

# Education Advocacy and an Overview of the 83rd Legislative Session

*Presented by the ATPE Lobbyists*



**Teach the Vote**



# ATPE's 2013 Top Legislative Priorities

- ✓ **ATPE supports restoring funds** that were cut from the public education budget in 2011, building a more stable and equitable school finance structure, and providing sufficient revenue to meet the educational needs of our growing population.
- ✓ **ATPE opposes any type of voucher**, scholarship, tax credit or similar program that would facilitate the use of public tax dollars for private, home or for-profit schools.
- ✓ **ATPE urges the Legislature to maintain the existing defined benefit structure of the Teacher Retirement System.** We support using contributions from the state and educators to ensure the pension fund's actuarial soundness and the ability to improve and preserve benefits for its members.
- ✓ **ATPE supports reforming the accountability system** with educator input to reverse the trend of overreliance on high-stakes standardized test scores as the primary measure of student achievement, educator effectiveness and school performance.
- ✓ **ATPE supports initiatives to ensure that educators are selectively recruited, well-prepared** to enter the classroom **and adequately supported** in their first years of teaching. We urge the Legislature to create a state-funded mentoring program for all new teachers and to allow an independent board made up of Texas educators to set and enforce high standards for educator certification and conduct.

These top five priorities were laid out at ATPE Lobby Day in February. With your help, we were able to

**TEACH THE VOTE**

on major education bills this session and successfully advocate for positive reforms in all five areas!



**Teach the Vote**

# ATPE's Legislative Priority: Funding



**ATPE supports restoring funds** that were cut from the public education budget in 2011, building a more stable and equitable school finance structure, and providing sufficient revenue to meet the educational needs of our growing population.

**The 82nd Legislature cut \$5.4 billion from the education budget in 2011. This year, the 83rd Legislature restored a significant portion of that deficit, although it declined to make changes to the school finance system while the lawsuit against the state remains pending.**

## **PASSED** **SB 1 and Related Budget Bills:**

- Overall appropriation of \$3.93 billion to public education.
- Restores \$3.4 billion in school district formula funding (about \$230 per student in the first year of the next biennium and \$300 in the second year).
- Appropriates roughly \$200 million to various programs, including pre-K and the Student Success Initiative, but leaves all grant programs underfunded.
- Adds a new \$330 million funding stream to school districts to cover the new 1.5 percent districts must contribute to TRS.

# ATPE's Legislative Priority: No Vouchers



**ATPE opposes any type of voucher**, scholarship, tax credit or similar program that would facilitate the use of public tax dollars for private, home or for-profit schools.

## All voucher bills were defeated!

DEFEATED

### Related:

DEFEATED

**UIL Privatization:** Multiple bills that called for opening up UIL competitions to private and home school students.

# ATPE's Legislative Priority: TRS



**ATPE urges the Legislature to maintain the existing defined benefit structure of the Teacher Retirement System.** We support using contributions from the state and educators to ensure the pension fund's actuarial soundness and the ability to improve and preserve benefits for its members.

**Comprehensive TRS changes will ensure future solvency and provide a COLA for many retirees. Nearly all existing educators were grandfathered out of stricter retirement rules.**

**PASSED**

**SB 1458 by Duncan:**

- Secures the defined benefit pension system into the future.
- Provides a COLA to all those who retired by Aug. 31, 2004, which covers nearly 195,000 people. The COLA will be the lesser of 3 percent of the retiree's annuity or \$100 per month.
- Restricts age 62 requirement for full benefits to those with less than five years of service credit as of Aug. 31, 2014.
- Requires retirees to be age 62 to receive access to top tiers of TRS-Care insurance; exempts anyone with 25 years of service or who meets the rule of 70 as of Aug. 31, 2014.
- Increases state contribution to 6.8 percent and creates new district contribution of 1.5 percent. Increases active-member contribution to 7.7 percent by 2017.
- Ties future decreases in state contribution to proportional decreases in district and active-member contributions.

# ATPE's Legislative Priority: Testing



**ATPE supports reforming the accountability system** with educator input to reverse the trend of overreliance on high-stakes standardized test scores as the primary measure of student achievement, educator effectiveness and school performance.

