

Texas School Quick Tip

Discover Texas Field Trips

For 3rd-to-5th Grade Classrooms

The non-profit **Education in Action** is once again — for School Year 2018-19 — sponsoring this program that provides chaperoned field trips to interesting Texas sites. There's a discount in the required deposit for reserving a field trip date by **Sept. 15**.



Info: texednews.com/2018/25/7.html



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July 23, 2018

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Six Months Left to Complete its Work

School Finance Commission Update

The full 13-member **Texas Commission on Public School Finance** got its first look, at a July 10 meeting, of recommendations that were unanimously adopted (July 3) by the commission's "outcomes" working group.

The recommendations were summarized in detail in **TEN**, July 16, Page 1, and include suggesting that the state should spend \$1 billion to \$2.5 billion more on public education for various initiatives to help the state meet its **60x30TX** goal of at least 60 percent of Texans ages 25 to 34 having a postsecondary degree by the year 2030.

In brief, the recommendations center around ensuring students read by third grade, that students leaving eighth grade are proficient in reading or Algebra I and 12th grade students are college ready, based on specific measures, by the time they graduate.

The investments in turn would pay off in billions in terms of producing a better-paid workforce, lower prison rates, etc., the report predicted.

The **Association of Texas Professional Educators** reported that during the meeting, commission member/ State Sen. **Paul Bettencourt**, R-Houston — who has consistently argued against increasing state funding — pushed back on the working group's prediction that as things stand now, the state will miss the 60x30TX goal by two decades.

After much discussion, the most likely scenario emerging from the meeting is that the outcomes working group would likely take testimony on their recommendations or ask for comments to be submitted online, and would consult with the **Texas Higher Education Coordinating Board** about how the recommendations would fit into the 60x30TX goals — and if any changes should be made in the recommendations.

This could result in the working group revising its recommendations and issuing an updated final report.

School Finance Data

The commission also received a detailed briefing on school finance data, including by TEA Chief School Finance Officer **Leo Lopez**.

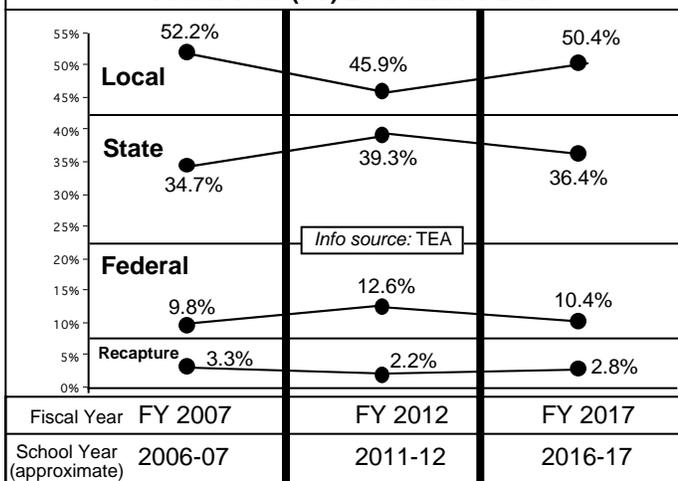
The data presented by Lopez included a graphic showing the source of funding public schools over an 11-year period. *See graphic on left.*

Of note is the fact that for the last six years — from Fiscal Year (FY) 2012 to FY 2017 — the state's share of funding schools has decreased from 39 percent to 36 percent, while the local share of school funding (primarily via property taxes) has increased from about 46 percent to just over 50 percent.

This does not include recapture, another source of local public school funding that has historically hovered at around the 3 percent mark of total school funding. Lopez listed recapture as a separate category for purposes of the discussion with the commission.

The data presented by Lopez for a 12-year period also reflects that *per student* total funding from all sources increased by 29 percent, from \$8,800 in FY 2006 to \$11,349 in FY 2017.

Eleven-Year Comparison of the Percentage Breakdown Of Public School Funding Sources Between Fiscal Year (FY) 2007 and FY 2017



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School Finance Commission, Continued From Page 1

In other activity, it was reported during the meeting that the commission's *expenditures* working group will be meeting in August to review the 200 recommendations it has received from the public, with a goal of delivering a report to the commission, for discussion, possibly in September.

