

Denton Independent School District

Legislative Priorities

Executive Summary

The Denton ISD supports the efforts of the Texas Association of School Boards, the Texas Association of School Administrators, and other educational agencies in the development of Core Principles on School Finance. The district fully supports these principles and encourages our elected officials to use the 80th Legislative session for the purpose of finding appropriate funds and formulas for public school education.

Additionally the Denton ISD has identified the following legislative priorities that reflect local needs and concerns:

- 1. Textbooks** – The district supports legislation that provides an efficient and effective system for the approval and selection for textbooks and auxiliary materials, hereafter referred to as instructional materials. This legislation should also provide appropriate funding for the purchase of instructional materials and a system for the efficient distribution and accounting of these instructional materials.
- 2. Transportation** –The district supports legislation that updates funding and increases services to students for school provided transportation. This update should occur each legislative session, reflecting actual transportation costs, and should include increased allotments and improved means of fund distribution for hazardous routes and special program services (i.e. special education, bilingual education, magnet programs, career and technology programs). This legislation should also change the current two-mile regular education requirement for transportation services to one mile.
- 3. Election Dates** – The district supports local responsibility for school boards to choose either a May or November election date and either three or four-year terms. The district opposes action taken during the 79th session that eliminated the ability of a school district to hold a school bond election on a non-uniform date. The district supports repeal of this action.
- 4. Impact Fees** – The district supports legislation giving school districts authority to assess impact fees or “contributions in lieu of” to developers of residential property. The district additionally supports legislation that would exempt school districts from requirements to pay impact fees assessed by local municipalities.
- 5. Unfunded Mandates** –The Denton Independent School District opposes unfunded mandates and supports fully funding the actual cost of any required programs and services. Recent examples of unfunded mandates passed by the 79th Legislature include the changes to dropout and leaver accountability guidelines, training requirements, needed materials and the staffing required to administer state testing

mandates, the addition of a fourth year of math and science to high school curriculum, and the expanded required medical screening for Acanthosis nigricans. Any legislative or judicial finding or directive unaccompanied with the financial resources necessary for its accomplishment is an unfunded mandate.

- 6. Use of Professional Organizations** – The district opposes legislation that would limit the ability of professional organizations such as TASB and TASA to represent school boards and administrators as governmental/legislative liaisons. The district opposes legislation that would restrict the use of public school tax dollars to support these and similar professional organizations. Trustee responsibility and accountability requires the freedom of speech and freedom of association to fulfill public service obligations.
- 7. Employee Retention/Retirement** – The district supports legislation that seeks to enhance and encourage employee retention in the public schools and in the TRS system. The district supports legislation that would reduce and/or restrict the return to work options that are detrimental to the TRS system. The district opposes legislation that would change the current retirement eligibility without enhancing the retirement benefits. Additionally, the district supports a benefit increase for retirees.
- 8. Tax Base Protection** – The district opposes legislation that grants further tax-exempt status to individuals and public/private organizations. The district supports legislation that would require Community Housing Development Organizations (CHDO) who use tax-exempt bonds for housing projects to pay full ad-valorem taxes, or fully equivalent contributions in lieu of taxation, to public schools.
- 9. Vouchers and Charter Schools** – The district opposes private-school vouchers, increased allotments of charter schools, virtual charter programs/schools, and other such programs funded with public tax dollars, which diminish and divert public dollars supporting public education to private entities.
- 10. Special Program Funding** – The district supports legislation that restores and increases necessary funding that directly affects student achievement and retention in the areas of Career and Technology Education, Bilingual/ESL Education, Special Education, and Compensatory Education.

Denton ISD is advocating many of the same Legislative priorities supported by the Texas Association of School Boards (TASB) and the language used for duplicate priorities is adopted from the TASB Advocacy Agenda.

Priority #1 - Textbooks

The district supports legislation that provides an efficient and effective system for the approval and selection for textbooks and auxiliary materials, hereafter referred to as instructional materials. This legislation also should provide appropriate funding for the purchase of instructional materials and a system for the efficient distribution and accounting of these instructional materials.

Priority # 1: Keeping intact the SBOE instructional materials selection process

The State of Texas provides free textbooks to students, TAC Chapter 66. Texas is also one of 22 states with a process for the approval and/or adoption of instructional materials. Once instructional materials are approved by this process, they are purchased with state funds for distribution to districts based on what is selected from the list of approved materials by the districts.

There have been attempts in the last several legislative sessions either to limit the scope of influence that the SBOE has in the selection and approval process for new instructional materials or to eliminate completely the SBOE from participating in this process.

If the SBOE is eliminated completely from this process, it has been suggested that the task of selecting and approving appropriate instructional materials be given to each individual district. One concern is how individual districts would be able to put the same time and effort into the approval and selection process that now is provided by the SBOE.

Another concern is how much will this approach cost districts to purchase new adoptions and maintain current adoptions. Once a district has selected their materials, it has been suggested that the state would give the district \$150 per ADA to use to purchase these materials. If the \$150 per ADA is not enough to cover the cost for the purchase of the new instructional materials, the district would be responsible for the remainder of the cost. There has been no mention of where the funding would come from for the district to acquire additional instructional materials, to meet the demands of increased enrollments, that have previously been supplied by the state under previous adoptions. For rapid growth districts like Denton ISD, this cost would be substantial.

