



# Vouchers, funding, testing among **major issues** in January

The 2012 election is history, and soon the consequences will take shape in what promises to be a legislative session full of challenges, as well as opportunities, for educators. **By Clay Robison**

A number of major issues will confront legislators when they convene on Jan. 8.

- School funding — Highlighted by last session's cuts and by lawsuits brought against the state by more than 600 school districts, funding will remain high on the list for educators.
- Vouchers — For the first time in several years, there will be a big push to siphon state tax dollars away from public schools to pay for a private school voucher program.
- High-stakes testing — This issue promises to be more contentious than ever, and it may come to a head in 2013.
- Teacher Retirement System — There will be an effort to “reform” public pensions, an issue of critical importance to school employees and retirees alike.

- Charter schools — Some lawmakers may try to raise or remove the state cap on charters.

In addition to those “big” issues, TSTA will have to address thousands of bills and amendments that could have an impact on our public schools and those who work there. And quite often, policy on the big issues is set by amendments to seemingly innocuous “minor” legislation.

Although the Legislature remains overwhelmingly conservative, many lawmakers who have been strong advocates for public education were re-elected to the Texas House of Representatives and the state Senate with TSTA's support. And they will be joined by several newcomers who promise to put the



CANDIDATES FROM LEFT TO RIGHT: Sen. Wendy Davis of Fort Worth has made public school children the focus of her legislative career; TSTA leaders from Pasadena and Deer Park volunteered in the winning campaign of a new state representative, Mary Ann Perez; Beto O'Rourke, who won election to U.S. Congress, meets with members from El Paso and Ysleta; Congressman-Elect Filemon Vela receives the NEA endorsement from Brownsville members.

needs of students and educators above ideological politics.

Many of the legislators who voted in 2011 to slash \$5.4 billion in state funding from public schools — or more than \$500 per student — will be back. Some already are promoting agendas, such as vouchers, that would further undermine public education in favor of privatization. But several of those budget-cutters campaigned this year against high-stakes testing and privatization schemes in the face of strong opposition from TSTA and unhappy parents who are fed up with the STAAR program, growing class sizes, and cuts to neighborhood schools.

So this session will present an opportunity for educators, parents, and other Texans who truly value public education to halt the attack on local schools. It will require, however, the active engagement of TSTA members.

The TSTA staff in Austin will work hard for restoration of school funding and against those ideas — such as vouchers and retirement fund changes — that would harm the public schools and the people who study and work in them.

No matter how well we work in the Capitol, when your legislators hear from the “folks back home,” it really makes a difference. TSTA will send regular legislative updates and alerts to our members so that you, too, can lend

your voice to the legislative process. Frequent, pro-education contacts by TSTA constituents with their legislators will be essential in protecting and strengthening the public schools against the erosion of privatization.

Both the House and the Senate will remain in Republican control. But Democrats, including many successful candidates supported by TSTA, recaptured enough House seats to trim the 101-49 Republican super-majority of 2011 to 95-55. And TSTA has met with and supported Republicans who have pledged to support public schools and fight privatization.

Much of the House agenda will be influenced by the speaker. Two years ago, Republican Speaker Joe Straus of San Antonio, a traditional conservative who appears to be the most reasonable and least ideological of Texas’ top leaders, survived a leadership challenge from extremists in his own party. He may face a similar challenge in January, but he is expected to win another term as presiding officer.

The Senate will keep a 19-12 Republican majority, and although the right-wing grip on that body may have tightened, the Senate “majority” on certain key education issues may come down to three or four more “reasonable” Republicans. Four former Republican senators didn’t seek reelection and were replaced

by more ideological successors. And Jeff Wentworth of San Antonio, a longtime, moderate Republican senator, was unseated by Tea Party favorite Donna Campbell in the GOP primary. However, TSTA was instrumental in the reelection of Sen. Wendy Davis, a Democrat from Fort Worth and champion of public schools, in a tough race in a swing district. Davis made public education a defining issue in her campaign, and her victory could remind senators that Texans support public education.

However, both Gov. Rick Perry and Lt. Gov. David Dewhurst, who continues to court the right wing despite losing a Republican race for the U.S. Senate to a Tea Party candidate, have already endorsed private school vouchers. Dewhurst also appointed Sen. Dan Patrick of Houston, a leading voucher advocate and founder of the Legislature’s Tea Party Caucus, to chair the Senate Education Committee.

