TEXAS

Overview

Texas boasts a rich history of accountability for its schools and students. The Lone Star State first introduced its school and district accountability system in 1993 with the passage of Senate Bill 7. Since that time, the state legislature has demanded more of students via new performance indicators, introduced more tests at more grade levels, and established additional accountability measures related to data and financial integrity.

Beyond school and district accountability policies, Texas also demands much from individual students. Grade-promotion policies, high school graduation requirements, "no pass, no play" provisions, and automatic college-admission entry for high achievers give students a stake in their own performance. (Unfortunately, the same cannot be said of teachers and administrators—the state does little to incentivize or support their performance on the job.)

Texas's accountability system, however, suffers from two faults. First, in terms of district and school accountability, the system has perhaps grown *too* complex; districts report some difficulty in communicating clearly to stakeholders and focusing on the data elements most useful for school-improvement efforts.[79] Second, and more importantly, stakeholders have noted that the state drive for accountability at all levels—district, school, and individuals—has lost some steam over the last two decades, resulting in a weakening of some provisions and a lack of follow-through on others.

Texas's school and district accountability system, however, is due for an extreme makeover. House Bill 3, passed during the 2009 legislative session and tweaked in 2011, charged the Texas Education Agency (TEA) with developing a new accountability system that overhauls the state's standards and assessments, incorporates new measures of college and career readiness among the system's performance indicators, and revamps the state's accountability requirements and structure. (H.B. 3 does not alter provisions for individual students and adults in the system.)

[79] The system's complexity is due in part to its structure. In addition to the accountability provisions for its district and charter schools, Texas operates a separate accountability system for its alternative-education campuses. In addition, a Performance-Based Monitoring Analysis System (PBMAS) evaluates specific programs in districts and charter schools in areas such as bilingual education/ESL, career and technology education, special education, and certain Title programs under the No Child Left Behind Act (NCLB). The state also manages a financial accountability system, the Financial Integrity Rating System of Texas (FIRST), which is designed to monitor school districts' management of financial resources. All of these systems operate independently of the federal accountability system.

The TEA has already begun the process of developing a new state accountability structure for implementation in 2012-13. The system will be based on the new standards and assessments introduced in the beginning of the 2011-12 school year. While H.B. 3 lays the potential foundation for one of the most progressive accountability systems in the nation, the final structure of the system will be determined incrementally throughout the implementation process—and thus could either fulfill or fall short of that potential. During the transition from the prior assessment system to the new system, the state will suspend district and school accountability ratings while new student performance standards are set and the new accountability system is developed.

Below, we map Texas's progress against six key components of strong state accountability systems.

1) Adoption of demanding, clear, and specific standards in all core content areas, and rigorous assessment of those standards

Texas has fielded statewide assessments to measure student learning since its introduction of the Texas Assessment of Basic Skills (TABS) test in 1979 (though assessments were not tied to an accountability system until 1993). The state overhauled its assessment system a number of times before establishing the Texas Assessment of Knowledge and Skills Test (TAKS) in 1999. This year (2011-12), it transitions to its fifth assessment system, the State of Texas Assessments of Academic Readiness (STAAR).

STAAR represents the state's transition to an assessment system based on more rigorous standards. In past years, the Texas Essential Knowledge and Skills (TEKS) (i.e., the state's established K-12 curriculum standards) have varied in quality across subjects; while the state could boast strong reading and science standards, its mathematics and U.S. History standards fell short.[80] As a result of H.B. 3, Texas introduced College and Career Readiness Standards (CCRS) for English language arts, mathematics, social sciences, and science incorporated them into the TEKS. (Texas is one of five states that have not adopted the Common Core State Standards.) All students in grades three through eight are tested in reading and math, with students in specific grades also tested in science, social studies, and writing. In high school, students take twelve end-of-course exams—three each in English, math, science, and social studies—with the tests counting as 15 percent of final course grades. Students must earn passing averages in each subject area to receive a diploma.