Priority # 2: Lifting the ban on the Proclamation for ELA Materials

In 2005 the 79th Legislature put a ban on any further proclamations. As stated above, this means that Texas will no longer have a state-wide process for the approval and adoption of instructional materials that are to be used by Texas students in public education. The set of instructional materials first affected by this ban will be the English Language Arts K-12 sequence. TEA is in the process of changing the TEKS for the K-12 ELA sequence.

With the ban on any further proclamations, there is no state-wide plan to guarantee that if and when any ELA books are purchased by the state for use by districts, these books will contain the revised TEKS for the ELA K-12 sequence. The current ELA adoptions have a copyright date of 2000. Right now the content of these books reflects the current TEKS. To be able to have instructional materials that will meet the new TEKS for the K-12 ELA, districts will have to purchase the materials to supplement the current adopted materials.

Priority # 3: The Funding of Proclamation 2004 and Proclamation 2005

In 2005 the 79th Legislature approved the submission of Proclamation 2004 for mathematics, grades 6-12, to be purchased for distribution in the fall of 2007. They also approved the submission of Proclamation 2005 for mathematics, grades K-5, to be purchased for distribution in the fall of 2008. To ensure that these instructional materials will be purchased for distribution, the 80th Legislature will have to approve the funds to purchase these instructional materials. The current instructional materials for mathematics have a copyright date of 1998 and are not aligned with the math TEKS. If the legislature fails to fund these two proclamations, then districts will be faced with the same problems encountered when the funding of Proclamation 2001 and Proclamation 2002 was delayed. Districts were forced to use out-dated materials or use their own funds to purchase new materials. Once funding was approved, the delivery of much of the new instructional materials to districts occurred after the beginning of the new school year.

Priority # 4: Allow rapid growth districts to order 110% of their enrollments on the annual order and supplemental orders.

Currently the state allows districts to keep a surplus of textbooks based on the year the textbooks were adopted and the enrollments of students in the district. For textbooks that have been in the adoption cycle for two or more years, a district can have a surplus of 20%. For textbooks that have been in adoption for one year, a district can have a surplus of 10%. If districts need additional textbooks they are able to order only 103% of their enrollments. Coupled with being allowed to only order 101% of enrollments for the 2005-2006 school year, rapid growth districts have lost any surplus that they may have had three years ago. If the rapid growth districts were allowed to order at least 110% of their enrollments on the annual order and any supplemental orders during the summer months, this would at least guarantee that there would be enough textbooks at the beginning of the new school year for every student enrolled in the district. If not, these districts will have to purchase the extra textbooks during the summer to meet the needs of each student enrolled at the start of the new year.

Priority # 5: Electronic textbooks

During the 79th legislative session, there was a proposal to use part of the Permanent School Fund to purchase a lap-top computer for each student enrolled in a Texas public school. The idea is that if every student had a lap-top computer, all of the instructional materials associated with the students' classes would be on the computer. Nowhere in the

legislation was there any mention of how the instructional materials were to be downloaded onto the computers, who would be responsible for the maintenance of the computers, who would replace computers that became damaged beyond use and who would be responsible for replacing the batteries. Before doing away with the hard copies of student textbooks, there needs to be in place a system for maintenance and replacement of the computers, otherwise it will become another unfunded mandate for districts, such as the mathematics calculators issue when districts had to make sure that high school students had access to these calculators for state testing purposes, with no financial assistance forthcoming.

Priority # 6: Textbooks and Instructional Materials for CTE Programs

Career Technology Education (CTE) textbooks must meet a higher standard to stay current with technical growth in the 21st Century. Many CTE courses are innovative and not supported by state textbook funding. CTE programs need to align with post-secondary institutions and appropriate textbooks and instructional resources need to be included in state adoptions and should be updated on a regular basis to keep current with career and technology trends.

Priority #2 – Transportation

The district supports legislation that updates funding and increases services to students for school provided transportation. This update should occur each legislative session, reflecting actual transportation costs, and should include increased allotments and improved means of fund distribution for hazardous routes and special program services (i.e., special education, bilingual education, magnet programs, career and technology programs). This legislation should also change the current two-mile regular education requirement for transportation services to one mile.

The reimbursement rate for transportation programs remains at the same level as it was in 1985. Fuel prices, vehicle maintenance charges, vehicle insurance rates, school bus costs and driver wages all have increased over time, diminishing the effect of the actual funding received.

The district offers a “newcomer academy” for secondary recent immigrant students but transportation costs are not reimbursed for these services since TEA defines these programs as voluntary. The district sees these services as critical to the future success of the English language learners and, as such, expects these transportation costs to be covered along the same line as special needs students.

Using a formula (10% of generated allotment) to reimburse districts for hazardous routing does not cover actual hazardous needs. Denton ISD is able to fund about six hazardous routes when in fact, the district needs funding for an additional 10-12 hazardous routes. These additional routes, which are indeed hazardous, are not operational because of lack of funding.

