

81st Texas Legislative Session

**Briefing Book
on
Public Education Legislation**

**Texas Education Agency
Division of Governmental Relations**

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Statute Amended or Added: Adds §7.029, Education Code

Summary: §7.029 requires the agency and the Department of Family and Protective Services (DFPS) to enter into a MOU regarding the exchange of information to facilitate the evaluation by DFPS of educational outcomes of students in foster care. The MOU must require:

- DFPS to provide the Texas Education Agency (TEA) each year with demographic information about individual students in foster care during the preceding year;
- TEA, in a manner consistent with federal law, to provide to DFPS aggregate information regarding the educational outcomes of students included in the demographic information;
- Information provided by TEA to DFPS to include academic achievement, graduation rates, school attendance, disciplinary actions, and receipt of special education services.
- DFPS may authorize TEA to provide the education research centers demographic information regarding individual students as appropriate, to allow the centers to perform additional analysis.
- No additional information is required to be collected by the TEA or DFPS as a result of this legislation.
- Allows the release of information only if not restricted by FERPA or any other state or federal law.

Change from current law: Not Applicable

Effective Date: The MOU must be signed no later than January 1, 2010.

Action required for 2009-2010 School Year: None

Outstanding Issues: The Division of Information Analysis of TEA began providing aggregate data about foster children to DFPS in 2009, and will continue to assist annually as needed.

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Information Analysis, 512/475-3523.

Statute Amended or Added: Adds §7.031, Education Code

Summary: Authorizes the Texas Education Agency to seek, accept, and distribute grants from the federal government or any other public or private entity for the benefit of public education. Unless prohibited by federal law, for the purpose of a Head Start program's eligibility to receive federal grant funds, the commissioner of education is authorized to determine for the purpose of technology services and support that a Head Start program serves the function of an elementary school by providing elementary education. The commissioner's determination does not entitle the program to state funds for which it would not otherwise be eligible, may not reduce federal grant funds available to districts and open-enrollment charter schools, and may not be appealed.

Change from current law: Not applicable.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner has authority to make a determination regarding Head Start programs for limited purposes related to federal grants.

Does this expressly apply to charters? Not directly, but charters may be recipients of grant funds accepted by the agency under this authority.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Office of Legal Services, 512/463-9720

Statute Amended or Added: Adds §7.037, Education Code

Summary: This bill states that to the extent possible, TEA shall develop and maintain a comprehensive schedule of reporting requirement generally applicable to a school district imposed by TEA or any state agency or entity. Also requires other state agencies to periodically report information regarding district reporting requirements to TEA for inclusion on the maintained schedule. Allows TEA to determine the appropriate format for the schedule and the manner in which the schedule is made readily available.

Change from current law: Not applicable

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: TEA is required to develop and maintain the reporting schedule beginning September 1, 2009.

Outstanding Issues: TEA will have to identify school district reporting requirements imposed by others outside of TEA.

Does this bill create a new program? No

Rulemaking Authority? No

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Office of Data Development, Analysis and Research, 512/475-3523

Statute Amended or Added: Amends §7.057, Education Code

Summary: Provides that a person is not required to appeal to the commissioner before pursuing a remedy under a law outside of Titles 1 and 2 of the Education Code. Establishes a time period of 180 days after the date an appeal under §7.057(a) is filed for the commissioner of education to hold a hearing and issue a decision.

Change from current law: Not applicable

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? May require revision of commissioner rules relating to administrative hearings.

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Office of Legal Services, 512/463-9720

Statute Amended or Added: Amends §7.106 (b), Education Code

Summary: This bill requires the Texas Education Agency to broadcast over the Internet live video and audio of every open meeting of the State Board of Education. It also requires the webcast files to be archived and made available via TEA's website. The broadcasts must comply with §551.128 of the Government Code, which requires a governmental body to designate an Internet site that will host the broadcast and requires the webcasts to follow posting requirements.

Change from current law: A previous rider required the audiocast of the full State Board of Education meetings, as well as the Committee of the Full Board meetings.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Open meetings of the State Board of Education, including its committee meetings, must be webcast with both video and audio feeds, as of September 2009.

Outstanding Issues: None

Does this bill create a new program? Yes

Rulemaking Authority? None

Does this expressly apply to charters? Board actions that involve charter schools will be included in the broadcasts.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Linda Kemp at 512/463-9056 or Debbie Ratcliffe at 512/463-9000.

Statute Amended or Added: Amends §8.051(d)(1)(B), Education Code

Summary: Section 3 renumbers §8.051(d)(1) to include (A) and (B). §8.051(d)(1)(B) states that the regional education service centers (ESCs) provide personal financial literacy training as required in TEC 28.0021 as part of its core services.

Change from current law: Current law (§28.0021) states Texas essential knowledge and skills (TEKS) and §28.025 include instruction in personal financial literacy in any course meeting a requirement for economics credit as defined in TEC 28.025. §8.051(d)(1)(B) adds personal financial literacy training for teachers in school districts and charter schools.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Implementation by ESCs of training to school teachers

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No; however, charter schools are not exempt from TEC 28.025.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Philip M. Cochran, Regional Services, 512/463-9371

Statute Amended or Added: Amends §11.1513, Education Code

Summary: This legislation requires a school district to provide notice to its employees of a vacant position for which a certificate or license is required by either posting the position at certain physical locations in the district or posting the position on the district's internet website if it has one.

Change from current law: Under current law, a school district with an internet website is required to do both types of postings, the postings at certain physical locations and the internet posting.

Effective Date: The bill applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: None. The district has the option of using only one type of posting, but may continue to do both.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Office of Legal Services, 512/463-9720

Statute Amended or Added: Amends §11.171, Education Code

Summary: This amendment to §11.171 requires that a school district grievance policy permit an employee who reports a grievance to make an audio recording of any meeting or proceeding at which the substance of the grievance is investigated or discussed. The district is not required to provide recording equipment and implementation of the requirement may not result in a delay of any timeline in the grievance policy.

Change from current law: Not applicable.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Modify school district grievance policy to conform to new requirement.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Office of Legal Services, 512/463-9720

Statute Amended or Added: Amends § 11.203, Education Code

Summary: The bill indicates that participation in the program applies only to a principal employed at a school that is rated academically unacceptable during the 2008-2009 school year.

Change from current law: Currently, the principal of a campus rated academically unacceptable as well as any person employed to replace that principal shall participate in the program and complete requirements.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Amend Texas Administrative Code rules.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Glendelia M. Zavala, Educator Excellence, 512/463-6443

Statute Amended or Added: Amends § 11.253, Education Code

Summary: This bill requires that all elementary, middle and junior high school campuses include in the Campus Improvement Plan any coordinated school health activities and their evaluation, as well as methods to ensure that students participate in the required physical activity, and any other indicator recommended by the School Health Advisory Council.

Change from current law: Campus Improvement Plans did not previously include any language related to coordinated school health or physical activity.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Each elementary, middle and junior high school campus is required to include implementation and evaluation strategies for coordinated school health and physical activity, as well as any other recommendation provided by the school health advisory councils, in their Campus Improvement Plan.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Marissa Rathbone, Director of School Health, 512/463-3064

Statute Amended or Added: Amends §12.104(b)(2), Education Code

Summary: This section makes Chapter 39, Subchapters D, Financial Accountability, and J, Parent and Educator Reports, applicable to open-enrollment charters. Charter schools remain subject to the requirements reflected in Subchapters B, C, and E.

Change from current law: Subchapter J is a new subchapter that outlines performance reporting requirements of districts and the uses for performance results; some of the requirements are new and some were previously in place. The major change is the requirement of a financial rating system for charters outlined in Subchapter D.

Effective Date: Effective 2009-2010 school year

Action required for 2009-2010 School Year: Charters will be required to comply with Subchapter J reporting requirements, and the agency will initiate actions related to the financial accountability system for charters.

Outstanding Issues: None

Does this bill create a new program? It creates a new program of financial accountability for charter schools.

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? Yes, charter schools will have to report their financial ratings and certain measures of teacher and student performance to the parents, teachers, and students.

For further information, please contact: Division of Charter School Administration 512/463-9575

Statute Amended or Added: Amends §12.151, §12.152, §12.154, §12.155, and §12.156(a), Education Code

Summary: This bill would allow the State Board of Education to award charter schools to junior colleges without counting against the current cap of 215 charters, authorized in Chapter 12, Subchapter D, in the same way that charters awarded to public senior colleges and universities do not count against the cap. The differences between the charters to be awarded to junior colleges and those awarded to public senior colleges are as follows: the junior college charters are not required to have innovative teaching methods; the requirement for supervision of a junior college charter is faculty, not teaching or research faculty; and instead of requiring student performance as a goal in the charter program, the requirement for the junior college is that there must be specific goals, such as dropout recovery.

Change from current law: This change to Chapter 12, Subchapter E allows the State Board of Education to award charter schools to junior colleges in almost the same fashion that the board can currently award charters to public senior colleges and universities.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: Revision to the Public Senior College or University Charter Guidelines and Application is required in order to include junior colleges. In addition, SBOE rules on the awarding of Subchapter E charters will need to be updated.

