



2023 ESSA PROPOSED AMENDMENT

The following are the Texas State Teachers Association's comments and concerns about the proposed amendment requests to the state's Every Student Succeeds Act State Plan.

The Texas State Teachers Association appreciates Texas Education Agency for its consistent attention to the Every Student Succeeds Act Consolidated State Plan. The current reauthorization of the Elementary and Secondary Education Act of 1965 affords Texas greater latitude to develop a plan that best reflects our great state's culture of continued improvement and success for all Texas public school students, and TSTA values the Agency's continued willingness to reflect and revise toward that end.

TSTA supports lowering the minimum n-size and the inclusion of students previously identified as English learners. These are both recommendations that we have offered to the Agency in the past and support as being a positive move for students.

1. **N-size:** TSTA supports lowering the n-size from 25 to 10 because it is in the best interest of students to set an n-size as low as possible to maximize the number of students eligible for support and included in public information on school performance. This will better ensure schools have the capacity to provide targeted support to students in need while fully protecting student privacy.
2. **Ensuring students previously identified as English learners are a distinct subgroup:** TSTA has advocated that TEA include the results of students previously identified as English learners in the English learner subgroup. By making this distinction, we believe this will better ensure that we are providing students with the resources, supports and personnel they need to continue to make improvements in reading, speaking, listening and writing in English even after they have "exited" an English learner program.

TSTA has concerns about the proposed new super group comprised of an unduplicated count of students and the plan to use only the two lowest performing racial/ethnic subgroups when calculating the school's score.

We also have general concerns related to the lack of transparency in the proposed amendment document.

1. **Super group:** The proposal to combine disparate groups of "high focus" students into a super group for the purposes of identifying a school in need of support would fail to recognize the unique needs of each of the high focus student populations. The implication of this arbitrary grouping suggests that the services and interventions necessary, for instance, for a student with a reading disability are the same as those targeting the needs of a homeless or highly mobile student. Calculating scores based on data of these groups taken as a whole would potentially muddy any conclusion made about how a school is serving certain groups and where monies and additional supports are needed. This would also be nearly worthless in terms of communicating performance to families of the affected high focus populations. Texas would also be the only state to use a super group in this manner.

2. **Subgroup reporting:** TSTA urges TEA to reconsider the proposal to use only the two lowest performing racial/ethnic subgroups when calculating a school's score. When considering student mobility and the many variables that would determine lowest, this would present inconsistent scoring trends across school years and a blurred version of the truth. There could be many examples of the floor falling creating the false impression of improvement for a subgroup. For example, if American Indian and African American are the two lowest-performing groups in Year 1 but then African American and Hispanic/Latino are the two lowest-performing in Year 2, it is not apparent whether American Indians improved, fell below the minimum n-size, or stayed the same but simply were not one of the lowest two. Obscuring data in this way is potentially harmful to historically marginalized groups because of potential misallocation of resources, and it does not fairly reflect student growth. Texas would also be the only state to report using only the two lowest performing racial/ethnic subgroups in this manner.
3. **Amendment document:** The way in which the proposed amendment document was presented to the public for comment made the proposed changes unnecessarily obscure. TSTA appreciates that new language was highlighted, but there was no effort to include language or figures that were being removed or directly changed. Obfuscating changes in this manner lacks the transparency that is fundamental to the public comment process. Section 2002.024 (a) of Government Code requires the notice of a proposed rule to include a brief explanation of the rule with a clear indication of any words proposed to be added or deleted from the current text. While an ESSA amendment may not fall under this code, it follows that best practice in any public comment process would be to make clear to the public exactly what changes are being proposed.

Finally, TSTA would like to offer several additional suggestions that were not reflected in the proposed amendments but that we believe would improve the Consolidated State Plan in service of strengthening academic outcomes for over five million students in public schools across Texas.

1. TSTA strongly believes that our state accountability plan should not just double- and triple-count standardized test scores but should measure students' access to high-quality learning environments. Many states have developed strong ESSA plans that include a range of school success indicators that go beyond the state summative test. In addition to STAAR, TSTA recommends Texas add indicators that address things such as school climate, teacher quality and access to enrichment programs such as fine arts and second language programs. This is especially needed in our elementary and middle schools because their current rating is based entirely on STAAR scores.

As you are aware, in a recent letter by United States Secretary of Education, Miguel Cardona directed state education agencies to answer a call to action and cease the misuse of summative assessment results by applying them punitively. Cardona emphasized in his letter the need for multiple indicators. **“Multiple measures provide a more complete perspective on resources, supports and student successes — and help to more effectively identify appropriate strategies and interventions.”** It is time Texas fully measure the many inputs that make our public schools great.

2. TSTA believes that one of the most powerful things that schools can do in their efforts to improve school performance is to partner with educators, families and other public-school allies to create school improvement plans that reflect local needs and address inequities. While we appreciate that aligning school improvement interventions with state statute eliminates confusion and duplication of efforts, we believe that current provisions do not fully adhere to the spirit of ESSA in providing for educators and other stakeholders to contribute to the improvement process meaningfully and authentically. The present

language falls short by merely asking how goals were “communicated to” stakeholders and how leaders will achieve “buy in.” This misses a critical opportunity under ESSA to advance education justice by collaborating with educators who know what students need to thrive. TSTA recommends that intervention actions for TSI, ATSI and CSI require schools to specifically include educators as participants in the creation, administration and evaluation of improvement plans.

3. TSTA suggests the elimination of the following rigorous interventions following failure to meet exit criteria for CSI five consecutive years: restarting the school in partnership with a charter school; converting the school to a charter school with an independent governing board; and inserting a state-appointed Board of Managers to oversee the entire LEA. We would articulate that community schools are an evidence-based school improvement model that provides an alternative to charters. Additionally, we oppose the appointment of a Board of Managers by the State as we believe that local control should remain with the district. While we do not oppose required consultation with such Board, we do not believe that schools will be authentically improved by removing opportunities for members of the community to have input in the decision-making processes concerning underserved schools.
4. We strongly oppose the use of competitive grant applications for school improvement. Awarding school improvement funds to local education agencies should be distributed via formula and based on the need to address inequities as identified by subgroup reporting figures. Moreover, it is critical that these funds be spent according to locally determined school-level resources and/or staffing needs. It makes little sense why a school must prove that it is struggling when the millions spent on the STAAR test are defended as being for this very purpose.

TSTA appreciates the Agency’s commitment to continuous review and revision of our state ESSA plan and the opportunity to collaborate on proposed changes. We believe the Every Student Succeeds Act provides states a fair opportunity to develop plans that use assessment and accountability to the benefit of students and not as a means to penalize, defund and privatize Texas public schools.