The current funding formula only addresses students living two miles or more from their assigned campus. Given our changing society and concerns for student safety, the two-mile limit should be reduced to at least one mile.

Transportation costs should be updated each biennium based on actual costs and market conditions.

Priority #3 – Election Dates

The Denton Independent School District supports local responsibility for school boards to choose either a May or November election date and either three or four-year terms. The district opposes action taken during the 79th session that eliminated the ability of a school district to hold a school bond election on a non-uniform date. The district supports repeal of this action.

Citizens recognize, appreciate and value the centrality of schools to their local, state and national community. Local control often is cited as a guiding principle for legislation. To mandate election dates on a statewide basis is in direct opposition to this principle. Mandating school board elections to occur in conjunction with state and national elections in November adds the potential for the introduction of partisan politics. Further, competition from high profile state and national races will diminish attention to the vitally important issues related to school governance. Candidates likely will incur greater personal costs and have to devote more time and energy to fundraising activities to compete for attention given to partisan state and national elections. Even though studies have shown that voting participation is increased somewhat and costs could be reduced if the school board election is added to the November ballot, the loss of non-partisan identification and a well-informed electorate is too high a price to pay.

Likewise, school districts must maintain local discretion on using non-uniform election dates for bond elections. It is essential for citizens to develop the extent of any bond package and the timing of the election that is best for their district. It should be our goal to encourage the informed and active citizen participation that leads to student success and district accountability. The loss of the ability to hold a bond election on a non-uniform date has had the unplanned impact of school districts using similar calendars to sell bonds and hire contractors, which ultimately results in additional costs for the district and the taxpayer.

As efforts are made to improve the financial stability of our public school system, the ability of citizens in their local district to use election dates that will allow them to focus their attention on the local issues of governance and bond elections should not be sacrificed.

Priority #4– Impact Fees

The district supports legislation giving school districts authority to assess impact fees or “contributions in lieu of” to developers of residential property. The district additionally supports legislation that would exempt school districts from requirements to pay impact fees assessed by local municipalities.

The authority of any governmental entity to assess impact fees is a serious matter. Impact fees may be an appropriate and necessary method of fairly allocating the cost of new development among long-suffering taxpayers and newcomers in a community. New residential development brings new and often significant costs for infrastructure and services within a community. Public officials responsible for transportation, utilities, and public services within that community may see impact fees as a reasonable response to this new financial burden.

While the legitimacy of impact fees long has been recognized for municipal and other traditional governmental services, the funding crisis in Texas public education has given the question of impact fees for schools new relevance. Fast-growth districts, such as Denton, face the heavy burden of financing and building new schools fast enough to accommodate the growth in student population. The same principle of cost allocation among old and new taxpayers applies to public schools as well as other public services.

Public school officials in Texas face special stress on the question of impact fees when municipalities choose to impose such fees and make them apply to new school construction as well as private developers. The result is one governmental entity effectively imposing taxes on another. Municipal impact fees applied to school construction thus compound the already existing financial burden for the school district and its taxpayers. This can and does lead to stress among the various governmental entities who should be working cooperatively together to spend all tax dollars wisely and efficiently for the public good.

These considerations lead to the following positions for the Denton Independent School District:

1. In principle, the Denton ISD supports the authorization of municipalities to impose reasonable impact fees on new construction when appropriately related to increased costs of necessary municipal service.
2. The Denton ISD also supports, in principle, the legislative authorization for school districts in Texas to impose impact fees on new residential development when appropriately related to increased costs of public school construction and service.

3. The Denton ISD recognizes the principle that impact fees are essentially taxes and that one taxing entity taxing another is not good public policy. Therefore, school districts should be exempt from municipal impact fees and municipalities should be exempt from any impact fees imposed by a school district.
4. The Denton ISD supports legislation that would allow developers to negotiate with school districts to provide payments in lieu of impact fees when appropriate guidelines have been met.

Priority #5 – Unfunded Mandates

The Denton Independent School District opposes unfunded mandates and supports fully funding the actual cost of any required programs and services. Recent examples of unfunded mandates passed by the 79th Legislature include the changes to dropout and leaver accountability guidelines, training requirements, needed materials and the staffing required to administer state testing mandates, the addition of a fourth year of math and science to high school curriculum, and the expanded required medical screening for Acanthosis nigricans. Any legislative or judicial finding or directive unaccompanied with the financial resources necessary for its accomplishment is an unfunded mandate.

One of the most commonly asked questions of school districts is, “With all of the additional state dollars funding public schools, why have costs continued to outpace revenue?” From 1995 to 2001 alone, there were 72 legislative bills passed which resulted in multiple unfunded mandates for school districts. The Texas Association of School Administrators (TASA) and the Texas Association of School Boards (TASB) have compiled a report on school district mandates. This report was published in September 2002 and is 20 pages long. Most of these are pages filled with the legislative mandates and their subsequent costs to school districts.

Many of the mandates passed by the legislature are programs or practices, which school districts would naturally have in place. This paper is not stating opposition to the premises or principles in the mandated legislation but rather opposition to the lack of funding accompanying these mandates. This causes need for additional revenues in already tight school district budgets.