Outstanding Issues: None

Does this bill create a new program? It expands an existing program.

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Charter School Administration, 512/463-9575

Statute Amended or Added: Amends §21.041, §21.045, and §21.0452, Education Code

Summary: The bill provides for adoption of a fee for the approval or renewal of an educator preparation program or for the addition of a new field of certification, and ensuring the accountability of educator preparation programs.

§21.045 revises the Accountability System for Educator Preparation Programs (ASEP) to include certification exams, performance of beginning teachers, student achievement and support provided by field supervisors in compliance with board requirements. In addition, the Annual Performance Report is now included as part of the ASEP.

The bill also includes new accreditation statuses including not rated, accredited, accredited-warned, accredited probations and not accredited-revoked. The agency may take actions including requiring a technical visit, professional services under a contract with another person, appointing a monitor, voluntary revocation or mandatory revocation. The costs of technical assistance shall be paid by the sponsor of the program.

§21.0452 requires consumer information regarding educator preparation programs to be posted on the website related to the quality of persons admitted to the program, completion of the program, preparation of general education and special education teachers, integration of technology in instruction, perseverance of beginning teachers in the profession who graduated from their program, exit surveys of program participants, and surveys to school principals regarding the program's effectiveness in preparing teachers. The programs may receive a designation or ranking based on the information. The consumer information must also identify employment opportunities and shortages of qualified teachers in each region of the state.

Change from current law: Requires a more comprehensive Accountability System for Educator Preparation Programs, new Consumer Information online.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Revise SBEC rules, Chapter 229; design website information.

Outstanding Issues: Technology design; information for website.

Does this bill create a new program? No

Rulemaking Authority? State Board for Educator Certification (SBEC)

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Karen Loonam, State Board for Educator Certification, 512/936-8250

Statute Amended or Added: Amends §21.052, Education Code

Summary: Section 1 (e) requires that the out-of-state/out-of-country educator must perform satisfactorily on the certification examination not later than the first anniversary of the date the board completes the review of the educator's credentials and informs the educator of the appropriate examination(s) required to receive a standard certificate.

Section 1 (f) requires that the board post procedures for out-of-state/out-of-country applicants to obtain a certificate on the website.

Section 1 (h) applies only to applicants who hold a certificate issued in another state in mathematics, science, special education or bilingual education, or other shortage areas as determined by the Commissioner. This section provides a 14 day timeline for the acceptance or rejection of receipt of a complete application with at least 90% of the applications accepted or rejected not later than the 30th day after receipt of the completed application.

Change from current law: Current law does not require the timelines specified in Sections 1 (e) and (h) nor does it require the posting of the procedures on the website.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: Propose revisions to 19 Texas Administrative Code, Chapter 230, Subchapter O, and Chapter 245.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner and State Board for Educator Certification

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Melva Cardenas, Educator Credentialing, 512/936-8228

Statute Amended or Added: Repeals §21.054(b), Education Code

Summary: This bill repeals the requirement for continuing education for principals based on individual assessment or professional growth plan development.

Change from current law: Repealed; no longer mandatory.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Notification to principals

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? SBEC

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Karen Loonam, SBEC, 512/936-8304

Statute Amended or Added: Adds §21.4031, Education Code

Summary: Section 1 adds language that defines “salary schedule” and “service record.” It requires that a district shall provide a copy of the individual’s service record to the employing district not later than the 30th day after the later of the date the request is made or the date of the last day of the individual’s service to the district. It further states that if the district fails to provide the record as required, the agency shall provide the employing district with information sufficient to enable the district to determine proper placement of the individual on the district’s salary schedule.

Change from current law: Currently, there are no timelines for the district to provide the service record to an employing district. There is no requirement for the agency to provide service record information to an employing school district.

Effective Date: Beginning with the 2009-2010 school year

Action required for 2009-2010 School Year: Establish a procedure for providing the employing district with information sufficient to determine proper placement on the district’s salary schedule.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Joseph Mezher, Educator Credentialing, 512/463-7285

Statute Amended or Added: Amends §21.451, Education Code

Summary: Added a section requiring staff development to an educator who works outside the area of special education if the educator does not possess the knowledge and skills necessary to implement the IEP developed for a student receiving instruction from the educator.

Change from current law: New requirement added.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: Training required if applicable to educator.

Outstanding Issues: None

Does this bill create a new program? Creates new training requirement.

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? Yes. School district would need to maintain documentation

For further information, please contact: Karen Loonam, SBEC, 512/936-8304

Statute Amended or Added: Amends §21.458, Education Code

Summary: The bill states that school districts may assign a mentor teacher to each classroom teacher who has less than two years of teaching experience. A teacher assigned as a mentor must teach in the same school.

Change from current law: The change allows for districts to assign a mentor teacher to each classroom teacher with less than two years of teaching experience in the subject or grade level to which the teacher is assigned. The change also allows flexibility for educators, not necessarily teaching in the same school, to be assigned as mentors. A teacher assigned as a mentor must to the extent practicable, teach in the same school.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Amend Texas Administrative Code rules.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Glendelia M. Zavala, Educator Excellence. 512/463-6443

Statute Amended or Added: Adds §21.463, Education Code

Summary: This bill requires the agency, in coordination with the Health and Human Services Commission (HHSC), to establish and maintain a website to provide resources for teachers who teach students with special health needs to include information about the treatment and management of chronic illnesses and their impact related to school performance.

Change from current law: Not Applicable

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: TEA, in coordination with HHSC, shall establish and maintain a website providing resources for teachers who teach students with special health needs.

Outstanding Issues: None

Does this bill create a new program? No, there is an existing website at Department of State Health Services. <http://www.dshs.state.tx.us/cshcn/default.shtm>

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Tammy King Wooten/Marissa Rathbone, Health and Safety Division, 512/463-3070

Statute Amended or Added: Amends §21.705, Education Code

Summary: The bill states that a district must use at least 60% of grant funds awarded to districts under the Educator Excellence Awards program to directly award classroom teachers who effectively improve student achievement.

Change from current law: The change includes awarding of stipends to nationally certified classroom teachers, or classroom teachers who hold advanced certification from an organization that certifies at least 2,500 teachers in the U.S. each year based on the teachers' satisfaction, through study, expert evaluation, self-assessment, and peer review, of high and rigorous standards for accomplished teaching.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Mike Vriesenga, Educator Initiatives and Performance, 512/463-8911

Statute Amended or Added: Amends §22.003, Education Code

Summary: Amends §22.003(a) to provide that a school district policy governing an employee's use of personal leave may not restrict the order in which an employee may use the state minimum personal leave and any additional personal leave provided by the district. Also adds §22.003(f), which allows an employee who has sick leave that was accumulated under former §13.904(a) to use that sick leave or the personal leave under current §22.003(a) in any order to the extent that the leave selected is appropriate to the purpose of the leave.

Change from current law: Addresses leave issues currently determined by local policy.

Effective Date: This legislation applies beginning with the 2009-2010.

Action required for 2009-2010 School Year: Modify leave policies to comply with the amendments to §22.003.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Office of Legal Services, 512/463-9720

Statute Amended or Added: Adds §22.003(c), Education Code

Summary: Requires a school district to include in any informational handbook that it provides to employees a notification of an employees rights under §22.003(b), which relates to assault leave. This requirement applies whether the handbook is in an electronic or paper form and includes a handbook posted on the district website.

Also, a district form for an employee leave request must include assault leave as an option.

Change from current law: New employee notification requirements regarding assault leave.

Effective Date: The requirements apply beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: Modify employee handbook and leave forms to comply with new requirements.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Office of Legal Services, 512/463-9720

Statute Amended or Added: Amends §22.004(m), Education Code

Summary: This bill amends the TEC, §22.004(m), to subject the uniform group health coverage under Chapter 1579, Insurance Code, as provided under Subchapter D of that chapter, to the requirements of the Texas Insurance Code, §§1501.102–1501.105, which limit restrictions on the coverage of preexisting conditions.

Change from current law: Previously, the uniform group health coverage under Chapter 1579 was not subject to the requirements of the Texas Insurance Code, §§1501.102–1501.105, which limit restrictions on the coverage of preexisting conditions.

Effective Date: September 1, 2009.

Action required for 2009-2010 School Year: Local school districts will have to ensure that their group health coverage plans comply with the new limitations on the restrictions related to preexisting conditions.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? The bill's applicability to charter schools is unclear.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Lisa Dawn-Fisher, School Finance, 512/463-9179.

Statute Amended or Added: Adds §25.007, Education Code

Summary: Currently school districts are not given authority to ease burdens foster children face during their transition between schools and school districts. SB 2248 addresses the transition challenges of students in foster care between schools and school districts, including the timely transfer of academic records and credits, student record exchange, promoting practices that facilitate ease of transition, and requiring measures that assist students in substitute care.

Change from current law: Not applicable

Effective Date: September 1, 2009.

