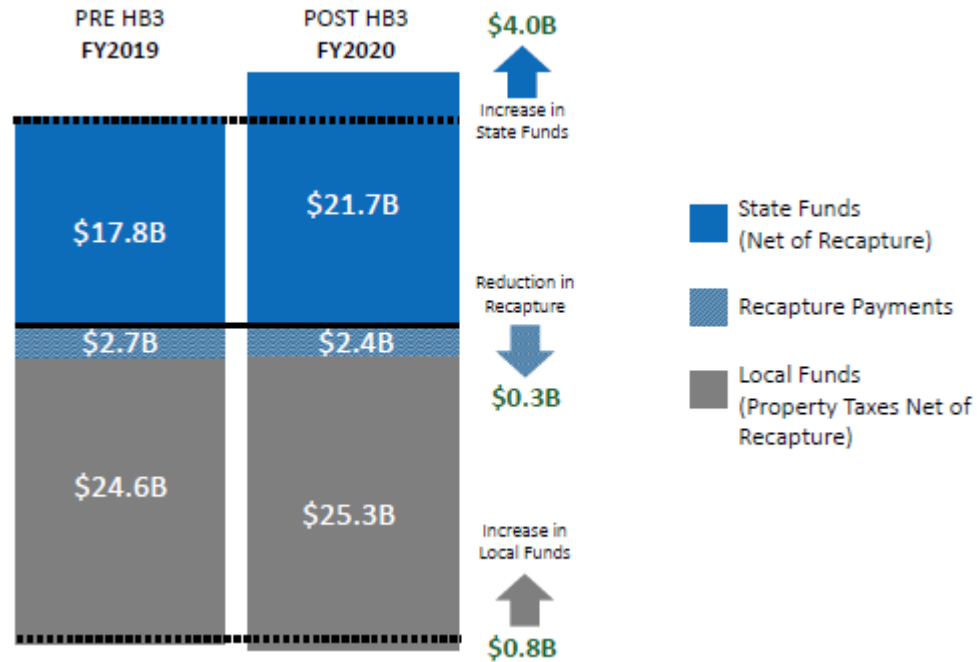
- Mike Morath, Commissioner, Texas Education Agency
- Dr. LaTonya Goffney, Superintendent, Aldine Independent School District
- Dr. James Wilcox, Superintendent, Longview Independent School District
- Rick Lopez, Superintendent, Garland Independent School District
- Josh Sanderson, Deputy Executive Director, Equity Center

SUMMARY:

Commissioner Morath began testimony noting highlights of House Bill 3 implementation including:

- An increase of funding of \$530 per student in average daily attendance.
- 51,845 teachers set to complete reading academies focusing on the science of teaching reading in year one.
- As of the October test administration, twice as many students have taken the ACT and three times more students have taken the SAT as a result of more districts offering these exams and being reimbursed.
- 803 letters of interest received from districts regarding their intent to submit a plan to access the Teacher Incentive Allotment (TIA).
- The Do Not Hire Registry developed, and accessible to Texas' public and private schools, and will be available to the public in March of 2021.
- Independent school district property tax rates were reduced 8.3 cents from 2018 to 2019.

Compared to prior law, public education spending increased \$2.7 billion in fiscal year 2020. This increase coincided with a \$2.2 billion reduction in property taxes. Compared to the prior year, HB 3 infused \$4.4 billion of net new revenue into district budgets while simultaneously reducing recapture by \$300 million.



Commissioner Morath then focused on district outreach. He held 13 in-person visits and 11 virtual visits with superintendents and administrators briefing them on the initiatives and opportunities in HB 3, as well as monthly Education Service Centers director meetings. Texas Education Agency's (TEA) School Finance team held five in-person visits and two virtual visits with superintendents and administrators briefing them on initiatives and opportunities in HB 3. This was accompanied by 52 administrator letters and the posting of over 200 frequently asked questions to the agency's HB 3 website. In addition, the agency has produced and posted 25 videos on HB 3 implementation providing guidance to local school districts and others.

The commissioner then provided a high level overview of comparisons between projected spending analysis of various components of HB 3 and actual costs, highlighting the formula transition grant and explaining that assumptions made in projecting these costs differed in reality to Comptroller projections during the last legislative session.