Examples of unfunded mandates include:

- Changes to Dropout/Leaver coding procedures: In previous school years, when a student withdrew to a Texas Public School, schools would code this withdrawal as such. Under new legislation, the student not only must inform the school from which they are withdrawing, but also this student must show up on the PEIMS report for the new campus in which they are enrolling. This requires campus employees to call these schools where students are enrolling to insure they have enrolled at the new campus. Failure of the student to enroll at the new campus is reported back to the withdrawing campus as a drop-out or non-completer. This extended time and extra paperwork requires additional campus personnel.
- State and No Child Left Behind (NCLB) testing requirements have added more expense to school districts in the form of unfunded mandates. The expansion of

required testing is rapidly becoming a time and financial burden to school districts. Training requirements, needed materials, and staffing are not included in funding resources.

Currently the Texas Education Agency (TEA), under the Texas English Language Proficiency Assessment System (TELPAS), requires teachers who were not previously trained to serve as Texas Observation Protocols (TOP) Raters to attend mandated training. A three-hour training session is required for teachers rating students in grades K-1, and a six hour training session plus an online qualifying activity, for rating students in grades 2-12. Additional training is required for teachers rating grades 2-12 students who are not successful with the online qualifying portion. Monetary expenses of training include: paying substitute teachers, preparing for training and printing the necessary training materials. Keeping in mind our district's overall growth and in particular the growth of the Limited English Proficient (LEP) population, this will be a costly endeavor as every student currently identified as LEP in Grades K-12 must be assessed using TOP to meet assessment requirements of NCLB. Denton currently delivers training as approved by TEA. Having training conducted by local Education Service Centers does not relieve districts of the expense. Districts still have substitute pay and travel-related expenses.

The current required testing mandates, which included TAKS, TAKS-I, TAKS-Alt, SDAA II, RPTE, TOP, required Field Testing, plus NAEP have necessitated additional staff just to conduct and manage the state testing program. The upcoming 2009 online testing of RPTE will add another expense in terms of technological infrastructure and staffing. Additionally, just a small change, like requiring that mathematics testing in grades 9, 10, and 11 be held on the same day, which we are told is being considered, will require the purchase of additional graphing calculators.

- DISD would like to commend the legislature on its efforts to strengthen the mathematical background of students graduating from Texas high schools. DISD fully supports the requirement of a fourth year of mathematics for students to graduate from high school on the recommended plan. However, the fourth year of mathematics needs to afford each Texas high school student the opportunity to meet his or her mathematics requirement in a way that will offer them the greatest benefit after high school graduation. Options not presently available for a fourth year of mathematics need to be available if we are to meet this goal. The first graduating class with this requirement will complete high school in 2007-08 (our current high school juniors). We have yet to see the effect of the increased high school mathematics requirements on college mathematics placement.

Recent Texas SAT scores indicate an improvement in mathematics while the rest of the nation has shown a decline. This movement would suggest that many districts have already been encouraging the completion of Algebra II. At the present time, our only options for a fourth year of mathematics with a prerequisite

of Algebra II are Pre-Calculus, AP Calculus and AP Statistics. These courses do not meet the needs of students who intend to pursue other courses of study at the post-secondary level. It is important to create multiple paths to completing the fourth year of high school mathematics: add additional mathematics course options for which TEKS will need to be written; include Mathematical Models with Applications (MMA) as a "bridge" to a strong, standards-based, rigorous Algebra II course in an effort to keep students on the recommended plan. Algebra II as a prerequisite for a fourth year of mathematics will limit the ability of some students to graduate on the recommended plan. Requiring a mathematics course each year in grades 9-12 stifles those students who wish to accelerate due to the lack of courses available beyond Calculus. Dual enrollment might be an option for these students if the state would assume the cost of tuition.

We urge maintaining the first adopted wording of the requirements for the fourth year of mathematics required for graduation. We realize that the SBOE is under a great deal of pressure from outside the field of education to change the wording adopted at the first reading. Those outside the field of education have a very narrow view and do not always consider the ramifications of adopting policies by which all children must abide. The fourth year of mathematics requirement must be one that is beneficial for all students and not be detrimental to those already struggling to meet our present requirements

- Medical screening for Acanthosis nigricans (AN). *Background Information:* This screening originated from a study by the University of Texas Pan American and the collected data will be used to further that research project. This project did not originate from the Texas Department of Health (TDH) and rather than the usual TDH aggregate data collection, the data collection for AN is much more child specific. Additionally, both the Center For Disease Control (CDC) and the Texas Diabetes Council strongly recommend *against* mass screenings.

These AN screenings require:

- English and Spanish letters of information to parents
- Referral letters for students who have the markers
- Letters to health care professional of students with the markers
- The demand of additional time for school nurses to perform the screening, report the results and to discuss findings and recommendations with parents, students and other health care professionals.

Priority #6 – Use of Professional Organizations

The district opposes legislation that would limit the ability of professional organizations such as TASB and TASA to represent school boards and administrators as governmental/legislative liaisons. The district opposes legislation that would restrict the use of public school tax dollars to support these and similar professional organizations. Trustee responsibility and accountability requires the freedom of speech and freedom of association to fulfill public service obligations.

