



Interim Charge Input to the Senate Education Committee

November 13, 2020

The Association of Texas Professional Educators (ATPE) offers the following input to the Senate Education Committee regarding its interim charges on digital learning, special education, the implementation of House Bill (HB) 3 and HB 3906 (86R), and the COVID-19 pandemic.

DIGITAL LEARNING

The COVID-19 pandemic has necessitated the temporary expansion of virtual remote instruction across the state to prevent infectious spread. As ATPE has long pointed out, research overwhelmingly indicates that full-time virtual instruction is a poor substitute for in-person instruction and should be discontinued as soon as it is safe to resume classroom instruction.

A study published in March in the peer-reviewed journal *Educational Researcher* found a significant decline in achievement for Indiana students who switched to a full-time virtual school. The virtual setting's impact on students' achievement in math and English language arts (ELA), compared with that of peers in traditional classroom settings, was "uniformly and profoundly negative." Students in grades 3-8 who switched from a traditional setting to a full-time virtual setting experienced an 11-percentile point loss in ELA and 16-percentile point loss in math on annual assessments when compared with peers who stayed in the in-person setting, even controlling for factors such as race, sex, poverty, achievement, and teacher and classroom characteristics.

These results are supported by the Texas Education Agency's (TEA) own findings regarding academic regression resulting from COVID-necessitated remote instruction. Although the extent of the "COVID slide" is still being assessed, it is clear that Texas students have experienced negative academic consequences that will remain a long-term challenge for the public education system in the post-COVID era. As schools remediate learning loss, state resources that support effective, in-person learning will be crucial.

The Coalition for Public Schools, which includes more than 40 public education organizations, presented a letter to Gov. Greg Abbott and Texas Education Commissioner Mike Morath in May opposing virtual vouchers and highlighting the inherent inequities present in virtual learning due to the state's enormous digital divide. The coalition noted that more than 2 million Texas households are currently without high-speed internet, including 69% of rural Texans—a gap that is especially wide in border communities.

Furthermore, full-time virtual programs in Texas have a record of comparatively poor performance while being propped up by taxpayers' dollars. About 88% of the roughly 8,400 Texas students enrolled in full-time virtual schools are served by two providers: Texas Connections Academy, which has been labeled "improvement required" (IR) for three of the past six years, and Texas Virtual Academy, whose campuses have been either not rated or listed as meeting "alternative" standards. For comparison, just 5.1% of all public school campuses statewide were rated IR in 2016, while 28.6% of the virtual schools were IR-rated.

Although waivers granting districts the flexibility to offer online instruction are appropriate in the short term because of the pandemic, expanding full-time virtual schools in the long term would seriously harm students' academic progress while providing no discernible public benefit. **ATPE recommends the committee focus on expanding broadband access to underserved communities; maintain the statutory quality control restrictions on virtual programs, including the moratorium on new virtual programs, until existing programs demonstrate improvement; prohibit the evaluation of virtual schools under less rigorous alternative accountability standards; and prohibit existing virtual programs from opening new "campuses" to obfuscate performance history.**

SPECIAL EDUCATION

TEA's legislative appropriations request (LAR) shows a \$43 million reduction in projected state spending for special education in the upcoming biennium versus the current one, which represents a \$64 million drop since the 2018-19 budget cycle. These reductions have occurred despite increases in the state's population of students in special education. This is particularly concerning considering that Texas has not always met its legal obligation to adequately fund the state's special education needs. Texas was forced to implement a corrective action plan after 2016 investigations revealed that an arbitrary cap on special education program enrollment had resulted in the denial of services to many eligible students. The COVID-19 pandemic has increased the stresses placed upon students with special needs, many of whom are best served by face-to-face interaction. Classroom settings present their own difficulties, such as maintaining social distancing. In fact, educators in special education settings are among the most vocal in communicating the need to resume safe in-person instruction as soon as practicable.

Against the backdrop of a proposed \$43 million reduction in special education funding through the Foundation School Program, Gov. Abbott announced in October that the state will use \$30 million in federal COVID-19 relief funds to launch a special education voucher program accessible to parents of students with a qualifying disability. Under the new "Supplemental Special Education Services" (SSES) program, approximately \$1,500 would be deposited into a qualifying student's account for the purchase of "goods and services," such as tutoring and therapies, from private vendors on a state-approved list. The SSES program is nearly identical to an education savings account voucher proposed in Senate Bill (SB) 3 (85R), which the Texas Legislature rejected in 2017. At the time, ATPE pointed out that the program would have forced participating families to surrender their children's rights and protections under the federal Individuals with Disabilities Education Act (IDEA) and would have redirected public taxpayer dollars to private vendors with little oversight or accountability. Notably, students in special education programs are already entitled under current law to obtain such additional services, even from private providers, through the public school system, which calls into further question

the need for SSES vouchers. Abbott's promised payouts under the SSES program hold the same risks as the vouchers proposed under the failed legislation from four years ago, fall far short of the typical total cost of special education services, and are unnecessary in light of the legal rights already afforded to students with disabilities within the public education system.

