

# Textbook Ruling Handed Down in Texas

By **Connie Sadowski**

On September 18, Texas Attorney General Greg Abbott (R) issued an opinion on Texas's textbook content review process, setting aside a 1996 decision by then-Attorney General Dan Morales. Abbott determined the 15-member State Board of Education (SBOE) has "significant statutory authority" over the content of textbooks and supplemental items used in public and open-enrollment charter schools.

SBOE member Terri Leo (R) had asked Abbott in January to determine whether the Texas Education Code authorizes the SBOE "to adopt a rule requiring textbooks to meet general textbook content standards as a condition of SBOE approval."

Leo also asked Abbott if the term "textbooks" includes supplementary or ancillary items sold with the texts, such as workbooks, videos, maps, teachers' editions, and charts.

Upon reviewing the process set forth in the state education code, Abbott confirmed the SBOE's authority to judge textbook and supplemental item content based on essential knowledge and skills; to determine whether the items have factual errors; and to ensure books meet binding standards and that they teach United States and Texas history and about the free-enterprise system.

## Media Complain

State textbook standards have been controversial for the past 10 years, as everyone from Texas Education Agency lawyers, textbook publishers, and "liberal activists and media" have complained some SBOE members want unrestricted power to set textbook content standards, Leo said.

But textbook review is not about members' plans to set forth "personal and political agendas, as some have con-



tended," said Leo.

Rather, the process seeks to ensure, by majority vote, that textbooks and ancillary materials are factual, contain essential knowledge and skills, and "foster an appreciation for the basic democratic values of our state and national heritage" as the legislature intended, Leo said.

## Texas a Key State

Texas's standards for textbook approval are pivotal, because many other states will use the same textbooks, said Neal Frey, a textbook analyst who works for the Longview, Texas-based nonprofit group Educational Research Analysts.

Frey also noted the state-level review process helps individual school districts in Texas that may lack leverage with publishers because they buy too few textbooks to have market power over content.

Frey—who has been reviewing textbooks since 1982—supports the state's textbook adoption process and said the "elected SBOE is the people's voice." Ensuring textbooks meet standards set forth in the education code doesn't amount to "censorship," nor does the pro-

[left] "On September 18, Texas Attorney General Greg Abbott (R) ... determined the 15-member State Board of Education has 'significant statutory authority' over the content of textbooks and supplemental items used in public and open-enrollment charter schools."

cess give the SBOE unrestricted power, he noted.

"The [attorney general's] opinion will help our SBOE combat viewpoint discrimination in textbooks," Frey said. "Opponents of the review process fear losing their oligopoly of textbook content and being made to include other perspectives."

## Process Is Thorough

Textbook adoption is a lengthy process that takes about two years from start to finish in Texas. The SBOE issues a call for new instructional materials to all registered publishers at least 24 months before scheduled adoption.

During the initial review phase, a panel of citizen and staff experts, with no ties to textbook publishers and assigned by the Texas Education Association's commissioner of education, reviews potential texts and determines whether they conform to the state-defined Texas Essential Knowledge and Skills set (TEKS) or rejects them outright. By law, texts are determined to be non-conforming if they contain only half the TEKS items.

## Process Provides Accountability

A period of public review, followed by a public hearing, provides interested citizens "access and the right to review textbooks, as well as ancillary materials," Leo said.

After public input, SBOE members finalize the lists of approved texts by a majority vote. The ultimate decision of which textbooks to purchase from the approved list is left to each school district's board of trustees.

Having textbooks without factual or editorial errors, said Frey, is a responsibility not to be taken lightly, because "public money buys textbooks and captive student populations use them."

The SBOE's textbook review and adoption process is "a necessary democratic counterpoise on otherwise-unaccountable editors and isolated authors," Frey concluded.

*Connie Sadowski (connie@ceo.austin.org) directs the Education Options Resource Center at the Austin CEO Foundation.*

## INTERNET INFO

Texas Attorney General Greg Abbott's Opinion GA-0456, issued on September 18, 2006, is available through *PolicyBot™*, The Heartland Institute's free online research database. Point your Web browser to <http://www.policybot.org> and search for document #19828.

A sample of textbook errors with corrections, issued on November 6, 2003 by the Texas Commissioner of Education Report to the State Board of Education, is also available through *PolicyBot™*. Search for document #19829.

Texas textbook adoption process overview, <http://www.tea.state.tx.us/textbooks/adoptprocess/overview.html>

# NCES Comparison Invalid: Critics

By **Daschell M. Phillips**

A study released in August by the National Center for Education Statistics (NCES) claimed charter school students don't perform as well academically as public school students. But education reform advocates said the researchers' choice of comparisons doesn't accurately reflect charter schools' performance.

The study, "A Closer Look at Charter Schools Using Hierarchical Linear Model," is based on a 2003 comparison of academic achievement for fourth-graders enrolled in charter and traditional public schools.

According to the reading comparison, charter schools scored an average of 5.2 points lower than other public schools on the National Assessment of Educational Progress (NAEP). After adjusting for multiple student characteristics, the average difference was 4.2 points. In math, charter schools averaged 5.8

points lower than public schools; after adjusting for student characteristics, the average difference was 4.7 points.

The study sample included 150 charter schools and 6,764 public schools. School participation rates for the NAEP tests were 100 percent for both charter and public non-charter schools; student participation rates were 92 percent for charter schools and 94 for public non-charter schools.

The NCES is a research arm of the U.S. Department of Education.

## Wrong Model

Robert Enlow, executive director of the Indianapolis-based Milton and Rose D. Friedman Foundation for Educational Choice, said the study was invalid because it did not actually compare schools. Instead, he said, it compared types of students. A hierarchical linear model examines differences between two different types of subjects being studied,



Robert Enlow

whereas in a longitudinal study the same subjects are observed over multiple time periods.

"Since charter schools seek out the students that public schools can't handle, the study would have been more substantial if it were a longitudinal study," Enlow said. "The NCES did not take a bad study—they just didn't say anything about the quality of the schools."



Jeanne Allen

Jeanne Allen, president of the Center for Education Reform in Washington, DC, agreed, saying this particular interpretation of government data adds nothing to the question of how well

students perform in charters compared to other schools.

"The education establishment—teachers, unions, school board associations—tout these flawed studies in an attempt to discredit new school opportunities for parents," Allen said. "My message to any parent, especially those with children attending charter schools, is to look at state-level assessments and get a real picture of student achievement. It's there that charter school students shine like the true stars they are."

*Daschell M. Phillips (dashwriter@aol.com) is a freelance writer in Chicago.*

## INTERNET INFO

"A Closer Look at Charter Schools Using Hierarchical Linear Model," National Center for Education Statistics, <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2006460>