Annual Funding Item for 2019-2020 School Year	Estimate from 86 th Session	Implementation Estimate (1 st year only)	Reason for Difference
Average per ADA increase	\$635	\$530	2019 district property values (DPV) grew by 10%, which would have allowed large “lag” amounts under prior law
<i>Decrease</i> in Recapture	\$1.6B	\$1.4B	DPV increase more than CPA estimate of 5.76%
Mainstream Weight <i>Increase</i>	\$46M	\$52M (+\$6M)	Special education enrollment higher than projected
Dyslexia Allotment	\$125M	\$136M (+\$11M)	Dyslexia students receiving services exceeded trend
Compensatory Education Allot.	\$5.15B	\$5.09B (-\$60M)	N/A
Dual Language Allotment	\$218M	\$199M (-\$19M)	Dual language students lower than projected
Early Education Allotment	\$835M	\$796M (-\$39M)	Growth rate in K3 enrollment lower than projected
Fast Growth Allotment	\$266M	\$302M (+\$36M)	“3-year” growth updated from SY16-18 to SY17-19
Teacher Incentive Allotment	\$73M	\$40M (-\$33M)	Adoption by school districts delayed due to Covid-19
Transportation Allotment	\$460M	\$284M (-\$176M)	Covid-19 school closures in March 2020
Formula Transition Grant	\$41M	\$441M (+\$400M)	See explanation above for “average per ADA increase”

Commissioner Morath noted that TEA has completed, or is in the process of completing, 37 out of 55 rules pertaining to HB 3, and highlighted the work of several advisory committees created by HB 3.

TEA has announced that 26 school districts will be part of the first cohort of the Teacher Incentive Allotment. The program distributed approximately \$40 million to 3,650 teachers across the state for the 2019-2020 school year. An additional 277 National Board teachers were designated at 14 districts and generated approximately \$1.2 million in earnings.

Through HB 3, TEA created a new Do Not Hire Registry and place individuals on the Registry who are not eligible for hire in a Texas public school based on misconduct or criminal history. TEA also created a Misconduct Reporting Portal, so that Texas schools have a method of securely reporting allegations of misconduct to the agency. The Registry launched in January 2020, and there are 1,850 former educators and employees on the Registry as of August 2020. The Misconduct Reporting Portal launched March 2020.

HB 3 requires each Texas public school teacher and principal in grades K-3 to complete a reading academy by 2020-2021. Academies are available in a blended or comprehensive model, and both models include a biliteracy path. Commissioner Morath highlighted:

- 38 Authorized Providers, (including all 20 Education Service Centers)
- 700+ Cohort Leaders, who have been screened and trained to facilitate.
- 500+ Cohorts launched, both blended (online and in-person) and comprehensive (in-person).
- 20,000+ Educators actively strengthening their reading practices.

HB 3 establishes a College Career and Military Readiness (CCMR) Outcomes Bonus paid for by the state to school districts for each graduate above a certain threshold percentage. CCMR

Outcomes Bonus estimated funding amount is \$225 million in fiscal year 2020. HB 3 also added Technology Applications to the Career and Technical Education (CTE) funding weight, including all computer science courses, and extending CTE and Tech Apps courses offered in 7th grade. Additionally, HB 3 extended new funding to support the P-TECH and New Tech high school models.

Commissioner Morath testified that many districts are using additional days school year (ADSY) to prevent learning loss using three models: voluntary summer learning, intersessional learning, and full year redesign. 55,600 students in 2020-2021 and 127,400 students in 2021-2022 will have access to an average of 21.5 additional instructional days.

Commissioner Morath updated the Committee regarding the unintended consequences authority the legislature gave to the commissioner to address school funding issues that were identified in the interim:

- Ensuring P-TECH students are receiving intended full funding entitlement.
- Ensuring maintenance of effort for Special Education in open enrollment charters is preserved.
- Regional Education Service Center staff continue to receive staff supplement.
- Taxes:
 - Incorporating first year tax relief into ongoing tax compression.
 - Local property values used to calculate local compression.
 - Compressing taxes limited to the 90% differential.

While not addressed by the Commissioner through this authority, Commissioner Morath did mention ensuring CTE funding is flowing properly to small and midsize districts as an ongoing issue that warrants legislative consideration.