Action required for 2009-2010 School Year: All provisions of the act will be required to be implemented, including developing an MOU with DFPS regarding the exchange of information as appropriate to facilitate the transition of students in substitute care from one school to another.

Outstanding Issues: None

Does this bill create a new program? Yes

Rulemaking Authority? No

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Robert Vitela, Health and Safety, 512/463-3733

Statute Amended or Added: Amends §25.087(b). Adds §25.087(b-3), Education Code

Summary: The amendment to §25.087(b) requires a school district to excuse a student's absence for the purpose of appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship or to take part in a United States naturalization oath ceremony, including travel for those purposes. Under current §25.087(c), the student may not be penalized for the absence and the student is included in average daily attendance if the student makes up the school work missed.

School districts are currently required to excuse certain temporary absences for appointments with health care professionals. New Subsection (b-3) specifies that such absences include the temporary absence of a student diagnosed with autism spectrum disorder for an appointment with a health care practitioner, as described by §1355.015(b), Insurance Code, to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy. The text of §1355.015(b), Insurance Code, is available at <http://www.statutes.legis.state.tx.us/SOTWDocs/IN/word/IN.1355.doc>.

Change from current law: The amendment to (b) establishes a new basis for which an absence must be excused. New (b-3) is a clarification of the application of (b)(2) to certain absences.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: Revise policy regarding excused absences to conform to the changes to §25.087.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Affects an existing SBOE rule.

Does this expressly apply to charters? Applicability is not express.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Office of Legal Services, 512/463-9720

Statute Amended or Added: Amends §25.087(b), Education Code

Summary: This legislation provides an exception to the Election Code for election clerks by allowing a high school student who is at least sixteen years of age, is a United States citizen, has completed training for serving as a clerk, is enrolled as a student in an educational institution or attends a home school, and has the permission of the principal of a public school or a parent for a home-schooled student to serve as an election clerk. Students serving as election clerks are allowed to have excused absences for their service and they may be compensated for their work. Time served as an election clerk may be applied toward a requirement for a school project at the discretion of the teacher or for a service requirement for participation in an advanced academic course program at the discretion of the program sponsor or a school-sponsored extracurricular activity at the discretion of the school sponsor.

Change from current law: This is an addition to the current requirements under §25.087 regarding absences that a district is required to excuse.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Revise policy regarding excused absences to conform to the changes to §25.087.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Affects an existing SBOE rule.

Does this expressly apply to charters? §32.0511, Election Code, as added, applies to a student who is enrolled in an open-enrollment charter school at the secondary level because the student is enrolled in a “public secondary school.” The amendment to §25.087 is not expressly applicable.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Attendance Issues--Office of Legal Services, 512/463-9720 and Curriculum Issues—Rosemary Morrow, Social Studies, Curriculum Division 512/463-9581.

Statute Amended or Added: Adds §25.087(b-2) and amends §25.087(c), Education Code

Summary: New §25.087(b-2) authorizes a school district to excuse the absence of a high school junior or senior for the purpose of visiting an institution of higher education that is accredited by a generally recognized accrediting organization for the purpose of determining the student's interest in attending the institution of higher education. For each student, the district may not excuse more than two days each school year for this purpose. Also, the district must adopt a policy to determine when an absence will be excused for this purpose and a procedure to verify the student's visit. Under Subsection (c), as amended, the student may not be penalized for the absence and the student is included in average daily attendance if the student makes up the school work missed.

Change from current law: Currently, whether to excuse such an absence would be determined by local policy, including the number of days allowed and other conditions, and the district did not receive funding. The student would now be included in average daily attendance for up to two days per year.

Effective Date: This legislation applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: If the district decides to implement this authority, the district needs to revise its policy regarding excused absences accordingly.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Affects an existing SBOE rule.

Does this expressly apply to charters? Applicability is not express.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Office of Legal Services, 512/463-9720

Statute Amended or Added: Amends §25.112, Education Code

Summary: This bill permits a school district to seek exceptions to the 22-1 class size limit, providing that the expiration expires at the end of the school year for which it was granted. The school district must apply for the exception no later than October 1 or the 30th day after the first school day the district exceeds the limit. The commissioner may take action permitted under TEC 39.131 for districts that repeatedly fail to comply with the section.

Change from current law: Semester class-size waiver applications are changed to an annual application. SB 300 grants the commissioner the authority under TEC 39.131 to lower the accreditation ratings for districts failing to comply with this requirement.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Development of a new annual letter and class-size waiver application.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? No

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Philip M. Cochran, Division of Regional Services, 512/463-9371

Statute Amended or Added: Amends §28.002, Education Code

Summary: This legislation requires the State Board of Education to adopt rules requiring students in grades six, seven, and eight to successfully complete a minimum of one fine arts course during those grade levels as part of a district's fine arts curriculum.

Change from current law: Currently, law and rule do not require students to complete any specific courses in grades six, seven, or eight, regardless of academic discipline. School districts are required to ensure that students develop proficiency in the essential knowledge and skills for all of the subjects in the required curriculum but there are no mandates for specific courses.

Effective Date: Effective immediately. Applies beginning with the 2010-2011 school year.

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? SBOE

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Tom Waggoner, Fine Arts, Division of Curriculum, 512/463-9581

Statute Amended or Added: Adds §28.002(d), Education Code

Summary: This legislation adds a requirement that the SBOE, by rule, revise any corresponding CTE curriculum each time the Texas Higher Education Coordinating Board revises the database of workforce education courses.

Change from current law: Not applicable

Effective Date: Effective immediately. Applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: It is anticipated that approximately one third of the CTE courses that correspond to WECM courses will need to be revised.

Outstanding Issues: It is anticipated that approximately one third of the CTE courses that correspond to WECM courses will need to be revised annually.

Does this bill create a new program? No

Rulemaking Authority? SBOE

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Karen Batchelor, Division of Curriculum, 512/463-9581

Statute Amended or Added: Adds §28.002, Subsection (d); amends §28.002 Subsection (l); and adds §25.114, Education Code

Summary: This bill requires the physical education curriculum to be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life. In addition, the legislation requires school districts to establish specific objectives and goals that the districts intend to accomplish through the physical education curriculum.

In identifying essential knowledge and skills the State Board of Education is required to ensure that the curriculum:

- emphasizes the knowledge and skills that are capable of being used during a lifetime of regular physical activity;
- is consistent with national physical education standards for the information that students should learn about physical activity and the physical activities that students should be able to perform;
- requires that, on a weekly basis, at least 50 percent of the physical education class be used for actual student physical activity that is, to the extent practicable, at a moderate or vigorous level;
- offers students an opportunity to choose among many types of physical activity in which to participate including cooperative and competitive games;
- meets the needs of students of all physical ability levels, including students who have a disability, chronic health problem, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;
- takes into account the effect that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;
- teaches self-management and movement skills, cooperation, fair play, and responsible participation in physical activity;
- promotes student participation in physical activity outside of school; and
- allows physical education classes to be an enjoyable experience for students.

This bill also requires school districts to require students enrolled in full-day prekindergarten to participate in at least 30 minutes of moderate or vigorous daily physical activity throughout the school year as part of the district's physical education curriculum or through structured activity during daily recess. To the extent practicable, a school district must require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten.

Other provisions require districts to use, to the extent practicable, student/teacher ratios that are small enough to enable the district to carry out the purposes and requirements for the physical education curriculum and ensure the safety of students participating in physical education. If a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the district must specifically identify the manner in which the safety of the students will be maintained.

Change from current law: The current law does not specifically define or identify components required in a school district's physical education curriculum and does not include the percent of class time that students must be engaged in moderate or vigorous physical activity. The current law does not identify physical education curriculum needs for specific circumstances or conditions of students.

The current law does not include prekindergarten students in the physical activity requirement. The current law does not address teacher/student ratios in physical education classes.

Effective Date: Effective immediately. Applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: School districts may need to review, select, or adopt curricula and objectives to meet the new physical education curriculum requirements and to meet the needs of students of all physical ability levels. In addition, school districts may need to adjust weekly classes to ensure, that at least 50 percent of the physical education class is used for actual student physical activity and that the activity is, to the extent practicable, at a moderate or vigorous level. Prekindergarten programs will need to incorporate the new physical activity requirement of 30 minutes of moderate to vigorous daily physical activity for students, to the extent practicable, in the physical education curriculum or through recess. School districts may need to adjust student/teacher ratios for student safety if there are classes greater than 45 to 1 or specify the manner in which the safety of students in these physical education classes will be accomplished.

The State Board of Education is required to ensure that the essential knowledge and skills of the physical education curriculum comply with the specific components of the new legislation.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? SBOE

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Phyllis Simpson, Health and Physical Education, Curriculum Division, 512/463-9581

Statute Amended or Added: Amends §28.002, Subsection (p), Education Code

Summary: This legislation allows a teacher to modify the suggested sequence and pace of the parenting and paternity awareness program at the discretion of the school district.

