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## 2013 Board Members

January 18, 2013

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Executive Director  
Texas Charter Schools Association

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Commissioner of Education  
Texas Education Agency  
1701 N. Congress Avenue  
Austin, Texas, 78701

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Thank you for the opportunity to comment on the proposals from the statewide accountability advisory committees as it relates to the new accountability ratings and distinction designations as required by House Bill 3 (81<sup>st</sup> Texas Legislature, 2009). On behalf of the members of the Texas Charter Schools Association (TCSA), we submit these comments and also appreciate the inclusion of charter leaders in the process on the Accountability Technical Advisory Committee (ATAC) and the Accountability Policy Advisory Committee (APAC).

We have reviewed and discussed the most current information about the development of the new accountability system with interested members of our association and are pleased to provide comments and suggestions for needed action prior to March 2013. We will first highlight general areas of concern, and then provide detail for each component of the proposed system.

TCSA's areas of concern about the proposed system are:

- **Transparency:** The new system may not be easily understood by the public, nor does it clearly outline performance of a school in any specific grade level or subject area. With the index scores being a combination of several components, we are concerned that little may be gleaned from each score.
- **Lowered Standards:** The considerations made for Alternative Education Campuses (AECs) in the proposed system all involve a lowered standard. This proposes that schools in Alternative Education should be less accountable than other schools, and we disagree. AECs should not be simply held to a lower standard. They should be held more accountable by an appropriate system.

- GED additions: In the proposal for graduation rate for AECs, it appears that a high school diploma and a GED are treated equally. We think this should be changed because it is not in the best interests of students and is in direct opposition to the state's college and career-ready expectations.
- Residential Treatment Centers (RTC): Special provisions for Residential Treatment Facilities are not outlined in the proposed documents. There are 44 Residential Treatment Center charter schools that serve the hardest to educate populations. Given the challenges these schools face, the accountability system should be adjusted to accurately measure their performance given the unique circumstances of their student population.

### **Index 1-**

By combining the index points as proposed, it is difficult for the public to assess the performance of any specific subpopulation from this combined number. The negative consequence of summing across subject area and grade levels defeats a stated purpose of the accountability system- it prevents the public from distinguishing the high-performing schools from the low-performing schools.

*Alternative Education Campuses (AECs)*- It is imperative that for AECs, which serve a high percentage of high-risk students, the best score of either the primary test administration or any retakes be included for accountability purpose. This is important because many students attempting to recover credits often need much remediation before performing satisfactorily on a test. Instead of one-size-fits-all, these schools deserve credit for bringing students lagging far behind their peers up to speed, regardless of when that might happen within the school year.

### **Index 2-**

We were disappointed to learn that a more sophisticated growth measure was not included that would provide data on how educators are succeeding with bringing students up multiple grade levels when they are significantly behind their peers. Furthermore, we have not been assured that there will be no ceiling effects of the metric, so that the growth of even the high performing can be accurately measured and acknowledged. Several sophisticated growth measures already in use, were suggested by the Accountability Technical Advisory Committee (ATAC), and could be implemented by the Texas Education Agency (TEA). Unfortunately, what was adopted was not similar to these sophisticated metrics, the public has been given very little information about what will be used and has little on which to comment. We are concerned that these very important parts of the accountability system will be developed with no public input, will not measure student growth as it occurs in the diverse Texas public school system, and will not prove useful to teachers and parents.

*Alternative Education Campuses*-Unless properly structured, students who advance one or more grade levels despite being multiple grade levels behind their peers will not be recognized. Since this most often occurs in AECs, we feel that growth metrics be established so they can measure this very important success with a very difficult population. It would be wrong to hold the AECs accountable to a growth metric that does not measure growth in the population served.

### **Index 3**

Several measures of performance are evaluated in two different indexes, such as STAAR Level III performance in both Index 3 and Index 4. This double counting, in conjunction with double student counting within the calculations, creates outcomes that quickly lose meaning or are easily swayed by small changes in subgroup performance.

*Alternative Education Campuses-* Since these campuses have a mission to serve the underserved, we do not feel that the best measure of their success is to measure the lowest performing subgroups. Additionally, it is not appropriate to measure schools aimed at serving students very far behind grade level on the highest levels of performance possible on standardized tests. While we feel it is important to hold all students to a high standard, we feel that this index penalizes schools for serving students far behind their peers.

