

Texas School Quick Tip

New Online School Pest Control Course



Texas A&M AgriLife Extension Service now offers an online version of its in-person, six-hour initial integrated pest management (IPM) training course for school pest control professionals who need new or refresher certification — and for school administrators who want to learn more about in-depth requirements for IPM in Texas.

Info: texednews.com/2019/35/1.html



Volume 36

Nov. 4, 2019

Issue 35

Higher-Ed Reports:

- ➔ College enrollment data. **Page 1.**
- ➔ High school to college direct enrollment. **Page 1.**
- ➔ Developmental education. **Page 2.**
- ➔ Financial aid. **Page 2.**
- ➔ *Other Reports:* Recruiting students with intellectual disabilities, Advise TX program. **Page 2.**

- ➔ **SBEC:** Intern/probationary certificate deactivations, educational aides, deaf/hard of hearing teacher training. **Page 3.**
- ➔ **The Courts:** Copyright infringement, student-on-student sexual assault, bicycle/government car accident. **Page 3.**
- ➔ **Money:** LoanStar low-interest energy saving retrofit program. **Page 4.**

Oct. 24 Higher-Ed Board Highlights

More info about all of the following is at: texednews.com/2019/35/2.html

African American & Hispanic College Enrollments Decline

Several PK-12 Related Reports Released

With Dr. **Harrison Keller** presiding at his first regular Texas Higher Education Coordinating Board (THECB) meeting, the board received briefings on (and/or approved) several reports that are related, in varying degrees, to Texas elementary and secondary schools.

Highlights:

- ➔ **Enrollments** — The board was briefed on preliminary Fall 2019 “12th day” data (see table below) that shows overall Texas public and private college/university enrollments increased by less than 1 percent when compared to final Fall 2018 data.

	Certified 2018 Enrollment	Preliminary Total for Fall 2019	Net Change	Percent Change
Public Universities	658,219	662,182	+3,963	+0.60%
Public Two-Year Colleges	755,801	763,451	+7,650	+1.01%
Health-Related (all types)	29,128	30,514	+1,386	+4.76%
Independent Colleges and Universities	126,241	125,798	(443)	-0.35%
TOTAL	1,569,389	1,581,945	+12,556	+0.80%

Info Source:
Texas Higher
Education
Coordinating
Board

	Certified 2018 Enrollment	Preliminary Total for Fall 2019	Net Change	Percent Change
White	551,141	552,244	+1,103	+0.20%
Hispanic	603,256	602,543	(713)	-0.12%
African American	178,298	176,928	(1,370)	-0.77%
Other	236,694	250,218	+13,524	+5.71%
TOTAL	1,569,389	1,581,933	+12,544	+0.80%

“Concerning”

The report labels as “concerning” the declines in the numbers of Hispanic and African American students enrolled this fall. But, staff cautioned to await the final certified Fall 2019 enrollment data, to be released in January 2020, which could, especially for Hispanic students, reflect changes to the enrollment numbers as the “other” category numbers are sorted out. Hispanic students continue to make up a greater proportion of students enrolled in Texas colleges and universities.

Although traditionally, certified headcounts are lower than preliminary counts, the preliminary counts for 2018 were about the same as the certified 2018 numbers, the report says.

- ➔ **High school-to-higher education direct enrollments** — Another statistic the coordinating board keeps track of (as a part of its **60x30TX** initiative) is how many students graduating high school each Spring go on to enter a Texas college immediately over the summer or in the following fall.

The THECB believes the quicker high school graduates enter college, the less likely they will be to never attend — and that they will start earning wages earlier and face fewer conflicts from work and family commitments than students who delay entering college.

The latest report reflects, that as in prior years, the number of graduating high school students continues to grow faster than the number who are enrolling directly in college. For the high school graduating class of 2018, 52 percent enrolled in a Texas higher-ed institution, and 25 percent were found in state records to be employed (but were not attending college) — and the fate of the rest (23 percent) were unknown.

“Summer Melt”

Julie Eklund, THECB assistant commissioner for strategic planning and funding, pointed to data in the report that she says shows the effects of “summer melt” — students who graduate high school, apply for

Continued, Page 2

Higher-Ed Reports, Continued From Page 1

college, and then do not enroll in college by the subsequent fall semester.

For the Fall 2018 high school graduates, the direct-to-college rate would have risen from 52 percent to more than 65 percent if the 21 percent of “summer melt” students had gone ahead and entered college.

