



November 5, 2020

Mike Morath, Commissioner
Texas Education Agency
1701 N. Congress Avenue
Austin, TX 78701-1494

Re: Petition USDE for a 2020-2021 ESSA academic accountability waiver due to the COVID-19 pandemic

Commissioner Morath,

During the July and October 2020 ATAC/APAC meetings, the Agency proposed 4 potential approaches to the 2021 A-F rating system, the State of Texas Assessment of Academic Readiness (STAAR), and public school sanctions and interventions. **The 41 member districts of the Texas School Alliance (TSA) propose a 5th option for academic accountability ratings during the 2020-2021 school year.**

KEY POINTS

- Separate assessment from accountability
- Extend the *Not Rated* label to the state's A-F accountability ratings in 2020-21
- Update identification and exit criteria for school improvement (federal and state) without adding new campuses to any list

Separate Assessment from Accountability

During a normal (non-pandemic) school year, in which students have the opportunity for 180+ days of in-person instruction from highly qualified teachers, state assessments can play a role in monitoring equity, achievement, and other long-term educational trends. However, it will be incredibly challenging to collect, interpret, and use high-quality state standardized test data during the 2020-21 school year.

Secretary DeVos' September [letter to chief state school officers](#) indicated that the Department was "not likely" to grant a blanket state assessment waiver for this school year; which has led some to say, "*It is better to have low-quality data than none at all.*" But that's not true. It's highly unlikely that STAAR data this year will be capable of supporting the important decisions facing education and policy leaders. Grasping at invalid test scores may "feel" like the right thing to do, but such actions can lead to serious unintended consequences such as misrepresenting actual achievement and encouraging intense focus on remediation rather than access to grade-level content.¹

¹ National Center for the Improvement of Educational Assessment. "**THIS IS NOT A TEST; THIS IS AN EMERGENCY**" October 2020. "There is a long-history of low-income students and students of color being over-identified for special education, subject to over-remediation, denied grade promotion and graduation, and kept out of advanced classes based on test scores that have not been validated for such uses."

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Extend the *Not Rated* label to the state's A-F academic accountability ratings in 2020-21

While the USDE's position on state assessment appears to be firm, the door appears to remain partially open for accountability. The Secretary's letter states, *"We are open to discussions about what, if any, actions may be needed to adjust how the results of assessments are used in your state's school accountability determinations."*

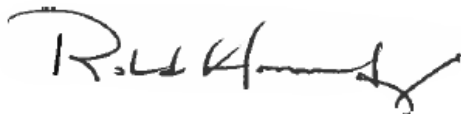
STAAR assessment results cannot be interpreted this year without a better understanding of the circumstances and opportunities facing students; such as whether they have access to digital devices and high-speed broadband, the type and amount of instruction available (at-home, in-person, hybrid), and the level at which students are engaged are key to understanding a student's "opportunity-to-learn." Did a student or group of students get a question wrong because they did not know the concepts tested, were not taught the concepts, or did not have the technology to access the content? When students lack opportunities to learn the content on STAAR this year (for whatever reason), **users risk drawing invalid conclusions** about the effectiveness of educators, programs, or schools.

Missing, incomplete, pandemic-influenced and changing data from the 2019-20 and 2020-21 school years, such as the College Career Military Ready indicators from the Class of 2020, will impact the Texas A-F accountability ratings for campuses and districts. And if STAAR and TELPAS data are collected, its meaning and interpretation will significantly change if: 1) TEA adopts a 'skip-year growth' model, which would look at ways to calculate improvement based on 2019 STAAR reading and math data; and 2) if at-home learners opt-out of returning to a campus to take a STAAR or End-of-Course (EOC) test.²

Update identification and exit criteria for school improvement without adding new campuses in 2020-21

In addition to the significant unknowns for 2020-21, campuses identified for both state and federal interventions and sanctions have had decreased opportunities to implement required improvement plans, thereby stifling continuous improvement efforts. TSA recommends that the Agency update the identification and exit criteria for school improvement (federal and state) without adding new campuses to the lists during the pandemic.

Sincerely,



Dr. Roland Hernandez, President, Texas School Alliance
Superintendent, Corpus Christi ISD

cc: Governor Greg Abbott
Lt. Governor Dan Patrick
Representative Dan Huberty, Chairman House Public Education Committee
Senator Larry Taylor, Chairman Senate Education Committee

The Texas School Alliance (TSA) comprises 41 of Texas' largest school districts, serving over 2 million students or nearly 40 percent of the state's total pupil enrollment. Our students represent 43 percent of the state's economically disadvantaged student population, 50 percent of its' English Language Learners, and 45 percent of all at-risk students in the state. The organization works on issues that will improve educational quality for Texas students, particularly those in large and urban districts.