#### **Index 4**

*Alternative Education Campuses-* In reading the proposal of the new accountability system, we were most concerned by what was proposed in Index 4 for Alternative Education Campuses.

- **Graduation and GED Rate:** The graduation rate calculation, that is proposed to be used, counts graduates and GED recipients as equal. We do not agree that a high school diploma and a GED are equal and discourage the use of any metric that counts them as such. Encouraging a student to get a GED is not in the best interests of students and is in direct opposition to the state's college and career-ready expectations.
- **Continuers:** As the calculation is proposed, the graduation rate for AECs counts continuers equally to dropouts. Since AECs are dedicated to serving students behind their peers, they should not be penalized for helping students to remain in school. These continuers, or students continuing into the next year of education, should be removed from the graduation rate calculation in Index 4. We would like the accountability system to encourage students to stay in school, not to dropout.
- **STAAR Level III Performance:** Because of the nature of the student population served, a more appropriate measure of post-secondary success is needed. The alternative schools workgroup proposed several measures of post-secondary success that are not apparent in the proposed system. We encourage TEA to revisit those ideas, because including STAAR Level III performance in Index 4 (as well as Index 3) automatically penalizes schools for serving students that are behind their peers.
- **Previous Dropouts:** Though we appreciate the changes brought about by House Bill 3 (81<sup>st</sup> Legislature, 2009) which allow a dropout to count only once [39.053], we do feel a correction is necessary. Once a dropout has been recovered, that student should be counted as a graduate once they graduate. Currently, dropouts are only counted once as per HB3 and then removed from the system altogether. This means that they are also excluded from the graduation rate. We do not wish to have these students completely removed from the accountability system, as many schools serve primarily dropouts and should be recognized for their successes. We should celebrate students who press on to graduation – and not adopt the motto of “Once a dropout, never a graduate”.

#### **Academic Distinction Designations**

Since peer groups are used to assign distinction designations, we would like to encourage TEA to carefully select the peer groups for our small, mission-driven charter schools. These schools deserve the opportunity to qualify for distinction designations just as other schools do, and we would like to ensure their ability to do so. In addition, we would like to encourage TEA to offer distinction designations that recognize the success of mission-driven schools in addition to performance on standardized tests, such as performance in fine arts, music, or theater arts.

#### **Residential Treatment Centers (RTC) / Juvenile Detention Centers (JDC)**

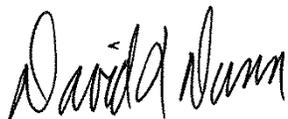
In the proposal posted, there are no specific recommendations as to how the accountability system should be adjusted to accurately measure the performance of RTCs or JDCs given the unique circumstances of their student population. We are concerned that there has been little thought in the process about how to accurately measure the achievement of students in these specialized programs and in very unique situations in life.

Finally, we request an impact analysis of the newly proposed state accountability performance framework for Alternative Education Campuses to ensure that TEA is able to accurately measure the achievement of these populations. The only way to be certain that the method of evaluating alternative schools is truly working is to perform an impact analysis of the newly proposed state accountability performance framework for alternative schools in order to gauge the impact of the proposed method of evaluation.

- Analysis needs to be completed with school data to determine if the new proposals are accurately measuring these schools.
- With impact analysis, problems with identification of alternative school groups, over-representation in the top or bottom of each Index, and other anomalies could be examined and addressed prior to implementation.
- The impact analysis should be made available to the committees and for additional public comment.

Once again, we thank you for the opportunity to comment on the proposals from the statewide accountability advisory committees, and TCSA commends Commissioner Williams and the TEA staff for the work they have completed on the new accountability system. We believe our recommendations, which stem from the experiences of quality Texas public charter schools, will further strengthen accountability and increase public understanding of educational achievement in the state. We look forward to working with the Commissioner and his staff to drive further improvement in charter schools and the system as a whole.

Sincerely,



David Dunn, Executive Director

CC: Criss Cloudt, Associate Commissioner  
Texas Education Agency  
Department of Assessment and Accountability

Shannon Housson, Director  
Texas Education Agency  
Division of Performance Reporting,

Lizzette Gonzalez Reynolds, Chief Deputy Commissioner  
Texas Education Agency  
Statewide Policy and Programs



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January 18, 2013

Commissioner Michael Williams  
Texas Education Agency  
1701 N. Congress Avenue  
Austin, TX 78701

*Re: Proposed State Accountability System*

Dear Commissioner Williams:

Thank you for the opportunity to comment on the proposed HB 3-compliant accountability system. The Texas School Alliance wishes to acknowledge the effort invested in development of the current proposal. We especially appreciate the ways in which the proposal responds to criticisms of the past system, by balancing ratings across several areas of performance and incorporating credit for students' actual academic growth.