Eklund also noted that the report dispels several myths — including the widespread belief that many Texas high school students are not going to college because they are being enticed into entering high-wage jobs, such as in the Permian Basin oil and gas industry.

State workforce data included in the report concludes that the median annual wage for Class of 2018 high school graduates who did not enroll in Texas higher-ed was \$14,260, and that many of them are employed in even lower wage food service industry jobs, with a median annual wage of \$11,967.

Disproves

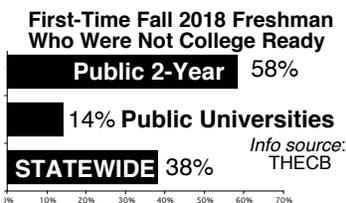
Eklund also said that the data disproves other common assumptions given for high school graduates not attending a Texas college right after high school.

For instance, the report shows the number of Texas graduates purposely taking a “gap year” off between high school and college has decreased in the last few years, and the percentage of students enrolling in out-of-state higher ed has remained stable at about 5 percent for several years. And, the number of students completing college credentials in high school, and didn’t go to college, was negligible.

The report notes several initiatives included in **HB3** that will create opportunities for increasing direct enrollment in higher ed, including: **1)** improving college, career and military readiness (**CCMR**) plans; **2)** increasing funding for college prep exams; **3)** providing college readiness incentives to reward districts for college-ready students who enroll in college the following fall, and **4)** requiring students to complete the federal application for student assistance as a high school graduation requirement.

➔ **Developmental education** — The board was briefed on a report on **developmental education** (DE), which provides that all public-college-bound freshman students must take the Texas Success Initiative (**TSI**) exam to show they are ready for college-level work in the core subjects of reading, writing and math (unless they are exempted by scoring high enough on a subject-comparable SAT, ACT or other allowable substitute exam).

Nearly four out of every 10 Texas public college/university freshmen in Fall 2018 were admitted while lacking the basic skills to take one or more of the core subjects, and were put in DE programs. *See graphic above.*



“Corequisite Model”

The report and discussion focused on 2017’s **HB2223**, which sets a phase-in schedule for the state’s public colleges and universities to move from stand-alone DE

courses to a so-called “**corequisite model**” that incorporates DE courses into regular college courses, starting with at least 25 percent of public higher-ed entities to be enrolled in corequisite models by 2018-19, 50 percent by 2019-20, and 75 percent by 2020-21.

Giving testimony to the board of how their corequisite model DE programs were operating were representatives of St. Philip’s College in San Antonio, Texas A&M University-Kingsville, and for the state of Florida, where the corequisite model of DE is well established.

Examples of some of the many models included students attending regular classes and then being tutored right after class by a professor or a student, such as a student who had successfully completed a DE program and can relate to the student who is going through the program.

Texas A&M-Kingsville’s **Polly Allred** noted that in her institution’s redesign of DE, students can choose more relevant DE course entry options, such as by taking elementary statistics as an alternative to algebra.

Also, another cited advantage to the corequisite model is that universities continue to receive funding for DE students in addition to the regular per-student funding, the board was told, even when a DE course was being conducted as a part of the regular course.

The board was told of the disadvantages of stand-alone DE courses that included students having to pay for the additional DE courses, not having those courses count towards a degree, and having to spend the extra money and time on textbooks, child care, having to get extra time off from work, etc.

The report shows that as of the end of the Fall 2018 semester, DE students in community and technical corequisite programs are meeting college-ready benchmarks at a higher rate than students who are not in corequisite models.

The report gives several suggestions for the future of DE, including moving the state’s colleges and universities to a 100 percent corequisite system by Fall 2023.

➔ **Financial aid** — This legislatively required report reflects that a total of 1,531,243 students enrolled at nonprofit institutions of higher education for the 2017-18 academic year, and 1,014,433 of them (66 percent) received some form of financial aid.

Even with financial aid, Texas undergraduate students and/or their families needed to come up with an extra \$9,017 to cover the average annual costs of attending a public two-year institution, and \$9,650 to attend a public university — and \$15,166 to attend a private or independent institution.