Former Texas Supreme Court justice **Scott Brister**, who chairs the commission, began and ended the meeting by cautioning that while the commission has heard, and will hear, a lot of great ideas, the real task will be — when making recommendations — to determine how much they will cost and where the money will come from to pay for them.

Being a Grownup

"It's a part of being a grownup, deciding not just what to buy, but how to pay for it," Brister said, adding he doesn't want to do what has often been done: spend money and plan for our children and grandchildren to pay for it.

Brister noted that emailed questions, comments and suggestions, etc., about the commission's work are being accepted at:

schoolfinancecommission@tea.texas.gov

The full commission will skip a planned August meeting and will next meet at a date to be determined in September. The commission must deliver its final report by Dec. 31, 2018, to the governor and Legislature.

More info: texednews.com/2018/25/1.html

TEA News

More info about all of the following is at:
texednews.com/2018/25/2.html

➔ **Rule news** — The TEA adopted a comprehensive set of rules to clarify provisions related to identifying, placing, serving and reclassifying **English learners** (a term that is being changed in the rules from *English language learners*). References to a student's *home language* is also being changed to a student's *primary language* throughout the rules.

Several changes were made, based on public comment, from the draft version of the rules.

Most of the provisions of the rules became effective on **July 15**. A rule section addressing the testing of English learners becomes effective on **July 1, 2019**.

➔ **Teacher shortage areas** — The TEA announced (July 13) that the U.S. Department of Education School Year 2018-19 teacher shortage areas — in terms of teacher college loan forgiveness — are:

- **Bilingual/English as a Second Language** (elementary and secondary levels).
- **Special education** (elementary and secondary levels).
- **Career and Technical Education** (secondary levels [including *Technology Applications and Computer Science*]).
- **Mathematics** (secondary levels).

The teacher shortage area list is used for, among other things, college loan forgiveness programs for teach-

ers who teach shortage area subjects and meet other specified criteria.

The TEA's announcement notes that although the 2018-19 shortage information for Texas does not include **science** (which was on the shortage list for 2017-18), some loan forgiveness programs accept other areas, including science.

➔ **ESSA waivers** — The TEA announced (July 13) that the U.S. Department of Education has extended the state's authority to grant ISDs and charters (and other eligible entities) certain Every Student Succeeds Act (**ESSA**) waivers for various federal Title I, Title II, Title IV and career and technical education requirements. The deadline to submit applications to the TEA for these "**Ed-Flex**" waivers is **Aug. 13**.

Other News

More info about all of the following is at:
texednews.com/2018/25/3.html

\$2.8 Billion Healthier State Budget Projected

State Comptroller **Glenn Hegar** announced (July 11) better than expected revenue growth for Fiscal Year (FY) 2018 (which will end Aug. 31, 2018) and an improved economic outlook for FY 2019 (that spans from Sept. 1, 2018, to Aug. 31, 2019).

Hegar said the state will have \$110.17 billion in General Revenue-related funds available for general purpose spending for the current 2018-19 biennium, about a \$2.8 billion increase from a \$107.3 billion projection Hegar announced last October.

In related news, state legislative leaders (the **governor** and **Legislative Budget Board**) — as they have done before each new biennium starts, sent letters (June 22) to all state agencies advising them to submit two sets of proposed budgets — one "baseline" budget reflecting no spending increases from the prior biennium and another budget reflecting 10 percent spending cuts.

State agencies can submit additional funding requests for "exceptional items" and can, in their baseline budgets, budget for increases to maintain adequate funding for certain items, such as the Foundation School Program.

**To Become the State's Second Largest Charter District
Kipp Charters Consolidate into One Entity**

The four regional **KIPP** charter school networks in Texas — headquartered in **Austin, Dallas/Fort Worth, Houston** and **San Antonio** — announced (July 11) — they have consolidated into a single statewide entity designed to streamline operations and clear the path for opening more campuses. The four regional Kipp networks together have about 52 campuses and 25,000 students.