We strongly encourage the state to implement the full array of Distinction designations authorized by House Bill 3. Schools and districts should be recognized for all that they do to develop students' full potential.

TSA districts also ask you to work with the 83rd Texas Legislature to delay the issuance of ratings until 2014. Doing so will eliminate instability in how ratings are determined from this year to next and provide districts with time for planning and professional development (this year's AEIS reports do not contain STAAR-related data and districts have not received final results for the majority of grade levels tested last spring). It also will provide your staff with better opportunity to consider products from the High Performance Schools Consortium; develop Distinctions; address the dramatically increased complexity of the proposed system; and iron out details associated with attempting to simultaneously satisfy state and federal accountability requirements.

We have attached for your consideration a list of recommendations about the proposed plan that we believe would promote fairness, stability, credibility and acceptance of the new system, and we welcome the opportunity to discuss these with you at a mutually convenient time.

Sincerely,

Jesús Chavez, Ph.D.  
President, Texas School Alliance



Attachment: Recommendations related to the Proposed Accountability System

cc: Lizzette Gonzalez Reynolds  
Michael Berry  
Cris Cloudt  
↘ Shannon Housson



## Recommendations related to the Proposed Accountability System

The proposed index model resolves many of the long-standing issues in the former state accountability system:

- ✓ it is, by design, compensatory in nature: high performance in one area can compensate for weaker performance in another area;
- ✓ the proposed 4-part approach offers a more comprehensive view of school and district performance than simple passing rates on state tests;
- ✓ it adjusts, to some extent, for the differences in the amount of available data between large, diverse settings and small or homogeneous ones;
- ✓ it includes use of actual individual-level progress over prior year, and should give credit for maintained performance or improved performance even if the improvements fail to reach satisfactory or better levels; and,
- ✓ it offers the possibility of a single system of ratings for all Texas public schools, districts and charters, supporting overall clarity of focus.

The proposal also is identified as having some limitations, with **excessive complexity** chief among them. Regardless of the reasons for the complexity -- which no doubt range from efforts to comply simultaneously with state and federal requirements in a unified system, as well as the desire to create a more comprehensive evaluation of school and district performance -- the new system is confusing to parents and educators alike, on top of an already highly complex assessment program.

Beyond the need to strike a better balance between complexity and fairness in accountability evaluations, the following specific recommendations are offered as ways to improve the current proposal.

- Phase in the targets that are applied to index evaluations and use results associated with phase-in standards for purposes of accountability, that is, hold educators accountable for the results that actually apply to students as STAAR is fully implemented. Differences in the standards used to establish results for students versus accountability create confusion; in addition, use of final recommended standards would necessitate very low initial targets, which risks credibility of the entire system.
- Ensure that retest results from end of course exams are incorporated in some way in the evaluations of Index 1 (Achievement), Index 2 (Progress), and Index 4 (Postsecondary Readiness).
- Ensure that credit is given in the proposed Academic Progress Index for improvement in individual performance that does not reach satisfactory levels, and ensure that credit is



given for maintaining performance at the same level as prior year since that reflects a year of academic growth.

- Eliminate any application of a cap to the number of satisfactory results on modified or alternate assessments that are allowed to be counted as satisfactory. If students' Admissions, Review and Dismissal (ARD) Committees determine that modified or alternate assessments are necessary to provide valid results, then the state needs to respect those determinations.
- Eliminate the proposed evaluation of groups of students based on special programs participation -- either special education or bilingual/ESL programs -- because that goes beyond what is required in House Bill 3 and is inconsistent with the intent to not repeatedly include results for a given student in multiple groups.
- Ensure that results from other assessments, such as SAT, ACT, AP, IB, etc., are incorporated in some "hold harmless" way into the proposed Postsecondary Readiness Index, particularly since Level III data are only to be reported in 2013 but not used to determine index values. This would mitigate the overemphasis on STAAR results, maximize the state's use of data that are already available, and give credit for students who are able to use such scores as substitutes for graduation purposes, in keeping with proposed rules.
- Reconsider the minimum group size of 20 students as an absolute requirement in calculating index results, and the lack of any minimum number for economically disadvantaged students in Index 3. Instead, start with a minimum group size of 30 (as was used in the old state accountability system) and phase in the size requirement over several years in light of increments in STAAR passing standards; and, include a percentage requirement, such that if 30 represents less than 5% of the total population served at a campus or district, the group's data are excluded from the index calculations. Not only will this promote fairness in the accountability evaluations, it may lessen the need for TEA staff to conduct countless "special analyses" when extremely small numbers of students are represented in an index.
- Ensure implementation of additional system features, such as Required Improvement, three-year averaging, and the "85% provision" that are provided for in statute as safe harbor mechanisms in the new accountability system. The current proposed use of student-level growth data cannot and should not take the place of considering aggregate improvements in performance over time, relative to proposed index targets. These features are necessary to support fair and credible accountability evaluations.