Change from current law: The current law does not give school districts latitude to change the instructional pace or sequence of the parenting and paternity awareness program. This bill permits school districts to use discretion in allowing teachers to modify the suggested sequence and pace of the parenting and paternity awareness curriculum.

Effective Date: Effective immediately and applies beginning September 1, 2009

Action required for 2009-2010 School Year: School districts are to continue the implementation of the parenting and paternity awareness curriculum with the authority to use discretion in allowing teachers to regulate the instructional sequence and pace.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Phyllis Simpson, Health and Physical Education, Curriculum Division, 512/463-9581

Statute Amended or Added: Amends §28.002, Subsection (p) and adds Subsections (p-2), (p-3), and (p-4), Education Code

Summary: This legislation allows the parenting and paternity awareness program developed by the State Board of Education (SBOE) in conjunction with the office of the attorney general to be used in district middle or junior high school curricula. At the discretion of the school district a teacher may modify the suggested sequence and pace of the program at any grade level. The bill also adds middle and junior high schools to the requirement that the parenting and paternity awareness program address skills relating to the prevention of family violence if schools do not currently have a family violence prevention program.

Section (p-2) of the bill stipulates that a school district may develop or adopt research-based programs and curriculum materials for use in conjunction with the parenting and paternity awareness program. Those programs may include instruction in: (1) child development; (2) parenting skills, including child abuse and neglect prevention; and (3) assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence. Other provisions of the bill require TEA to evaluate programs and curriculum materials developed under Subsection (p-2) and distribute to other school districts information regarding those programs and materials.

A student under 14 years of age may not participate in a parenting and paternity awareness program without the permission of the student's parent or person standing in parental relation to the student.

Change from current law: Currently, the law does not identify middle and junior high schools in the requirement for the parenting and paternity awareness program. TEA is required to evaluate additional programs and curriculum materials developed or adopted by school districts and distribute information regarding those programs to school districts. The bill requires that parents of students under 14 years of age give permission before participating in the program.

Effective Date: Effective immediately and applies beginning September 1, 2009

Action required for 2009-2010 School Year: School districts may use the program in middle and junior high schools and adopt or develop additional research based curricula for the 2009-2010 school years.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Phyllis Simpson, Health and Physical Education, Curriculum Division, 512/463-9581

Statute Amended or Added: Adds §28.002(q), Education Code

Summary: This legislation requires a district to not vary the curriculum for a course in the required curriculum based on whether a student is enrolled in the minimum, recommended, or advanced high school program.

Change from current law: Not applicable

Effective Date: Effective immediately. Applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? No

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Monica Martinez, Division of Curriculum, 512/463-9581.

Statute Amended or Added: Amends §28.002, adding Subsection (r), Education Code

Summary: This legislation requires adoption of essential knowledge and skills in health education that address the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning.

Other provisions of the bill require the Texas Education Agency to compile a list of evidence-based alcohol awareness programs from which a school district must choose to use in the district's middle school, junior high school, and high school health curriculum. The bill defines "evidence-based alcohol awareness program" as a program, practice, or strategy that has been proven to effectively prevent or delay alcohol use among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.

Change from current law: The bill requires the State Board of Education to adopt essential knowledge and skills that address the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning. The bill also requires school districts to select an evidence-based alcohol awareness prevention program for use in middle school, junior high, and high school health education curriculum.

Effective Date: Effective immediately. Applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: School districts are required to choose an evidenced-based alcohol awareness instructional program to use in the district's middle school, junior high school, and high school health curriculum. A list of evidence based alcohol prevention awareness programs will need to be identified by TEA and made available to school districts.

Outstanding Issues: None

Does this bill create a new program? The bill requires TEA to compile a list of evidence-based alcohol awareness programs.

Rulemaking Authority? SBOE

Does this expressly apply to charters? Yes, with respect to high school health courses taken for graduation credit.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Phyllis Simpson, Health and Physical Education, Division of Curriculum, 512/463-9581

Statute Amended or Added: Amends §28.004, Education Code

Summary: This bill amends the local school health advisory council provisions (SHAC) by requiring the board of trustees to appoint at least five members. One of the members appointed by the school board must serve as chair or co-chair of the council. The council is required to meet at least four times a year and annually submit a report to the board regarding recommendations about the district's health education curriculum and a detailed explanation of the council's activities that year. School districts are required to provide written notice regarding whether human sexuality will be taught, and if so, include a summary of the course content and what the parent's rights are.

Change from current law: This bill adds requirements to the local school health advisory councils.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: The SHAC's must adhere to the new requirements in School Year 09-10.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No, not expressly.

Does this bill contain a new reporting requirement for TEA/school districts? Yes, SHAC's must report to their school boards at least once a year.

For further information, please contact: Ginny Barr, Health and Safety, 512/463-3070

Statute Amended or Added: Amends §28.009, Education Code

Summary: This section of the bill adds a provision that states that a school district is not required to pay for a student's tuition and costs associated with taking a course for college credit as part of the College Credit Program.

Change from current law: The amendment to §28.009 codifies this provision.

Effective Date: September 1, 2009; Expires September 1, 2011

Action required for 2009-2010 School Year: None.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? This applies to charter schools, however charter schools are not required to offer the College Credit Program under TEC Section 28.009.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Barbara Knaggs, State Initiatives, 512/936-6060

Statute Amended or Added: Amends §28.014(d), Education Code

Summary: HB 3, Section 27 removes the prohibition on using questions developed for purposes related to the Texas Success Initiative for higher education (TEC §51.3062) to calculate a student's scale score that indicates satisfactory performance on an EOC assessment instrument.

The assessments adopted under TEC §28.014(c) are intended to ensure the rigor of courses developed in mathematics, ELA, science, and social studies (TEC §28.014(a)) for students in the 12th grade level who did not meet college readiness standards on an end-of-course assessment instrument required under §39.023(c).

Change from current law: Current law prohibits the use of a student's performance on a question adopted under this subsection to determine the student's performance on an end-of-course assessment instrument. These questions can only be used for purposes related to the Texas Success Initiative.

Effective Date: Applies beginning with 2009-2010 school year

Action required for 2009-2010 School Year: Per TEC §28.014(d), there is no required action for the 2009-2010 school year.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? No

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Student Assessment, 512/463-9536

Statute Amended or Added: Adds §28.021(c), (d), and (e); amends §28.0211(a); adds §28.0211(a-1), (a-2), (a-3), and (n), Education Code

Summary: HB 3, Section 28 amends §28.021 to require school districts to consider the following in determining whether a student should be promoted to the next grade:

1. the recommendation of the student's teacher;
2. the student's grade in each subject or course;
3. the student's score on the TAKS (English or Spanish) in grades 3-8 or an alternate assessment under §39.023(b) or (l); and
4. any other necessary academic information.

The bill requires school districts to make public the requirements for student advancement by the start of the school year. The commissioner of education is required to provide guidelines to districts based on best practices for use in considering factors for promotion.

HB 3, Section 29 amends the Student Success Initiative to remove all SSI grade 3 requirements and the requirement that third grade students pass the TAKS reading assessment in order to be eligible for promotion to grade 4.

Under subsection (a-1), a student who fails **any** TAKS assessment in grades 3-8 must receive accelerated instruction in the applicable subject area, which may include instruction outside of normal school operating hours. The bill requires the commissioner of education to provide guidelines to districts on research-based best practices and effective strategies for use in developing an accelerated instruction program [subsection (a-3)].

Under subsection (a-2), a student who fails the reading or mathematics TAKS in grade 5 or grade 8 and who is promoted to the next grade level must complete the required accelerated instruction as a condition of promotion.

Under subsection (n), a grade 5 or 8 student who is promoted by a grade placement committee must be assigned to a teacher in the next grade who meets all state and federal qualifications to teach the subject in which the student failed the TAKS.

Change from current law: Current law requires students in grade 3 to pass TAKS reading as a condition for promotion to grade 4. Under current law, accelerated instruction is required only for students who fail the TAKS in the SSI grades and subjects – reading in grades 3, 5, and 8; reading and mathematics in grades 5 and 8.

The qualified teacher provision for students who are promoted after failing the TAKS in grade 5 or grade 8 does not appear in current law; neither do the factors that districts must consider in the decision to promote students under §28.021.

Effective Date: Applies beginning with 2009-2010 school year

Action required for 2009-2010 School Year: The commissioner must provide to districts guidelines based on best practices for use in considering factors for promotion; and guidelines on research-based best practices and effective strategies for use in developing an accelerated instruction program. School districts must make the requirements for student advancement public by the start of the school year.

The removal of grade 3 reading from SSI requirements will affect the testing schedule beginning with the 2009-2010 testing schedule. TEA will need to revise other materials, including testing manuals, the Grade Placement Committee Manual, parent information brochures, etc.

Outstanding Issues: None

Does this bill create a new program? No

Does this bill require a new report? No, but student performance data reports for the 2nd and 3rd administrations of TAKS grade 3 reading will no longer be necessary; nor will the grade 3 reading cumulative summary report.

