



**House Select Committee on Constitutional Revision Public Testimony
Article VII, Section 8. State Board of Education
May 31, 2002**

Testimony by Chris Patterson, Director of Education Research

Pertaining to Committee Discussion: Is the State Board of Education necessary?

Purposes of Testimony:

- Affirm the necessity for the State Board of Education; and
- Recommend Constitutional revisions for improving the board's ability to represent constituents and to improve public education.

Recommendation for Constitutional Revision:

- Amend Article VII, Section 8 to read "The Legislature shall provide by law for an elected State Board of Education, whose members shall serve for terms of six years. The said board shall take actions necessary to implement legislative policy for the public school system of the state, appoint a commissioner of education who is subject to Gubernatorial and Legislative approval, and oversee operations of the education agency. The duties of the said board shall include, but not be restricted to, development of long-range plans for education and technology, creation of the state assessment system, adoption of textbooks, establishment of state curriculum standards, enactment of graduation requirements, and management of the permanent school fund."

Reasons for Recommendation:

Texans Voted to Endorse Election - not Appointment - of the State Board of Education.

In the State Referendum of 1987, voters supported the decision to replace an appointed board with an elected board.

Texas has a long-standing tradition of local control of education. The state's philosophy of educational governance was framed by former Governor, and now President, George W. Bush as "The best form of government is one that is closest to the people. State government should respect the right and ability of local communities to resolve issues that affect them." (*Strategic Plan 2001-2005*, Texas Workforce Commission).

Texans are fiercely protective of local control, believing that citizens should exercise direct responsibility over their lives or through their elected representatives. "Government if necessary, but not necessarily government," as stated by former Governor Bush in his *Statewide Vision* for Texas.

People distrust government decisions, particularly in education. Public opinion polls reveal that citizens throughout the nation trust elected school boards to make better decisions than both state and federal governments (*Who's in Charge*, Education Week, 1999).

Public distrust of governmental decision-making has been substantiated in cities where mayors have "taken over" schools, replacing elected school boards with appointed boards such as in Kansas City and Baltimore. There is no evidence that appointed boards do a better job of improving student achievement or increasing parental satisfaction with their children's schooling.

The State Board of Education Guards Public Interests.

Election of single-member districts enables members to represent the unique needs of different constituencies while the diversity of members enables the board to enact policy decisions that are good for all Texans.

When decisions made by educational professionals in the Texas Education Agency oppose public interest, the elected State Board of Education has protected both public goals for classroom instruction as well as policy that has been proven to benefit student learning. In 1999, for example, the State Board rescinded agency decisions to excise phonics instruction from first grade reading materials; the decisions made by the Texas Education Agency violated both state law as well as guidelines for effective reading instruction issued by the National Institute of Child Health & Human Development (*Tincy Miller: Books Should Reflect Phonics Emphasis* in the Dallas Morning News, 11/26/99 and *National Reading Panel: Teaching Children to Read*, 2000). And, in 1997, the Board rejected a three-year effort of the Agency to rewrite state curriculum standards - an effort labeled as "mush" by former Governor Bush - and directed revisions to improve expectations for classroom learning (*Texas Redefines the Three "Rs": The New Public School Curriculum*, House Research Organization, 1997).

Policy decisions by professional educators often conflict with public interest. Reports published by Public Agenda, the New York-based research institute, indicates that educators and educational associations favor instructional objectives (such as student enjoyment) and instructional practices (such as discovery learning), whereas parents want academic instruction to be the primary goal of instruction and want teachers to teach (*Given the Circumstances: Teachers Talk about Public Education Today*, Public Agenda, 1996). Policy decisions by professional educators are generally very bad for classroom learning and result in lower student achievement, according to research (D. Carnine, *Why Education Experts Resist Effective Practices*, Thomas B. Fordham Foundation, 2000 and E.D.Hirsch, Jr., *The Schools We Need-Why We Don't Have Them*, Doubleday, 1996).

Texans expect elected representatives to serve as a brake on the educational fads that have damaged academic achievement over the past several decades. Elected members of the State Board of Education offer Texans the only say in statewide education policy decisions. An elected State Board offers youth the best hope for acquiring the academic foundation necessary for economic independence and personal success.

The State Board of Education Needs Authority to Fulfill Statutory Responsibilities.

Over the past decade, the Texas Legislature has stripped the State Board of Education of most duties, transferring authority to an appointed commissioner and the professional educational staff of the Texas Education Agency. The Legislature has divided the remnants of responsibility (adopting curriculum standards, approving textbooks, establishing a statewide assessment system, and managing the Permanent School Fund) between the State Board of Education and the Texas Education Agency (*State Board of Education: Controversy and Change*, House Research Organization, 2000). Reduced and shared authority presently prevents board members from fulfilling obligations to their electorates, and stimulates conflict between board members, the commissioner and Agency.

As noted by the Texas Legislature's House Research Organization in describing the perspective of advocates for the State Board of Education - "Lawmakers should restore the SBOE's power to select the education commissioner. When the board was appointed by the Governor between 1984 and 1988, it had this power subject to Gubernatorial and legislative approval. As it is, the board must answer to constituents for decisions made by a commissioner who ultimately is accountable to the governor, not to the public. This power imbalance undermines board authority..." (*Fact or Fiction: The SBOE's Role in Textbook Adoption*, 2002).

The Texas Constitution should Establish and Define the Duties of an Elected State Board of Education.

I ask this Committee to recommend that the 78th Texas Legislature enact Constitutional amendments to restore the integrity of the State Board of Education as an elected body vested with authority to implement legislative policy for the state system of public schools.