Dr. LaTonya Goffney, Superintendent, Aldine Independent School District (ISD) testified to her districts use of the TIA, the CCMR Bonus, and the ADSY allotment. During the 2019 - 2020 school year Aldine ISD implemented the Accelerating Campus Excellence (“ACE”) model at two of their low performing elementary schools. Though official school ratings for the 2019-2020 school year are not available due to COVID-19, assessments and even the engagement and attendance levels they have seen throughout COVID-19 indicate strong impacts to student growth and development for the students who attend ACE campuses. The district provided \$10,000 to their most highly effective teachers who took on the challenge to teach at one of their ACE campuses and \$15,000 to the two principals who lead the schools. Dr. Goffney testified that the TIA will allow her district to continue to fund this initiative and to continue to invest in the highest performing teachers.

Regarding TIA, Dr. Goffney offered three recommendations:

- Eliminate the designated teacher application fee to ensure districts can designate their effective teachers without consideration of budgetary constraints.
- Adjust the allotment timeline so districts receive TIA funds in April or May, therefore enabling districts to pay teachers after receipt of funding.

- Continue to fully fund TIA through the next biennium.

Dr. Goffney testified the CCMR bonus will be necessary to invest back into improving student CCMR outcomes by expanding and adding additional advanced academic courses offered at all of the district's comprehensive high schools. This will create more opportunities for students to access the International Baccalaureate Program, and expanding pathways to industry certifications through programs like an engineering pathway in technology program at Carver High School.

Aldine ISD is part of the ADSY Full Year Redesign Cohort and is currently in the planning stage of this process. Aldine ISD is exploring the option to expand the 2021-2022 school year, from 174 instructional days to 180 days with an additional 30 days as a pilot for two elementary schools. Dr. Goffney believes that the model could be extended to middle and high schools. Currently, HB 3 only funds at half day Average Daily Attendance (ADA) and for grades Pre-K-5.

Dr. James Wilcox, Superintendent, Longview Independent School District, testified to his district's use of the TIA, noting they had begun research of the incentive structure in 2009, and began implementation in 2011. In 2012, the district made its first incentive payment to its teachers based on the grade level advancement of low socioeconomic students. The district notes a longitudinal improvement in performance of these students, and Dr. Wilcox believes the statewide implementation of TIA will have similar effects. Dr. Wilcox notes that Longview ISD now has over 20 master teachers who have composited over 3.8 years growth in their students in the last three years. Longview ISD projects 52 classroom teachers earning over \$100,000 through the district's incentive program in conjunction with TIA funds.

Rick Lopez, Superintendent, Garland Independent School District, testified that HB 3 has been instrumental in mitigating the costs of COVID-19 on LEAs, and noted his district's use of the ACE program in reversing trends in low performing schools and the importance of the teacher in the classroom as instrumental to their efforts. Mr. Lopez noted that continued funding of the TIA through HB 3 is necessary to retain the highest performing teachers.

Mr. Lopez also highlighted HB 3's contribution to making dyslexia a priority and Garland ISD's successes in meeting the needs of dyslexic students through aggressive identification programs. Additionally, through early college high school and P-TECH programs, Garland ISD's CCMR rate has increased drastically, and CCMR bonuses offered through HB 3 have made these programs sustainable. He further offered that CCMR begins in the early grades, and the investments made through the early childhood reading allotment are setting a foundation for literacy and continued academic success for students.

Josh Sanderson, Deputy Executive Director, Equity Center testified that his organization's priority is preserving HB 3 in the upcoming legislative session, but mentioned the state's participation in adequately, efficiently and equitably funding facilities for schools should become the next priority. With the creation of the Existing Debt Allotment and Instructional Facilities Allotment programs in the late 1990s, the state correctly identified the need to equalize facilities funding across the state. When these programs were created, 91% of students were in districts

that were eligible to receive state assistance to make bonded debt payments. Because guaranteed yield levels have been largely stagnant since the programs were created, actual state dollars allocated to interest and sinking debt equalization are less now than when the programs were created. The percentage of students in districts receiving state assistance is reduced to approximately 25%. The Equity Center also encourages extending the small and mid-size allotment to include CTE student counts.

Lastly, Mr. Sanderson recommended transitioning to the use of current year property tax collections, as opposed to appraised property values, so that the state can ensure that each district is delivered its full HB 3 formula funding amount.