[80] In recent reviews conducted by the Thomas B. Fordham Institute, Texas received an A-minus for its reading standards, a B for its science standards, a C for its mathematics standards, and a D for its U.S. History standards. The state's U.S. History standards in particular have drawn much criticism for their politicized distortion of history. See *The State of State Standards—and the Common Core—in 2010*, *The State of State U.S. History Standards 2011*, and *The State of State Science Standards 2012*, at www.standards.educationgadfly.net/.

The reading and math STAAR tests in grades three through eight are linked to performance expectations for high school English III and Algebra II end-of-course assessments. As a result, the new tests themselves will indicate academic growth as well as proficiency, so that educators and parents can know if their students are on track to graduate prepared for college or career. Texas would do well to set more rigorous proficiency cut scores on its STAAR tests than it had for the TAKS tests: A 2011 analysis found that the state's cut scores for its TAKS assessments in fourth- and eighth-grade reading and eighth-grade math all equated to the *below basic* level on the National Assessment of Educational Progress (NAEP). Its fourth-grade math cut score equated to NAEP's *basic* level.[81]

2) Reporting of accessible and actionable data to all stakeholders, including summative outcome data and other formative data to drive continuous improvement

Texas provides a wealth of data on its state education agency website, disaggregated by school, district, and subgroup. The Academic Excellence Indicator System presents data on the percentages of students who Met Standard (i.e., achieved proficiency) in each grade, disaggregated by subgroup, for the current and previous year. (The state does not, however, report data for students who fail to reach proficiency, and it only reports data for those who achieved Commended Performance—i.e., surpassed proficiency—for all grades combined.) Also disaggregated by subgroup are test participation rates; English language learner progress indicators; attendance, dropout, and four- and five-year completion rates; AP/IB and SAT/ACT participation and passing rates; student and staff demographics; teacher salaries, years of experience, and program assignments; and annual operating expenditures. Unfortunately, the database does not allow users to make comparisons among those groups within the tool itself.

3) Annual determinations and designations for each school and district that meaningfully differentiate their performance

Texas is in the process of revamping its accountability system, but it currently rates its schools and districts based on student proficiency (in reading, writing, math, social studies, and science) and on indicators of completion rates and annual dropout rates. Subgroups included in the ratings are white, African American, Hispanic, and economically disadvantaged students, as well as English language learners. Texas does not currently include a growth measure in the system. A previous growth measure, known as the Texas Projection Measure (TPM), was discontinued in 2011 due to criticism that the measure artificially inflated school and district performance: TPM allowed students who failed the

[81] National Center for Education Statistics, *Mapping State Proficiency Standards Onto the NAEP Scales: Variation and Change in State Standards for Reading and Mathematics, 2005–2009* (Washington, D.C.: U.S. Department of Education, August 2011), http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2011458.

state assessment in a given year to be counted as having passed it if the calculation showed that they would be expected to pass in a future year. House Bill 3, however, requires that the new state accountability system include a true growth measure, not a projected growth measure.

Based on the indicators noted above, schools and districts are placed into one of four categories:

- Exemplary
- Recognized
- Academically Acceptable
- Academically Unacceptable

As noted above, Texas reports the number of students who Met Standard as well as the number of students who achieved Commended Performance. For a school to receive the Recognized designation, 15 percent of its student body, as well as 15 percent of its low-income students, must score at the Commended level in reading and math. To receive the Exemplary designation, schools must report that 25 percent of all students and of all low-income students are Commended in those two subject areas. It is expected that the designation and naming of categories will be significantly different under the new accountability system.

Unfortunately, the state does provide for a number of exceptions by which schools and districts can improve their ratings. For example, under certain circumstances, a school can raise its rating one category by demonstrating "required improvement," a degree of growth outlined by the state. According to one stakeholder, such exceptions have been "the most serious problem with the system over the last three years" because they have "taken the heat off at the local level" and contributed to a flattening of improvement.