**Legislators reduced standardized testing, added flexibility to graduation requirements and made accountability ratings less reliant on student test scores.**

**PASSED**

**HB 5 by Aycock**

- An omnibus bill relating to accountability, assessment and curriculum requirements.
- The bill as passed primarily affects the high school grades.
- Of several major bills filed this session dealing with testing, graduation requirements and the accountability system, this is the one ultimately agreed upon by both the House and Senate after much debate and negotiation.
- The commissioner of education has issued guidance for the transition period as the bill is implemented.

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**PASSED**

## **HB 5 - TESTING PROVISIONS:**

- Five STAAR end-of-course exams required for graduation (down from 15): Algebra I, English I, English II, biology and U.S. history.
- English I and II EOCs will continue to have separate reading & writing tests for July & December 2013 test dates. English I and II EOCs with combined reading & writing will be available as of spring 2014.
- Algebra II, geometry, English III, chemistry, physics, world geography and world history EOC exams eliminated. (Accelerated instruction not required for students who previously failed those EOCs.)
- Districts have the *option* of administering EOCs in Algebra II and English III to measure post-secondary readiness; these scores may not be used for accountability, determining students' course grades or class rank, teacher evaluation, college admission, or determining eligibility for TEXAS grants.
- Eliminates rule requiring STAAR exam score to count as 15 percent of student's final course grade. Prohibits use of EOC scores to determine class rank or entitlement to automatic college admission. Colleges may consider EOC scores for admission purposes but may not treat EOC scores as the sole criterion.
- Limits number of district benchmark tests that may be given and amount of time students can be removed from regular classes for test prep or remediation.
- Requires TEA to release test questions and answer keys for next five years. School districts must disclose to teachers the results of their students' test scores in the subject they taught.

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**PASSED**

## **HB 5 - GRADUATION REQUIREMENTS:**

- Replaces Minimum, Recommended & Advanced programs with single “Foundation” diploma.
- Credit hour requirements for the Foundation diploma:
  - 4 ELA (English I, II, III and an advanced English course);
  - 3 math (Algebra I, geometry and an advanced math course);
  - 3 science (biology, an advanced science course, and either IPC or additional advanced science course);
  - 3 social studies (US history, one-half credit each in government and economics, and one credit in world geography or world history);
  - 2 foreign language (SBOE may allow substitutions for some students – e.g., those with certain disabilities);
  - 5 electives;
  - 1 fine art; and
  - 1 P.E. (subs allowed for students with disabilities or illnesses who are unable to participate.)
- Students who take extra/specific courses may earn endorsements in STEM; business & industry; public services; arts & humanities; or multidisciplinary studies. Student must take four maths to earn any endorsement. HB 5 requires SBOE to designate at least six advanced CTE or tech apps courses, including personal financial literacy and statistics, which may count as student’s 4th math credit.



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**PASSED**

## **HB 5 - GRADUATION REQUIREMENTS (continued):**

- Requires personal graduation plans and counseling about endorsements and post-secondary options for each student.
- Requires students to declare intent to pursue an endorsement upon entering 9th grade, but they may change endorsement at any time. Parental consent required for student to graduate with no endorsement.
- Student who earns an endorsement and completes four credits each in math & science is eligible for distinguished achievement designation. The designation is necessary for automatic college admission under top 10 percent rule. (Students who complete only the foundation program may still apply for regular college admission.)
- Students may also earn acknowledgment for industry certification or outstanding performance in a dual credit course, in bilingualism or on nationally recognized tests such as SAT /ACT.
- Student who entered 9th grade before the 2014-15 school year is permitted to choose between new foundation high school program or one of the programs being replaced (minimum, recommended or advanced).
- Entering seniors in the 2013-14 school year who do not satisfy requirements of the minimum, recommended or advanced high school program in which they are currently participating must be allowed to graduate if they meet requirements of new foundation high school program.

# ATPE's Legislative Priority: Testing



**ATPE supports reforming the accountability system** with educator input to reverse the trend of overreliance on high-stakes standardized test scores as the primary measure of student achievement, educator effectiveness and school performance.