- Eliminate use of "system safeguards" that result in lowered ratings when, by their nature, the safeguards substantially mitigate the compensatory nature of an index-based accountability system. Current proposed safeguards that are of concern include: use of performance floors; caps on the number of allowable passing scores from alternate and modified tests; and, establishing predetermined percentages of schools or districts to be identified as "Focus" or "Priority" schools subject to interventions.
- If the state chooses to implement any proposed (or any "still to be determined") "system safeguards," then provide a full explanation of all details related to how they will be applied and the exact nature of consequences for schools and districts when safeguards are either not met or are exceeded, as may be relevant.
- Avoid the use of simple letter grades of "A," "B," etc., to communicate results of accountability evaluations for schools and districts. The reduction of the evaluation to an overly simplistic "grade" defeats the purpose of having a 4-part index system intended to capture a more nuanced view of school and district performance.
- Ensure exploration of "hold harmless" ways to include consideration of career and technical education program completion (e.g., accrual of certifications) in any index related to postsecondary readiness.
- Explore ways to give credit to schools and districts that recover dropouts who, by definition, cannot graduate in a 4- or even 5-year span of time. The current application of exclusions diminishes incentives to recover and graduate such students.
- Specify exactly what patterns of results will trigger various types of interventions and sanctions.

Texas AFT calls on the commissioner to defer further implementation of the new STAAR accountability system pending the outcome of legislative action likely to result in major course corrections during the 2013 session. By deferring further implementation, the commissioner would be responsive to concerns raised by both parents and educators—as well as legislators—regarding the wisdom and viability of the STAAR system.

In response to such concerns, the commissioner and the Texas Education Agency already have acknowledged the need to defer implementation of one requirement: the mandate that end-of-course STAAR exams count as 15 percent of a student's final course grade. This step was announced in anticipation of legislative action to repeal the 15-percent requirement or make it discretionary at the local level.

In testimony in the current school-finance lawsuit last month, the TEA director of student assessment announced another significant administrative change of policy direction, lowering the prospective passing standard on STAAR exams that would count as evidence of college readiness. This step was announced in apparent reaction to the passing rates on the first administration of the STAAR exam in 2012, despite existing legislative language explicitly stating that college readiness means a student is prepared for entry-level courses in college without need for remediation.

Last October 30, a Senate Education Committee hearing yielded further evidence of the need to rethink fundamentally and retool the state's accountability system. Responding to testimony from a top TEA official noting the “very complex” methodology based on STAAR end-of-course tests that would be used to determine whether students can graduate from high school, the then-chair of the Senate Education Committee and Senate author of the STAAR legislation was moved to say: “If we don't understand it, it's hard to believe that anybody else would.”

On January 9, House Speaker Joe Straus III voiced strong legislative interest in revisiting and reforming the accountability legislation you are now in the process of implementing. Speaker Straus stated the imperative need for reform in blunt terms:

“There should be no sacred cows when it comes to our children—including our accountability system. For more than a decade, this state has used an increasingly rigorous series of standardized tests to measure academic excellence. But by now every Member of this House has heard from constituents at the grocery store or the Little League fields about the burdens of an increasingly cumbersome testing system in our schools. Teachers and parents worry that we have sacrificed classroom inspiration for rote memorization. The goal of education is not to teach children how to pass a test, but to prepare them for life. The goal of every teacher is to develop in students a lifelong love of learning, and we need to get back to that goal in the classroom. To parents and educators concerned about excessive testing—the Texas House has heard you. We will continue to hold our schools accountable. But we will also make our accountability and testing system more appropriate...more flexible...and more reasonable.”