² Texas Education Agency. APAC & ATAC October Meeting PPT, October 27 and 28, 2020

Texas School Alliance Position on 2020-21 Academic Accountability Ratings

During the July 2020 ATAC/APAC meeting, the Texas Education Agency proposed 4 potential approaches to the 2021 A-F rating system, the State of Texas Assessment of Academic Readiness (STAAR), and public school sanctions and interventions. **The Texas School Alliance proposes a 5th option for the 2020-2021 school year.**

KEY POINTS

- Separate assessment from accountability
 - Suspend the state's A-F accountability rating system
 - Update identification and exit criteria for school improvement (federal and state) without adding new campuses to any list
 - Focus on what matters most
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Separate Assessment from Accountability

During a normal (non-pandemic) school year, in which students have the opportunity for 180+ days of in-person instruction from highly qualified teachers, state assessments can play a role in monitoring equity, achievement, and other long-term educational trends. However, it will be incredibly challenging to collect, interpret, and use high-quality state standardized test data during the 2020-21 school year.

Secretary DeVos' September [letter to chief state school officers](#) indicated that the Department was "not likely" to grant a blanket state assessment waiver for this school year; which has led some to say, *"It is better to have low-quality data than none at all."* But that's not true. It's highly unlikely that STAAR data this year will be capable of supporting the important decisions facing education and policy leaders. Grasping at invalid test scores may "feel" like the right thing to do, but such actions can lead to serious unintended consequences such as misrepresenting actual achievement and encouraging intense focus on remediation rather than access to grade-level content.¹

Suspend the State's A-F Accountability Ratings in 2020-21

While the USDE's position on state assessment appears to be firm, the door appears to remain partially open for accountability. The Secretary's letter states, *"We are open to discussions about what, if any, actions may be needed to adjust how the results of assessments are used in your state's school accountability determinations."*

¹ National Center for the Improvement of Educational Assessment. **"THIS IS NOT A TEST; THIS IS AN EMERGENCY"** October 2020. *"There is a long-history of low-income students and students of color being over-identified for special education, subject to over-remediation, denied grade promotion and graduation, and kept out of advanced classes based on test scores that have not been validated for such uses."*

STAAR assessment results cannot be interpreted this year without a better understanding of the circumstances and opportunities facing students; such as whether they have access to digital devices and high-speed broadband, the type and amount of instruction available (at-home, in-person, hybrid), and the level at which students are engaged are key to understanding a student's "opportunity-to-learn." Did a student or group of students get a question wrong because they did not know the concepts tested, were not taught the concepts, or did not have the technology to access the content? When students lack opportunities to learn the content on STAAR this year (for whatever reason), **users risk drawing invalid conclusions** about the effectiveness of educators, programs, or schools.

Missing and changing data from the 2019-20 school year, such as the College Career Military Ready indicators from the Class of 2020, will impact the Texas A-F accountability ratings for high schools and districts. And even if STAAR data is collected, its meaning and interpretation will significantly change if TEA adopts a 'skip-year growth' model, which would look at ways to calculate improvement based on 2019 STAAR reading and math data.

TEA assessment staff told districts last month that it will **not** provide at-home learners with a remote STAAR test option. Additionally the Agency's revised FAQ states, *"LEAs can require students to come on campus to complete a required assessment that plays a significant role in determining class rank or is required for graduation/grade level promotion and cannot be reasonably or equitably administered remotely."*² At this time, it is not clear how the results of at-home learners who choose not to return to a campus to take a STAAR test or End-of-Course (EOC) exam will be treated in the accountability ratings calculations. Will the student be treated as a "Forced-Failer"? Absent? Other? And how does that impact participation rates, which TEA can use to lower a school's accountability rating.

Texas must suspend its use of a punitive A-F accountability system for the 2020-21 school year and seek any waivers needed from the U.S. Department of Education, as well as update identification and exit criteria for school improvement (federal and state) without adding new campuses to any list during this COVID-19 pandemic.

Focus on What Matters Most

Policymakers and education leaders should focus on safety, health, and maximizing students' chances to develop rich understandings of grade-level content, knowledge, and skills and not chasing test scores or accountability ratings.

