



TSTA IS NEUTRAL ON HB 11, WITH CONCERNS

*The following are the Texas State Teachers Association's
testimony on House Bill 11*

The Texas State Teachers Association appreciates the filing of legislation written to address the rights of educators. There are many provisions in House Bill 11 that TSTA membership supports and believes will improve supports and working conditions for educators. However, TSTA cannot support this legislation because there are many provisions for which we have recommended changes or that we oppose altogether.

TSTA cannot support HB 11 because we have concerns that this legislation:

- expands the authority of an unelected body regarding decisions that impact the entire spectrum of education
- expands the Teacher Incentive Allotment, a merit pay program that is based on student STAAR scores and is not universally available to all teachers
- will leave many novice teachers without access to adequate induction supports and does not direct districts to use the mentor allotment to compensate mentor teachers
- lays the groundwork for a new class of certificate that would be exempt from the Pedagogy and Professional Responsibilities exam that is currently required of all certified educators

The Elected SBOE Must Retain the Authority to Check SBEC Rulemaking, and SBEC Must Engage Stakeholders

The bill removes SBOE authority to veto SBEC rules

Section 26 of the bill would repeal Section 21.042, Education Code, which allows the 15-member elected State Board of Education (SBOE) to veto State Board of Educator Certification (SBEC) rules by a two-thirds majority vote. We oppose this repeal and request that it be removed from the bill.

Removal of this section of law would give ultimate rulemaking on many issues critical to the entire spectrum of education. The SBOE has shown no precedent of abuse of power, but as an elected body whose job it is to answer to its constituency that includes individuals and institutions along the spectrum of education, it matters that this Legislature protect this important check and balance.

In June of 2022, the SBOE vote unanimously to reject an SBEC-adopted rule that would have required teacher candidates to pass the educative teacher performance assessment, or edTPA, before becoming certified. Members each had unique reasons to veto the rule, but all were in response to serious concerns raised by the communities they were elected to serve.

While Education Code broadly governs educator preparation, certification, and disciplinary procedure, the specificity of these processes lies in Texas Administrative Code (TAC). The appointed SBEC has broad rulemaking authority to implement their legislative directives, and it is critical that an elected body retain this important check on the implementation of law. If enacted, this repeal could have a substantial negative impact on the teacher pipeline and the teacher retention crisis overall.

The bill establishes negotiated rulemaking but without teeth enough to make it meaningful

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If §21.042 is repealed, the legislature should, at the very least, require substantive negotiated rulemaking with specified stakeholder input for consequential decisions. **As filed, HB 11 is too permissive regarding negotiated rulemaking and would allow SBEC to decide whether or not engage in negotiated rulemaking and with whom.**

It is common for unelected bodies like the Texas Higher Education Coordinating Board (THECB) to engage in negotiated rulemaking for consequential decisions. While our preference is for the repeal to come out of the bill, we would be glad to engage with the bill author and others to ensure a robust and specific process is created, providing consistent and meaningful stakeholder engagement as part of the rulemaking process. Any rule that is reasonably likely to affect educators or educator preparation programs should be made only with the input of these groups.

TSTA Opposes Expanding Pay-for-Performance Programs

TSTA opposes “incentive” or “merit-based” pay plans, largely based on STAAR scores, which single out a few teachers for extra pay, and we oppose that HB 11 expands the Teacher Incentive Allotment instead of funding an across-the-board pay increase for all teachers. Governor Abbott has been promising six-figure salaries for teachers, but six-figure salaries through the Teacher Incentive Allotment apply to less than one third of one percent of Texas’s total teacher workforce. The best way to keep effective teachers in the classroom begins with raising teacher pay in Texas to the national average.

The proposed budget only anticipates that 4 percent of Texas educators will receive a designation. This represents an expected increase of just over 1 percent, but it also indicates that Texas is budgeting for 96 percent of educators not to be drawing in this allotment for their district. Moreover, the estimated designations in 2022 exceeded actual designations, so the estimated 4 percent will likely be lower. We believe that this is largely due to the lack of capacity many districts have in developing designation plans that both meet agency standards and are reflective of district philosophies of merit.

According to TEA, just 179 districts receive Teacher Incentive Allotment funds. Even in these districts, there are many teachers who are not able to qualify because they teach in positions that are not STAAR-tested. Though designation plans can elect to include all campuses and all teachers as eligible for a designation, many designation plans only include STAAR-tested grades. The fact that designation plans must include a student growth metric such as STAAR means that many districts that want to increase the likelihood of having their plans approved choose to narrow the metric by which “quality” is defined. This has resulted in a system of merit pay where many educators are not even eligible.