Recommendations

Regarding its interim monitoring charge on HB 3, the Committee makes the following policy recommendations:

- Prioritize continued funding for educational reforms made through HB 3 in the 86th Legislative Session.
- Review the unintended consequences of HB 3 for which the Commissioner has taken temporary corrective measures and evaluate statutory corrections, to include review of the process by which small and midsize districts receive CTE funding.
- Study options between current year appraised values and current year property tax collections as it related to local collections.
- Continue to monitor ongoing implementation and rulemaking related to HB 3 educational reforms.

MONITORING CHARGE 5.B

Monitoring: *Monitor the implementation of legislation addressed by the Senate Committee on Education passed by the 86th Legislature, as well as relevant agencies and programs under the Committee's jurisdiction. Specifically, make recommendations for any legislation needed to improve, enhance, or complete implementation of the following:*

- *House Bill 3906, relating to the assessment of public school students, including the development and administration of assessment instruments, and technology permitted for use by students.*

The Senate Committee on Education (Committee) held a hearing on November 13, 2020, and received invited testimony on its House Bill (HB) 3906 monitoring charge. A digital recording of the hearing is available via the Committee's website.

The hearing included invited testimony from the following individuals:

- Mike Morath, Commissioner, Texas Education Agency
- Dr. Kristin Brown, Superintendent, Lyford Independent School District
- Kerry Gain, Chief Academic Officer, Del Valle Independent School District

SUMMARY:

Commissioner Morath opened testimony noting that, due to COVID-19, the state has no meaningful assessment data from 2019-2020, and that Texas Education Agency (TEA) has no meaningful data on current student achievement. He also stressed that having a strong assessment framework is critical to measure continuous improvement and to gauge the effectiveness of different strategies in addressing learning loss. TEA has provided a free, and optional, beginning of year assessment instrument to Local Education Agencies (LEAs).

HB 3906 creates transformative changes to improve the State of Texas Assessments of Academic Readiness (STAAR) test administration. Formative assessment resources, interim assessments, and other valuable tools created by House Bill 3906 are available to support a balanced suite of assessments that maximizes support for students and saves districts money. Educators value the data provided and are already using the resources.

HB 3906 establishes an unprecedented level of involvement by Texas educators and other stakeholders in all aspects of the Texas Assessment Program: future planning, assessment development, and test administration.

Commissioner Morath noted STAAR has been proven valid, reliable and aligned to the Texas Essential Knowledge and Skills (TEKS), with on grade-level passage readability several times with multiple studies funded by the legislature, citing HB 743 (84R) and HB 3 (86R). HB 3906 builds on that reliability and continuously improves STAAR through multiple transformative changes:

- Incorporates writing in every grade and cross-curricular reading passages that cover content taught in other subjects.

- Explores different item types to limit STAAR test items to a maximum of 75% multiple-choice.
- Conducts a feasibility study and create a legislative report to transition to 100% online testing for faster results, more flexible scheduling, and future innovations.
- Designs and pilot a multi-part assessment throughout the year that provides information that is more frequent and can potentially replace the summative assessment.

Commissioner Morath testified assessments should not be a once-a-year measure to tell teachers how their students performed, but should be part of a balanced approach to service students, meeting them where they are, and adjusting to their needs. To do this, HB 3906 sets up a system of support for districts utilizing formative assessments to measure student performance on specific expectations, interim assessments to measure a student's understanding of a broader span of student expectations, and summative assessments to measure student mastery of a broad span of student expectations.

HB 3906 brings unprecedented involvement of Texas educators and other stakeholders in all aspects:

- Texas teachers review items, support standard setting during test development, and participate in focus groups to provide input on new initiatives.
- Texas students and parents participate in focus groups to provide input on new initiatives.
- An Educator Advisory Committee informs future planning and provides feedback and guidance on new initiatives.
- A Technical Advisory Committee provides technical guidance for test development and administration processes and informs development of new initiatives.
- Higher Education representatives support test development to ensure alignment and sit on the Educator Advisory Committee to advise new initiatives.
- Professional organizations and associations provide feedback and support for test development and administration processes.

Texas teachers are already heavily involved in assessment development and future planning and their role continues to expand. TEA is launching an initiative to pilot a process for teachers to write items from scratch for inclusion in Texas assessment programs. Over 700 teachers have participated in focus groups to inform decisions for HB 3906 initiatives, such as new item types for the 75% multiple-choice cap and the integrated formative pilot.