Rulemaking Authority? The bill requires the amendment of 19TAC, Ch. 101, Subch. BB, Commissioner's Rules Concerning the Student Success Initiative.

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? Districts must alert the public about the new criteria it must consider when making grade promotion decisions.

For further information, please contact: Sarah Crippen, English Language Arts and Reading, Curriculum Division 512/463-9581 or Division of Student Assessment, 512/463-9536

Statute Amended or Added: Amends §28.025(a), (b), and (b-1) and adds Subsections (b-3) through (b-10), Education Code

Summary: **General Graduation Requirements** - This legislation requires the State Board of Education (SBOE) to designate specific courses in the foundation curriculum required for a student participating in the minimum, recommended, or advanced high school program. The legislation does not permit the SBOE to designate a specific course or a specific number of credits in the enrichment curriculum as requirements for the recommended program, except as explicitly allowed in statute.

The SBOE, in coordination with the Texas Higher Education Coordinating Board, must adopt rules to ensure that a student may comply with the curriculum requirements under the minimum, recommended, or advanced high school program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an institution of higher education.

Minimum High School Program - This legislation requires that a student be at least 16 years of age; have completed two credits required for graduation in each subject of the foundation curriculum; or have failed to be promoted to the tenth grade one or more times as determined by the school district in order to be permitted to take courses under the minimum high school program. The legislation also requires that a student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that a student should be allowed to take courses under the minimum high school program. A student agreeing to take courses under the minimum program may, upon request, resume taking courses under the recommended high school program.

Before a student's parent or other person standing in parental relation to the student may agree that the student be permitted to take courses under the minimum high school program, a school district must provide written notice developed by the agency explaining the benefits of the recommended high school program. The notice must be printed in English and Spanish and require that a student's parent or other person standing in parental relation to the student sign a confirmation of receipt and return the confirmation to the student's campus.

Recommended and Advanced High School Program - The legislation requires students taking courses under the recommended and advanced high school programs to successfully complete four credits in each subject of the foundation curriculum including at least one-half credit in government and at least one-half credit in economics to meet the social studies requirement. Students must also successfully complete two credits in the same language in a language other than English for the recommended high school program and three credits in the same language in a language other than English for the advanced high school program. In addition, students taking courses under the recommended high school program must successfully complete six elective credits and students taking courses under the advanced high school program must successfully complete five elective credits.

The SBOE is required to approve a variety of mathematics and science courses that may be taken after the completion of Algebra II and physics to comply with the recommended program requirements. A school district may offer a mathematics or science course to be taken by a student after the completion of Algebra II and physics to comply with the recommended program requirements. A course approved for this purpose must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit.

A school district may offer the curriculum for the four foundation subjects in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and students must be administered the applicable end-of-course assessment instruments.

Fine Arts and Physical Education - Students under all three high school programs will be required to complete one credit in fine arts and one credit in physical education. A school district, with the approval of the commissioner, may allow a student to comply with the curriculum requirements for the physical education credit by participating in a private or commercially sponsored physical activity program provided on or off a school campus and outside the regular school day.

Change from current law: This legislation provides more specific guidance about what the SBOE can and cannot require when adopting graduation requirements.

Currently, all that is required for a student to opt to take courses under the minimum high school program is an agreement among a student, the student’s parent or other person standing in parental relation to the student, and a school counselor or school administrator. There is not a requirement that the agreement be made in writing. This legislation adds requirements that must be met in order for a student to take courses under the minimum high school program and requires that the agreement be made in writing. This legislation also requires a parent or person standing in parental relation to a student to receive written notice explaining the benefits of the recommended high school program prior to agreeing that a student should take courses under the minimum high school program.

Currently, students taking courses under the recommended and advanced high school programs must successfully complete one and one-half credits in physical education, one-half credit in health education, one-half credit in speech, one credit in technology applications, and three and one-half electives (recommended) or two and one-half electives (advanced). This legislation would remove the requirements that students earn credits in health education, speech, and technology applications and would reduce the physical education credit requirement from one and one-half to one. The legislation would also increase the total number of elective credits to six for the recommended program and five for the advanced program.

Effective Date: Effective immediately. Applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? SBOE

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Monica Martinez, Division of Curriculum, 512/463-9581

Statute Amended or Added: Adds §28.025(b-9), Education Code

Summary: This legislation requires the agency to establish a pilot program allowing a student attending school in a county with a population of more than one million and in which more than 80 percent of the population resides in a single municipality to satisfy the fine arts credit required for graduation by participating in a fine arts program not provided by the school district in which the student is enrolled. The fine arts program may be provided on or off a school campus and may take place outside the regular school day.

Change from current law: Currently, students must take a course offered by the school district to satisfy the fine arts graduation requirement.

Effective Date: Effective immediately. Applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: The agency must establish the pilot program.

Outstanding Issues: None

Does this bill create a new program? This bill creates a new pilot program.

Rulemaking Authority? No

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Tom Waggoner, Fine Arts, Division of Curriculum, 512/463-9581

Statute Amended or Added: Amends §28.0252(b), Education Code

Summary: This legislation deletes language that would require use of a method for calculating grade point average established by the Texas Higher Education Coordinating Board if that method were determined to be in conflict with any method developed by the commissioner of education.

Change from current law: Current law permits the commissioner of education to develop a standard method for calculation of a student's high school grade point average. Current law also states that if there is conflict between a method developed by the commissioner of education and the method for calculation of grade point average adopted by the Texas Higher Education Coordinating Board to be used in determining a student's eligibility for university admission, the method adopted by the Texas Higher Education Coordinating Board must be used in determining a student's eligibility for university admission.

Effective Date: Effective immediately. Applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Kelly Callaway, Division of Curriculum, 512/463-9581

Statute Amended or Added: Adds §28.0253, Education Code

Summary: This legislation creates a pilot program in which a research university may partner with ten school districts to design a program that will enable students to show mastery of the subjects for which college readiness standards have been adopted as well as mastery of a language other than English. In demonstrating mastery of these subjects students will be able to demonstrate early readiness for college. The research university will develop assessments or other means equivalent to those used to place a student in courses toward a degree in order for students to show mastery.

The research university will enter into an agreement with each partner district under which the university and district agree that the district will assess a student's mastery of the subject areas for which there are college readiness standards and mastery of a language other than English. If the student demonstrates mastery, a school district may award a high school diploma to the student. A student who receives a high school diploma through the pilot program is considered to have completed the recommended high school program. The student is not guaranteed admission to any institution of higher education or to any academic program at an institution of higher education solely on the basis of having received the diploma through the pilot program.

Change from current law: Students who demonstrate college readiness will be allowed to begin their post-secondary education without completing all the courses required for graduation under current law.

Effective Date: Effective immediately. Applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: By September 1, the research university should have the standards posted on their website.

Outstanding Issues: None

Does this bill create a new program? Yes

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Kelly Callaway, Advanced Academics/Gifted Education, Division of Curriculum 512/463-9581

Statute Amended or Added: Adds §28.0261, Education Code

Summary: This legislation adds a requirement that school districts adopt a grading policy before the start of each school year. The policy (1) must require a classroom teacher to assign a grade that reflects the student's relative mastery of an assignment; (2) may not require a classroom teacher to assign a minimum grade for an assignment without regard for the student's quality of work; and (3) may allow a student a reasonable opportunity to make up or redo a class assignment or examination for which the student received a failing grade.

Change from current law: Current law does not require school districts to adopt a grading policy.

Effective Date: Effective immediately. Applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: School districts will need to adopt grading policies before the start of the 2009-2010 school year.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Monica Martinez, Curriculum Division, 512/463-9581

Statute Amended or Added: Adds Subsection (d-1) to §29.081, Education Code

Summary: The bill adds a provision to §29.081 that changes the compensatory education definition of “student at risk of dropping out of school” by excluding a student who did not advance from prekindergarten or kindergarten to the next grade level only as the result of the request of the student’s parents.

Change from current law: Current law under §29.081(d)(1) includes in the compensatory education definition of “student at risk of dropping out of school” any student who was not advanced from one grade level to the next.

Effective Date: The Act applies beginning with the 2009-2010.

Action required for 2009-2010 School Year: With regard to prekindergarten and kindergarten students, change identification of students as “at risk of dropping out of school” for purposes of state compensatory education programs to conform to the modification of the statutory definition.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Yes, this bill applies to student eligibility for programs funded with state compensatory education funds that open-enrollment charters receive under Chapter 42.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Dahlinda Alaniz, Compensatory Education, 512/463-9095

Statute Amended or Added: Amends §29.082, Education Code

Summary: This legislation amends §29.082 to add (h) which states the commissioner shall give priority to applications for optional extended year programs (OEYP) to districts with high concentrations of educationally disadvantaged students.

Change from current law: This section adds a new requirement for the type of districts that should be given priority to receive funds.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Update the current OYEP rules to address the eligibility priority.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner of Education

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Julie Wayman, Communities in Schools, 512/936-6404

Statute Amended or Added: Amends §29.0822, Education Code

Summary: This bill is related to the Optional Flexible School Day Program (OFSDP) courses offered by school districts to enable students to earn course credit under certain circumstances.

