



TEXAS LEGISLATIVE STUDY GROUP

An Official Caucus of the Texas House of Representatives

Chair, Rep. Garnet Coleman
 Co-Vice Chair, Rep. Yvonne Davis
 Co-Vice Chair, Rep. Ana Hernandez
 Treasurer, Rep. Armando Walle
 Secretary, Rep. Victoria Neave
 General Counsel, Rep. Lina Ortega

STEERING COMMITTEE

Rep. Diego Bernal	Rep. Mary González
Rep. Abel Herrero	Rep. Gina Hinojosa
Rep. Mando Martinez	Rep. Rhetta Bowers
Rep. Eddie Rodriguez	Rep. John Turner
Rep. Toni Rose	Rep. Ina Minjarez
Rep. Harold Dutton	Rep. Sergio Muñoz
Rep. Chris Turner	Rep. Alex Dominguez
Rep. Rafael Anchía	Rep. Nicole Collier
Rep. Carl Sherman	Rep. Julie Johnson
Rep. Vikki Goodwin	

Representative

Desk

Pre-Filed Amendment Floor Report - Tuesday, May 25, 2021		
Author	Analysis	Recommendation
SB 1365 Pre-Filed Amendment - Tuesday, May 25, 2021 Author: Bettencourt Sponsor: Huberty Dutton King, Ken Murphy Oliverson		
Huberty 871719	<p>The original SB 1365 stemmed from a court ruling by the Third District Court of Appeals that stopped the commissioner from taking over the Houston Independent School District based on one school campus performance rating. After many stakeholders voiced serious concerns about numerous provisions of SB 1365, consideration of the bill was postponed several times as it underwent revisions. This amendment, offered as a floor substitute, is the second revision based on stakeholder’ concerns. Although it addresses one major concern from the original bill: the almost unbridled power it granted the appointed Education Commissioner, it fails to address other concerns related to raising the high stakes of the test-driven A-F accountability system, restrictions on court challenges, and the potential for unintentional consequences.</p> <p>This floor substitution includes perfecting amendments, along with clarifying language regarding new charter schools. One of the primary concerns in the original bill was the broad language that it could have effectively given the commissioner power to act with little regard for the limited due process framework outlined in the bill. The amendment strikes the language on page 6, lines 10-14 that allowed the commissioner to “order any intervention or sanctions described by Chapter 39 A without regard to any academic, financial, accreditation, or other conditions required by that chapter to initiate the intervention or sanction have been met.” This amendment also addresses the language concerns on page 1, section 2.01 which granted broad authority to the commissioner over the entire Education Code with language “in this title,” stopping all interlocutory action without specific Education Code provisions by restricting the language to the only new provisions in Chapter 7, 11, 12, 39 and 39A. Correcting these two concerns regarding the commissioner’s authority is an improvement over the original bill.</p> <p>Nonetheless, there are still concerns that expand the commissioner’s power to a lesser by significant degree, as follows:</p> <ul style="list-style-type: none"> • The length of conservatorship is unlimited; it would allow the commissioner to determine when the conservatorship is no longer necessary. 	<p><u>Will of the House with Concerns</u></p> <p>Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org</p>

OK for Distribution - Rep Garnet Coleman

- The commissioner should not be able to enact sanctions before a court can review the decision. Under this amendment, “the filing of an appeal does not affect or stop the enforcement of the commissioner’s written decision.
- Courts must review evidence not considered by the commissioner. However, under this amendment, the courts may not review new evidence, only the evidence, and testimony that was already gathered during the investigation period.
- The floor substitute would allow the commissioner of education to appoint a conservator or management team to take over an entire school district based on the performance of one campus. Imposing a district-level sanction for a campus-level problem punishes the district as a whole for one campus. The Education Code currently allows the commissioner to appoint a campus-level conservator or board of managers. That should be the solution for campus-level problems.

Another concern with SB 1365 involves changes made to raise the high stakes of standardized testing in the public school accountability system. The substitute extends the rule to allow three “Ds” to be the equivalent of an “F” rating. For the 2021-2022 pandemic school year, schools can only get an A-C rating with lower performance campuses given a “not rated” for the year. The substitute allows a reset for campuses considered failing if they received a C or higher in the 2021-2022 school year.

Although these are positive steps related to problems posed by the pandemic, it does not address the underlying problem. Codifying the commissioner’s 2021-2022 rule into law does nothing to address the flawed logic of doubling down on a stigmatizing A-F system based on high-stakes testing. While the pause is much needed following an uncertain and traumatic pandemic year, there are still concerns that campuses will not show improvement on a standardized test even after school resumes post-COVID-19. The reset in this provision does nothing to help campuses struggling the most to catch up in succeeding years when students could use more evidence-based practices such as community schools, Social-Emotional Learning, and directing more resources to our most vulnerable populations instead of punitive state takeover threats.

The SB 1365 floor substitute does address a major concern with the bill, but the aforementioned concerns still exist in the bill. Nevertheless, the amendment is an improvement upon SB 1365 as reported from the House committee and can provide a framework to address these issues.