Separate from the state accountability system is Texas's system for measuring and reporting AYP progress under NCLB. The state and federal systems in Texas employ different passing standards, proficiency targets, sanctions, and interventions. Under Texas's yet-to-be-crafted accountability system, it is likely that the federal system will continue to operate parallel to the state system unless the reauthorization of ESEA renders their integration more practical.

4) A system of rewards and consequences to drive improvement at the school and district levels

Rewards

Texas offers no concrete incentives to promote school improvement, relying instead on performance-based school and district labeling to drive improvement

efforts. Beyond its basic performance categories, the TEA operates the Gold Performance Acknowledgement Criteria Program to recognize schools for performance on categories not included in the state rating system. The categories in this program include non-traditional indicators such as the following:

- Advanced course/dual enrollment completion
- Advanced Placement/International Baccalaureate results
- Attendance rate
- Commended performance (each core content area)
- Comparable improvement (reading ELA/mathematics)
- SAT/ACT results
- Meeting college readiness standard (high school ELA/mathematics)

This designation, however, is simply a public acknowledgment and offers no tangible reward.

Sanctions

Though a proud "local control" state, Texas outlines an intensive state intervention strategy for persistently low-performing schools and districts, including the option to close either when necessary. According to one stakeholder, however, Texas only takes advantage of its most serious intervention options when a school or district is "outrageously bad." This lack of initiative, coupled with the inflation in performance ratings allowed by the accountability rating system, results in minimal pressure for schools or districts to improve.

DISTRICT SANCTIONS

District interventions are determined by accreditation status. Accreditation assignments (which are separate from academic accountability ratings) are based on a number of indicators primarily related to data quality/integrity, the district's academic performance, and the district's rating under the state's financial accountability system. The four accreditation labels are as follows:

- Accredited
- Accredited-Warned
- Accredited-Probation
- Not Accredited-Revoked

The commissioner has a number of options at his/her discretion to address districts in all but the top level of accreditation status, including the appointment of a monitor, conservator, management team, or board of managers to ensure and oversee district-level support to campuses. The commissioner can also opt to close

a district based on a number of considerations, including multiple years of low performance, data quality issues, financial integrity issues, poor performance of any special programs, and the district's failure to comply with required improvement activities. (In the case of district closure, the most recent occurred in July 2011, whereby a neighboring district annexed the closed district.)

SCHOOL SANCTIONS

Texas's accountability system emphasizes the district's role in providing support to low-performing campuses. Once a school is designated Academically Unacceptable, the district must form a Campus Intervention Team that includes at least one member outside the district to help assess the school's needs and guide the construction of a School Improvement Plan. If a school does not improve its accountability designation the next year, it enters a "multi-year low-performing" category, with interventions and sanctions increasing in severity as each year of low performance continues.

Once a school has been rated unacceptable for two consecutive years, the commissioner must order campus reconstitution. Reconstitution entails the removal or reassignment of some or all of the school's instructional personnel (with some discretion allowed for actions that may have already occurred on the part of the district), as well as resubmission and approval of a redrafted School Improvement Plan.

If a school receives an unacceptable rating for a third consecutive year, the commissioner can apply one of three "ultimate sanctions": repurposing, alternative management, or closure.[82]

Support

Texas has a bifurcated system of support for low-performing schools and districts due to its separate state and federal accountability structures. On one hand, the state system of support seems to be underfunded for state-identified low performers. The state provides external technical assistance providers to serve on Campus Intervention Teams, but beyond that, the state provides no additional support other than targeted assistance grant programs tied to particular initiatives.

[82] A 2010 Fordham Institute study found that, in Texas, 3 percent of all low-performing district schools and 11 percent of all low-performing charter schools closed between 2003-04 and 2008-09. The study did not report whether these closures were due to low performance or for other reasons. See David Stuit, *Are Bad Schools Immortal? Turnaround and Shutdowns in Both Charter and District Sectors* (Washington, D.C.: Thomas B. Fordham Institute, 2010), http://www.edexcellence.net/publications-issues/publications/are-bad-schools-immortal.html.