Here is a closer look at some of the major issues important to educators and public schools and how TSTA believes they must be resolved:

## EDUCATION FUNDING

Governor Perry, who continues to court the right-wing crowd following his futile race for president, is trying to paint a picture of financial gloom despite the fact that the state government’s budgetary outlook has improved significantly since the 2011 session. In fact,

the budgetary situation in 2011 wasn't as bad as Perry and his legislative allies led Texans to believe. Even as they inflicted deep cuts on education and health care, they left about \$6 billion unspent in the Rainy Day Fund.

Now the Rainy Day Fund has swelled to at least \$8.1 billion, according to the state comptroller, and may grow even more. And state tax collections for general revenue are running at least \$5 billion more than the comptroller projected when the 2011 school funding cuts were imposed. This is more than enough money for the Legislature to restore school funding cuts and meet other state needs, such as health care, which also are important to many public school students and their families. Those of us who value public education must lead the effort to deliver that message, loudly and clearly, to the Legislature.

The 2011 cuts cost the jobs of 25,000 school employees, including almost 11,000 teachers, during the 2011-12 school year alone, leaving thousands of students crammed into overcrowded classrooms. The cuts also were the last straw for about 600 school districts that filed several lawsuits against the state, arguing that the Legislature has failed to fulfill its constitutional duty to adequately and equitably fund the public schools. State District Judge John Dietz of Austin began hearing the litigation in October, and the trial is expected to end in January. Dietz's ruling will be appealed, and the ultimate decision will be handed down by the Texas Supreme Court a year or more from now. The Legislature will likely wait for a final ruling before making significant changes in the school finance system, but lawmakers have enough money now to restore funding cuts and start repairing the damage they inflicted in our classrooms.

## PRIVATE SCHOOL VOUCHERS

Proposals for private school vouchers have failed before, but the fight will be on again during the upcoming session. Sen. Dan Patrick of Houston, the new

chairman of the Senate Education Committee, has announced that a voucher bill will be his top priority. And Governor Perry, Lt. Governor Dewhurst, new State Education Commissioner Michael Williams, and the usual profiteers have lined up to support them.

It is wrong to divert public tax dollars to a voucher profiteering scheme, especially when school districts are struggling with teacher layoffs and overcrowded classrooms following the budget cuts. We don't know the details of what will be proposed, but there has been speculation that proposed legislation may offer vouchers of about \$5,000 to as much as 7 percent of the public school enrollment. If so, that would be about 345,000 students at a total annual cost to taxpayers of \$1.7 billion. The state simply has no business giving private school owners \$1.7 billion, either directly or through tax credits for donations to a voucher program, another option that may be considered. The result will be more cuts to an underfunded public school system, with more educator jobs on the line. Some districts — particularly small districts in rural areas — may be forced to drop or cut back some extracurricular activities, including football and band. Or they may be forced to charge students to play on athletic teams or in the band, an expense that many low-income families will be unable to afford.

Advocates of private school vouchers falsely call their proposal a "choice" program for students and families. The vast majority of students will have no choice, because they will continue to be educated in traditional public schools, which will keep suffering funding cuts while tax dollars go to private schools.

Public schools accept all students. Private and religious schools do not. Public schools must meet state accountability standards. Private schools do not have to meet accountability

and curriculum standards, and voucher supporters want it to stay that way, even if they receive state tax dollars. And private schools could still discriminate in admissions on the basis of prior academic achievement, special needs, or behavioral history. In other words, they could use taxpayer dollars to cherry-pick the best and the brightest.

To add insult to injury, by charging tuition and fees in excess of the voucher amount, private schools could discriminate on the basis of family income. Even with a \$5,000 a year voucher, most Texas families will be unable to afford tuition at many private schools.

According to research compiled by the National Education Association, there is no conclusive evidence that voucher programs in other states have improved student performance. Moreover, due to the lack of public accountability in financial policies or measurement of student achievement, some voucher programs have been plagued by waste and abuse.

Vouchers and other privatization schemes are offered by supporters as a way to "improve" public schools, but, in truth, they are just another way to enrich profiteers at the expense of public education. Vouchers are based on the assumption that public schools have failed, or will fail. As such, privatization is nothing less than an attempt to undermine support for public education — a recipe for failure cooked up by big money players who want to make money by educating our children. Such schemes also are designed to divert lawmakers' attention from what educators and students really need — enough resources to succeed in the public schools.