² Texas Education Agency. SY 20-21 Attendance and Enrollment FAQ. October 15, 2020

TEA's Use of Military Enlistment Data FAQ



Q: Will College, Career, or Military Readiness Outcomes Bonus (CCMR OB) funding use existing Texas Student Data System (TSDS) PEIMS military enlistment data for the Classes of 2018 and 2019?

No. TSDS PEIMS military enlistment data will not be used in the calculation for CCMR OB funding for any class (2018, 2019, or 2020). When CCMR OB student listings are generated, the listings will not include TSDS PEIMS military enlistment data. If, and when, military source data are received, TEA will use source data and update CCMR OB student listings and funding as appropriate.



Q: Is the agency going to stop using TSDS PEIMS military data?

TSDS PEIMS military data will not be used to award funding or generate a future academic accountability rating. Beginning with 2021 accountability ratings, TSDS PEIMS military enlistment data will not be included. If the agency uses the Class of 2019 for any future accountability purpose, the TSDS PEIMS military data will be removed from CCMR calculations. If military source data are obtained before 2021 accountability ratings are issued, the agency will use source data for accountability ratings.



Q: Will the Class of 2020 CCMR calculations include TSDS PEIMS military enlistment data?

TSDS PEIMS military data will still be reported on the 2020 Texas Academic Performance Reports (TAPR) and the CCMR data tables available on the 2020 accountability ratings [webpage](#).



Q: For the upcoming Fall (Collection 1) TSDS PEIMS submission, should districts continue to report military enlistment for 2020 graduates?

As military enlistment remains a required PEIMS element, districts should continue to report military enlistment in TSDS PEIMS until the element is removed. Districts should use the **October 5** guidance for determining which students met the criteria.



College Ready

CCMR in Accountability

Meets Texas Success Initiative (TSI) Criteria
or
Earns dual course credits
or
Meets criteria on AP/IB exams
or
Earns an associate degree
or
Qualifies for OnRamps course credits



Career Ready

Earns an Industry-based certification (IBC)
or
Graduates with completed IEP
and workforce readiness
or
Graduates with an advanced degree plan
and received special education services
or
Earns a level I or level II certificate



Military Ready

Enlists in the U.S. Armed Forces
(Not Applicable—Temporarily Suspended)

CCMR in Outcomes Bonuses

Meets TSI Criteria
(college prep courses not applicable)

AND

Enrolls at a postsecondary educational institution
immediately following high school
or
Earns an associate degree

Meets TSI Criteria
(college prep courses not applicable)

AND

Earns an IBC
or
Earns a level I or level II certificate

Enlists in the U.S. Armed Forces
(Not Applicable—Temporarily Suspended)

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OPINION

A through F grading system for Texas public schools is one more way to stigmatize poor neighborhoods

Especially this school year, The Watchdog says, it would be horrific if Texas goes ahead and awards letter grades to all public schools.



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Fifth-grade students Jose Saavedra (left) and Ulisses Salto read an assignment at Brandenburg Elementary in Irving. The school improved its grade from the state from a C to an A. That was cause for Lt. Governor Dan Patrick and Education Commissioner Mike Morath to visit the district. Watchdog Dave Lieber says that kind of student improvement shouldn't be so notable.



By Dave Lieber

2:08 PM on Oct 29, 2020

I call it the Great Awakening. Whites like me in 2020 finally began to understand the real story of racism — and why we must no longer accept things as they are.

The more history we know, the more likely we are to understand this. The Watchdog learned a piece of forgotten American history last week when my company invited me to attend a class on bias.

Thanks to research by historian Richard Rothstein, author of *The Color of Law: A Forgotten History of How Our Government Segregated America*, we learned the back story of federal housing projects. Turns out that when the Federal Housing Administration was created in 1934 to help families find good housing, overt racism was built into the system.

The FHA, as a matter of policy, didn't want to insure mortgage loans for Blacks. As a form of government-enforced segregation, the feds drew red lines on official maps around Black

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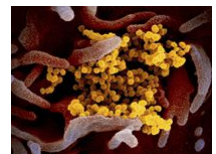
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neighborhoods that were off limits. That's where the term "redlining" comes from.

When not enough whites filled public housing, which was mostly built for them, the feds opened the projects, as they were called, to Blacks. The FHA helped keep minorities out of suburban housing, too.

Whites, permitted to live in the suburbs, built up wealth in the equity of their homes, while most Blacks couldn't do the same. That white wealth was used to send children to college and further advance their prosperity. Whites more often passed wealth on to their children. In poorer neighborhoods that kind of opportunity is missing.

A different lens

I'm trying to view our world through a different lens, trying not accept things as they are just because they've always been that way. That's what led me to learn more about this year's STAAR test for Texas public school students.