Texas does have an extensive system of regional education service centers (ESCs), and by law the ESCs are required to provide professional development and technical assistance to low-performing schools in their regions.[83] The ESCs vary, however, in terms of their size and available resources. Currently, Texas operates a Turnaround Center at one of the ESCs to provide technical assistance to districts with Academically Unacceptable schools. But funding for this program was cut in the latest legislative session, and it will cease to operate in spring 2012.

On the other hand, because Texas is a high-poverty state and receives a large federal Title I allocation, the support system for schools in improvement under NCLB is well funded. The TEA has established a partnership with one of its twenty ESCs to house the technical assistance function for schools in improvement under NCLB. This School Improvement Resource Center relies largely on a cadre of technical-assistance providers to work directly with a school's principal to conduct a comprehensive needs assessment, develop a school improvement plan, and implement the activities in the plan. Additionally, the School Improvement Resource Center provides professional development, data-analysis tools and resources, and support to the schools in improvement under NCLB. (Recently, the School Improvement Resource Center began expanding its technical assistance to work at the district level as well as the school level.)

In response to complaints from districts, the state has made an effort to streamline and combine requirements and support for schools in improvement under both the federal and state accountability systems. For example, a school identified for improvement under both the federal and state accountability systems can submit a single consolidated improvement plan rather than two separate plans. Additionally, external support providers can address both federal and state improvement requirements, thus reducing the number of required external providers working with the school. Whether the new accountability system can better integrate and balance the systems of support is yet to be seen.

5) A system of rewards and consequences to drive improvement at the individual student level

While Texas has in place a number of rewards and consequences to drive individual students to perform at high levels, these policies are not always adequately enforced or supported. Since 1999, the state has required through its Student Success Initiative (SSI) program that fifth and eighth graders pass end-of-

[83] Texas has a system of twenty ESCs that work under the direction of and in coordination with the state education agency. ESCs provide services to assist districts and schools in improving student achievement and operating more economically and efficiently. While a board of directors governs each ESC, the commissioner of education participates in the selection of and approves the hiring of executive directors; annually evaluates each executive director's performance; and approves each center's operating budget. For more information, see the Texas System of Education Service Centers website at http://www.texasresc.net/default.htm.

year reading and math assessments in order to be promoted to the next grade. While a strong requirement on paper, this policy has weakened since its original enactment: At first, third graders were also required to pass end-of-year tests, but that requirement was lifted in 2009. In addition, students can circumvent the requirement if a "grade placement committee"—comprised of parents, teachers, and administrators—determines that the student is likely to perform at grade level after additional instruction. The outcome, as one stakeholder put it, is that "too many schools abuse the process, and as a result it's been watered down and no longer holds the same 'pressure' that it did at [its] inception." Finally, the funding for schools with large numbers of students not meeting the SSI standards has been drastically reduced recently, slashed by 92 percent in June 2011.[84]

In addition to end-of-year tests, high school students take twelve end-of-course exams—three each in English, math, science, and social studies—with the tests counting as 15 percent of final course grades. Students must earn passing averages in each subject area to receive a diploma.

Texas was the first state to adopt a "no pass, no play" rule, which it did in 1984. The law prohibits students who fail any classes from participating in sports and other extracurricular activities for a three-week period. The original law required a suspension period of six weeks, but that was reduced to three weeks in 1995. (This sanction is more than other states have for students, but clearly three weeks provides little time for a student to improve his lackluster performance.)

Finally, Texas provides automatic college admission into a state college or university for those high school students who graduate in the top ten percent of their class.