**PASSED**

## **HB 5 – ACCOUNTABILITY & MISCELLANEOUS PROVISIONS:**

- Changes accountability system by adding indicators such as number of students earning endorsements or distinguished achievement. Each district will evaluate its own performance and performance of each of its campuses in community and student engagement. Creates some accountability exceptions pertaining to dropout rates.
- Will assign “A through F” grades to school districts rather than ratings such as “acceptable” or “recognized”; the existing labels will continue to be used for campuses. For districts: A, B or C rating will reflect acceptable performance; rating of D or F will reflect unacceptable performance.
- Commissioner may award distinction designations for districts and campuses with outstanding performance in attainment of postsecondary readiness, improving student achievement and closing achievement gaps.
- Some changes to financial accountability measures, including requirement for corrective action plans in some circumstances.
- Includes language to ensure that districts use available funding to provide accelerated instruction to students who are failing.
- Changes state's method of payment for districts' purchases of instructional materials.
- TEA to create online Texas School Accountability Dashboard with information on campus performance.

# ATPE's Legislative Priority: Testing



**ATPE supports reforming the accountability system** with educator input to reverse the trend of overreliance on high-stakes standardized test scores as the primary measure of student achievement, educator effectiveness and school performance.

**Legislators reduced standardized testing, added flexibility to graduation requirements and made accountability ratings less reliant on student test scores.**

## Related Testing & Accountability Bills:

**PASSED**

**Testing in Grades 3-8:** HB 866 by Huberty allows certain students who achieve satisfactory scores on STAAR tests in grades 3, 5 and 6 to skip the exams in grades 4, 6 or 7, but implementation will necessitate an NCLB waiver from the federal government.

**VETOED**

HB 2836 by Ratliff, an attempt to reduce time spent on testing in grades 3-8 and require validation of the state tests and better monitoring of state contracts with Pearson or other testing vendors.

**VETOED**

**High Performance Schools Consortium:** Ratliff's HB 2824 to exempt from some accountability requirements those schools participating in the consortium, which was created in 2011.

**PASSED**

**STAAR-Alt:** SB 906 by Deuell relating to STAAR-Alt exams and preventing schools and students with certain disabilities from being unnecessarily penalized for poor test performance.

# ATPE's Legislative Priority: Teacher Quality



**ATPE supports initiatives to ensure that educators are selectively recruited, well-prepared** to enter the classroom **and adequately supported** in their first years of teaching. We urge the Legislature to create a state-funded mentoring program for all new teachers and to allow an independent board made up of Texas educators to set and enforce high standards for educator certification and conduct.

## **Bills were passed to raise educator preparation standards, create recruitment incentives and support new teachers.**

**PASSED**

**HB 2012** raises standards for entering the profession by increasing the minimum GPA from 2.5 to 2.75 and requiring 15 content hours for prospective math and science teachers for grades 7-12. The bill makes minor changes to state law on teacher evaluations by requiring districts to promptly notify teachers of their appraisal results, prioritize observations/evaluations of new teachers and those needing assistance, and consider appraisal results over multiple years in making personnel decisions about teachers. It also requires state surveys or audits of teacher salaries, working conditions, mentoring programs and professional development requirements.

**PASSED**

**HB 2318** requires educator preparation programs to inform their candidates about appraisals and expectations of educators, supply and demand for teachers, and the importance of classroom management skills. The bill requires SBEC to periodically review ed prep standards and requires the commissioner to set the performance standard for each core subject covered on a certification exam.

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## Bills were passed to raise educator preparation standards, create recruitment incentives and support new teachers.

### Related Bills:

**PASSED**

**HB 1751** gives districts more flexibility in how they may use DATE incentive funds to improve teacher quality.

**PASSED**

**HB 1752** creates a teacher residency program, similar to medical school residencies for doctors.

**PASSED**

**HB 642** requires SBEC to amend its continuing education requirements for teachers, principals and counselors; the intent is to include training in differentiated instruction, integrating technology, using data to drive effectiveness and preventing dropouts, though these components must be capped at 25 percent in the CPE requirements.

**PASSED**

**HB 3573** allows certain health care professionals with associate's degrees instead of bachelor's degrees to become certified in health science technology.

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**Legislation to take away educators' right to govern their own profession was defeated. We also fought off attempts to diminish teachers' rights and benefits in the areas of evaluation and compensation.**

DEFEATED

**TEA Sunset Bills:** HB 2983 and SB 218 died due to our opposition to their plan to abolish SBEC and give the appointed commissioner full authority to govern the education profession.

PASSED

However, HB 1675 did pass simply allowing TEA/SBEC to operate for two more years pending another sunset review by the 84th Legislature.