The merger will make **KIPP Public Schools**, as the entity will be known, the second-largest charter school district in Texas, behind **IDEA Public Schools**, which has about 35,600 students in about 75 campuses in various areas of the state.

Under the TEA approved reorganization, KIPP will re-

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Other News, Continued From Page 2

ceive one district rating under the state's accountability system. Its schools will continue to receive individual ratings and individual campuses will keep their names.

About 20 of the 3,000 KIPP employees statewide will lose their jobs because of the restructuring, the *Austin American-Statesman* reported.

Sehba Ali, who served as superintendent of KIPP Houston for the past six years and is now CEO of the new consolidated network, said leaders from the four regions have been contemplating the move for about 18 months. The merger became official July 1.

Panel Issues Dual Credit Recommendations

A statewide task force convened by the **UT System** and the **Texas Association of Community Colleges** issued (July 10) a 64-page report on dual credit issues.

The report's major recommendation is that a statewide dual credit advisory committee consisting of representatives of the K-12, higher-ed and workforce communities should be established to focus on these three issues:

- Addressing inequalities in who has access to dual credit programs and the quality of the courses offered.
- Understanding differences in how the courses are funded and who is bearing the cost.
- Addressing a lack of consistency and communications regarding transfers of credit, program requirements and other issues related to alignment within the education pipeline.

The report also makes several specific recommendations, such as: **1)** asking the Legislature to create a "needs based grant" program to provide financial aid to eligible students enrolled in dual credit programs and **2)** requiring colleges to advise dual credit students of the courses needed to complete their degree or certification in the most timely and affordable manner.

News Briefs

More info about all of the following is at:
texednews.com/2018/25/4.html

- **Santa Fe ISD update** — Houston area media reported that Santa Fe ISD's board voted (July 11) to approve at least \$1.5 million for increased security at its high school where a gunman killed eight students and two teachers.

The upgraded security will include new door locks, a lobby security vestibule and a new alarm system. The board decided not to erect six-foot perimeter fencing around all of its campuses due to the cost.

During a later (July 16) special meeting, the board voted to accept a donation of six metal detectors from a private company and school safety assessments from another company.

Federal officials announced in May that the district will receive a \$1 million school safety related grant.

- **School performance reviews** — The **Legislative Budget Board** (LBB) this month released two-

page, colorful "infographics" for school performance reviews that were released in August 2017 for:

- **Lytle ISD**, a 1,698-student district located about 25 miles southwest of San Antonio.
- **Dalhart ISD**, a 1,773-student district located in the Panhandle.

The infographics are designed to provide at-a-glance summaries of the detailed, complete school performance reviews.

The Courts

Texas Fifth Court of Appeals (Dallas)

Web Firm's \$99,600 Suit Against ISD Dismissed

Dismissed: A \$99,600 breach-of-contract suit a web services provider filed against an ISD over accusations that the district prematurely ended a multi-year contract.

Lamar Cons. ISD v. eBackpack, Inc., No. 05-17-01444-CV. Issued July 5.

More info: texednews.com/2018/25/5.html

Background

After paying Rockwall, TX-based eBackpack, Inc., \$49,800 a year for School Years (SY) 2013-14 and 2014-15 for providing specific web-related services to the district under a multi-year contract that began on July 1, 2013, LCISD refused to pay the company's invoice for \$49,800 to provide the same services for 2015-16.

eBackpack then sued LCISD for breach of contract, arguing that the multi-year "2013" contract still had SY 2015-16 and SY 2016-17 remaining. The suit sought the \$99,600 the company said it was due — at a contracted rate of \$49,800 per year — for those two school years.

LCISD appealed to the Fifth Court after the trial judge refused to dismiss the suit.

A three-member appellate panel, in this decision, agreed with LCISD and ordered eBackpack's suit dismissed.