Beyond consequences and rewards, Texas does support students in failing schools, at least in theory, by providing a number of outlets for them. Nearly every district in the state allows both inter- and intra-district transfers. In addition, the state established the Public Education Grant (PEG) program in 1995; it allows any student in a low-performing school to transfer to a higher-performing school in the same district or another district.[85]

But again, while the state allows for such transfers, it does little to encourage students to take advantage of them. "It's really choice in name only," according to one stakeholder. In 2007-08 for example, only 220,000 students attended schools

[84] Thao Nguyen, "Texas merit pay plan for teachers among programs slashed by legislatures," *Dallas Morning News*, June 24, 2011, http://www.dallasnews.com/news/politics/texas-legislature/headlines/20110623-texas-merit-pay-plan-for-teachers-among-programs-slashed-by-legislature-.ece.

[85] Low-performing PEG schools are defined as those in which 50 percent of students failed any subject included in the state assessment system in any two of the last three years, and those rated Academically Unacceptable in any one of the last three years.

other than their home schools—either through transfers, PEG, charter schools, magnet schools, or NCLB provisions—amounting to only 5 percent of all Texas students.[86]

6) A system of rewards and consequences to drive improvement at the individual teacher and administrator level

Texas has in place some policies to drive teacher and administrator performance, but often these provisions are either not adequately upheld, financially supported, or statewide in nature.

Texas's instrument for evaluating teachers is the Professional Development and Appraisal System (PDAS). (While about 86 percent of all Texas districts use PDAS to evaluate their teachers, districts may opt out of the system and install their own evaluation metrics.) PDAS does not require that teacher evaluations incorporate objective measures of student learning—only "observable" student performance. Texas does have in place a provision for the state to develop an evaluation model that includes student achievement data. This policy was passed three legislative sessions ago, but the state has not yet acted on it, and a model has not yet been developed. Even then, districts would have the option to develop their own models or opt for the state-developed model.

For now, PDAS encompasses eight domains. Each is scored independently for each teacher, using the following ratings: exceeds expectations, proficient, below expectations, and unsatisfactory. A teacher scoring "unsatisfactory" on any one of the domains, or "below expectations" on any two, is placed on an intervention plan developed by the appraiser. In theory, if a teacher does not meet the conditions for improvement spelled out in his or her intervention plan, he or she may be eligible for dismissal—though Texas's language surrounding this provision is somewhat murky, and teachers can appeal dismissal multiple times.

Texas requires that only some teachers be evaluated annually. While new teachers must be evaluated each year, non-probationary teachers (i.e., those with tenure) can circumvent this requirement by receiving "proficient" ratings on their most recent evaluations and agreeing in writing to be evaluated at least once every five years. Tenure is conferred virtually automatically after three years. In times of layoffs, however, Texas requires that "teacher appraisals" be the chief criterion for deciding which teachers are removed; in other words, seniority is not allowed to drive the decision.[87]

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[86] "Choice in Texas Public Schools," Coalition for Public Schools, accessed January 9, 2012, http://www.coalition4publicschools.org/coalition/documents/choice_fact_sheet.pdf

[87] An analysis by the Texas Education Agency found that 73 percent of districts used evaluation results to inform removal decisions in 2010-11, while just 7 percent used them to inform compensation. See "Uses of

Texas requires that districts adhere to a minimum salary schedule based on seniority. Still, the state provides some support for merit-based teacher pay. The District Awards for Teacher Excellence (DATE) provides non-competitive grants to districts to distribute among its highest-performing educators and personnel. At least 60 percent of the funds must be distributed based on objective evidence of increased student performance. State funding for DATE, however, was slashed by almost 90 percent in Texas's 2011 legislative session, limiting its reach and impact.

Texas does support differential pay for individuals teaching certain subjects and in high-needs schools. These teachers are eligible for an additional $5,000 annual stipend.

For administrators, Texas requires annual evaluations but does not require that they incorporate objective measures of student performance, nor does it tie them to employment decisions.[88]

What are the strengths and limitations of Texas' accountability system?

Strengths

Robust data collection. Texas does a good job of providing districts and schools with data on multiple indicators of student learning. In addition to student proficiency, Texas reports completion rates and annual dropout rates, and disaggregates nearly all data. Texas has long been a go-to state for education research due to its rich data sets over multiple years.