➔ **Other reports** — addressed: **1)** efforts by Texas public colleges to recruit persons with **intellectual disabilities** as students, and **2)** the **Advise TX** program that pairs students from several public and private universities with students in 110 high schools. *We’ll report on these in next week’s issue.*

Part 3 of 3

October 4 SBEC Meeting Highlights

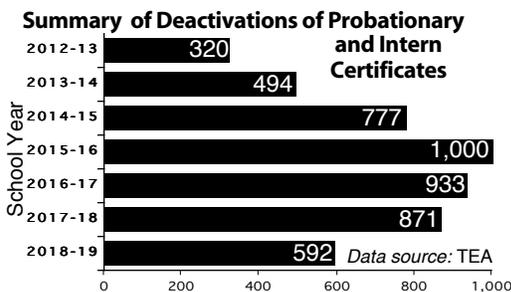
More info about all of the following is at:
texednews.com/2019/35/3.html

Discussion Items

Certificate Deactivations / Educational Aides

Discussion only topics at the board's meeting included:

➔ **Deactivation data** — TEA/SBEC staff provided data on probationary and intern certificates that were deactivated before the certification's one-to-three year term would have ended — usually for reasons that included the certificate holder's withdrawal from the ed-prep program, the individual being fired by the district where the certificate holder was working as a first-year teacher, the person quitting, and for various other reasons. See graphic below.



The data does not include deactivations due to reasons such as health, military service, the candidate getting the standard certificate before the probationary/internship term ended. Only alternative certification and post baccalaureate programs issue these types of certificates.

TEA Associate Commissioner **Ryan Franklin**, SBEC's de facto executive director, said he suspects the reason why the decline in certificate deactivations is due to the controversial implementation, effective as of Sept. 1, 2017, that to obtain an intern certificate — and to teach under the certificate as a first-time teacher in preparation for obtaining the standard certificate — the candidate had to demonstrate knowledge of the subject to be taught, leading to fewer first-year teachers on the certificate becoming frustrated and quitting.

TEA/SBEC Educator Preparation Director **Tam Jones** (a former principal) noted that the effects of a teacher quitting after the school year begins throws the entire campus into chaos, leaving up to about 24 students at the elementary level without a teacher and as many as 184 or so high school students without a teacher.

SBEC's board directed staff to provide more detailed data on deactivations, as well as for a topic included in the agenda item related to complaints received by SBEC's board about ed-prep programs.

➔ **Educational aides** — A major new proposed SBEC rule being prepared for tentative approval (for public comment) in December would allow "graduating" high school students who are at least 18 — and who have taken specified career and technical education (CTE) courses that are designed to spur interest in teaching careers — to be put on the fast track to being hired as educational aides. The same to-be-proposed rule has

several other provisions that affect topics other than educational aides, such as by requiring a person to go through a preparation program to receive the new EC-3 certificate, and reducing the wait time to retake a failed certification exam from 45 days to 30 days.

In testimony about this same to-be-proposed rule, advocates for the education of deaf and hard of hearing students asked the board to include provisions to require, among other things, that teachers of deaf and hard of hearing students must regularly be retested on the **Texas Assessment of Sign Communication (TASC)** exam and that whether a teacher has passed the exam be listed on the educator's virtual certificate — and that teachers of these students have to go through a preparation program.

The Courts

More info about all of the following is at:
texednews.com/2019/35/4.html

Houston ISD to Pay \$7.8 Million to Settle Suit Alleging Study Guides Copyright Infringement

Houston ISD has agreed to pay \$7.8 million to a Texas educational workbook publisher to settle a copyright infringement lawsuit after a jury last May awarded the publisher \$9.2 million. The *Houston Chronicle* reported (Oct. 28) that the district expects to pay the settlement out of its general fund, and could tap into its near-\$400 million reserve fund if needed.

The Marble Falls-based DynaStudy educational publishing company, which has two employees, alleged (and a federal jury agreed), that HISD staff members physically covered up the company's copyrights on study guides and/or duplicated the materials, and then disseminated them over several years — and that somehow the copyright-masked materials were distributed to other Texas districts and to schools in other states.

DynaStudy had initially offered to drop the suit early on during the course of the 3-1/2 years of litigation for \$250,000, and just prior to trial, the firm rejected the district's \$800,000 settlement offer. All HISD employees now receive yearly online training about copyright laws, and principals receive annual in-person training.

U.S. Fifth Circuit Court of Appeals

ISD Loses Quest to Have Lawsuit Dismissed Over Claims of Student-on-Student Sex Assaults

Ruling: A federal judge should not have dismissed a Title IX lawsuit in which the parents of a female special-needs student claimed that their child's now-former ISD did not stop repeated sexual assaults of their daughter by a male student, despite the district having knowledge of the assaults. **Jane Doe, et al., v. Dallas ISD, No. 18-10720. Issued Oct. 25.** Ordered "published" for precedent citing purposes.

