



School Takeovers and Punishing Truancy Do Not Make Our Schools More Safe

IDRA Testimony Against Senate Bill 11, submitted by Paige Duggins-Clay, J.D., to the Senate Education Committee, April 5, 2023

Dear Chair Creighton and Honorable Members of the Committee:

My name is Paige Duggins-Clay, J.D., and I serve as the chief legal analyst at IDRA, an independent, non-partisan non-profit committed to achieving equal educational opportunity for every student through strong public schools that prepare all students to access and succeed in college. For decades, IDRA has been a leader in Texas and the country in successful dropout prevention programs and research.

I respectfully submit this testimony opposing SB 11 as filed for three primary reasons.

First, we oppose Section 9 of the bill, which would authorize TEA to assign a conservator or appoint a board of managers in school districts that fail to submit to agency monitoring or comply with state-mandated safety requirements. Studies show that state takeovers undermine the goals of public education because they do not lead to increased academic achievement and they destabilize school communities (Wong & Shen, 2005; Zimmer, et al., 2017; Morel, 2018; Harris, 2019). The turmoil of a takeover can result in greater teacher and staff turnover (Greenblatt, 2018) and exclusion of family and community engagement in district decision-making (Morel, 2018).

While we agree that districts should be expected to meet reasonable, evidence-based expectations for school safety and should be held accountable when they don't, we are concerned that state takeover is an extreme consequence that may actually make a district less safe by compromising teacher retention practices, trusting relationships, and robust community and family involvement, all of which are critical to school safety

Also concerning, state takeovers often target urban communities with predominantly Black and Latino student populations (Morel, 2018). A recent study found that approximately 85% of state takeovers across the country affect majority Black and majority Latino school districts, and districts governed by and serving a majority Black population are 11 times more likely to have their local school board abolished by the state than majority white-serving districts (Morel, 2018). We cannot turn a blind eye to this disparate impact.

Second, we are concerned by Section 6 of the bill, which changes the time frame for a student's referral to truancy court under the Family Code. The intent of this provision, as indicated in the author's statement of intent in the bill analysis, is to "restore a shorter timeline for schools to refer students to truancy court." Expediting court involvement is not in the best interest of children and

families. In fact, Texas Education Code Sec. 25.0915 requires school districts to adopt truancy prevention measures that are designed to “minimize the need for referrals to truancy court” (TEC, 2023). Section 6 of this bill undermines that requirement and school districts’ efforts to develop robust truancy prevention plans. We ask this committee to instead support measures that improve the school-based interventions, outreach and support required by law.

We are also concerned that there is insufficient data to support this change in policy. We reached out to TEA’s research and data analysis team, which indicated that TEA stopped collecting truancy data in 2016 and then resumed collection in 2021. To our knowledge, the only available recent truancy data are for 2021 and 2022. Given the impact of the pandemic resulting in high rates of chronic absenteeism, we urge this committee to focus on identifying and understanding the root causes of truant behavior and evaluating how schools are implementing required truancy prevention measures, including through more robust and regular data collection and reporting at the local and state level.

For example, we support SB 1630 and SB 1888 by Senator Bettencourt as currently written, which create clear attendance policies for families and ensure schools gather and report information about chronically absent students. We also are supportive of SB 1101 by Senator Paxton, SB 891 by Senator Zaffirini, and SB 1157 by Senator Menéndez as currently written, all of which recognize the needs of students and families to have excused absences for mental or behavioral health care.

Third, while we agree that the Legislature must prioritize passing legislation to protect students from horrific acts of physical violence, including school shootings, we must also ensure our students feel safe every day, in every way, by adopting practices that have been shown to promote safe and welcoming schools and do not compromise the overall well-being of our children (Craven, 2022). We are concerned that some of the language in SB 11, including the vendor registry created in Section 11 of the bill, signals that schools should prioritize school hardening and procurement of security technology and products, instead of promoting evidence-based practices shown to increase school safety, promote positive school climates, and strengthen relationships throughout school communities.