In recent sessions of the Texas Legislature some have suggested that the use of “professional organizations” to lobby the Legislature was deemed improper. These individuals have indicated that the use of public monies for the purpose of informing the elected officials at the state level may be an improper use of taxpayer funds. Upon closer examination of this item, it seems that some in the Texas Legislature desire to keep front-line elected officials, i.e., municipal and school board members, out of public discussions covering civic, school and school related issues.

Most of the seven thousand plus local school board members are honest, hard-working citizens concerned with trying to provide the best education for their local students. Few have the time to keep informed on the myriad of topics proposed in the Texas Legislature. Trustees must rely upon someone or some organization to help them get the knowledge necessary to be effective in governing their school districts.

The Texas Association of School Boards (TASB) is one such organization to which trustees turn for such essential services. Other, more specific, associations and coalitions exist that illumine and advocate specialized needs areas are additional resources to which trustees look. Such agencies’ research, advocacy and representations are essential and invaluable in assisting trustees in meeting their social obligation.

Freedom of speech and freedom of association are two essential and critical components of the American value system. School trustees are unpaid public servants engaged in a sacred representative trust, but are otherwise without the independent means necessary to express and exercise that obligation. Membership in and representation by the appropriate professional school-related associations, as well as trustees’ individual efforts to inform and influence Legislators (state and national), are crucial in meeting and fulfilling that public-service function.

Attempts to restrict or stifle these legislative entreaties (collectively and individually) of school trustees is socially repugnant and politically unconstitutional. In their execution of a prime mission, Texas’ school trustees must have access to utilize available resources properly to perform and complete their sworn obligation.

Priority #7 – Employee Retention/Retirement

The district supports legislation that seeks to enhance and encourage employee retention in the public school and in the TRS system. Background information:

According to an article in *Fiscal Notes*, November 2004, of the 420,000 people certified to teach in Texas, only 290,000, fewer than 70%, are employed as teachers. State and national testing programs with increased and often under-funded expectations stress classroom teachers and campus administrators to the max. Students who come into the school system with physical, emotional, and social needs place undue stress on teachers as they try to meet those needs. In Texas, teacher salaries and benefits, and formal role of development of policies and/or testing mandates fall below the national average. Historically a significantly large number of teachers leave the profession within the first three to five years. They have cited lack of mentoring and support during the first year, excessive paperwork, student discipline problems and large class sizes as reasons for leaving the profession.

Denton ISD supports legislation to provide competitive salaries and other strategies to keep more teachers in the classroom, increase the number of teachers annually, improve teacher preparation and provide experienced mentors for new teachers.

The district supports legislation that would reduce and/or restrict the return to work options that are detrimental to the TRS system. The district opposes legislation that would change the current retirement eligibility without enhancing the retirement benefits. Background information:

In the spring of 2004 there was an approximate 10% increase in retirements from the previous spring. TRS executives Ronnie Jung and Michael Carter attributed the increase primarily to educators leaving the profession due to undue penalties to educators in the Government Pension Offset/Windfall Elimination Provision of the Social Security law. Some of those teachers who met the rule of 80 retired and then asked to be rehired. Once rehired, they were no longer required to pay into the TRS system. More than 18,500 retirees used the return-to-work exemption in 2003. Many believe that employees, who are working in the public schools but drawing retirement benefits from the system they no longer pay into, decreases the actuarial soundness of the system. Denton ISD supports a study of the return to work option to see if it is detrimental to the TRS.

Denton ISD encourages legislation that enhances retirement qualifications with increased multipliers. An increase to a rule of 85 or 90 would be beneficial only if it rewards employees who work longer. Currently, statewide, more than 40,000 employees fall under the “Rule of 80” and more than 60,000 under “early retirement rules”. If all employees who are eligible retired in tandem, TRS would be affected adversely. An increase in years without an increase in the multiplier would be punitive in nature and

could cause the 40,000 to 60,000 employees who already qualify to leave the system en masse.

Texas lost about 15% of its teachers in fiscal year 2002. To help fill this void, an alternative certification program was begun. This program has been a useful tool to fill vacancies in critical areas, but it has created a situation where employees are entering the TRS system much later in life and qualifying for retirement benefits more quickly. These employees then receive benefits from a system into which they contributed for only a short period of time.

Denton ISD encourages legislation that promotes the actuarial soundness of the retirement system and encourages a return to the state contribution rate from the current constitutional minimum of 6.0 percent to 7.31 percent. This change would provide an extra \$630 million or so by at least four years from now.

Denton ISD encourages a study with TRSCare to see if stress-related illnesses have actually increased and are contributing to employees choosing to leave the public school system by way of earlier retirement.

Denton ISD encourages legislation that provides creative options for employees to remain in the public school system. Phased in retirement programs, part-time work schedules and allowing employees who qualify to remain in the public school system as consultants are a few options that could be considered.

Denton ISD encourages legislation that would support existing retirement annuities for active TRS members, funding for health insurance, deferred retirement options, and cost-of-living increases for retired members, as well as legislative appropriations that ensure adequate funding for the system and provide opportunities for future benefit increases.