DEFEATED

**Teacher Evaluation & Compensation:** SB 1403 (as originally filed) and HB 2977 would have allowed evaluations based largely on student test scores. Measures to eliminate the minimum salary schedule also failed.

# Other Legislation: Charter Schools

**PASSED**

**SB 2** by Sen. Dan Patrick incrementally raises the cap and is designed to improve charter school accountability and the charter authorization process. Major provisions of the bill:

- **In-District Charters:** Requires school board to take a public vote on a petition signed by 50 percent of parents and 50 percent of the teachers on a campus to convert that campus to a charter school.
- **Campus Charters:** By a simple majority vote, school boards may convert certain campuses to charters. Applies to campuses that received the lowest accountability rating for one year and either up to 15 percent or all schools in one feeder pattern.
- **Performance Contracts:** Where a district has created an in-district or campus charter, the board will enter into a performance contract with the principal or educational leader of the campus. The contract must specify educational goals of the campus and enhanced authority being given to the principal/educational leaders in order to achieve them. An in-district or campus charter term is limited to 10 years and shall not be renewed unless goals in the contract have been met.
- **Neighborhood Schools:** When granting an in-district or campus charter, the district may designate it as a neighborhood school, which allows the principal/educational leader to manage funds attributed to the school and to purchase administrative services “a la carte” from the district at cost.
- **Facilities:** Clarifies that any open enrollment charter holder with a campus that has overlapping geographic boundaries with a school district may offer to buy a facility that the district intends to sell, though the district is not required to accept the offer.
- **Regulatory Oversight:** All authority over open enrollment charter schools (incl. authorization, replication, reauthorization and revocation) given to commissioner; but SBOE has ability to veto the grant of a new charter and commissioner must consult with one board member selected by the SBOE chair on charter applications.
- **Cap:** 10 new charters in first year, then rolling cap of 15, 15, 15, 15 and 20, with firm cap of 305 in the year 2019. Dropout recovery charters and up to five special education charters are exempted from the cap.

# Other Legislation: Charter Schools

**PASSED**

**SB 2** (continued):

- **Priority:** Requires commissioner to give priority to applications for charters intended to serve students within the attendance zone of a district campus that has received the lowest accountability rating for two years preceding the application.
- **Replication:** Requires commissioner to give charter holders written approval or disapproval of an expansion amendment within 60 days.
- **Renewal/Reauthorization:** Creates three-tiered system of expedited mandatory renewal, discretionary renewal or charter expiration. Renewal period is 10 years. Alternate provisions for charters under the alternative education accountability system.
- **Revocation/Reconstitution:** Specifies grounds for permissive revocation or reconstitution of charter and for mandatory revocation. Charter must be revoked if it fails to meet certain academic or financial standards for three years. Academic ratings for 2011-12 are exempt from the three-year calculation.
- **Authorizer Performance:** Requires commissioner to select an education research center to annually produce a comparison report on performance of charters granted by each authorizing entity. Report must look at student achievement accountability indicators under TEC Sec. 39.053 and student attrition rates.
- **Performance Framework:** Requires commissioner to develop framework to annually measure charter school performance with a separate framework to measure charters under the alternative accountability system. Framework to be based on national best practices of charter authorizers. Measures under the framework shall not be used in revocation or renewal decisions.
- **Employment Issues:** Requires salary of the CEO or superintendent of an open enrollment charter to be posted on the charter's website. Applies nepotism laws to a charter's governing board and superintendent, but exempts those employed prior to the bill's effective date. Requires teachers and principals to have college degrees. (Current law requires only a high school diploma.) Incorporates language from HB 647.



# Other Legislation: Charter Schools

PASSED

**HB 647** by Patrick relates to employees of open-enrollment charter schools. It changes existing employment eligibility laws that prohibited charters from hiring employees convicted of certain crimes, even if those individuals would be otherwise eligible for employment by a traditional school district. This creates more consistency in the candidate pool for ISDs and charters.

PASSED

**HB 773** by Farney adds open enrollment charter schools to the requirement that students recite the U.S. and Texas pledges daily and observe a minute of silence after the recitations.