## HIGH STAKES TESTING

Although the legislative majority cut public school funding last session, lawmakers still insisted that students as young as third-graders take the new,



more difficult State of Texas Assessments of Academic Readiness (STAAR) tests. The state postponed for one year a requirement that end-of-course exams count toward high school students' final grades. But that requirement remains in effect for the current school year, and many parents are furious that the legislative majority still doesn't have its educational priorities in order. Some parents — Texans Advocating for Meaningful Student Assessment — have started to organize over the issue. And several hundred school boards have approved resolutions condemning the overreliance on high stakes testing.

What kind of public policy dictates a more difficult, high-stakes test for student and educator accountability but slashes the resources that teachers and students need to succeed? Educators and voters know the answer: it's a backwards, failed public policy, and based on some reelection campaign squirming by legislators who initially supported the tests and the cuts, the STAAR program may be in for some changes during the upcoming session. But STAAR also has its defenders, including the Texas Association of Business (TAB) and the Texas Public Policy Foundation (TPPF), both supporters of Governor Perry and his budget-cutting, privatization attack on public education. These groups complain about the high STAAR failure rate and insist that the state solve its education problems by clamping down on children and teachers. They demand that students and educators be held accountable, yet they hypocritically refuse to hold the governor and his budget-cutting legislative allies accountable.

TAB even has gone so far as to withhold support for additional education funding until the Legislature reconfirms its support of the STAAR program. That short-sighted position is particularly absurd coming from a group whose members need a well-educated workforce. If TAB and other

like-minded groups don't get their political and educational priorities in order soon, they are going to lose ground and profits to competitors in other states.

In a more realistic assessment of the STAAR problem, consultant Lynn Moak, a school finance consultant for Texas school districts, recently testified in the school finance trial that inadequate state funding makes it impossible for an acceptable number of students to meet the higher STAAR standards. "It (STAAR) is clearly a higher academic standard than we have had in the past, and...we are unprepared to meet those standards. It will take additional resources to meet those standards," Moak was quoted in the *Houston Chronicle*.

The fight over standardized testing is far from resolved. Some legislators are angry over STAAR's intrusion into classroom instruction. But other lawmakers will continue to defend the tests and will even try to link student test scores to teacher compensation, a proposal that TSTA will continue to fight. Ideally, the Legislature should put first things first by scrapping STAAR, restoring the school cuts, and creating an adequate, equitable school finance system. Then lawmakers, in consultation with teachers and other stakeholders, should work on developing a valid accountability system that includes more than standardized student testing.

## TEACHER RETIREMENT

Ninety-five percent of Texas teachers don't receive Social Security. For many of these, their only retirement nest egg is the Teacher Retirement System's (TRS) pension fund, and fortunately it is one of the strongest public pension funds in the country. Unfortunately, it may come under attack during the legislative session, partly because of financial problems with some other public pension funds and partly because of greedy fund managers who want to

cash in by converting public funds into riskier 401(k)-style investment plans.

In 2011, the Legislature directed TRS to study the advantages and disadvantages of changing the current defined benefits plan to a defined contributions plan, such as a 401(k), or some combination of the two. The TRS study clearly showed that changing to either option would significantly increase the costs of administering pensions. A 401(k) also would shift more of the investment risk to teachers, who would become vulnerable to the volatility of the stock market and could see their retirement savings all but vanish if the market plunged as they were preparing to retire.

The TRS Pension Trust Fund is actuarially sound for the next 70 years or so. Teachers and other school employees support the fund through their own contributions, and they have earned and deserve every penny of their guaranteed benefits. TSTA will strongly oppose any effort to convert the current plan to a riskier alternative or otherwise weaken teachers' retirements.

## CHARTER SCHOOLS

An effort to raise the current cap of 215 on charter school operators failed during the 2011 session but will be attempted again. TSTA will continue to oppose it because the recent budget cuts have made it impossible for the Texas Education Agency to adequately regulate the charter schools that already are operating in Texas. Moreover, despite the claims of some self-styled education "experts," charter schools are not a magic solution to education problems.

A number of studies have shown that charter schools, overall, are no better or worse than traditional public schools. Some charters are good. Others have performed poorly, sometimes through financial mismanagement, other times through fraud and poor educational practices. Charters also lack the financial and administrative transparency of traditional public schools.