

# McAllen AFT News

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## A LITTLE BIT OF EVERYTHING!

### BACK TO SCHOOL EVENT

The event will be at 5:30 p.m. at Mr. Gatti's, at 4701 N. 2nd Street in McAllen. The time is 5:30 and the food is an all you can eat buffet. There will be door prizes—must be present to win.

Our guest speaker will be Louis Malfaro, Secretary/Treasurer of Texas AFT. The talk will focus on the Texas Legislative Session.

### TWITTER CONVERSATION

We have already begun to think about the state and national elections coming up. Thus, we have been giving TWITTER lessons. Let us know if you are interested in lessons by emailing us at [mcallenaft2@yahoo.com](mailto:mcallenaft2@yahoo.com). Once we have enough people we can set up a date for the next workshop. It is free to members and costs \$10 for non-members. You can also call us at 682-1143.

### CONGRESS UPDATE

On July 22, 2013, an overhaul of the **No Child Left Behind Act** passed by a narrow majority in the U.S. House on July 19, 2013, 221 to 207, with only Republicans voting in support. The House leadership, in order to win enough votes within their own ranks, had to give up on a proposal to impose a federal mandate dictating the terms of teacher

evaluations. While that was a positive move, the bill retained other highly objectionable features, including funding cutbacks and de-emphasis on funding for schools with high concentrations of economically disadvantaged students. It also does nothing to curb over testing.

The good news is that the bill, H.R. 5, is going nowhere in the U.S. Senate. President Obama has reinforced Senate resistance by issuing a formal veto threat. In fact, whether any NCLB reauthorization can pass in both chambers of Congress and become law is very much in doubt. As congressional education gridlock continues, the better bet is that Secretary of Education Arne Duncan and the U.S. Department of Education will continue to direct federal education policy by setting preconditions for waiver of NCLB's most onerous and absurd requirements. The Texas Education Agency is pursuing just such a waiver, and Commissioner of Education Michael Williams hinted last week that federal action on the Texas request may occur soon.

### HIGHWAYS OR EDUCATION

Formal negotiations reportedly have produced a compromise between the Texas House and Senate over rival highway-funding plans that both would leave much to be desired from the standpoint of Texas educators. The plans are embodied in House and Senate versions of two companion bills, HJR 2 and HB 16, which would give

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**Our Kids  
Our Future**  
Texas Can Do Better



highway projects a priority claim on revenue that currently goes to fill the Rainy Day Fund. House and Senate votes on a compromise could come Monday.

The House plan would redirect a nickel of the 20-cent-per-gallon state sales tax on gasoline from the Available School Fund to the state highway fund. The House would make up the loss to public schools by diverting oil and gas revenue from the Rainy Day Fund. The House proposes also to steer one-third of all future gains in motor-vehicle sales taxes to highways; currently all that revenue goes into the general treasury and is available for education, health care, etc. The Senate alternative would leave the gas tax and vehicle taxes alone and just rely on a straight diversion from the Rainy Day Fund—which also would have the effect of permanently preempting for highways alone a pot of revenue that now is potentially also available for education, health care, etc. The Senate approach has another drawback as well, requiring a floor of \$6 billion to be retained in the Rainy Day Fund before the highway diversion would be activated. That would have the side-effect of discouraging other appropriate uses of those Rainy Day Fund dollars in order to ensure that highway projects would get their cut of the oil and gas revenue above that floor.

Reportedly the deal worked out in a House-Senate conference committee would follow the Senate model but would eliminate the constitutional version of the floor and would not put the proposal on the constitutional ballot for voter approval until November 2014. Assuming passage of that constitutional amendment, news reports suggest, lawmakers could still put a floor in statute if recommended by the Legislative Budget Board, the permanent joint committee of the legislature that develops budget recommendations. As we said in testimony submitted to the Senate Finance Committee on HB 16 yesterday, what's really needed is a short-term draw from the Rainy Day Fund for

both neglected physical infrastructure (e.g., highways) and underfunded human infrastructure (e.g., education), plus an equitable, revenue-raising overhaul of the state's tax structure to assure adequate funding streams for all these state priorities for the long run. In the current special session, however, state leaders and lawmakers have been unwilling to consider so sensible an option.

## **TESTING CONTRACT**

The state auditor's office came out earlier this month with a critique of the way the Texas Education has overseen—or perhaps one should say failed to oversee—the five-year contract for development and administration of student testing with NCS Pearson, Inc. This contract, currently worth \$462 million in Texas taxpayer dollars to Pearson, was held harmless in 2011 when the state was cutting \$5.4 billion from public education. This year, even though the legislature has cut required Pearson exams to five from 15 at the high-school level, only a modest saving was projected under the Pearson contract. Now the state auditor tells us that the Texas Education Agency “did not ensure that the contract contained sufficient detail about deliverables and costs to independently determine the reasonableness of changes in the price of the contract. This limits the Agency's ability to assess the fiscal effects of changes to statewide testing requirements in House Bill 5 (83rd Legislature, Regular Session).” The auditor further concluded that “the Agency lacks adequate processes for monitoring the contract... which has contributed to inconsistencies in approvals of key deliverables.” In response to the auditor's findings, TEA has vowed to sin no more, correct all these problems, and restore compliance with state law. Otherwise, apparently, nobody has been held to account.

