

“Surviving the Special Session”

**UT/TASA Summer Conference on Education
Sunday, June 25, 2006**

**“When the pace of change outside an organization
is more rapid than the pace of change inside the organization,
the future of the organization is at risk.”**

--Phil Schlechty

Selected Topics from TEA Special Session Briefing Book

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The topics selected represent a few of those placed into law, but all are of significance as we move forward in the implementation of H.B. 1.

A large number of sections within the law must await rule making by the TEA, and therefore were not included.

Two major areas omitted focused on school finance and the new powers granted to the commissioner. Both topics are great in depth and are better left to those who study the implications with respect to all schools in our great state.

The selected topics, along with the corresponding comments, are intended to generate discussion points as we all try to determine the long term impact of each topic! Each topic selected is accompanied by some pros, cons and questions, not totally inclusive, but again a starting point for discussion.

Remember: The Crisis of Today is the Joke of Tomorrow! - H. G. Wells

Section 9.01-9.04 School Start Date

Statute Amended or Added: Amends §7.056(e) and §25.0811, Education Code.

Summary: Prohibits a school district from beginning instruction for a school year before the fourth Monday in August. The prohibition may not be waived, but an exception for operation of a year-round system under Section 25.084 is provided.

Change from current law: Current law prohibits beginning instruction before the week in which August 21 falls and permits waivers from that restriction under certain circumstances.

Effective Date: Applies beginning with the 2007-2008 school year.

PROS

- ✚ This may be a “stretch”, but “two-a-day” practices will be somewhat consistent in length.
- ✚ There is the possibility of more migrant students being enrolled, which increases ADA.

CONS

- ✚ Loss of local control?
- ✚ A later start date could hinder completion of the 1st semester prior to Christmas Break.
- ✚ A later start date will increase the number of student days after TAKS, which are marginal instructional days.

QUESTIONS

- ✚ With the uniform start date set, when will the end date be set? If and when the end date is set, we will have the ultimate in loss of local control outside of ability to raise tax rates.
- ✚ Will TAKS testing be scheduled later in the academic year to counter loss of instructional days?

Section 11.01 Elections

Statute Amended or Added: Adds § 11.0581, Education Code

Summary: The new Section 11.0581 requires that a school district election be held jointly either with 1) the election for members of the governing body of a municipality located in the school district, typically held in May, or 2) the general election for state and county officers, which is held in November of even-numbered years. Chapter 271 of the Election Code governs the operation of joint elections.

If a school district changes its election date to comply with this section, the district shall adjust the terms of office of its members to conform to the new election date.

Change from current law: The current uniform election dates are the second Saturday in May or the first Tuesday after the first Monday in November. Currently, school district elections are not required to have joint elections with common polling places. Also, districts could use the November date in odd numbered as well as even-numbered years.

Effective Date: Upon pre-clearance by the U.S. Department of Justice.

CONS

- ✚ Election Day changes (joint elections) have minimal impact as most people vote early. (Our district's voting pattern is over one-half early voting.)

QUESTIONS

- ✚ Does the law speak to combining early voting at the same location?

Section 4.08 Student Achievement Programs

Statute Amended or Added: Adds Subchapter N, Chapter 21, Education Code

Summary: Establishes a teacher incentive program for high poverty campuses with high levels of achievement and improvement. This program will be funded at \$100 million in FY 2007, 2008, and 2009. 75% of the funds provide teachers who have had the biggest impact on student achievement with financial awards. The remaining 25% of the funds may be used to reward other campus staff and leadership, teacher mentoring, and research-based professional development. Funds from this program must also be used on evaluation of the program.

Change from current law: Not applicable

Effective Date: Immediate effect, grants shall be awarded beginning with the 2006-2007 school year

Effective Date: Upon pre-clearance by the U.S. Department of Justice.

PROS

- ✚ Recognizes those campuses with a high percentage of economically disadvantaged population, along with the teachers who lead their students to high levels of achievement.

CONS

- ✚ Determination of eligible campuses by using the highest one-half with regard to economically disadvantaged student population as the first qualifying standard eliminates many high performing campuses with similar student populations and equal if not higher performance levels.
- ✚ Could be divisive for staff if not handled carefully, for example, cutting out non-core teachers.
- ✚ Could reduce communication and willingness to share ideas and strategies within core departments which would create a negative competitive atmosphere.

QUESTIONS

- ✚ Is there a possibility to create a matrix approach to qualifying for the program?

Section 4.08 Educator Excellence Awards Program

Statute Amended or Added: Adds Subchapter O, Chapter 21, Educator Excellence Awards Program, Education Code.

Summary: Establishes a teacher incentive program that provides funding to any district that wants to establish a local incentive program. This program is funded at \$840 multiplied by the number of classroom teachers for FY 2008; this program is funded at \$1000 multiplied by the number of classroom teachers in FY 2009. 60% of the funds from this program must be used by districts to create incentive plans to reward educators, principals, and other school staff. 40% of the funding from this program may be used for additional programs such as teacher stipends, principal awards, teacher mentoring and implementing components of the Teacher Advancement Program.