The administrative retreat from the 15-percent rule, the administrative retreat from the legislatively prescribed definition of college readiness—and the dismay expressed by

lawmakers confronted with the complexity and seeming inexplicability of a test-driven accountability system that TEA has attempted to design to meet legislative specifications--all militate in favor of a freeze on STAAR implementation pending the outcome of the legislature's deliberations in the current session.

Suspending further STAAR implementation will give the legislature and TEA an opportunity to address the many problems with test-driven accountability that have emerged clearly over the past 20 years of pursuing such policies in Texas. Unfortunately, the current STAAR implementation proposal fails to correct those shortcomings, continuing the excessive emphasis on standardized state achievement tests as the be-all, end-all of Texas public education. The proposal thereby does a disservice to our students, schools, and communities.

A prime example is the set of four indices proposed by the commissioner that would form the foundation of the new system. These four indices are: student achievement; student progress; closing performance gaps; and post-secondary readiness. The four indices give the appearance that, as many parents and educators have proposed, that multiple criteria will be used for the measurement of student and school performance, but in reality three and a half of these four indices would use STAAR test scores to gauge performance. Only the fourth—post-secondary readiness—would rely on an additional component (graduation rates). Appearances aside, at bottom the proposal is unresponsive to the real need for a more rounded, multi-factor analysis of student and school performance.

The deferral of further STAAR implementation would give the legislature and TEA time to make a thorough review of the failings of our current, inordinately test-driven approach to accountability and to take corrective action. Examples of the concerns that should be addressed before implementation of a new accountability system include:

--Test design. The purpose of public education should be to help prepare students for a lifetime of mature thinking and ongoing learning, not to measure their test-taking skills. The current test construct has come under severe criticism on this score. For example, in testimony before the House Public Education Committee on June 19 of last year, a University of Texas at Austin specialist in mathematics education contended that current test instruments are designed to measure test-taking ability, not subject-matter mastery.

Dr. Walter Stroup testified that the methodology used by test developers to select test questions for Texas students is "insensitive to instruction"—that is, test questions are systematically skewed to reproduce the score distribution achieved by student populations in the past, not to reflect the impact of instruction in the current classroom. Dr. Stroup said 72 percent of the variance in students' standardized-test scores from one year to the next merely reflects test-taking skills, not the instruction and learning occurring over the school year. Dr. Stroup has written previously: "For reform-oriented accountability to work, test scores need to be highly sensitive to what educators do. Instead, we have tests made up of items selected for their ability to consistently sort students, year in and year out, in the same order relative to a...psychometric 'profile'

developed by the testing organizations.” This serious issue of test design must be addressed by the legislature and TEA, along with related issues such as consistency in the training of those hired to score the exams and in the scoring of exams.

--The cost of the current testing regime, in terms of instructional time forgone as well as money. The cost of our system of standardized state testing goes far beyond the nearly \$500 million over five years for the state’s contract with the Pearson corporation to develop and run the testing system. As ever more emphasis has been placed on the state’s standardized tests as the measure of student and school performance, ever more instructional time—time needed to teach and learn specific instructional material--has been supplanted by preparation for taking state exams, including practice testing and drill in test-taking skills. The legislature and TEA should accurately inventory all these costs and take steps to minimize them, by sharply reducing the number of state tests and capping the amount of instructional time that can be devoted to test preparation and test administration.

--The lack of multiple measures to address multiple aspects of student achievement, including post-secondary readiness. In a 2011 study for the National Research Council of the National Academy of Science, a blue-ribbon NRC committee of education scholars, economists, and scientists concluded that there’s no substantial evidence that reliance on testing data for high-stakes decisions improves student outcomes (see [http://www.nap.edu/catalog.php?record\\_id=12521](http://www.nap.edu/catalog.php?record_id=12521)).

Even a well-designed standardized test will fail to capture important dimensions of student performance, including social-emotional learning vitally important to post-secondary success. The legislature and TEA should authorize local educators to collaborate in developing more rounded assessment mechanisms that will give a fuller picture of students’ progress, including documentation of student work, performance-based assessment, rigorous professional observation, and periodic independent review of the many dimensions of school quality. In determining post-secondary readiness, increased weight should be given to high-school completion and actual completion of courses earning college credit while in high school.