Section 1 of the bill amends the TEC, §29.0822, by amending Subsections (a), (c), and (d) and adding Subsection (e). The amendments remove the limitation that the OFSDP be provided only to students in grades 9 through 12. Also, under the amended section, school districts can offer the OFSDP to students who would be denied credit for one or more courses because they did not meet the attendance requirements for the course(s). The amended section limits funding for these students to funding only for the attendance necessary for the students to earn the class credit that would otherwise be denied because of the students' not meeting attendance requirements. School districts can enroll a student in an OFSDP course offered during the school year or during the period in which school is recessed for the summer to the extent necessary for the student to earn class credit that, as a result of attendance requirements, the student would not have otherwise received without retaking the class.

Section 2 of this bill makes the bill's provisions apply beginning with the 2009–2010 school year.

This bill took effect immediately on passage with the necessary voting margins.

Change from current law: The bill expanded student eligibility for the OFSDP by making students in any grade eligible to participate, as long as they meet other eligibility criteria, and by adding a new category of eligibility (students who wish to recover course credits because of attendance). The bill allows funding of OFSDP summer programs for those students participating in the OFSDP to recover credits (funding is limited to the equivalent of one ADA per school year).

Effective Date: The statute takes effect immediately and applies beginning with the 2009–2010 school year.

Action required for 2009-2010 School Year: The agency will need to amend its rule on the OFSDP, 19 TAC §129.1027, and inform school districts of program changes.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes, charter schools are eligible to apply to operate an OFSDP.

Does this bill contain a new reporting requirement for TEA/school districts? The bill does not expressly require it, but because the information is needed for funding calculations, school districts and open-enrollment charter schools will be asked to report through the PEIMS which students participating in an OFSDP are participating to recover credits.

For further information, please contact: Belinda Dyer, Forecasting and Fiscal Analysis, 512/ 475-3451.

Statute Amended or Added: Amends §29.094(c), Education Code

Summary: When selecting participants for the intensive reading or language intervention pilot program, the commissioner may select only campuses that have failed to improve reading performance according to standards established by the commissioner.

Change from current law: This legislation changes current language from “standards *required* for student promotion” to “standards *considered* for student promotion.”

Effective Date: Effective immediately. Applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: None

Outstanding Issues: No funds were appropriated for the Intensive Reading or Language Intervention Pilot Program.

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Kathy Lovett, Division of Curriculum, 512/463-9581

Statute Amended or Added: Amends §29.098, §61.0762, and §39.363, Education Code

Summary: The bill authorizes the provision of intensive summer programs for public school students and college readiness programs at public institutions of higher education.

Change from current law: This bill adds social science to the list of subject areas which may be included in a higher education bridge program and clarifies that the bridge program is designed to assist students at institutions of higher education avoid the need for developmental education. It modifies the eligibility criteria for the intensive pilot to address the needs of students at risk of dropping out of college rather than providing financial assistance for educationally disadvantaged students. Increases the flexibility under which a grant to an institute of higher education may be awarded by including other eligibility criteria that may be established by the Texas Higher Education Coordinating Board (THECB). It also deletes the requirement that the intensive pilot programs for higher education or secondary school students must include at least four weeks of rigorous academic instruction. The bill removes the requirement that an institute of higher education must create work study opportunities for students in teacher preparation programs, if practicable. The bill also enables THECB to continue providing funding to the commissioner of education to implement and administer the secondary school Intensive Summer grant programs.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Jan Lindsey, Director, College and Career Readiness Initiatives, Department of State Initiatives 512/936-6060

Statute Amended or Added: Amends §29.153, Education Code

Summary: This bill amends the section regarding prekindergarten eligibility to define “child” to include a stepchild and “parent” to include a stepparent. The new definitions affect the application of the eligibility provisions for a child whose parent is an active duty member of the armed forces or whose parent was injured or killed while on active duty.

Change from current law: §29.153 does not currently have definitions of “child” or “parent.” Since 2007, the agency has funded stepchildren of service personnel if the children lived in the stepparent’s household. Under this legislation, a stepchild is eligible whether or not the child resides in the same household as the stepparent.

Effective Date: The change applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: Change local policies regarding prekindergarten eligibility to conform to the change in §29.153.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Yes, the Chapter 29 provisions relating to prekindergarten apply to open-enrollment charters under §12.104(b)(2)(H).

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Cami Jones, Curriculum Division, 512/463-9581

Statute Amended or Added: Adds §29.1534, Education Code

Summary: The intent of the law is to ensure that all measures are being taken to notify families with eligible children of free public prekindergarten services. This law will set up a new function in the agency to coordinate with other state agencies serving the same population to develop joint communications strategies and to provide information regarding those strategies to school districts. Local school districts are required to report annually to the agency the strategies used to notify families of eligible children of the availability of prekindergarten services. The agency is required to post that data to the agency's website within 90 days of receipt.

Change from current law: Although current TEC 29.153(e) requires school districts to notify the population in the district with children who are eligible for enrollment in a prekindergarten class of the availability of such classes, there has not been a requirement that strategies for notification be reported to the agency or publicly posted. The new law requires the agency to not only collect and post local district notification strategies to the TEA website, but to develop recommended strategies, post those recommendations and report on the recommendations and on local district strategies to the legislature. In addition, the agency may develop outreach materials for use by school districts to increase community awareness of prekindergarten programs.

New to this section is the definition of "prekindergarten program" to include prekindergarten programs provided by a private entity through a partnership with the school district.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: TEA is required to develop data collection and reporting instruments for school districts to use to submit required information regarding public notification strategies. A report required by this subsection may be combined, at the discretion of the commissioner, with another report that districts submit to the agency.

The law requires TEA, in cooperation with other state agencies, to develop strategies for increasing public awareness of prekindergarten programs and to provide information to school districts about those strategies. TEA may develop outreach materials for use by school districts to increase community awareness of prekindergarten programs.

Outstanding Issues: There is no appropriation for the cost of implementation of this bill.

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Only to charter schools offering prekindergarten programs.

Does this bill contain a new reporting requirement for TEA/school districts? Yes. The law requires school districts to report strategies implemented for increased public awareness of public prekindergarten programs to TEA. A report required by this subsection may be combined, at the discretion of the commissioner, with another report that districts submit to the agency. The agency is required to post those data to the agency's website within 90 days of receipt.

For further information, please contact: Lilie Elizondo-Limas or Gina S. Day, School Readiness and Partnerships, 512/936-6060.

Statute Amended or Added: Amends §29.182(b), Education Code

Summary: This legislation requires the (Perkins) state plan to define CTE as an option for student learning that provides a rigorous course of study consistent with the required curriculum under §28.002. A student will be allowed to receive specific education in a CTE program that incorporates competencies leading to academic and technical skill attainment; leads to an industry-recognized license, credential, or certificate; or at the postsecondary level, an associate or baccalaureate degree; includes opportunities for student to earn college credit for coursework; and includes as an integral part of the CTE program participation by students and teachers in activities of career and technical student organizations supported by the agency and the SBOE.

Change from current law: Current law does not require the state plan to define a CTE program as incorporating competencies leading to academic and technical skill attainment; leading to an industry-recognized license, credential, or certificate; or at the postsecondary level, an associate or baccalaureate degree; including opportunities for student to earn college credit for coursework; and including as an integral part of the CTE program, participation by students and teachers in activities of career and technical student organizations supported by the agency and the SBOE.

Effective Date: Effective immediately. Applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Karen, Batchelor, Division of Curriculum, 512/463-9581

Statute Amended or Added: Amends §29.190(a) and (c) and adds §29.190(e), Education Code

Summary: This legislation changes the student reimbursement for the cost of certification or licensure examinations to district reimbursement for any student that successfully completes a CTE program in which the student receives training and instruction for employment in a current or emerging high-demand, high-wage, or high-skill occupation regardless of financial need. These occupations would be determined by the commissioner in collaboration with the commissioner of higher education and the Texas Workforce Commission. It also includes the reimbursement for CTE students that are in special education programs. The district or student may pay the initial certification fees. If the student pays, the student must apply to the district for reimbursement. The district must apply to the commissioner for reimbursement.

Change from current law: The 80th Legislature passed HB 2383 (existing §29.190) providing a reimbursement for economically disadvantaged students for the cost of certification or licensure examinations. The bill was not funded.

Effective Date: Effective September 1, 2009.

Action required for 2009-2010 School Year: Approval of list of high-skill, high-wage, high-demand occupations and development of process for district reimbursement of certification examinations. Districts will need to provide proof of the cost of the certification examination and that a student passed a certification examination to submit for reimbursement. Many certifying agencies will only release passing scores to the student.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Karen Batchelor, Division of Curriculum, 512/463-9581

Statute Amended or Added: Adds Subchapter L, §29.451 – §29.458, Education Code

Summary: SB 643 includes new Subchapter L, of Chapter 29 of the Texas Education Code (TEC) §§29.451 – 29.458. This section is very narrowly written, and only applies to eligible school age alleged offender residents of the forensic state supported living center.

