

**SUBJECT:** Eliminating state requirements for public school staff development

**COMMITTEE:** Public Education — favorable, as substituted

**VOTE:** 7 ayes — Grusendorf, Oliveira, Branch, Dawson, Eissler, Griggs, Madden

0 nays

2 absent — Dutton, Hochberg

**WITNESSES:** For — Harley Eckhart, Texas Elementary Principals and Supervisors Association; Mia Price, Texas Association of School Boards; Gary Reeves, Texas Association of School Personnel Administrators; Karen Soehnge, Texas Association of School Administrators

Against — Edward C. Gooze, Communication and Learning Services; Brock Gregg, Association of Texas Professional Educators; Ann Hueberger, Texas State Teachers Association; Lonnie Hollingsworth, Texas Classroom Teachers Association; Karen Snead, The Arc of Greater Houston and The Arc of Texas; *(On original bill:)* Ted Melina Raab, Texas Federation of Teachers

On — Kay Lambert, Advocacy, Inc.; Susan Maxwell, Texas Council for Developmental Disabilities

**BACKGROUND:** Education Code, sec. 21.401 provides that a teacher's employment contract with a district is for a minimum of 10 months, which includes 187 days of service. In a 10-month contract period, there are 180 days of instruction, and seven days of staff development or "in-service training."

Education Code, sec. 21.451(a) sets forth mandatory state guidelines for districts to follow when providing staff development for teachers. Minimum guidelines are developed by the commissioner for program planning, preparation, and improvement at the Texas Education Agency (TEA). Districts must provide training in technology, conflict resolution, and discipline, as well as training specific to the needs of students with disabilities. Districts also may opt to provide training on legally permissible practices regarding school prayer.

Education Code, sec. 21.451(b) requires staff development to be campus based, related to school performance standards, and developed and approved by campus-level committees that include parents, teachers, and community members. This section also includes a list of permissible activities and methods for staff development.

Education Code, sec. 21.451(c) permits a school district to use district-wide staff development if it has been developed and approved through the district-wide planning process.

Both state and federal law require that children with disabilities participate to some extent in the state testing and accountability system. The federal No Child Left Behind (NCLB) Act requirements are more inclusive than the state's in requiring more extensive testing. NCLB requirements start with the 2002-03 school year, while Education Code, Ch. 39 brought special education students into the accountability system in 1999.

The 77th Legislature enacted SB 1727 by Cain to require that districts train teachers in the instruction of students with disabilities.

**DIGEST:**

CSHB 1024 would amend Education Code, secs. 21.451(a) and (b) to remove state authority over the content, activities, and methods of district-level staff development. Standards for in-service training would be predominantly campus-based, conducted according to district standards, and developed by campus-level committees with the goal of improving education in the district.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003. It would apply beginning with the 2003-04 school year.

**SUPPORTERS  
SAY:**

CSHB 1024 would return local control to school districts in the area of staff development, doing away with one more unfunded mandate handed down to local districts in previous sessions. State-mandated, "one-size-fits-all" policies no longer work for local school districts, each of which could do a much better job of tailoring in-service training to suit its own unique characteristics. The bill would show support for and trust in the judgment of local districts, giving them the flexibility to respond to local needs.

The bill would not eliminate training on special education or discipline or any other topic. It merely would leave such training up to local district discretion. In fact, under the current rules, if a school district had a large population of students with disabilities and wanted to provide extra days of teacher training on special education, it could not do so on one of the seven designated in-service days. Besides, whether there is a state statute or not, federal law still requires training for teachers to meet certain special education requirements.

CSHB 1024 would save districts money. Currently, if a school chooses to provide extra training (in excess of 187 contract days of service) in order to meet locally determined needs, it must compensate teachers for overtime. This bill would allow districts to schedule training at their convenience, thus making wiser use of the seven in-service days currently being used for state-mandated training.

The bill would give teachers more of a voice in determining local training topics and methods. Under current law, teachers are forced to sit through the same state-mandated training topics year after year. While they may be relevant for new teachers, after several years, the same training becomes redundant for experienced teachers. If local campus planning committees were authorized to decide what training to provide, teachers and parents would have more input over content and methods of training they determined were needed to improve education in the district.

CSHB 1024 would not prohibit TEA from sharing information with districts or education service centers about developing trends in education policy. In fact, by eliminating the state mandate in this area, the bill would open the door for districts to have a more cooperative relationship with agency staff, who then could provide technical assistance without the burden of compliance and enforcement concerns.

**OPPONENTS  
SAY:**

CSHB 1024 would hurt both teachers and students who currently benefit from specialized training on how to teach children with disabilities. Eighty percent of Texas children with disabilities — or nearly 400,000 students — spend at least half of their school day in mainstream classrooms. State and federal law require that children with disabilities participate in the accountability system. Teachers who have students with disabilities in their classroom will be held accountable for their performance on state accountability tests, so removing

this particular training requirement at a time of increased accountability would be detrimental to both teachers and students.

CSHB 1024 could expose school districts to costly litigation in the area of special education. The 77th Legislature added the requirement for districts to provide training for teachers on special education in response to a number of concerns from the disability community about the treatment of mainstreamed children with disabilities in the classroom. Instruction programs for special-education students are subject to complex and ever-changing federal laws. This area also is subject to much litigation. Teachers should receive yearly training on updates in the law in order to protect teachers, children, and districts.

CSHB 1024 would remove state support that teachers need to request special training at the campus level. For example, state-mandated teacher training on discipline strategies and conflict resolution helps all children, not just those with discipline problems. A child who presents a chronic discipline problem distracts from a teacher's efforts to educate other children. Further, many children with disabilities need to be disciplined differently than other children. Improper treatment of special education kids could result in their injury or death. The more appropriately a teacher can deal with a student's needs, the more time the teacher can spend teaching all students. If state-mandated training in these areas were eliminated, some districts could choose to spend all seven in-service days "training for the test," rather than helping train teachers to deal with special kids and their needs.

CSHB 1024 would ignore state agency expertise on timely professional development topics. TEA staff keep up with state and federal policy changes and are well-informed about developing trends and how they may affect local schools. Disregarding state expertise in this area could leave some districts at a disadvantage, especially those who do not have a large administrative staff to keep up with state and national trends.

NOTES: The original version of the bill would have repealed Education Code, secs. 2151(b) and (c) in their entirety.