

March 29, 2023

Senate Education Committee

RE: Senate Bill 2565 by Chairman Brandon Creighton

Dear Chairman Creighton and Members of the Senate Education Committee:

The Texas Association of School Administrators (TASA), the Texas Association of Community Schools (TACS), and the Instructional Materials Coordinators' Association of Texas (IMCAT) appreciate the opportunity to provide written testimony "on" SB 2565 relating to instructional materials and technology and the public school foundation curriculum. A cornerstone priority of TASA members is local control and flexibility, as school districts must be able to respond to the differing needs of students, educators, parents, and the communities they serve. With this priority at the forefront of our membership, we offer the following considerations and questions:

The initial funding for Senate Bill 2565 is a carve out of approximately half a billion dollars from the Instructional Materials and Technology Allotment (IMTA) already allocated to local school districts. Additionally, the statutory language has the program continuing in perpetuity, ensuring a great cost to the IMTA.

- TASA priorities related to IMTA state that we must advocate for increased funding for the IMTA to ensure districts can provide adequate technology and instructional materials to meet higher student standards. Also, to oppose any carveouts from IMTA that decrease the number of funds to school districts.
- Texas Education Code, §43.001 (d) states: (d) Each biennium the State Board of Education shall set aside an amount **equal to 50 percent** of the distribution for that biennium from the permanent school fund to the available school fund as provided by Sections 5(a) and (g), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state instructional materials and technology fund established under §31.021.
- In November, the SBOE voted to approve a distribution rate of 3.32% which equated to approximately \$3.1 billion for the biennium. The allotment amount that should have been reflected in the base bill was approximately \$1.5 billion. However, the current House Budget merely shows an amount equal to \$1,049,980,630 for the biennium. To summarize, more than \$500 million that is intended to flow to classrooms in Texas will now flow to TEA and the Commissioner *in perpetuity*.
- This comes after the 2021 session, where there was not a full appropriation from the beginning of the session and then a significant cut during the session. Based on the SBOE/PSF distribution, the 2021 session should have begun with approximately \$1.7 billion for the biennium
- Why is there a discrepancy between these numbers?
- Districts are prioritizing school safety and security needs, which TEA estimates will cost \$2.1 billion to meet the new minimum standards. Is the funding for this bill coming out of the \$5 billion the Appropriations Committee has set aside for public education, or is it coming out of the \$1 billion for instructional materials and technology? *Will this bill's costs lessen the available funding needed for the critical needs of our school communities and children?*
- What are the total projected ongoing costs to implement HB 1605?

Future and ongoing funding for SB 2565 provisions appear to be a carveout from districts' IMTA, draining the allotment and leaving no local discretion on the selection of materials.

- While the bill indicates this is an optional choice for districts in the selection of materials, several of the bill provisions indicate that the IMTA account will be depleted of funding from the onset.
- §31.0216 and §31.021(c) would allow TEA to purchase instructional materials for districts using funds that are currently allocated for districts through their IMTA. There is no protection in this TEA purchase section (which is not in the OER subchapter) from districts being required to use these TEA purchases, unlike other sections of the bill (e.g., §31.073 says district not required to use OER) and existing law (§32.002 says district is not required to use Commissioner technology purchases under Chapter 32).
- §31.023 would allow TEA to utilize funds that are currently allocated for districts through their IMTA for conducting the agency's reviews of instructional materials.
- §31.025 would allow TEA to use funds that are currently allocated for districts through their IMTA to develop and maintain their website for their reviewed instructional materials.
- §31.071 would allow TEA to use funds currently allocated for districts through their IMTA to contract with OERs leaving districts without enough IMTA funds to purchase the instructional materials best fitted for district student populations.
- §48.157 provides that districts that transition to OER will be entitled to a (one-time?) \$40 per student IMTA allotment only to purchase a material approved by TEA or the SBOE. This funding otherwise would be available to all Districts under the typical IMTA distribution.
- §48.158 provides that districts receive an annual \$20 per student allotment but only for purchasing printed copies of OER.
- Ultimately our concern is that with the TEA commissioner's use of IMTA to pay for OERs, the review process, the Texas Resource Review website, and the new parent portal, the amount of IMTA available to districts would be drastically reduced from *statutorily-required* levels of funding.
- Would the Legislature consider a separate and new funding source for these provisions that would not limit districts' purchase of needed instructional materials?

Provisions of the bill would require renegotiation of every individual teacher contract, limit teacher innovation, and conflict with the state's own teacher evaluation system.

- Statute already limits what teachers can be required to do. It appears all allowable duties would now have to be listed in contracts, including duties such as helping to monitor recess, the lunchroom, or bus and carpool lanes before or after school.
- These provisions would disproportionately impact small school districts that do not have the staff to complete the "non-contractual" requirements excepted from this legislation.
- The Legislature has long recognized that the state should not dictate methodology used by a teacher or the time spent by a teacher or a student on a particular task or subject. For example, TEC §28.002(i) restricts the State Board of Education from adopting rules that designate methodology or time. The provisions of the bill would limit methodology to that of TEA's chosen instructional material vendor(s) and prescribe the instructional time for the foundation curriculum courses to 240 minutes each day, including time needed each day for accelerated instruction.
- Many teachers prefer to plan lessons and look for supplemental materials to engage their students, provide scaffolding, review content that has yet to be mastered in previous grades or

classes, differentiate instruction for special student populations, etc. The term “with fidelity” throughout the bill insinuates teachers would be limited to scripted instruction, a one-size fits all approach that is not suited to meet the individual needs of students.

- The state’s own teacher evaluation system includes a component related to lesson planning as it is a core function of the teaching profession. Preventing a teacher from planning lessons and forcing them to use a particular instructional material (through the incentive provisions of the bill) will likely lead to frustration and lack of buy-in as the provisions imply that teachers are not equipped or skilled in planning instruction for their students.
- The provision requiring access to parents of all instructional materials for each subject area in a grade level beginning not later than 30 days before the school year begins will limit planning, remediation opportunities, and a teacher’s ability to provide supplemental instructional materials as needed. We recommend that consideration be given to amending this provision to limit “all” materials to “core” materials so that teachers have the autonomy to address specific student instructional needs as they arise.

The legislation, while well-intentioned, substantially limits local control and increases the State Agency’s presence in student learning. The aspects of the legislation that produces an allotment are only a tiny piece of the permanent changes the statute presents, which will affect all districts regardless of if they participate in the grant program. The Agency continues to utilize District IMTA, which is meant for student material expenses, to create other programs or Agency initiatives. This legislation only expands the TEA’s ability to divert these funds from districts and charters. We look forward to working with Chairman Creighton to address our concerns with the noted provisions of the bill.

Respectfully,

Dr. Casey McCreary, Texas Association of School Administrators



Dr. Crystal Dockery, Texas Association of Community Schools



Jeff Funderburgh, IMCAT President

