

March 29, 2021

RE: HB 3731 Public School Accountability Ratings, Including Interventions and Sanctions

Dear Chairman Dutton and members of the House Public Education Committee:

We appreciate Chairman Dutton's efforts to address a conflicting provision of statute through HB 3731. However, representatives of the undersigned organizations are writing to express opposition to the bill as our members believe that the proposed language actually deviates from a consistent definition and meaning of a "D" rating.

Background:

In October of 2019, the House Public Education Committee held an interim hearing at which the ambiguity of a "D" rating was discussed. During the discussion it was noted that per Texas Education Code (TEC) Sec. 39.054 a "D" rating is defined as performance that needs improvement, and only an "F" rating is deemed unacceptable performance. TEA Commissioner Mike Morath said that at the request of Chairman Huberty, he would not move forward with adopting agency rules to implement another section of code that is inconsistent with TEC Sec. 39.054's definition of a "D" rating. The commissioner said that the delayed rule was under a conflicting section that would require a campus/district rated "D" over two consecutive years to receive the same interventions and sanctions as a campus rated an "F" or "unacceptable" performance.

Concerns with HB 3731:

- Rather than treat a "D" rating consistently with the definition of "needs improvement," proposed language in TEC 39A.117 would create a new definition for the Needs Improvement Rating, in that the rating of Needs Improvement would only apply to a district or campus that was rated a "C" in the overall rating category and is not rated a "D."
- The proposed language acts as a disincentive and makes it more difficult to move forward from an unacceptable rating.
- Independent school districts have continued to pivot as needed throughout the pandemic, using all available resources to address learning loss. Rather than providing support and resources to district staff that has worked tirelessly to move forward from a "D" rating (some districts have been in limbo with D or F ratings while the state A-F rating system has been waived for two years) or who have put in great efforts to move from an "F" to a "D" rating would instead be penalized.

Recommendation:

- Independent school districts should have time to fully implement a Targeted Improvement Plan. The accountability system should not apply the same sanctions to campuses and districts that receive a D rating over two consecutive years as the

sanctions applied to F-rated campuses. Rather than making a “D” rating unacceptable and no different than an “F” rating with accompanying sanctions and interventions, repeal the conflicting statute, current TEC Sec. 39A.0545(b)(2) and (c)

We appreciate the opportunity to express our concerns and make recommendations to Chairman Dutton and the committee members. We look forward to working with you all as the bill moves through the process this session.

Respectfully,

Dr. Casey McCreary, Texas Association of School Administrators (TASA), cmccreary@tasanet.org

Marisha Price, Texas Association of School Boards (TASB), marisha.price@tasb.org

Dr. Crystal Dockery, Texas Association of Community Schools (TACS), cdockery@tacsnet.org

Mark Terry, Texas Elementary Principals and Supervisors Association (TEPSA), mark@tepsa.org

Julia Grizzard, Bexar County Education Coalition (BCEA), julia@bcectx.org

Dr. Michelle Smith, Raise Your Hand Texas (RYHT), Michelle Smith, msmith@ryht.org

Dr. Curtis Culwell, Texas School Alliance (TSA), curtis@texasschoolalliance.org