PASSED

**HB 885** by Murphy allows open enrollment charter schools to refinance existing bonds and have them guaranteed under the Permanent School Fund Bond Guarantee program. Refinancing with the AAA credit rating afforded by the PSF could save substantial dollars that would otherwise be paid in interest. Presumably this policy change will require preclearance from the IRS.

PASSED

**HB 1142** by Duncan creates a pilot charter school program outside the cap for the specific purpose of offering adult basic education to students between ages 19 and 50.

PASSED

**SB 1538** by Van de Putte defines “Dropout Recovery School” and specifics how TEA shall calculate graduation rates, dropout rates and scores from multiple STAAR test administrations. Only a campus that serves students in grades 9-12 where at least 50 percent of the enrolled students are over the age of 17 may be designated as a Dropout Recovery School.

DEFEATED

**Achievement School District:** Multiple bills to transfer unacceptably rated schools to a statewide “achievement” or “recovery” school district operated by private entities and exempt from most laws.

# Other Legislation: Curriculum

VETOED

**TEKS Review:** HB 2836 by Ratliff, an attempt to reduce testing in grades 3-8, also would have required a state study on the high number of TEKS. Perry vetoed it citing concerns that it would infringe on SBOE's control over the curriculum standards.

PASSED

**CSCOPE:** SB 1406 subjecting CSCOPE to an SBOE review similar to the textbook review process passed, but the bill is now moot with CSCOPE's demise. Another bill, SB 1474, requires districts to solicit local teacher input before adopting any curriculum management system such as CSCOPE.

PASSED

**Virtual Learning:** HB 1926 allows additional vendors to join the state's Virtual School Network and makes several changes related to the funding of virtual courses.

PASSED

**Common Core:** HB 462 by Huberty prohibits the state and school districts from adopting the national Common Core curriculum standards.

PASSED

**CPR training:** HB 897 by Zerwas requires schools to provide CPR instruction at least once to all students in grades 7-12. It eliminates the requirement that the use of an automated external defibrillator be taught under the health curriculum.

PASSED

**Math Courses:** HB 2201 by Farney requires SBOE to ensure that at least six advanced CTE or Tech Apps courses, including personal financial literacy, are approved to satisfy a fourth high school credit in math.

PASSED

**"Merry Christmas" Bill:** Allows school employees to recognize and teach about Christmas.

# Other Legislation: Safety & Discipline

PASSED

**Guns in Schools:** HB 1009 by Villalba allows school districts to hire specially trained school marshals who may carry a concealed handgun on campus. SB 1857 by Estes creates a school safety certification for CHL instructors.

VETOED

SB 17 by Patrick, a similar bill calling for the creation of a training program for school employees authorized to carry a gun.

PASSED

**Mental Health:** SB 460 by Deuell requires ed prep programs and school districts to train teachers in the detection and education of students with mental or emotional disorders or at risk for suicide.

PASSED

**School Buses:** SB 1541 by Van de Putte allows discretionary removal of students from school buses and allows bus drivers to send students to the principal in order to maintain discipline on the bus.

PASSED

**Ticketing Students:** SB 1114 by Whitmire aims to curtail the issuance of criminal citations for student misconduct. It creates a progressive disciplinary model that allows for the correction of behavior though intervention before using the criminal justice system. It also limits the ability to issue tickets to students under age 12.

VETOED

**Truancy:** SB 1234 by Whitmire calling for progressive sanctions and interventions was vetoed.

PASSED

**Administrator Training:** HB 1952 by Senfronia Thompson requires principals to be trained at least once every three years on the distinction between the law allowing teachers to send students to the principal for disciplinary action and the law permitting teachers to remove students from class at their own discretion.

PASSED

**Child Abuse:** HB 1205 by Parker increases criminal penalties for educators who intentionally fail to report child abuse as required by law.

# Other Interesting Legislation

PASSED

**Parental Involvement:** HB 480 by Alvarado expands the law that allows state employees leave time to participate in their children's school activities.

PASSED

**Summer School Grant:** HB 742 by Strama creates a grant program for some school districts and charter schools to provide summer instruction for students in grades pre-K through 8 who are educationally disadvantaged, while at the same time offering summer teaching opportunities for teachers.