Additionally, the district supports a benefit increase for retirees.

Background Information: The district requests the 80th Legislature to increase contributions to the Teacher Retirement System of Texas to improve funding for programs, services and benefits. The Legislature needs to increase its contribution to the TRS pension trust fund above the present six percent in a sufficient amount to assure the ad hoc cost-of-living adjustments can be made to education retirees' annuities. Despite the passage of SB 1691, without an increase in contribution by the state, no cost-of-living raises or ad hoc raises will be available until the Legislature increases its contribution. The last annuity benefit increase provided by the Legislature was on Sept. 1, 2001.

Priority #8 – Tax Base Protection

The district opposes legislation that grants further tax-exempt status to individuals and public/private organizations. The district supports legislation that would require Community Housing Development Organizations (CHDO) who use tax-exempt bonds for housing projects to pay full ad valorem taxes, or fully equivalent contributions in lieu of taxation, to public schools.

Any school in the American system of public free, universal, mandatory education must take as its prime objective the education of children and youth for active, productive, and fulfilling life in our democratic system of civic governance. The need for adequacy of resources to accomplish this essential mandate is obvious.

In Texas, the property tax presently is the prime source for such capability. That capability is threatened by a stream of special interests that seek to evade their social responsibility and reduce their costs through devices to exempt property from local property taxes. These exemptions seriously erode the tax base and restrict school districts' ability to perform their mission. All efforts must be expended to resist legislative and judicial initiatives to expand the range and categories of property tax (*ad valorem*) exemptions.

“Student Housing.” A prime example of tax-exemption abuse is in the designation or altered designation of existing or new construction of apartment complexes (primarily in university towns) as student housing and thus a public good to qualify for tax-exemption. This one category of activity results in millions of dollars of previously taxable property being removed from the tax rolls. The resultant tax base erosion further reduces the ability of school districts to meet their mandates, without a corresponding reduction in service demand for educational services to school children. These apartment complexes, indeed, generally *add* to the school-aged population requiring a wide range of educational and support services, with *no corresponding tax support*.

“Low-cost Community Housing.” Another major erosion of the school tax base occurs when public and/or private agencies seek to use tax-exempt bonds as a method of financing construction of “affordable housing” (or for renovations of existing taxable housing to be reclassified for qualification as affordable housing.) In many occasions, the “renovations” consist only of minor cosmetic changes. The net result is the same: increased demand for student educational services without corresponding property tax contribution to compensate for the increased demand and necessary infrastructure investment.

Texas' school districts need protection and preservation of their tax bases from such destructive revenue-erosive procedures. Either the elimination of such tax base

exemptions, or legislation permitting the levy of *fully equivalent payments in-lieu-of-taxation*, is required. There is ample precedent in federal legislation based upon the concept of federal impact determinations and payments in-lieu to mitigate the impacts so created. There are legitimate religious and charitable endeavors worthy of exemption in the public good. Housing is a stretch too far.

Priority #9 – Vouchers and Charter Schools

The district opposes private-school vouchers, increased allotments of charter schools, virtual charter programs/schools, and other such programs funded with public tax dollars, which diminish and divert public dollars supporting public education to private entities.

Any school in the American system of public, free, universal, mandatory education must take as its prime objective the education of children and youth for active, productive, and a fulfilling life in our democratic system of civic governance. The needed adequacy and equity of resources to accomplish this essential social mandate are obvious. Since the *Kalamazoo (1874)* decision of the US Supreme Court, it has been a recognized principle-of-the-land that all of the people through taxation, are responsible for the education of all of the children of all of the people.

In Texas, resources to achieve this mandate come primarily from two sources: local *ad valorem* (property) taxation, and from state supplement or allowances based upon student average daily attendance. Neither source is adequate at present and *any* device that removes students (or reduces students' financial supplements via state financial assistance to the local school district's budget) from the public school system diminishes the district's ability to achieve its mandates and goals. Removal of students, or their allowances, from the district's revenue stream does not remove or reduce the continuing infrastructure and operational costs of the system they departed.

Two main threats to the financial integrity of Texas' public educational system are Charter Schools and Voucher concepts. Each impairs a district's ability to meet its mandates and social services of mission in behalf of the commonwealth.

Vouchers. The use of vouchers is claimed as a device to allow students who are "trapped in a failing system" of historically low-performing schools to utilize this financial allowance to be transported by the student to a school of his choice. Often, the concept of "freedom of choice" is used to bolster advocacy for the voucher concept.

What is not realized nor acknowledged, is that this voucher concept only allows a small minority to "escape" the system, and at significant financial disadvantage to the system already in extreme stress. The concept allows a few students "life preservers" to escape the disabled ship, when the social emphasis should be on repair of the ship.

The use of vouchers has been compared to the metaphor of emergency medical triage. This usage is most troubling, since the triage objective is to save a few in times of overwhelming calamity. The public schools face a more severe and inviolate mandate: teach all the children of all the people, in all their innumerable aspects of diversity. The

public school mandate is universal: the private school always is elitist and exclusivist in comparison. Public must take all; private can pick and choose.