Change from current law: Not applicable

Effective Date: Immediate effect, available for school district participation beginning with the 2007-2008 school year

PROS

- ✚ This program enables a district to recognize campuses and respective staff members for high academic performance or recognition for gain made with regards to other AEIS indicators.

CONS

- ✚ It may be another program that will be difficult to administer. Remember the career ladder!

QUESTIONS

- ✚ Will the final rules allow for qualification to be based upon campus performance, or will the plans be required to address individual teacher performance?

Section 5.01 College Readiness

Statute Amended or Added: Adds § 28.008, Education Code

Summary: Adds the requirement that the commissioners of education and higher education establish vertical teams composed of public school and higher education faculty. These teams will:

1. recommend for approval college readiness standards and expectations;
2. evaluate whether the TEKS serve to adequately prepare students for college level work;
3. recommend strategies for aligning public school curricula with college readiness standards; and
4. develop instructional strategies, minimum standards for curricula, professional development materials, and online support materials in the four foundation areas (English language arts, mathematics, social studies, and science) for students who need additional assistance to successfully perform college level work.





It also requires the State Board of Education (SBOE) to incorporate college readiness standards into the essential knowledge and skills identified by the board under Section 28.002(c).

Section 5.06 College Readiness Program

Statute Amended or Added: Adds §§ 39.113 and 39.114, Education Code

Summary: Requires the agency to (1) develop standards for evaluating the success and cost effectiveness of high school completion and success and college readiness programs implemented under Section 39.114, (2) provide guidance for school districts and campuses in establishing and improving high school completion and success and college readiness programs implemented under Section 39.114, and (3) develop standards for selecting and methods for recognizing school districts and campuses that offer exceptional high school completion and success and college readiness programs implemented under Section 39.114.

PROS

-  Funding (seed money) is provided to allow districts discretion in meeting the needs of their students, such as At-Risk, underachieving sub pops, LEP, etc.
-  Provides for the alignment of curriculum to bridge the gaps.
-  Evaluation and revisions of the TEKS.
-  Provides funding for staff to meet the four years of math and science requirement.





Requires school districts or campuses to use funds allocated under Section 42.2516(b) (\$275 multiplied by the number of students in average daily attendance in grades 9 through 12 at the district) to do the following: (1) implement college readiness programs that provide support and instruction to prepare underachieving students for college; (2) implement programs that encourage students toward advanced academic opportunities; (3) implement programs that give students opportunities to take academically rigorous course work, including four years of math and four years of science; (4) implement programs that align the curriculum for grades 6 through 12 with postsecondary curriculum; and (5) implement other high school completion and success initiatives in grades 6 through 12 approved by the commissioner. Beginning in the 2008-09 school year, school districts whose performance is exceptional on the postsecondary success indicator adopted under 39.051(b)(13) of this bill and whose district completion rate for grades 9 through 12 exceeds standards required to be exemplary under Section 39.072 may use funds from the high school allotment on any instructional program other than an athletic program. An open-enrollment charter school is entitled to an allotment under this section in the same manner as a school district. The commissioner is granted authority to adopt rules to administer this section, including rules related to the use of funds under this section by an open-enrollment charter school.

Section 5.08 College Readiness

Statute Amended or Added: Adds § 61.0761, Education Code

Summary: Requires the creation of a P-16 college readiness and success strategic action plan that is focused on the goals of increasing student success in entry-level college courses and decreasing the number of students enrolling in developmental education courses at institutions of higher education.

CONS

-  The intent seems to focus on academic preparation for college readiness and does not address those students in the Career and Tech field who either have employable certifications at high school graduation or who may or may not have Tech Prep articulations but who will pursue postsecondary education in a technical field in a setting other than a college or university.
-  May have a negative effect on electives, such as Career & Technology and Fine Arts.
-  It does little to offer districts a solution for non-English speakers who enroll in grades 9-12 with the only intent being to learn the English language and then enter the work force.
-  Unless graduation credit requirements are increased from the current 24 for the RHSP/DAP, the additional year of science and math will allow only 1½ elective credits under the RHSP and ½ elective credit under the DAP. (While most districts operate on a 7 period instructional day-28 credit program, this still limits the flexibility in scheduling.

The plan, recommended by the P-16 Council and approved by the Commissioner of Education and the Higher Education Coordinating Board, must:

- 1) include definitions of college readiness standards and expectations, upon coordination between the Council and the State Board of Education, that address what a student must know and be able to do to successfully perform college-level work;
- 2) define components of a P-16 individualized graduation plan;
- 3) define manner in which the Texas Education Agency should provide model curricula for school districts;
- 4) recommend strategies for decreasing the number of students enrolled in developmental courses in higher education institutions; and
- 5) include recommendations to the State Board for Educator Certification for inclusion of college readiness training and preparation components into educator certification and professional development requirements.