The parents of now-former DISD disabled student "T.W." claimed that their daughter was repeatedly assaulted by a male classmate [ages and grade level not specified in this decision], and that when her "case manager" notified the school, the school's "solution" was to move the two stu-

Continued, Page 4



PRESORTED
FIRST-CLASS MAIL
US POSTAGE PAID
AUSTIN, TX
PERMIT NO. 1

ADDRESS SERVICE REQUESTED

Volume 36 - Issue 35 ■ Nov. 4, 2019

- ➔ **Hispanic/Black College Numbers Decline**
- ➔ **SBEC's Certificate Deactivation Data**
- ➔ **ISD to Pay \$7.8 Million to Settle Lawsuit**

Please visit
www.texednews.com
for subscription information
Thank You!

The Courts, Continued From Page 3

dents to different parts of the room. The parents allege the male student was assigned to a desk in front of the in-classroom bathroom, and the abuse did not stop. The male student allegedly raped T.W. in the class bathroom, a foot away from his desk. T.W.'s mother withdrew her daughter after finding out about the rape.

What followed were many rulings which resulted in the dismissal of the parents' lawsuit — on conclusions that the parents, before suing, should have filed an Individuals with Disabilities Education Act (IDEA) administrative complaint with TEA that would have led to a ruling by a special-ed hearing officer.

Because the deadline for filing an IDEA complaint had long since passed, the suit was dismissed by the trial judge.

But, a three-member *Fifth Circuit* panel concluded that the trial judge was wrong to dismiss the parents' Title IX claims because Title IX — unlike IDEA-related claims that require a trip through the special-ed hearing officer process as a prerequisite for filing suit — can be pursued in the courts without first going through the IDEA-required special-ed hearing process.

What must be considered is whether any student — regardless of whether the student is disabled — could pursue a Title IX claim, based on what is alleged, the justices concluded in sending the suit back to the trial judge for further proceedings.

Texas Supreme Court
"Recreational" Bicyclist Hit by Government Car Cannot Sue on "Ordinary Negligence" Claim

Ruling: If a person is on government property for "recreational purposes" and is hit by a government-owned vehicle — or is injured in any other way — then the person can't

sue the government for "ordinary negligence." **The University of Texas at Austin v. April Garner, No. 18-0740.** Issued **October 18.**

Garner sued UT Austin for negligence over a 2015 accident that occurred when she was on her bicycle traveling down an unofficial shortcut to a trail surrounding Austin's Lady Bird Lake. The road she was on led to and from a UT Austin owned apartment complex, and the roadway was on the university's property. The driver of a UT Austin vehicle backing out of the complex's parking lot didn't see her, and she sustained injuries that included bruises, facial cuts, etc., when the vehicle hit her.

The nine-member *Texas Supreme Court* unanimously ordered the suit dismissed on a finding that because the reason Garner was on the university property when she was injured (to get to the lakefront trail) was for "recreational purposes" — the university is not liable for her injuries under the state **Recreational Use Statute**.

The justices noted that although "no trespassing" signs were posted at both ends of the roadway, Garner still would not have prevailed even if the signs were not present. The justices added that the *Recreational Use Statute* only provides governments with immunity from being sued for "ordinary negligence" and not for "gross negligence" or "intentional negligence" (neither of which Garner alleged in her lawsuit).

\$\$ Money \$\$

- ➔ **LoanStar Program** — Low-interest **SECO** (State Energy Conservation Office) loans of up to \$8 million each to assist Texas public institutions (including ISDs) finance their energy-related, cost-reduction retrofit projects. Loans can be repaid through energy savings. *Applications accepted on a first-come, first-served basis, through **Aug. 31, 2020.***
More info: texednews.com/2019/35/5.html

Texas Education News is published 40 times a year by Tixednews Inc.
For subscription information, please visit

www.texednews.com

Cecil Clift — Editor and Publisher ■ Phillip Reese — Associate Publisher. Tel. Voice: 512/443-2897 Fax: 512/443-2881

Copyright © 2019. Photocopying / reprinting without permission prohibited. Please call for permission information.

TEXAS EDUCATION NEWS ■ P.O. Box 1663 ■ Austin, Texas 78767-1663