



ATPE Opposition to SB 1412

Relating to the creation of accelerated campus excellence turnaround plans for low-performing schools

May 14, 2019

The **Association of Texas Professional Educators (ATPE)** appreciates this opportunity to offer testimony in opposition to **Senate Bill (SB) 1412** by Sen. Charles Perry.

SB 1412 provides certain school districts with the option to craft an accelerated campus excellence (ACE) turnaround plan. The bill requires a three-year commitment from program participants, a system of observation and feedback for educators, and family and community engagement – each of which has been shown to positively impact student performance. We believe these provide the foundation for a potentially beneficial program, especially on campuses that are struggling. However, ATPE has several concerns with the bill as presented.

- 1. Teacher Assignment and Pay Criteria:** ATPE supports differentiated pay programs that provide for additional compensation for educators who undertake advanced education or training or take on additional professional duties beyond their normal work assignments. However, we oppose performance-based pay plans under which a teacher's compensation is determined primarily by measures of student performance. This philosophy is outlined in the ATPE Legislative Program that is created and voted upon by educators who are members of our association. Per our legislative program, **“ATPE opposes the use of student performance, including test scores as the primary measure of a teacher's effectiveness, as the determining factor for a teacher's compensation or as the primary rationale for an adverse employment action.”** Under SB 1412, at least 80 percent of the teachers assigned to the campus must be teachers who participated in the top quartile of teachers as determined by evaluations and “student growth” – which is undefined. While there is no explicit requirement to use test scores, the broad authority granted in Sections 2 and 5 of the bill would allow the Texas Education Commissioner to impose just such a requirement. Additionally, considering the vast research that has called into question the validity and reliability of certain growth models for high-stakes purposes, and since it is unclear what type of growth model might be used to assess teachers for this program, there is no way to ensure that a valid tool would be used for measuring “student growth” for purposes of the assessment of educator effectiveness under this bill.
- 2. Vendors:** As written, SB 1412 would require a participating district to contract with a third-party vendor to develop and implement the district's plan. While such an arrangement may make sense for some districts, it may not for others. There is no reason a district should be required to spend public tax dollars on a private vendor in order to execute what is essentially a strategic staffing program.

3. **Due Process:** SB 1412 raises questions about the due process rights of affected educators in districts that opt to pursue an ACE turnaround plan. Again, the ATPE Legislative Program speaks to this issue as follows: **“ATPE supports vigorous enforcement of equitable educator contract laws and due process laws regarding teacher assignment, transfer, hiring and dismissal, including requirements for independent hearing examiners.”** Under SB 1412, educators who become displaced from an ACE campus may have their contracts terminated or non-renewed, with no guarantee that the educator will be placed on another campus in a position consistent with the contract. Additionally, many veteran teachers are not evaluated every year, which could make them ineligible to be assigned to work on the campus under this bill. Thus, many could face adverse employment decisions despite their experience and effectiveness. Lastly, the bill gives a school principal “final authority” over the personnel decisions on the campus, which is in conflict with well-established school board duties and responsibilities.

ATPE appreciates the thought put into developing a program that has the potential to offer districts a framework within which strategic staffing and compensation decisions would be incentivized. SB 1412 could be improved by more clearly defining any commissioner authority and clarifying that districts are not required to base hiring decisions upon invalid criteria, including student standardized test data, which has not been scientifically validated for the purpose of measuring teacher performance. SB 1412 would also benefit from the removal of language that requires contracting with a third-party vendor. Lastly, ATPE supports the addition of language that ensures that displacement from an ACE campus is not good cause for contract termination or non-renewal and/or that any displaced educator must be reassigned to another campus in the district in a position consistent with their contract.

For additional information, contact ATPE Governmental Relations at (800) 777-2873 or government@atpe.org.