The justices concluded that a *second* contract eBackpack had sent the district prior to the start of SY 2014-15, which the ISD's superintendent signed and sent back (unmodified) to the company, was for one year (SY 2014-15) only, and effectively ended the district's relationship with the company as of the end of SY 2014-15.

Rejected

The justices rejected arguments by eBackpack that this second contract had *not* been meant to replace the first contract.

The company argued, unsuccessfully, that the second contract had been primarily sent only as a courtesy to help LCISD obtain federal E-Rate funding and as a way for the ISD to choose, if it desired by checking an appropriate option, to extend the initial (multi-year) contract for additional years. (The superintendent did not check any of the options to extend the contract, that was labeled as having a "default" term of one year.)

The justices also rejected the company's contention that the second contract was invalid because although it was signed by the firm's founder/president/CEO after receiving the signed copy from the district, the CEO had made handwritten notations and stipulations on the document that were not sent back to LCISD for approval.

For these and other reasons, the justices concluded that LCISD does not owe anything to eBackpack, and that the company must pay the ISD for the costs of the appeal.



ADDRESS SERVICE REQUESTED

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- ➔ State's Kipp Charters Consolidate
- ➔ Web Vendor Loses Lawsuit Against ISD

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Commissioner's Decision

Teacher who was Banned from School Property Loses Appeal Over Missed Contract Deadline

Ruling: A teacher who was temporarily banned from being on school property pending the outcome of an investigation — and had left an employment contract for the next school year on her desk at school — waited too long to sign and return the contract to the district. **Jeri Allen v. Rio Vista ISD, No. 033-R10-08-2017.** Issued **June 5.**

More info: texednews.com/2018/25/6.html

Allen had been a classroom teacher for 21 years, including for four years in RVISD when — on the afternoon of April 18, 2017 — she was handed a term contract for the next school year that was signed by the school board president. The contract stated that the offer of employment would expire nine days later — on April 27, 2017 — if (by that date) Allen did not sign the contract and return the contract to the superintendent's office.

Placed On Leave with Pay

On April 19 (the day after she was handed the contract) at about 3:30 p.m., Allen was called to the superintendent's office and was told that she was being placed on leave with pay pending an investigation of allegations against her. Allen was directed to refrain from contacting staff and to not be on any campus. But, she was also directed to contact a specific employee if she needed information or access to the school.

While she was on paid leave, the proposed contract remained on her desk at school, and she did not contact the named employee about obtaining the proposed contract.

On May 2, 2017, she was directed to report to the superintendent's office. When she arrived there, she was given a directive to report to work the next day as the allegations against her were not substantiated. She was given a second document that stated that because she did not re-

turn the offer of employment on time, she would not be employed by RVISD for the next (2017-18) school year.

Allen pursued a grievance with the district seeking to have the contract for the upcoming school year accepted. She had reportedly signed the contract on May 2, but waited until the grievance hearing was held 29 days later (on May 31) to return the signed contract to the ISD by placing the signed contract into evidence. Allen appealed to the commissioner when the district denied her grievance.

A "Willful Action or Gross Neglect"

In denying the appeal, the commissioner:

- ➔ Indicated that Allen might have qualified for special legal considerations that allow contractual deadlines to be extended due to special circumstances *if* she had returned the signed contract to the superintendent on the May 2 date she was told by the superintendent she could return to school to work for the rest of the school year.
- ➔ Concluded that by signing the contract on May 2, but waiting until her May 31 grievance hearing before the superintendent to return the signed contract by putting the document into evidence at the hearing, Allen's conduct went from "mere neglect" that might have excused her tardiness in returning the signed contract to "a willful action or gross neglect" that would not excuse the delay in returning the signed contract.

The commissioner also concluded that although RVISD made it more difficult for Allen to return the proposed contract, the evidence did not reflect that the ISD intentionally caused her to miss the deadline.

Allen could have, but didn't, avail herself of the option to contact the designated staffer to retrieve the contract from her desk, or ask that she be allowed to return to school to get it, the commissioner noted.

Note: The **Texas Association of School Boards Legal Assistance Fund** filed a brief in support of RVISD's position in the appeal.

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

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