Those distressed public schools, so-defined by some single-criterion and “high stakes” measure, usually are schools with high percentages of minorities, Limited English Proficiency (or none), and characteristics of low-income families and poverty. All three categories include countless childhood developmental deficits requiring extraordinary school resources and professional efforts, as well as a strong supplementary support system. In the vast field of Special Education needs, the public schools remain the beacon of refuge for such children, although meeting their desperate (and disparate) educational and developmental requirements demands a crushing financial burden for the public schools.

The success rate of voucher projects is dismal and disappointing. Very few of the legal safeguards and professional objectives held to the public school system apply to the private (and frequently only entrepreneurial) schools. Academic accountability and open and egalitarian student access are only two of the most prominent features lacking in most voucher placement schools. Vouchers do not serve the public good.

Charters. By their legislative design, most charter schools are immune from almost all of the regulations and safeguards established to assure professional, educationally and financially accountable, administratively transparent, and public-responsive education. In Texas, alone, many charter schools to date have failed on one or more of these factors, so mandatory on public schools.

In many respects, the use of the “business model” for charter vis-a-vis public has led to disappointment or disaster. Regardless of stated good intentions, every charter must strive for profit at the end of the day. An inevitable conflict-of-interest is inherent in such a model for educating the public’s children. While financial prudence is essential to public school operations, “profit” is not. There is no “financial profit” in educating one specific child whose needs required the Denton ISD to spend more than \$186,000 per year, based upon total revenue resources of less than \$20,000. Yet, the determined needs of this child required it, in the judgment of school and family. No charter school or other business would even consider such a “cost/benefit ratio” in its operations. Public schools must do what the needs of its children demand.

Neither vouchers nor charters serve the public good, despite the masquerade of metaphor in advocacy of alternatives to public school. All are devices to avoid the consequences of educating all of the children of all of the people. Yet, as Murdock demonstrates in his monumental demographic study of Texas’ future, the “least among us” will be the majority; failure properly to educate them for 21st century educational and economic adequacy, in fact, dooms us all.

Effective and vigilant opposition to all aspects of legislation that would propose or advance very negative-to-public-good vouchers and charters proposals remains one of our most solemn obligations and mandates.

Priority #10 – Special Program Funding

The district supports legislation that restores and increases necessary funding that directly affects achievement and retention in the areas of Career and Technology Education, Bilingual/ESL Education, Special Education, and Compensatory Education.

Bilingual and ESL Education

According to the research of Thomas and Collier, “The educational needs of English language learners (ELLs) are not being met to an egregious degree. The population of ELLs is now larger than any other ‘special group’ and will double from 20% of the school-age population now to 40% of the school age population by 2030.” With the increased academic and linguistic requirements from the state and federal levels, more resources are needed to provide these students with the most effective researched-based educational programs and practices than currently are allocated. A change to the current funding formula or weights is essential to ensure quality staff development, adequate salaries for specialized staff, program evaluation, instructional materials, and other components consistent with effective instructional English language learner (ELL) models. Current funding formula (Weights) for our English language learners in Denton ISD only provides our schools \$40 per student. As the ELL student population grows and demographics change, No Child Left Behind ensures that every child is educated equally and expectations are the same for all students, including special populations.

Bilingual/ESL education is in desperate need to raise awareness and the effectiveness of programs offered. Increased weights for funding would not change the level of education that is expected, but would help to provide additional staff development resources, and teaching incentives that currently are out of reach. In turn, Bilingual/ESL student and teachers will reap the rewards from better programs and supplies.

Career and Technical Education

Students need to have a good understanding of the skills and knowledge required to be successful in the global market. Career and Technical Education provides career counseling, opportunities to earn community college/university credit and marketable certifications/licensures. Students are able to reduce the amount of time required to complete their advanced degrees after high school and provide financial support during the process. Today’s programs are based on high-demand occupations that are aligned to advanced education through career academies; the financial needs exceed that of a standard classroom: examples - pre-engineering, pre-medical, electronics, aero-space manufacturing. It is important to maintain a strong weighted-funding that provides the needed learning labs that bring academics to life in a real-world setting. Our weighted funding, if not increased and protected, will never bring Texas to the forefront as a technical leader.

Many years ago, Ross Perot convinced the State of Texas that trade courses kept students from going to college. Currently, we are in crisis because of the loss of technicians in the trade fields. Additionally, our weighted funds have been removed from many of the courses that lead to advanced training in criminal justice, business and marketing. Also, we need extra financial support for the special populations to provide extra services for special education students and English language learners (ELLs).

District data will support that more CTE students succeed in advanced training after high school, higher percentages complete high school with community college credit, earn a higher salary than their peers, and have a lower drop out rate.

Funding was dropped from 1.37 to 1.35 and all weighted funding was removed from several business courses: Business Management, Business Ownership, International Business, Career Connections, Introduction to Business. School districts closed trade courses such as Air Conditioning, Auto Technology, etc. Today, we are in a crisis because of the loss of technicians in the trade field. CTE is the only enrichment area that is required to show results that meet or exceed the state averages in graduation rate, TAKS scores, gender equity, etc.