--Mistaken orientation of testing around sanctions instead of improvement. Supportive interventions should take the place of punitive sanctions like school closure, which do not help students but do hurt communities and induce principals and teachers to focus more narrowly and obsessively than ever on standardized test scores. Interventions to improve schools should be based on what we know works: developing school leaders who can nurture leadership in others; building parent-community ties; continuously enhancing the professional capacities of faculty and staff; fostering a student-focused culture of support for striving, and successful engagement in learning, including social-emotional learning; a rigorous, well-rounded curriculum and the instructional tools needed to deliver instruction--including tests, in their proper place, as diagnostic tools.

--Inappropriate testing of students with disabilities. The legislature and TEA should renew efforts to address the irrational federal caps on the percentage of students with disabilities taking tests other than the regular standardized exams—caps that contradict

the federal mandate under IDEA to provide an educational program appropriate to the needs of the individual student.

--Inappropriate use of standardized test scores as the basis for scientifically unsound “value added” measures of student, teacher, and school performance. The legislature should heed the broad scholarly consensus on this point and rule out the misuse of these unproven methodologies for high-stakes educational decision-making.

--Lack of accountability for providing necessary resources to our schools. The legislature should hold itself accountable for providing the resources schools require and for bolstering neighborhood schools with a web of community support services to meet the needs of students and their families. TEA should help lawmakers identify the increased resource requirements associated with rising percentages of students who arrive in our schools with backgrounds of economic disadvantage (now some 60 percent of all students enrolled), low English proficiency, or both. Legislative accountability should start with restoration of the \$5.4 billion cut in 2011 from per-pupil funding and from vital programs such as pre-kindergarten grants and the Student Success Initiative affording extra help to at-risk students.

The time is ripe for a thorough reconsideration of the testing fixation that has taken the focus away from real teaching and learning in our classrooms, not just in Texas but across the nation. Students and teachers alike don't want to spend valuable time endlessly preparing for “the test.” Teachers want to guide their students to ask insightful questions, offer well-reasoned opinions, and work diligently until they master content. Those are the types of classroom experiences that unleash students' ingenuity and reveal their understanding of the material. And that's the kind of learning that is being stamped out by the current pervasive fixation on testing.

Our state has a rare moment of opportunity at this time of accountability transition to lead the way for the whole nation toward the higher vision of accountability outlined above. Progress toward that goal must begin with the deferral of further implementation of the deeply flawed STAAR system pending legislative action.

## Proposed TEA Accountability System Comments

### Strengths of the Proposed System

- **Numerical Score in addition to a Categorical Rating**
  - The proposed system is based on the accumulation of points from 4 indices that results in a numerical score upon which a rating is determined. While a campus or district may keep the same rating from one year to the next, the numerical score helps to determine if progress is being made on each of the four indices.
- **Multiple Indicators Over Several Indices**
  - Under the previous system failure to meet the standard on a single indicator could result in an unacceptable rating. The proposed system prevents a single indicator from determining the overall rating.
- **Focuses on Closing the Achievement Gap**
  - Although it appears that Index 3: Closing the Achievement Gap is a monomer, we believe that more attention and focus will be placed on historically underachieving student groups.
- **Measures Postsecondary Readiness**
  - Ensuring students are career and college ready is paramount in a competitive society and should be the mission of all educators. This index will help to focus efforts in preparing our students to be successful after graduation.

### Weakness of the Proposed System

- **Indices should be based on phase-in recommendations and not final performance standards**
  - Holding a school responsible for future testing standards is inequitable and does a disservice to the community. A school/district would have a difficult task expressing to community members that *students* did well enough to pass according to state standards but the *school* in which they learned/tested is underperforming. This could lead to parents “shopping” for schools with better ratings solely for the fact of public perception.
- **Higher performing campuses would have advantage with low-performing groups in Index 3**
  - For example, specialty schools’ (i.e. magnet schools) “lowest performing” groups will likely be considerably higher in achievement than those of the same “label” at comprehensive schools. Since the accountability system does not account for growth, merely the percentage of students scoring at Levels II and III, specialty schools will likely outperform comprehensive schools by an inaccurately large margin. And if the Commissioner weights this index more than others, this could give high performing/specialty schools an unfair advantage.
- **Elementary and Middle Schools are given only one performance measure for all indices**