PASSED

**Teacher Appreciation:** HCR 68 by Farney designates the first full week of May as Texas Teacher Appreciation Week.

PASSED

**Loan Assistance:** SB 286 by Hinojosa combines two expired or expiring home loan programs into one, called the Homes for Texas Heroes program. It aims to offer low-interest mortgages for first responders, teachers, teacher's aides, librarians, counselors and school nurses. SB 1720 creates a privately funded student loan repayment program for some individuals who agree to teach math or science for at least four years in Title I schools.

PASSED

**Appeals to the Commissioner:** HB 2952 by Justin Rodriguez prescribes a maximum period of time allowed for issuance of decisions by the commissioner in certain appeals against school districts.

PASSED

**Identity Theft:** HB 2961 requires school districts to protect the confidentiality of their employees' Social Security numbers.

PASSED

**Grievances:** HB 2607 requires school districts to allow grievance proceedings to be conducted via telephone conference calls. (Some districts have previously allowed this while others have not.)

VETOED

**Soft Drinks:** HB 217 attempting to limit the types of drinks that may be sold to students on campus.

# Federal Update: ESEA (NCLB)

## 113th Congress

Congress is once again positioning to reauthorize the Elementary and Secondary Education Act (ESEA), more commonly known as No Child Left Behind (NCLB). Two major reauthorization bills are moving through the legislative process. However, the two bills differ greatly, and that leaves significant uncertainty about the chance of passing a bill this year.

## House

House Republican bill: **H.R. 5, The Student Success Act** by Chairman John Kline (MN)

- House Committee on Education and the Workforce held markup of the bill June 19 and passed it on a party-line vote. Full House may take up the bill as early as July 18, but Republicans still working to ensure they have enough votes to pass it.
- House Democrats offered a substitute bill during the committee process, but it was rejected on a party-line vote. All Democrats voted against H.R. 5 in committee. They are likely to again offer their own bill on the floor and vote against H.R. 5 when it comes up for a full House vote.
- House bill focuses on state and local control and flexibility for school districts. It calls for merging several programs into Title I and allowing districts to use Title I as they see fit.

## Senate

Senate Democratic bill: **S. 1094, Strengthening America's Schools Act (SASA)** by Chairman Tom Harkin (IA)

- Senate Committee on Health, Education, Labor and Pensions held markup of the bill June 11-12 and passed it on a party-line vote. No announcement yet about potential vote on Senate floor.
- Senate Republicans offered their own version during the committee process. Their bill, **S. 1101, Every Child Ready for College or Career Act** by Ranking Member Lamar Alexander (TN), was rejected by the committee on a party-line vote.
- Senate Democratic bill parallels the Department of Education's waiver system.

# Federal Update: ESEA Bill Comparison

	<b>H.R. 5</b>	<b>S. 1094</b>
<b>Testing &amp; Accountability</b>	Gets rid of AYP. States are able to design their own accountability systems with few federal requirements. Testing would still be required in grades 3-8 as well as once in high school.	Gets rid of AYP. States with a federal waiver could continue under their current approved plans. States without a waiver would have to submit an accountability plan to the U.S. Secretary of Education for approval. Maintains the NCLB testing schedule.
<b>Standards</b>	Would prohibit the U.S. Secretary of Education from encouraging states to adopt certain standards, such as Common Core, but would require states to have achievement standards in place.	States would have to adopt standards that prepare students for college and career, but they would not have to be Common Core State Standards.
<b>Teacher Evaluation Systems</b>	Would require states to adopt teacher evaluation systems partially based on student outcomes. These evaluation systems would be used for district personnel decision making.	Would require states to adopt teacher evaluation systems partially based on student outcomes in order to receive Title II (teacher quality) funds. The evaluation systems would be used to improve schools, teachers and practices, but not necessarily for district personnel decisions.
<b>Race to the Top</b>	Does not authorize Race to the Top.	Authorizes Race to the Top.
<b>Highly Qualified Teachers</b>	Eliminates HQT requirements.	Maintains HQT requirements with modifications (e.g., applying only to new teachers in states that have fully implemented a professional growth and improvement system).

# ATPE's Lobbyists and Governmental Relations Staff



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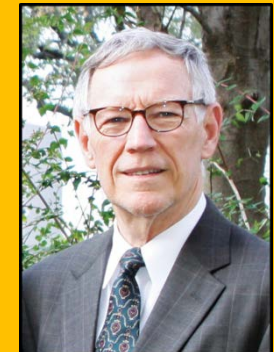
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