RELATED MATERIALS

Texas Association of School Boards Advocacy Agenda - Priorities

Priorities

TASB proactively advocates the following Advocacy Priorities.

Adequacy

TASB supports adequate funding to allow all students the opportunity to meet all local, state, and federal requirements, within a comprehensive curriculum.

Equity

TASB supports equity in school finance that will provide equal educational opportunities for all students.

State Share

TASB supports increasing the state share of the Foundation School Program. If the state share increases, net money to the schools should increase.

State Funding

TASB supports a permanent source of state funding that includes inflationary adjustments for Pre K-12 public education.

Salaries and Benefits

TASB supports state funding that allows districts to offer salary and benefit packages that attract and retain qualified employees.

Election Dates

TASB supports local control of school district election dates and board member terms.

Enrichment Tax Rates

TASB supports legislation to remove requirements for voter approval of enrichment tax rates.

Consolidation

TASB opposes the forced consolidation of accredited school districts, of administrative services among school districts, or of education service centers.

Instructional Costs

TASB supports recognizing all costs associated with student learning as instructional costs, including but not limited to counselors and nurses, and costs related to utilities, attendance, security, social work, curriculum and instruction development, and transportation.

Vouchers

TASB opposes private-school vouchers, tuition tax credits, and other such programs funded with public tax dollars.

Texas Association of School Boards Advocacy Agenda - Positions

Positions

The following Advocacy Positions guide TASB's responses to issues that may arise in the Legislature or other government agency.

Increased State Funding

TASB shall support the infusion of new state funding into the Texas public school finance system to allow school districts to meet the accountability standards placed upon them.

Meaningful Discretion

TASB shall support legislation that returns to local school boards meaningful discretion in setting tax rates.

Inflation and Local Taxes

TASB shall support legislation that gives local school boards taxing authority to meet inflationary pressures on the local district's budget.

Tax Cap

TASB shall oppose the compression of the tax cap previously approved by local voters.

Equalized Maintenance and Operations Tax Rate

TASB shall support legislation allowing school districts access to the equalized maintenance and operations tax rate without voter approval.

Appraisal Caps

TASB shall oppose legislation lowering the property appraisal cap.

Tax Increment Reinvestment Zones

TASB shall support tax increment reinvestment zone (TIRZ) agreements between school districts and municipalities.

Impact Fees on Real Estate Development

TASB shall support legislation authorizing school districts to assess impact fees on real estate development.

Impact Fees on Residential Development

TASB shall support legislation amending the Texas Government Code to authorize school districts to impose impact fees on residential development.

65 Percent Rule

TASB shall support elimination of the 65 percent spending rule and support a school finance system that ensures adequacy and equity.

Per Student Funding

TASB shall support efforts to establish per student funding that encompasses all elements necessary to prepare all students to contribute positively to society, including the costs of academic instruction, instructional support, extracurricular activities, and technology, and that is weighted to compensate for students' special educational needs.

Special Education Funding

TASB shall support increased funding for students served in special education.

Technology Funding

TASB shall support increasing state funding for technology, including distance learning programs, equipment, and staff training.

Facilities Funding; Biennial Adjustment

TASB shall support legislation that would increase facilities funding, including the Instructional Facilities Allotment (IFA) and Existing Debt Allotment, as well as legislation that would automatically update the Existing Debt Allotment each biennium for all bonded debt not covered by IFA.

Funding for Special Needs Learners

TASB shall support increased state funding—through research-based, cost-of-service weighting factors—for special needs learners, including economically disadvantaged students, English Language Learners, and eligible students with disabilities.

Special and Bilingual Education Stipends

TASB shall support stipends for special education and bilingual education teachers.

Student Transportation Costs

TASB shall support an increase in the funding formula compensating school districts for providing pupil transportation commensurate with costs to also include transporting students to magnet schools.

Fast-Growth Districts

TASB shall support supplementary state funding for fast-growth districts.

K–8 to K–12 Transition Funding

TASB shall support legislation providing financial assistance to districts transitioning from K–8 to K–12.

Utility Discount

TASB shall support legislation that extends the state college and universities utility discount to school districts.

Accreditation Sanctions

TASB shall support legislation that includes the local board in decisions affecting its campuses that are subject to sanctions.

Lawsuits by Districts

TASB shall oppose any effort to limit the right of school districts to sue the State of Texas for nonperformance of its constitutional duties.

School Calendar

TASB shall support local control of the school calendar.

Truancy

TASB shall support legislation enhancing the ability of appropriate courts to address student truancy.

Field Testing

TASB shall support the reduction of field testing and increased balance in the state testing calendar to reduce lost instructional time for students and staff.

Vendor Conflict of Interest

TASB shall support amendment to the conflict of interest disclosure requirements on vendors to apply only to vendors or potential vendors who do \$25,000 or more in business with the school district each year.

ActiveCare Prescription Drugs

TASB shall support the Texas Teacher Retirement System's giving independent and chain pharmacies the same opportunity to fill maintenance prescriptions as mail-order pharmacies.

Displaying the U.S. Flag

TASB shall support a legislative resolution encouraging the display of the U.S. flag, the American Constitution, and the Bill of Rights in every classroom.

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