Outline of intensive sanctions. Texas delineates a number of sanctions for low-performing schools, laying the groundwork for a strong accountability system—much more than can be said of most states. Still, the state has not always worked to overcome the political "push back" that occurs when it intervenes at the local level, despite a strong business coalition that urges the state to take responsibility for its low-performing schools. Thus, in recent years the state has declined to take advantage of all its options except when it comes to the very worst schools.

A focus on career and college readiness. While it hasn't yet taken full effect, H.B. 3 has the potential to usher in a new era of district, school, and student/teacher accountability in Texas. The recently adopted College and

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teacher evaluation results," Texas Education Agency, August 29, 2011, www.tea.state.tx.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=2147502760&libID=2147502754.

[88] According to the TEA, 66 percent of districts used principal evaluations to inform removal decisions in 2010-11, while just 14 percent used them to inform compensation. See "Uses of principal evaluation results," Texas Education Agency, August 29, 2011, www.tea.state.tx.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=2147502751&libID=2147502745.

Career Readiness Standards (CCRS) align PK-16 and higher education curricula in English language arts, math, social sciences, and science. The state boasts an ambitious PK-16 agenda including a legislatively mandated partnership between the TEA and the Texas Higher Education Coordinating Board to increase college readiness and college-going rates while reducing higher-education attrition. The state is in the process of establishing and implementing an accountability system for its state institutions of higher education. A risky venture, to be sure, but one to watch.

A focus on student accountability. Texas has in place numerous provisions that place students in the driver's seat of their own education, from grade promotion policies and high school graduation requirements to "no pass, no play" regulations and automatic college admission for high performers. But like many areas in Texas's accountability system, these policies are not always adequately supported or enforced at the state level, and some have been weakened over time.

Limitations

Complex system of accountability. While Texas should be commended for its comprehensive accountability system, the amount of data it collects can be unwieldy. The system does not distinguish among less and more important data, and does not clearly communicate to stakeholders which information matters most.

Dual federal and state accountability systems. Districts report the two separate accountability systems to be in conflict, as they employ different passing standards, proficiency targets, sanctions, and interventions. While the state has attempted to reduce conflicting and duplicative requirements for schools in improvement under both, the two systems remain burdensome.

Few resources for low-performing schools or incentives for high-performing schools. While some resources and support are provided through the federal accountability system, districts perceive the state accountability system and its associated designations and sanctions as the system "with the teeth." The latter clearly outlines sanctions for low-performing schools, but lacks a clear system of support for those schools in improvement. In addition, it provides few concrete incentives for schools to achieve at high levels.

Few teacher consequences or incentives. Texas does not mandate that objective measures of student achievement be included in teacher or administrator evaluations, nor does it clearly tie evaluations to employment

decisions, except in times of teacher layoffs. In addition, with the drastic slashing of its teacher merit-pay grant program, highly effective teachers receive few concrete incentives.

Final Word

While Texas's accountability movement may have lost some steam in recent years, the state deserves credit for setting a precedent of accountability for the entire nation. (And the nation will again be watching as the Lone Star State joins a small band of brothers in going it alone with its own standards and tests in lieu of the Common Core.) In addition, the state's passage of H.B. 3 signals a renewed commitment to a robust and stalwart system of accountability for schools and district—at least in theory, as final details of the accountability structure have not yet been determined. In the meantime, Texas would do well to bolster its accountability provisions for the adults in the system, and to ensure that student accountability policies are implemented with greater fidelity.

Information on Texas's education-accountability system was primarily drawn from interviews with state representatives, district representatives, and local stakeholders, as well as from the Texas Education Agency website at www.tea.state.tx.us. Additional information was drawn from the ESC Region XIII website at http://www5.esc13.net/pdas/ and from the National Council on Teacher Quality's *2011 State Teacher Policy Yearbook*.