HB 3906 requires TEA to develop a plan to administer all assessments electronically. TEA, in consultation with the State Board of Education, must develop a transition plan beginning not later than the 2022-2023 school year and begin a feasibility study due to the legislature December 2020. TEA has contracted with Texas A&M University Education Research Center to perform the study.

TEA must develop a plan to administer state summative assessments electronically beginning no later than the 2022-2023 school year and provide a final report and transition plan to the legislature by Dec 1, 2020. The agency shall implement the transition plan beginning on September 1, 2021. In order to ensure legislative approval of the transition plan, this subsection expires August 31, 2021.

Dr. Kristin Brown, Superintendent, Lyford Independent School District, testified that implementation of HB 3906 presents obstacles for smaller districts as they do not typically have large information technology staff to implement online assessments, limited access to devices and unreliable broadband connections are also concerns. Dr. Brown noted that broadband infrastructure needs to be addressed before implementation, and the timeline for implementation of HB 3906 should be extended to study district readiness for a move to online testing.

Kerry Gain, Chief Academic Officer, Del Valle Independent School District, emphasized the testimony of Dr. Brown, noting the online testing timeframe considered by HB 3906 is too ambitious. She doesn't believe districts can effectively pivot to online testing by 2023. Ms. Gain offered that, while constructive response questions are crucial to measuring student attainment, the 75% / 25% split between multiple choice and constructed response created by HB 3906 presents challenges for districts using paper exams. Ms. Gain suggested that no more than 10% of questions on paper exams should be constructive response.

Recommendations

Regarding its interim monitoring charge on HB 3906, the Committee makes the following policy recommendations:

- Consider legislation directing TEA to continue STAAR reforms contemplated by HB 3906, to include transition to online testing and pilot of STAAR replacement.
- Review the implementation to online testing timeline created by HB 3906, and consider a study to review district capabilities to transition to online testing.
- Review the timeframe of implementation regarding the cap on the number of multiple choice questions on STAAR.

LETTERS FROM MEMBERS

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SENATOR
EDDIE LUCIO, JR.

December 22, 2020

The Honorable Larry Taylor
Chairman, Senate Committee on Education
PO Box 12068
Austin, TX 78701

Chairman Taylor:

I commend you for your thoughtful chairmanship of the Senate Committee on Education during this interim. The COVID-19 pandemic has created challenges in all areas of life in Texas, but few fields were as universally impacted as our public school system. Serving with you on this committee, as well as on the Senate's public education coronavirus work group, I have seen firsthand your dedication to helping our schools, educators, and students overcome the obstacles this public health crisis has generated. Furthermore, I greatly appreciate the work you and your staff have undertaken to ensure the critical work of this committee can continue while taking the proper health precautions.

One item of particular concern for schools across the state is the ability of students to access online learning opportunities when school buildings are closed out of public health necessity. Numerous groups, including this committee, focused justifiably on this concern, and made admirable progress, as detailed in the committee report. However, the report notes that around 1.2 million students – over one in five Texas students – still lack the connectivity they need to fully engage in remote learning. This gap, of course, is not distributed evenly across the state, with students in rural and low-income areas like those I represent hit hardest by barriers to connectivity that threaten to impede their academic success.

While the issue of connectivity transcends the education system, this year has shown that access to broadband internet is essential to the educational mission of our state. Thus, educational entities must play a central role in advocating for and implementing policies that expand connectivity. The recently released report from the Governor's Broadband Development Council identifies many strategies for financing, deploying, and providing for access to statewide broadband. I would urge this committee, and the Legislature as a whole, to take these findings to heart as we discuss how best to leverage limited resources to promote student achievement.



Ensuring universal access to high-speed internet is an issue of equity, especially in a time where most or all instruction is delivered online. We must, however, not mistake the widespread adoption of virtual learning for the desirability of this format for most Texas students. The online learning provided by schools as an emergency measure is no replacement for a traditional classroom education for the vast majority of students that our school system serves. While I have always been a supporter of parental choice in their children's education, we cannot allow the widespread adoption of virtual learning to erode our support of classroom learning.