- Essentially, only state tests are counted for Elementary and Middle Schools. Due to the fact that there are no other testing, attendance or discipline measures, results of the same tests make up all 4 indices, redundantly affecting campuses.
- **Schools with large numbers of students in advanced courses, specifically in Middle Schools, are not rewarded—and could be adversely affected—for students who take courses/tests beyond their grade level**
  - 8<sup>th</sup> graders, for instance, who are enrolled in Algebra 1 and pass the Algebra 1 EOC at Level II would only receive the “Satisfactory” weighting (multiplied by 1) in Index 3. It stands to reason that a student who attains Level II on Algebra 1 EOC would have a strong likelihood of achieving Level III on 8<sup>th</sup> grade Math STAAR, which would earn the “Advanced” weighting (multiplied by 2).
    - *This issue could cause Principal/Campus dilemmas as to who remains in advanced classes. Based on students’ benchmark scores, grades, attendance, etc., decisions may be made to remove students on the basis that at least passing 8<sup>th</sup> grade Math STAAR could positively impact the school’s rating, rather than focusing on students’ achievement or best interests. The recommendation would be to consider Level II performance on EOCs at the middle school level at the Advanced weighting. Possibly even higher weighting for Level III.*
- **Recovered high school dropouts could adversely effect a school’s accountability rating. EOC scores, if standards are not met, would add additional negative effect on the campus.**
  - This may cause a severe dilemma on how vigorously campus leaders track and attempt to recover dropouts. Recovered dropouts have a low probability of graduating with their cohort. The previous system gave campuses credit for getting them back in school. This does not. The recommendation would be to give credit somehow for recovering dropouts and eventually getting them to graduate, even if it is not with their cohort in 4 or 5 years. Also, previous dropouts have an obvious disadvantage on STAAR EOC; bringing them back to school only to fail an EOC the first time would adversely affect the school’s accountability, thus not encouraging campuses to do the right thing and recover dropouts.
- **Indices 2 and 3 are misnomers**
  - Index 2, Student Progress, compares student groups at each grade-level test rather than comparing same students from one year to the next
    - *For example, this index compares scores of 3<sup>rd</sup> grade White students taking STAAR Reading in 2014 and scores of 3<sup>rd</sup> grade White students taking STAAR Reading in 2015 rather than comparing the original scores of 3<sup>rd</sup> grade White students in 2014 and the scores of those same students then in 4<sup>th</sup> grade in 2015.*
  - Index 3, Closing the Achievement Gap, is not accurately named. Student groups in index 3 are not compared to the other groups’ performance or to their own previous performance, but rather measured for their current year’s achievement alone.

- **Some students fall into multiple categories, perhaps causing a “Double Jeopardy” effect**
  - A student may, for instance, be categorized as SWD, ELL, Hispanic, and Econ Dis as well as being counted in “All Students”.
    - *For schools that have a high number of economically disadvantaged students, it’s almost a given that students in their 2 lowest performing groups in Index 3 will also count in the Econ Dis category.*
- **It is not clear yet how this new accountability system connects with PBMAS or if districts will still be held accountable under multiple systems from the state.**
- **Transition between 2013 and 2014**
  - We understand there are still unknowns on this issue. On Index 3 for 2013, we are in hopes that Level II performance for this year alone will also include Level III performance as well. We know that in subsequent years, they are discreet categories of performance.



January 16, 2012

Commissioner Michael Williams  
Texas Education Agency  
1701 Congress Ave  
Austin, TX 78701

Dear Commissioner Williams:

Thank you for the opportunity to share thoughts and concerns on the proposed accountability system. As you know, ResponsiveEd has been a part of the process of building this system to the best of our ability. Julie Conde, our Director of Accountability served not only on your Accountability Technical Advisory Committee (ATAC), but also served as the chair of the subcommittee on Alternative Accountability (AEA). I was grateful to be included on the Accountability Policy Advisory Committee and attended every meeting that was held.

Overall, the framework of the proposed accountability system is encouraging, and we believe well thought out. Our main concerns lay not in the standard accountability system but in the alternative system that should be included but has seemingly been given little discussion. During the last ATAC meeting, the AEA committee laid out their recommendations to agency staff and the full ATAC committee. While many optional and bonus indicators were discussed, a lack of interest was noted from many members of the committee and agency staff to include those indicators. Rather, a simple lowering of index target scores was lauded as a better path to follow – an “adjusting of outcome targets” to lower acceptable percentage rates.

