

FOR IMMEDIATE RELEASE:

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www.stopstaar.org

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PARENTS FROM HOUSTON, DALLAS, AUSTIN & BEAUMONT AREAS
FILE SUIT AGAINST TEA COMMISSIONER MIKE MORATH;
ASK FOR INJUNCTION TO STOP USE OF STAAR

COALITION OF OVER 250 PARENTS, TEACHERS AND CITIZENS
RAISE OVER \$20,000 IN SIX WEEKS TO FUND LAWSUIT

PRESS CONFERENCE:

When: Monday, May 23rd at 10:30 am

Where: Outside TEA offices at 1701 Congress Ave in Austin, Texas (Northeast corner of 17th & Congress)

Online: Follow @StopSTAAR2016 on Twitter for live stream via Periscope

AUSTIN – Today, Scott Placek (Arnold & Placek, P.C.), on behalf of four parents of public elementary and middle school students from across the State of Texas, has filed a petition in a Travis County District Court asking for a judgement that Mike Morath and the Texas Education Agency (TEA) have acted outside of their statutory authority in administering the 2015-2016 STAAR assessments by not complying with Chapter 39 of the Texas Education Code.

In prepared remarks, Mr. Placek said,

“The TEA is not above the law. It exists only by the pleasure of the legislature, and does not have the statutory authority to ignore those laws it finds inconvenient. Nor may it punish students or school districts based on its own disregard of the law.”

Adding to a litany of problems plaguing the STAAR this year, including lost testing documents, computer glitches and scoring failures, the lawsuit outlines that Commissioner Mike Morath and the TEA administered the this year’s STAAR with blatant disregard for the Texas legislature’s mandates in House Bill 743 specifically regulating the appropriate length of the STAAR assessments administered to millions of Texas students—particularly those youngest students in grades 3-5.

The lawsuit, which outlines with great detail the imminent and irreparable harm to students, teachers and schools if the illegal results are allowed to be used, asks the court for an injunction to force the TEA to order schools around the state to ignore and destroy student scores from this year’s STAAR.

If the plaintiffs prevail,

- no student in grades 3 - 8 could be labeled as having performed “unsatisfactorily,”
- nor could they be required to go to summer school or be required to attend any form of remedial instruction,

- nor could those students be retained in their current grade based on the invalid scores.

Furthermore, if a judge agrees that this year's STAAR was not a valid "assessment instrument" under state law, then no Texas elementary or middle school would be rated in the state's accountability system using the invalid scores and would be protected from negative consequences like being forced to shift funding from music and art classes to test prep curriculum or having teachers or principals fired under state-mandated "reconstitution" plans.

In part, the petition states...

"Despite knowing that the assessments did not comply with statute, and despite a lead time of over nine months to comply, the TEA failed and refused to develop assessments that comply with the statute. As a result, approximately 2,000,000 Texas students were administered illegal assessments. The results of these illegal assessments are now being used to enact punitive measures against students, teachers and schools across the state. The Plaintiffs sue for declaratory and injunctive relief to ameliorate the ongoing harm."

The four parents and their children who make up the plaintiffs in the suit come from public school districts across the state including the Houston Independent School District (HISD), the Wimberley Independent School District (WISD) near Austin, Texas, the Orangefield Independent School District (OISD) near Beaumont, Texas, and the Lake Dallas Independent School District (LDISD) and are representative of millions of children who took the illegal assessments in March and May of this year.

Claudia de León, a parent of two Houston elementary school students and plaintiff, has past experience with the consequences of her children's school being labeled "Improvement Required" (IR) by the TEA. She seeks to have this year's invalid scores thrown out by the court to protect local students and teachers from the increased negative consequences if the illegally administered STAAR is used to maintain the school's IR label another year. Describing changes at the school when it first received the "Improvement Required" label, Ms. de León says,

"We lost our Science ancillary class, and students were spending less and less time on subjects outside of Reading and Math. Students were practicing for the Reading STAAR in Art Class. Recess was often replaced with STAAR practice worksheets. Many wonderful teachers who loved children and teaching left the school, and it seemed we had lost the joy in the building."

Another plaintiff, Jennifer Rumsey, is a parent, a teacher and a student pursuing a Ph.D. in Education and lives and works near Beaumont, Texas. Her fifth grade daughter had to take two four-hour STAAR assessments which far exceeded the 120 minute design limit required by HB 743. Discussing why she chose to participate in the lawsuit, Ms. Rumsey says,

"The Texas Education Agency is holding Texas fifth graders accountable with STAAR scores while Mr. Morath doesn't think he's accountable to anyone. This lawsuit serves to both remind the TEA and its commissioner that it is parents who will hold them accountable and to teach our children that everyone, even state officials, are required to follow the law."

The Committee to Stop STAAR was formed out of a grassroots fundraising campaign to raise funds supporting litigation against the TEA. Donors to the campaign are a diverse group of parents, grandparents, teachers and concerned citizens from around the state who demand action after the TEA ignored the common sense reforms that many felt they had won during last year's legislative session. Fundraising began on March 30, 2016—the same week as the first administration of this year's STAAR—with a GoFundMe campaign ([gofundme.com/StopSTAAR](https://www.gofundme.com/StopSTAAR)) that has since raised over \$20,000 from 260 donors. On the way to a fundraising goal of \$25,000, donations have ranged from \$5 to \$5,000 dollars and have come from every corner of the state. The fundraising has even included a matching grant from the Houston Federation of Teachers which supports protecting teachers and schools from negative outcomes justified by illegal STAAR scores.