Despite these concerns, I want to note that we support the provisions in SB 11 that increase the capacity of regional education service centers, the Texas School Safety Center, and TEA to provide this guidance and assistance in this critical area, as long as they are able to do so with the assistance of diverse and well-qualified experts that focus on evidence-based strategies in all dimensions of safe and supportive schools.

Recommendations

We urge the legislature to invest in evidence-based practices and resources that support students and educators, address the root causes of challenging youth behaviors, promote safety and strengthen school communities. These include:

- Allocate funding and provide technical support to aid school districts in implementing evidence-based strategies to strengthen relationships, support students and educators, and improve school climate, such as positive behavior interventions and supports (PBIS), social emotional learning, and restorative practices;

- Increase school-based mental health resources, including counseling, behavioral intervention and social work professionals;
- Invest in effective alternatives to exclusionary discipline that address root causes of challenging and problematic behavior;
- Adopt community-based turnaround efforts – instead of hostile state takeovers – that support holistic, wraparound services and promote family leadership to support schools that face multiple challenges (Wilson & Latham Sikes, 2020; Montemayor, 2016);
- Train and provide technical assistance to support full implementation of student support teams established in SB 11 (2019) to intervene and prevent violence before it occurs; and
- Require robust data collection, reporting and analysis relating to chronic absenteeism.

IDRA is available for any questions or further resources that we can provide. For more information, please contact Paige Duggins-Clay, J.D., at paige.duggins-clay@idra.org.

Resources

- Craven, M. (June 16, 2022). What Safe Schools Should Look Like for Every Student – A Guide to Building Safe and Welcoming Schools and Rejecting Policies that Hurt Students – IDRA Issue Brief. IDRA. <https://idra.news/SafeSchoolsIB>
- David-Ferdon, C., Vivolo-Kantor, A., Dahlberg, L.L., Marshall, K.J., Rainford, N., & Hall, J. (2016). A Comprehensive Technical Package for the Prevention of Youth Violence and Associated Risk Behaviors. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Division of Violence Prevention. <https://www.cdc.gov/violenceprevention/pdf/yv-technicalpackage.pdf>
- Greenblatt, A. (2018). “The Problem with School Takeovers,” *Governing*. <https://www.governing.com/topics/education/gov-school-takeovers-newark-new-jersey.html>
- Harris, A. (2019, October). An Attempt to Resegregate Little Rock, of all places. *The Atlantic*. <https://www.theatlantic.com/education/archive/2019/10/little-rock-still-fighting-school-integration/600436/>
- Texas house Montemayor, A. (September 2016). Co-Leading and Co-Transforming Schools – School Administrators and Family Leaders in Education, IDRA Newsletter. <https://www.idra.org/resource-center/co-leading-co-transformingschools-school-administrators-family-leaders-education>
- Morel, D. (2018). *Takeover: Race, Education, and American Democracy*. Oxford University Press.
- TEC, Sec. 25.0915. Truancy Prevention Measures. Texas Education Code. <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.25.htm#25.0915>
- Wilson, T., & Latham Sikes, C. (March 6, 2020). Another Zero Tolerance Failure – State Takeovers of School Districts Don’t Work – IDRA Issue Brief. IDRA. <https://idra.news/TakeoversIssueBrief>
- Wong, K., & Shen, F.X. (2005). When Mayors Lead Urban Schools: Assessing the Effects of Takeover. In W. Howell (Ed.) *Besieged*. The Brookings Institution. <https://eric.ed.gov/?id=ED468271>
- Zimmer, R., Henry, G.T., & Kho, A. (2017). The Effects of School Turnaround in Tennessee’s Achievement School District and Innovation Zones. *Educational Evaluation and Policy Analysis*, 39(4), 670-696. <https://journals.sagepub.com/doi/abs/10.3102/0162373717705729>

IDRA is an independent, non-profit organization led by Celina Moreno, J.D. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college. IDRA strengthens and transforms public education by leading policy analyses and advocacy; dynamic teacher training and principal coaching; useful research, evaluation and frameworks for action; and innovative student, family and community engagement.