TEC §29.454 – Behavior Support Specialists – Requires the local school district (LEA) to employ one or more behavior support specialists to serve students while in school. This section provides detailed qualifications and duties/responsibilities specific to the behavior support specialists. This section also provides the same immunity from liability the same as other school personnel employed by the district.

TEC §29.455 – Memorandum of Understanding – Requires the LEA and Forensic State Supported Living Center to enter into an MOU to establish duties and responsibilities of the behavior support specialists to ensure safety of students and staff; and to ensure appropriate facilities for the provision of educational services.

TEC §29.456 – Failure of School District and Center to Agree – Permits the LEA or Center to refer issues of disagreement between the parties to the commissioner of education and the commissioner of DADS. If the two commissioners are unable to bring the parties to agreement, the commissioners shall jointly submit a written request to the attorney general to appoint a neutral party knowledgeable in special education and mental retardation to resolve the issue of disagreement. The decision of the neutral party is final and may not be appealed. The agency and department will take the necessary steps to enforce the decision of the neutral party.

TEC §29.457 – Funding – Provides additional funding for each of the students under this subchapter served by the LEA. The section also requires the LEA to submit to executive and legislative leadership (including four committee chairs) an expenditure report specific to the use of these additional funds.

Change from current law: This is a completely new subchapter of state statute. The subchapter establishes specific requirements the LEA must implement when serving eligible school age alleged offender residents.

Effective Date: June 11, 2009

Action required for 2009-2010 School Year: The LEA must provide district services to each eligible school age alleged offender resident; hire behavior support specialists; implement the requirements of Sec. 29.454, pertaining to the behavior support specialists; and enter into a memorandum of understanding (MOU) with the Forensic State Supported Living Center; and submit an expenditure report to state leadership on December 1 of each year. The agency and DADS will need to discuss funding issues, including the distribution of funds prior to the beginning of the school year.

Outstanding Issues: Funding issues will need to be resolved and possible agency rule-making.

Does this bill create a new program? Yes, in-part because it requires specific behavior support provisions and additional funds to pay for the behavior provisions.

Rulemaking Authority? Commissioner

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? Yes, the school district must submit a report accounting for the expenditure of the funds received under this subchapter. The report must be sent to the executive and legislative leadership branches (committee chairs), as well as each member of the legislature whose district is included in the boundaries of the LEA. May also require a new data element to identify eligible students for services at this facility to determine which students are eligible for the additional funding.

For further information, please contact: Division of IDEA Coordination or Office of Special Programs, 512/463.9414

Statute Amended or Added: Amends §29.915, Education Code

Summary: This legislation expands a personal financial literacy pilot program from including not more than 25 school districts to including not more than 100 school districts.

Change from current law: Currently, the law allows for a personal financial literacy pilot program to include not more than 25 school districts. This legislation simply expands the pilot program to include up to 100 districts.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Rosemary Morrow, Social Studies, Curriculum Division, 512/463-9581

Statute Amended or Added: Amends Chapter 30A, Education Code

Summary: This legislation adds three new one-time reporting requirements to TEC Chapter 30A, the state virtual school network. All three are due to the legislature not later than January 1, 2011.

Section 92 requires the agency to evaluate whether providers of different types of electronic courses offered through the state virtual school network should receive varying amounts of state funding based on the type of course provided.

Section 93 requires the agency to investigate the feasibility of making language acquisition courses available through the state virtual school network by obtaining state subscriptions or other possible means of access. If the Agency determines that this is feasible, then the report must include recommendations for ensuring that students enrolled in those courses are making progress toward language proficiency.

Section 94 requires the agency to investigate the feasibility of creating one or more series of courses to be provided through the state virtual school network that focus on the education needs of students in alternative education settings. This includes students in disciplinary alternative education programs under §37.008; in juvenile justice alternative education programs under §37.011; and under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice. The investigation should examine each of the following, as part of a series of course offerings available to students: full-time, supplemental, and credit recovery courses.

Change from current law: Sections 15, 16, and 17 were added to TEC Chapter 30A.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Identify strategies for implementing research; begin research process; prepare research findings for December 1, 2010, Progress Report on the Long-Range Plan to Technology, 2006-2020, to the Legislature.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Kate Loughrey, Division of Instructional Materials and Educational Technology, 512/463-9400.

Statute Amended or Added: Amends Chapter 30A, Education Code

Summary: This section provides for collaboration between the Commissioner of Education and the Commissioner of Higher Education to conduct a study of dual credit programs and courses. The study must focus on costs to the state, school district, community college and students. Both entities will make recommendations based on results of the study. The study may be consolidated with any other appropriate study regarding dual credit programs.

Change from current law: Amendments to TEC Chapter 30A.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Develop strategies to conduct the study in collaboration with the Texas Higher Education Coordinating Board.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Kate Loughrey, Division of Instructional Materials and Educational Technology, 512/463-9400

Statute Amended or Added: Amends §30A.002, §30A.006, §30A.101, §30A.104, §30A.1051, §30A.109, §30A.111, §30A.1121, §30A.151, and §30A.155, Education Code

Summary: Amends TEC 30A to allow a student to enroll full-time in courses provided through the Texas Virtual School Network (TxVSN) if the student: is a dependent of a member of the US military, was enrolled in a Texas public school in the preceding school year, and does not reside in this state due to a military deployment or transfer. Section 27 clarifies that this section does not apply to electronic courses or programs offered only to districts students if the course is not provided as part of the state virtual school network.

Section 28 repeals Section 29.909 and moves the electronic course pilot (eCP) under the state virtual school network. Authorization for electronic courses offered during the 2008-2009 school year under the eCP to be offered in the subsequent year. The commissioner may by rule modify any provision in this chapter necessary to provide for the transfer of programs under 29.909.

Section 29 changes requirement to allow a charter school campus (not school) to act as a provider if the campus is rated recognized or higher except for students receiving educational services under the supervision of the juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice if the campus is rated acceptable or higher. A campus may serve as a provider to a student within the school district where the campus is located or within its service area, whichever is smaller, or through an agreement with the district in which the student resides, or if the student receives educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Department of Criminal Justice through an agreement with the applicable agency.

Section 30 limits virtual school courses to grade 3 or above.

Section 31 states that the Agency shall continue to pay for the evaluation of electronic courses offered through the state virtual school network (TxVSN) and give priority for the evaluation of courses. If the Agency experiences a shortage of funds to evaluate courses, the entity that submitted the course(s) may pay for the evaluation of their course.

Section 32 entitles students who transfer from one educational setting to another after beginning enrollment of an electronic course, to continue enrollment in that same course.

Section 33 requires out-of-state students must meet eligibility requirements under Section 30A.002(c) relating to military dependents.

Section 34 requires the electronic course through the state virtual school network. The rules may modify the application of Sections 25.085, 25.086, and 25.087. Requires students enrolled in electronic courses to participate in an educational program equivalent to the requirements of those sections.

Section 35 requires the commissioner by rule to establish procedures for verifying successful completion by a teacher of the appropriate professional development course required to teach via the state virtual school network. The commissioner shall also establish procedures and qualifications applicable to college instructors providing dual credit instruction through the TxVSN.

Section 36 allows a school district or open enrollment charter school to provide professional development courses to teachers seeking to become authorized to teach electronic courses provided by TxVSN. The agency shall review each professional development course to determine if the course meets the quality standards established under Section 30A.111(a) (2).

Section 37 establishes that for a full time electronic course program offered through TxVSN for grades 3 – 8 is entitled to receive federal, state and local funding for a student enrolled in the program equal to the funding the district or school would otherwise receive for a student enrolled.

For each student who successfully completed a TxVSN course as part of a normal course load for grades 9 - 12, an allotment of \$400 is provided to the district or charter school that provided the course and an allotment of \$80 is provided to the district or charter school in which the student was enrolled as reimbursement for administrative costs. Juvenile probation departments and state agencies are eligible to receive comparable state funding for students under their supervision successfully completing a course.

Change from current law: TEC Section 30A was amended to include language for the participation of the electronic course pilot which was repealed under Section 29.909. Language was included to provide an allotment of \$400 to the district or charter school that provided the course and an allotment of \$80 to the district or charter school in which the student was enrolled. Changes also clarified policies related to professional development requirements for teachers and college instructors.

Effective Date: September 1, 2009

Action required for 2005-2006 School Year: Development of commissioner rules; establish procedures for the funding allotment to districts and open enrollment charter schools, and develop priority guidelines for the selection of students to receive courses.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Kate Loughrey, Division of Instructional Materials and Educational Technology, 512/463-9400

SB 2248, Section 2 Author: Van de Putte Sponsor: Patrick, Diane

Statute Amended or Added: Amends §30A.002, Education Code

Summary: Provides services to students placed in substitute care and allows for their enrollment in the Texas Virtual School Network.