This section clarifies that the State Board of Education retains its authority over the curriculum process.

Section 5.02 and 5.09 Graduation Requirements

Statute Amended or Added: Amends § 28.025, Education Code

Summary: Requires the State Board of Education (SBOE) to adopt rules requiring four courses in each of the foundation areas (English language arts, mathematics, social studies and science) for graduation under the Recommended High School Program (RHSP) and the Distinguished Achievement Program (DAP), and requires that at least one required course include a research writing component.

Change from current law: The RHSP and DAP currently require three credits of both mathematics and science and four credits in English Language Arts and Social Studies for graduation.

Effective Date: Requirement would be effective for students entering 9th grade in school year 2007-2008. According to Section 5.09 of the bill, SBOE rule changes are required by January 1, 2007.

Questions

- ✚ With regard to science facilities, do schools have adequate facilities since most added lab facilities to meet the third year requirement?
- ✚ With regard to science staffing, with the difficulty in finding certified science staff for three years of science, will certification requirements be modified to meet the increased need and Highly Qualified?
- ✚ In regard to technology, with the addition of a fourth year of science and college readiness for college lab classes, what are the technology implications for high school labs?
- ✚ Does Section 5.08 #2 mean each student will have some kind of IEP, and if so designed by whom?
- ✚ Does the possibility exist that the college readiness process might be focused towards subject matter content and to a lesser degree on the process of learning?

Section 5.03 Optional Flexible School Day Program

Statute Amended or Added: Adds § 29.0822, Education Code.

Summary: Makes provisions for an optional school day program for students in grades 9-12 who: 1) are dropouts or at-risk of dropping out; or 2) attend a campus that is implementing an innovative redesign or early college plan. This program would allow school districts with flexibility in the delivery of the instructional program in terms of the numbers of hours a student attends school each day or the number of days a week a student attends. Students would also be allowed to enroll for less than a full course load. Attendance accounting would allow for accumulations of instructional time to earn state funding. The commissioner is granted rulemaking authority for this program.

Change from current law: Provides districts with additional flexibility in scheduling for certain high school students.

Effective Date: Immediate effect

Action required for 2006-2007 School Year: The agency will need to develop rules for the program.

PROS

- ✚ This program allows alternative approaches to drop-out recovery, or in some cases, a credit acceleration program.
- ✚ It allows students to “have” to work an opportunity to continue working towards a high school diploma.
- ✚ It also allows teenage mothers the choice of arranging for more flexible childcare options.

CONS

- ✚ None.

QUESTIONS

- ✚ Will this program require software adjustments to account for attendance by the hour?
- ✚ Does this program negatively impact extracurricular activities, especially for innovative redesign or early college plan campuses?

Section 2.09 Spending Targets

Statute Amended or Added: Adds § 44.011, Education Code

Summary: Requires the commissioner to establish and publish annually spending targets for each district based on the best practices of campuses and districts. The proposed expenditures must include amounts for instructional expenditures; central administrative expenditures; district operations; and any other category designated by the commissioner. If the board of trustees intends to exceed the proposed expenditures, the board must adopt and publish a resolution that includes an explanation justifying the board's actions.

Change from current law: Not applicable

Effective Date: Immediate effect

Action required for 2006-2007 School Year: Publish spending targets for each school district.

Districts may need to amend their local calendars if they wish to participate in the program.

PROS

- ✚ It provides a benchmark for districts to gage expenditures.

CONS

- ✚ Some districts, due to enrollment and other factors, may be included in a small group which could result in unrealistic expenditure targets.

QUESTIONS

- ✚ Will the spending targets eventually become indicators within the accreditation model in School First Rating System?
- ✚ How will spending targets be established?

Section 13.04 Textbook Proclamations

Statute Amended or Added: Not applicable

Summary: Declares the Legislature's intent to reform the textbook process. Directs the SBOE to forgo the issuance of Proclamation 2006 and indicates that funding for Proclamation 2005 may be impacted by changes to the system.

Change from current law: TEC, §31.022 requires the SBOE to adopt a review and adoption cycle and issue proclamations at least 24 months before materials are to be purchased.

Effective Date: Immediate effect

Action required for 2006-2007 School Year: No

Outstanding Issues: Possible reforms to the textbook process by the 80th Texas Legislature.

PROS

- ✚ The world in which we live is changing, with a high percentage of learning and interaction taking place outside of traditional formats.
- ✚ This is a beginning to change how learning resources are provided to districts and students.
- ✚ The reduction in textbooks might result in better teaching as quite possibly the learning environment could move towards research and/or interactive learning.

CONS

- ✚ The transition will be from the world of books to that of the vast resources available through web-based approaches, realizing that change brings its enemies.

QUESTIONS

- ✚ Funding????
- ✚ If the movement by the state is towards infusion of technology in providing subject content, is there a commitment to help districts with the additional costs related to technology?