Based on the testimony provided to this committee, ensuring that student achievement does not suffer in the wake of the COVID-19 pandemic will require a conscious dedication of resources to keep students from falling through the cracks. This necessity is made greater by the overall fiscal situation of the state, which has also been negatively affected by the pandemic. I have frequently mentioned my fears of repeating the education budget cuts of 2011 – cuts that have only successfully been reversed due to your stewardship of House Bill 3 in the last legislative session. I know you will do all in your power to maintain the historic funding gains from that bill, and I want to assure you that you will have my full support in that endeavor.

It has been my honor to serve as your Vice Chair over this interim, and though the coming legislative session promises to be more challenging than any in recent memory, I relish the opportunity to work by your side as we make decisions that will help the students of Texas not just survive, but thrive in the aftermath of COVID-19.

Sincerely,

A handwritten signature in cursive script that reads "Eddie Lucio, Jr." with a small flourish at the end.

Eddie Lucio, Jr.
State Senator

ELJ/cwl





Senator Paul Bettencourt

December 22, 2020

Chairman Larry Taylor
Senate Education Committee
201 East 14th Street
Sam Houston Building, 440
Austin, Texas 78701

Dear Chairman Taylor:

I want to express my gratitude for the Senate Education Committee and the full Senate for unanimously voting out my bill, SB 1256, which created the Do Not Hire Registry. Protecting Texas students has been one of my top priorities every session and this is just another tool to keep them safe. Thank you Chairman Taylor for agreeing to add Senate Bill 1256 as an amendment to House Bill 3.

The success of the Do-Not Hire registry is in large part due to Texas Education Agency Commissioner Mike Morath and his staff for identifying the problem and implementing this legislation. As Commissioner Morath noted, The Do-Not-Hire registry went in effect January 2020, and there are 1,850 former educators and employees on the Registry as of August 2020. This implementation of the registry will finally stop “passing the trash” from one school district to the next, or between public and private schools.

Thank you for your work and leadership on this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Paul Bettencourt".

Paul Bettencourt
Texas State Senator, District 7



December 23, 2020

The Honorable Larry Taylor
Chairman, Senate Committee on Education Post Office Box 12068
Austin, Texas 78711

Dear Chairman Taylor:

It has been an honor serving on the Senate Committee on Education and a pleasure to work with you and the members. It was a great source of pride to serve during one of the most important sessions for public education funding.

The Interim Report to the 87th Legislature contains many recommendations that I fully support including: (1) prioritizing continued funding for House Bill 3, (2) the need to continue reviewing teacher training and professional development, and (3) maximizing dual enrollment options for adult education.

Certainly, the COVID-19 crisis presents many challenges for public education. The Senate Education Committee's interim report addresses these challenges by suggesting changes to the "seat-time" rule that prohibits districts from receiving funding for remote instruction. It also addresses the critical need to provide training for our educators in distance learning environments.

I commend the efforts of Operation Connectivity to close the device gap. However, as the interim report states, there remains an estimated 1.2 million students without reliable connectivity. Before we can entertain initiatives such as expanding the Texas Virtual School Network (TxVSN) or transitioning to online STAAR testing, the 87th Legislature must eliminate the digital divide by developing long term solutions that include expanding high-speed internet access, particularly in the underserved and unserved urban and rural areas of our state.

The many conversations with administrators, educators, and stakeholders in Senate District 10, indicate, for the majority of our students, nothing replaces or prepares students to be successful as much as 180 days of in-person learning with a highly qualified teacher. Accordingly, I do not support eliminating the 3-course limit for TxVSN catalog courses. Rather, I am fully supportive of resolving the "seat time" funding dilemma so that our public schools can provide distance learning alternatives during crises or when they deem appropriate. The majority of school districts are capable of delivering a district online curriculum, but due to the "seat time" funding rules, they are experiencing financial roadblocks.

Your hard work and dedication to Texas students and teachers are to be commended. I look forward to continuing our work together to improve our schools in the 87th Legislative Session.

Regards,

A handwritten signature in cursive script that reads "Beverly Powell".

Beverly Powell



The Senate of The State of Texas

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Higher Education

MEMBER
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December 23, 2020

The Honorable Larry Taylor
Chairman
Senate Education Committee
Sam Houston Building, Room 450
Austin, Texas 78701

Dear Chairman Taylor:

What a peculiar time and place we find ourselves in. The year 2020 and the coronavirus COVID-19 pandemic has impacted every aspect of our lives including the education of our children. Yet, during this time, your leadership and advocacy has afforded me the opportunity to share my perspectives on the educational issues we were charged with addressing this interim, and for that I thank you.