While I agree it is very important to have an alternative accountability system that takes into account the real life circumstances of meeting these students where they are and bringing them up to a point of graduation, I do not feel that the only alternative is to lower the academic standards for these schools to meet. ResponsiveEd firmly believes that there must be a way to show excellence while recovering dropouts. This can only be accomplished through additional measures such as some of the bonus credits that were suggested by ATAC’s AEA subcommittee. Below are several of the alternative indicators from the AEA subcommittee’s proposal that allow the opportunity for alternative schools, such as Premier High Schools, to show excellence in meeting these students’ needs.

- Credit given for TAKS and EOC retests meeting passing and Level II standards in all indexes. (Precedent for this was set years ago, and this student population has previously counted for an alternative campus when successfully mastering exit level assessments.)



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- Successful mastery of TAKS continuing to be taken into consideration for students graduating after more than four years in High School setting.
- Implementation of “yearly credits accrued standard” indicator, either as an additional indicator or rather than use of an annual dropout rate as indicator of yearly success.
- Graduation Rate defined as “Four, Five or Six-year Graduation Rate (Exclusion of students still enrolled).”
- Indicator established for percent of high school students having received vocational certifications.
- Bonus credits given to this population for successful completion of dual enrollment courses, scores at or above ACT/SAT defined criterion, and other excellence indicators.

To build on one of the additions to the AEA committee recommendations, ResponsiveEd believes that the addition of the “yearly credits accrued standard” should be, in place of STARR Advanced Performance, one of the two Measures of Post-Secondary Readiness. This will show true growth in schools serving the dropout recovery population. It will also show which schools are truly serving students and moving them toward post-secondary readiness – for a student who is 18 years old with 3 credits, earning 6 credits toward a high school diploma is truly a major step toward post-secondary readiness. A runner must prepare for the 5K before the marathon; in the same way alternative schools need to focus students on earning credits before they should be held accountable for STARR Advanced Performance.

ResponsiveEd does not consider the Annual Dropout Rate to be an accurate measurement, or one that should serve in place of the High School Graduation Rate. Making the Annual Dropout Rate the fallback for a campus that does not have a graduation rate will put those campuses at a distinct disadvantage to their comparative schools, and will not accurately show the success of that school. As an example, ResponsiveEd has quite a few campuses that received a new campus number last year due to reorganizing of our charter districts. Because these campuses have new numbers, there will be no correlation with the old campus numbers and thus they will be held accountable under the Annual Dropout Rate and held to a completely different standard. One standard should be decided upon and then used for every AEA campus – making the achievement and quality of each campus evident.

Additionally, in the draft provided for public comment, we noted that the agency made a change to the AEA graduation rate that had, to my knowledge, not been discussed during either the ATAC or APAC meetings. This change includes GED recipients in the numerator of the graduation rate – effectively stating that to receive a GED is equivalent to receiving a high school diploma. Nothing, in my mind, could be farther from the truth. Shockingly, students who are still in school working toward their diploma count against the school’s graduation rate – as if they had dropped out. This is not in the best interest of students and even seems to be an incentive for AEA schools to push students toward getting their GED. While it may be a simpler way to calculate, we should not sacrifice accuracy for simplicity. Those students who continue in school working toward their



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diploma need to either be removed from the denominator cohort or counted as members of the numerator cohort.

To add to that, ResponsiveEd believes that similarly to a previous accountability system in Texas, districts should be held accountable for students whom they have served for 30 days or more (it was previously an 85 day window before schools were held accountable for students). While this standard should be across the entire accountability system, it is especially important in dropout recovery schools which seem to be the “last stop” for students who are struggling to stay in school. If a student leaves within that 30-day window, the district that bears the blame should not be the last one trying to reach a student who has already been failed, but the one who fails the student in the first place.

With these additions, ResponsiveEd believes that the proposed accountability system will be more robust and accurate for schools that serve this population of students. We also firmly believe that to meet that accuracy, AEA schools MUST receive credit for both the students still enrolled and attending school, and students who retake either the STARR or TAKS tests. Our goal is to graduate students, regardless of their age (within statutory limits), and to give them the opportunity for true post-secondary success.

After our conversation last month and hearing, in several different venues, where your passions lie regarding these this population, I know you share my concerns and understand the need for an accountability system that takes into account every student. We need to not only take students into account but also give them, and the schools that serve them, the greatest opportunity to show true success.

Thank you for all that you are doing for the students and in turn, the schools of Texas. I look forward to continuing to work with you and your team as you make important decisions that will affect not only the school children of today, but students for years to come.

Sincerely,

/s/

Chuck Cook  
Superintendent/CEO  
Responsive Education Solutions



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