There's great debate in the education community and in Texas households about whether Gov. Greg Abbott and Commissioner of Education Mike Morath, a former Dallas ISD trustee, should cancel next spring's standardized testing. The reason for concern: Our checkered learning system during the Coronavirus Epoch has been difficult for everyone.

In my next Watchdog column, I'll show what it's like to be a student today. But here, I want to fret about the results of annual testing — the state's grading of schools and districts through its new A-F system.

Through my new lens, I see that it's one more significant way to hold communities back.

When the state gives a school an F or a D grade, that's telling everyone that particular school is failing or near failing. But the message is also that the surrounding neighborhood is a failure, too.

Students, their teachers, administrators and the culture of their community are all tagged as losers. How awful.

Texas is so big that 10 percent of all children in the U.S. live here. Of that 10 percent, about 60 percent of all Texas children are from low-income families, many of them struggling. Children endure poverty, hunger and sometimes, abuse.

Ratings based on STAAR results are not only about current test results. They can also be about the back story that stems from historically-forced segregation and beyond.

“The testing system is really, in large part, a proxy of poverty and advantage,” University of Texas education associate professor David DeMatthews says.

The biggest losers in test results, he says, are often people of color and those for whom English is a second language.

“It’s not even a legacy of the past,” he says, adding, “It’s still happening today.”

Robert Sanborn, who runs Children at Risk, a Texas advocacy group for disadvantaged students, says one benefit to a grading system is that parents get enough information to join the fight for better neighborhood schools.

“For a long time,” he says, “superintendents have told parents, ‘Your kids are going to great schools.’”

One advantage to these grades, he says, is that parents can cut through the public relations machine and learn more.

Amen to that, at least. Also note that some superintendents who originally blasted the grading system now begrudgingly give it props. The A-F system factors in corrections for scores for low-income districts and gives credit for improving student scores. That can help schools earn a bump up in overall grades.

Natural order?

When ratings come out that show wealthy schools with high scores and poor schools with low scores, I’ve always accepted it as the natural order, the way things are meant to

be. Now I see that too many of us have let this go on and on and on. It's always somebody else's problem.

When a school district in a poor community does well, it's notable enough that education commissioner Morath may stop by on a statewide tour and offer congratulations. He may bring Lt. Gov. Dan Patrick with him.



Lt. Gov. Dan Patrick congratulates Irving ISD superintendent Magda Hernandez on her district's accountability ratings during a news conference at the Toyota Music Factory in Irving on Aug. 15, 2019. (Lynda M. Gonzalez / Staff Photographer)

That's what happened last year at the opening convocation for Irving ISD, which received a B grade. One school in particular, Brandenburg Elementary, with a student body that is mostly disadvantaged, rose from C to A.

In his visit, Morath said, "Brandenburg Elementary is proof positive that poverty is not destiny."

A beautiful line. But we must work toward the day when that's not the exception.



Texas Commissioner of Education Mike Morath speaks to the media and educational leaders regarding the state's A-F accountability ratings at the Toyota Music Factory in Irving on Aug. 15, 2019. (Lynda M. Gonzalez / Staff Photographer)

Change of heart

I admit to a big change of heart. Originally, a few years back, **I mocked** **superintendents** and their organization, the Texas Association of School Administrators, for their criticism of the grading system. I scolded them for not wanting to get subjected to what they put their students through every day.

TASA, in talking points in 2017, urged its members to say grades create a false impression about an entire neighborhood of children and shame those students: “The reduction of a school to a single grade whitewashes the variance in a school, unfairly reducing every student to the school’s assigned grade.”

I understand the pro-graders' view. Without measurements, how can you improve,

understand your weaknesses and work to help everyone learn better?

Sandy Kress, former Dallas ISD board president, told me this generation of students is enduring “one of the greatest learning losses in the history of our nation.” Low-income students, students of color and disabled students “are the ones hurt the most that need it the most,” he said.

“STAAR is the best way to see what the learning loss is. I think we’re going to find it’s a lot worse than we imagined.”

Kress helped President George W. Bush create his landmark No Child Left Behind law, which created national standardized testing. Kress said, “If we’re not getting students to success, I don’t know if it’s racist or not. But it is unjust.”

This year, for fairness reasons, if the STAAR is given, as it is currently scheduled, then schools and their districts should not be given grades. And to be fair to students and teachers, Abbott and Morath should announce that decision as soon as possible.

Note: In [part 2](#) of this series, I’ll show what it’s like to be a student today.

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