The COVID-19 pandemic has highlighted the state's need to make good on its commitment to serving students with special needs. Instead of resurrecting ineffective and unpopular voucher initiatives, **ATPE urges the committee to continue efforts to improve the school finance system in a manner that will ensure districts have access to the resources they need for serving all students in an equitable and responsible manner. Funding for school districts on behalf of their students should match the actual student needs rather than being based on arbitrary and rigid formulas that can be limiting and frustrating for families. Students with special needs should be prioritized for any phased return to in-person classroom instruction.**

HB 3 IMPLEMENTATION

Budget writers in 2021 face the challenge of funding critical state functions at a time when COVID-19 and reduced oil and gas revenues have had a recessionary impact on state resources. As lawmakers contemplate approaches to meeting that challenge, it is important to consider the additional burdens that schools operating under disease mitigation protocols are shouldering now and long into the future as Texas enters the post-COVID era.

The U.S. Congress appropriated \$1.3 billion under the CARES Act to assist Texas public schools in dealing with the pandemic. TEA used the federal funding to supplant state funding in order to prevent a decrease in anticipated non-local funding. ATPE supported this decision to the extent that district funding is fully held harmless and any leftover CARES Act funding is remitted to districts.

It is important to acknowledge that the challenges imposed on schools by the pandemic require additional funding in excess of existing funding levels. The need for additional technology, curriculum, staff, training, cleaning, and health screening has placed a substantial cost burden on schools over and above anything their budgets could have anticipated. Furthermore, schools will require additional staff and resources long into the future to remediate students who experience learning loss. If schools are forced to reduce staff due to funding shortfalls, students will pay the price.

Although the pandemic's effects on educator retention have yet to be fully tabulated, it is unquestionable that educators face an unprecedented level of stress. Surveys have consistently found working conditions to be among the top three reasons educators leave the profession, and ATPE has received countless anecdotal reports of educators resigning over fears of contracting and transmitting COVID-19. The increases to educator compensation under HB 3 were intended to bolster educator recruitment and retention, which has become an even greater challenge due to the pandemic.

HB 3 was an important step toward a much-needed rebalancing of the school finance system. **ATPE urges the committee to protect the funding promises made under HB 3 and prioritize public education spending in the 87th Texas Legislature.**

HB 3906 IMPLEMENTATION

The 86th Texas Legislature modified the assessment system through HB 3906. Whether and how to conduct state assessments has become one of the most common topics of interest to educators in the COVID-19 environment. Educators and students have bravely shared the challenge of adapting to new teaching strategies and technologies. Yet the reliability and validity of data collected by any standardized assessment within this year's radically altered educational environment are questionable at best. Considering the effects of test-induced stress on students under normal circumstances, there is no reason to subject an already traumatized student population to high-stakes testing with little to no educational value.

ATPE applauded Gov. Abbott for his tacit acknowledgement of these factors in his decision to waive the spring 2020 STAAR administration. These factors remain unchanged, and with COVID-19 cases once again on the rise, they show little inclination toward changing in the future. At the 2020 ATPE Summit held virtually this July, ATPE members adopted a resolution urging the State of Texas and the U.S. Department of Education to waive requirements to administer the 2020-21 STAAR and TELPAS due to the disruption of in-person instruction caused by the COVID-19 pandemic. ATPE sent a letter to this effect to Gov. Abbott this week, emphasizing ATPE's ongoing federal advocacy and optimism that the U.S. Department of Education will approve a federal testing waiver for the current school year. **ATPE urges the state to waive the requirements for STAAR and TELPAS administration for the 2020-21 school year.**

COVID-19

Educators have courageously responded to the need for distance learning by rapidly adapting to new educational methods and technologies. Yet even under ideal circumstances, virtual learning is a poor substitute for in-person instruction. Educators understand the prevailing need to protect public health and are anxious to resume in-person instruction as soon as it is safe to do so.

During the 2020 ATPE Summit, our members adopted a set of resolutions pertaining to the impact of COVID-19 on the instructional environment. In accordance with these resolutions, **ATPE urges the state to safeguard the health and safety of students and educators by delaying in-person instruction until Texas has demonstrated a flattened curve in the number of COVID-19 cases; to require local school districts to include educators and parents in the development of plans for the safe re-entry of students and district employees; and to allocate emergency funds for substitutes in case of mandatory quarantine requirements for districts personnel. ATPE recommends the committee continue efforts to provide funding to address inequities in broadband access and educational technology.**

ATPE appreciates the opportunity to provide feedback during this process and invites Senate Education Committee members and their staffs to contact ATPE Governmental Relations at (800) 777-2873 or government@atpe.org for any additional information.

The Association of Texas Professional Educators (ATPE) has been a strong voice for Texas educators since 1980. It is the leading educators' association in Texas with approximately 100,000 members statewide. With its strong collaborative philosophy, ATPE speaks for classroom teachers, administrators, future, retired, and para-educators and works to create better opportunities for the more than 5 million public schoolchildren of Texas.