The interim report provides recommendations that will undoubtedly improve education in Texas but I find it necessary to submit this letter outlining concerns that I have with some of the recommendations.

One of my concerns stem from the current dilemma of how we delivered quality education during the current public health crisis and how these actions served to magnify the digital divide problem that has existed, for quite some time, and was exasperated by the pandemic.

The recommendations regarding digital learning don't address the shortcomings in the states' virtual learning strategy. Before we can contemplate expanding virtual learning, we must set a benchmark of where we are in the connectivity of all of our students and the broadband inequity issues for those students and their respective districts/campuses. We must have 100% connectivity.

The safeguards put in place to protect and educationally serve our students regarding virtual/online learning were done so for a reason. Before removing them, let's be mindful of the winners and losers that might create. We each want to decrease/eliminate the Learning Gap not increase it.

Secondly, my concerns regarding access to broadband and connectivity, for our students, cause me to be concerned with the recommendations related to HB 3906 and the transition to online testing related to the STAAR.

It is my hope that this letter details my concerns but if you require additional clarification, please do not hesitate to contact me.

As always, I appreciate your leadership of the Senate Education Committee and your dedication to public education in Texas.

Sincerely,

A handwritten signature in black ink, appearing to read "Royce West". The signature is written in a cursive, somewhat stylized font. The first letter "R" is large and loops around. The last letter "t" has a long, horizontal tail that extends to the right.

Royce West
State Senator
District 23

Vice Chair, Mass Violence Prevention
and Community Safety
Vice Chair, Natural Resources and
Economic Development
Texas Judicial Council
Chair, Eagle Ford Shale
Legislative Caucus



Judith Zaffirini
State Senator, District 21
President Pro Tempore, 1997

Committees
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State Affairs

December 28, 2020

The Honorable
Larry Taylor, Chair
Senate Committee on Education
209 West 14th Street, Ste. 440
Austin, Texas 78701

Dear Chair Taylor:

Thank you for your impressive leadership as Chair of the Senate Committee on Education, especially your passing House Bill 3 (2019) with such strong bipartisan support. I appreciate the opportunity to serve with you and to share my perspective regarding our committee's Interim Report to the 87th Legislature, which includes many fine recommendations that I embrace. This letter, however, is to record my concerns about the sections of the report related to virtual learning.

First, despite stating that 1.2 million students in Texas lack internet access, the report makes no recommendations regarding how the Legislature can close this connectivity gap. This is important because the COVID-19 pandemic highlighted what many of us believed: The internet is a basic utility, and providing access to all is fundamental to the promise of equal opportunity, especially in education. Recommending an additional investment in virtual learning without addressing this issue will benefit only students who have access, exacerbating the socioeconomic and rural-urban divides endemic to our education system.

Second, the pandemic has shown us that remote learning not only can be a necessary stopgap to endure a crisis, but also is not a replacement for in-person education. The lessons learned from COVID-19 indicate that we must be prepared to institute virtual learning programs across our state if and when necessary, but that in the vast majority of instances, our long-term priority should be improving in-person education. This is supported by findings that student performance declined as a result of virtual learning and that learning caused several well-documented logistical problems for students, parents, educators, and school administrators. Accordingly, the investment in the Texas Virtual School Network recommended in the report would better serve students if it were applied to improve in-person education.

Letter to Chair Taylor
December 28, 2020
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Finally, I also have reservations about the recommendation to make permanent the temporary actions taken by the State Board of Educator Certification regarding virtual teaching observations. Similar to virtual learning, virtual observation is an inadequate substitute for in-person observation and feedback. Accordingly, making these temporary changes permanent could weaken the rigor of education preparation programs.

Thank you for your dedication to the many important issues we examined during the 86th Interim, especially given the challenges the committee faced due to COVID-19. I look forward to collaborating with you and other members of the committee during our next legislative session.

May God bless you.

Very truly yours,

A handwritten signature in cursive script that reads "Judith Zaffirini". The signature is written in black ink and is positioned above the printed name.

Judith Zaffirini

Z/ah