Additionally, TEA has recently proposed an amendment to §150.1012(a)(2)(B), which would further exacerbate the inaccessibility of TIA to classroom teachers and deepen the disparity of teacher pay that is unconnected to experience, advanced degrees, or professional development. The proposed amendment would impose a steep renewal fee - \$500 per designated teacher and \$10,000 to renew the plan. This will drastically reduce teachers’ access to better compensation. For many districts, the cost of renewal may exceed the value of allotment funds. Additionally, many currently designated teachers may likely face salary decrease if their district finds plan renewal to be cost-prohibitive.

The proposed change would also exacerbate the problem inherent in incentive pay programs. Better pay for only a small few lucky enough to be employed in districts with approved designation plans, or in positions that qualify for the program, leaves too many behind. Teachers will either flock to districts with the capacity to maintain local designation plans or will leave the profession altogether.

TSTA has been consistent in our opposition to merit pay programs such as the TIA, but because Texas underfunds public schools and teachers earn \$7500 below the national average, educators are left with little choice but to chase the carrot. Unfortunately, as it stands, the TIA carrot is available to a small minority of teachers and does not even begin to approximate fair or comprehensive salary increase that is necessary and deserved.

The one aspect of TIA that TSTA supports is the fact that National Board-certified teachers automatically receive a designation that is unattached to whether a district has an approved designation plan or to an evaluation tool based largely on student test scores.

Currently, NBCTs are automatically designated as recognized, but TSTA and the other three major teacher associations recommend Carrie M. Griffith

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that NBCTs be automatically designated as exemplary. The House Public Education interim report to the legislature also made this recommendation. HB 11 not only does not elevate the automatic distinction to exemplary as recommended by this committee, but it would demote National Board-certified teachers to the new, lowest “acknowledged” rung.

The National Board for professional Teaching Standards is the most respected certification available in education and is the most rigorous form of professional learning that teachers can undergo. Increasing the automatic designation to exemplary as TSTA and the interim report recommended would incentivize more teachers to pursue this rigorous course of study and would encourage our most accomplished teachers to remain in the classroom.

Induction Supports Must be Available for Every New Teacher

TSTA appreciates that this legislation recognizes the need to bolster supports for new teachers by way of the mentor allotment. The Teacher Vacancy Task Force identified the merit of providing induction supports to new teachers and recommended that the 88th Texas Legislature increase funding for and scale the mentor program allotment established by the 86th Texas Legislature. Research shows that mentor teachers are one of the most influential factors in a teacher candidate’s development¹ and that outcomes of first year teachers paired with a quality mentor teacher improved student outcomes.²

TSTA supports that HB 11 entitles a district to \$2000 for each classroom teacher with less than two years’ experience who participates in a mentoring program. However, because it caps the number of teachers that qualify districts for this allotment at 40 means that many first- and second-year teachers may be left without the induction supports that this bill intends to provide, especially in urban districts.

In the current cycle, just 81 districts applied for allotment funding and only 30 received it. This is not because educators don’t already recognize the value of quality induction supports but because rulemaking and the agency’s application approval process is too prohibitive make it worthwhile. The district guidelines for the mentor program allotment in this cycle is a 24-page document that overviews program requirements and point assignments and the review process. It currently caps the allowance at 55 teachers per district, which is 15 more than what HB 11 would allow, and still it is not commonly accessed.

Additionally, HB 11 does not direct districts to use the mentor allotment to compensate mentor teachers. In order to ensure the highest quality educators are serving as mentor teachers, the mentor teachers must be fairly compensated for leadership opportunities such as mentoring.

All Educators Must Be Required to Pass Certification Exams Regardless of Preparation Pathway

TSTA supports the proposition of the teacher residency pathway because we support the notion of embedding key teaching competencies in the curriculum as part of educator preparation program (EPP) pre-service requirements, prior to certification and becoming a teacher of record. For these reasons, TSTA supports legislative efforts to fund and incentivize teacher residencies and other high-quality educator preparation pathways.

However, we do not support the proposition that those candidates following the residency pathway should not have to take the state required certification exam, the Pedagogy and Professional Responsibilities (PPR) exam. Every student deserves a well-prepared and appropriately certified teacher in their classroom. Not only are sufficiently prepared teachers more likely to stay in the classroom, but also well-trained teachers are better equipped to produce the student learning outcomes we desire for our children. We feel strongly that the teaching profession is strengthened by a rigorous, standards-aligned exam like the PPR. Regardless of the which route a candidate pursues in order to become a certified as a teacher in Texas – traditional, alternative, or through a teacher residency - all must be required to take and pass the same content-area and certification exams.

¹ Goldhaber, Krieg & Theobald, 2020

² Goldhaber, Krieg & Theobald, 2018