Change from current law: Section 2 of the bill allows for the enrollment of students placed in substitute care regardless of whether the student was enrolled in a public school in the previous school year.

Effective Date: June 19, 2009

Action required for 2005-2006 School Year: Agency needs to make TxVSN Central Operations aware of the changes. Central Operations will inform all districts.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Not expressly but charter schools are covered under TxVSN rules and regulations.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Kate Loughrey, Division of Instructional Materials and Educational Technology, 512/463-9400

Statute Amended or Added: Amends §30A.101, Education Code

Summary: This section allows an open enrollment charter school to act as a provider school for the state virtual school network under this chapter only if the school is rated acceptable or higher under Section 39.054.

Change from current law: Changed eligibility requirement for open enrollment charter schools from recognized to acceptable in order to serve as a provider school for the state virtual school network.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Update the eligibility requirements for provider districts on the Texas Virtual School Network (TxVSN) website and change procedures accordingly.

Outstanding Issues: None

Does this bill create a new program? No

Does this bill require a new report? No

Rulemaking Authority? None

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Kate Loughrey, Division of Instructional Materials and Educational Technology, 512/463-9400

Statute Amended or Added: Amends §31.002, §31.026, §31.027 §31.103, §31.104, and §31.151 and Adds §31.004, §31.0241, §31.2061, and §31.071-§31.077, Education Code

Summary: Requires the State Board of Education to adopt open-source textbooks for secondary courses submitted by certain institutions of higher education or public technical institutes in Texas on a conforming or non-conforming list if the textbooks meet requirements established in the bill.

Requires school districts and charter schools that select open-source textbooks to requisition printed copies of the textbooks or portions of the textbooks for students lacking the technology to access the open-source materials or districts must arrange for the student to have the necessary technology to access the materials at no charge. To the extent that open-source textbooks are selected by districts in place of traditional textbooks, the lower cost of these materials could result in overall state savings.

Allows the commissioner to issue a request for proposals (RFP) for state-developed open-source textbooks and stipulates requirements and a review process for state-developed open-source textbooks. If a school district selects a state-developed open-source textbook, the school district would be entitled to 50 percent of the difference between the maximum cost for a traditional textbook for the course and the cost of the open-source textbook. The remaining 50 percent of the difference in cost would accrue to the state textbook fund.

The commissioner may charge a licensing fee to entities other than public schools for the use of a state-developed open-source textbook.

Change from current law: Current law stipulates that in order for a textbook to be placed on the Conforming or Nonconforming list, it must first undergo a full and complete investigation to determine the extent to which it aligns with required standards. HB 2488 directs the State Board of Education to place "open-source" materials on the Conforming or Nonconforming list based on a different set of requirements to be met by the higher education institution.

Requires school districts and open-enrollment charter schools to certify that they provide students with materials that meet each of the required Texas Essential Knowledge and Skills.

HB 2488 grants the commissioner authority over state-developed open-source materials.

Current law stipulates that textbooks remain the property of the state and that students must return them at the end of each school year. HB 2488 allows students to keep open-source textbooks if the school district or open-enrollment charter school does not intend to use the materials the following year.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Develop procedures for submission of open source materials by higher education institutions and technical institutes. Develop process for issuing request for proposals for acquiring open source content.

Outstanding Issues: None

Does this bill create a new program? Yes

Rulemaking Authority? Commissioner

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? Yes. School districts and open-enrollment charter schools are required to annually certify that, for each subject in the required curriculum and each grade level, the district provides each student with textbooks, electronic textbooks, or instructional materials that cover all elements of the essential knowledge and skills adopted by the State Board of Education for that subject and grade level

For further information, please contact: John Lopez, Instructional Materials and Educational Technology Division, 512/463-9400

Statute Amended or Added: Adds §31.004, §31.0231, §32.351, §32.352, §32.353, §32.354, and §32.355. Amends §31.021, §31.022, §31.101, §31.1011, §31.352, Education Code. Amends §2175.128, Government Code

Summary: The bill would require school districts and open-enrollment charter schools to certify annually to the State Board of Education (SBOE) that the district or charter school provides textbooks, electronic textbooks, or instructional materials that cover the essential knowledge and skills for each subject and grade level.

The bill would allow expenditure of state textbook funds for technological equipment necessary to utilize electronic textbooks and instructional materials on the list adopted by the commissioner under the provisions of the bill. The bill would require the commissioner to adopt a list of instructional materials, electronic textbooks, tools, models, and materials intended for use for science in grades kindergarten through five that meet certain requirements regarding content.

The bill would allow districts to select instructional materials and electronic textbooks from a list adopted by the commissioner in addition to traditional textbooks for foundation or enrichment courses. The bill would entitle school districts that select electronic textbooks from the approved list to funding equal to the cost of the electronic textbook for the relevant course plus any textbook credits that would have accrued based on the selection of the textbook multiplied by the number of electronic textbooks required. These funds could be used for the purchase of textbooks or electronic textbooks or to supplement the district's technology allotment in order to purchase technological equipment to be used to provide access to approved instructional materials and electronic textbooks.

The bill would require school districts to purchase at a minimum a classroom set of textbooks for courses in the foundation curriculum.

In addition, the bill would create a computer lending pilot program. It would require the commissioner of education to establish a pilot program to provide computers to participating public schools that make computers available for use by students and parents.

The bill would require the commissioner to implement procedures for distributing to participating schools any surplus or salvage data processing equipment made available to the program or computers donated or purchased for that purpose with funds from any available source.

Change from current law: Electronic Textbook – Yes; Computer Lending Program – Not Applicable

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Commissioner rules must be developed to establish the adoption of new textbook list that includes electronic textbooks and instructional materials that convey information to the student or otherwise contributes to the learning process. Procedures and timelines must be established for the acquisition of the materials on the commissioner's list. EMAT will need to be configured to prepare for the materials on the commissioner's list.

Commissioner rules must be developed to establish a computer lending pilot program, including procedures for distributing equipment to participating public schools.

Outstanding Issues: On June 19, 2009, the Governor issued an executive order related to this bill.

Does this bill create a new program? It creates an additional process for the acquisition of instructional materials. The bill also creates a computer lending pilot program.

Does this bill require a new report? Yes. Annual reports required by January 1 of each year.

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? Yes

For further information, please contact: John Lopez, Instructional Materials and Educational Technology Division, 512/463-9400

Statute Amended or Added: Amends §31.104, Education Code.

Summary: Provides that each student, or the student's parent or guardian, is responsible for each textbook, including an electronic textbook, and all technological equipment not returned in an acceptable condition by the student. Provides that a student who fails to return in an acceptable condition all textbooks, including electronic textbooks, and technological equipment forfeits the right to free textbooks, including electronic textbooks, and technological equipment until each textbook item previously issued but not returned in an acceptable condition is paid for by the student, parent, or guardian. Further, the legislation requires that school districts or open-enrollment charter schools allow students to use textbooks, including electronic textbooks, and technological equipment at school during each school day. The legislation also authorizes a district or school to withhold a student's records, if a textbook, including an electronic textbook or an item of technological equipment is not returned in an acceptable condition or paid for by the student, parent or guardian. Additionally, the legislation requires the commissioner of education by rule to adopt criteria for determining an acceptable condition for return.

Change from current law: HB 1332 would extend the responsibilities and potential penalties for failure to return textbooks in an acceptable condition that is in current law to encompass responsibilities and potential penalties for failure to return in an acceptable condition electronic textbooks and technological equipment.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: Complete commissioner's rules.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Charles Mayo, Instructional Materials and Educational Technology Division, 512/463-9601

Statute Amended or Added: Subchapter D, Chapter 32, Education Code

Summary: This bill converts the existing Technology Immersion Pilot project (TIP), which expires August 31, 2011 into the Technology Demonstration Sites Project (TDSP). In addition, HB 2893 incorporates all of SB 2178 which was passed and signed on its own.

Change from current law: The bill changes the name of the current technology immersion pilot program to a technology demonstration sites program. It also deletes language relating to wireless mobile computing devices and instead refers to existing home electronic devices or electronic devices. The bill also creates a computer lending pilot program.

The agency is to select participating school districts or schools; define the conditions for the distribution and use of electronic devices not currently available to all students; develop guidelines for a distribution and checkout plan for home use of electronic devices; monitor the project; and review the progress made through each demonstration site included in the project.

The technology demonstration sites program requires participating school districts and schools to use project funds for: the purchase of electronic devices so that each student in a participating classroom has an electronic device for use at school and home; the purchase of other equipment, including additional computer hardware and software; the hiring of pedagogical and technical support staff for school district or schools participating in the project; and the purchase of technology-based learning materials and resources.

School districts may apply to participate in the project and the agency would be required to select at least five districts to participate, with at least one TDSP to included students in grades 6 through 12. The agency shall select participants based on needs and technology readiness for the project.

The bill also requires the commissioner by rule to establish a computer lending pilot program to provide state surplus or salvage computers or computers donated or purchased for the program to participating public schools for use by students and their parents.

The bill establishes a public school's eligibility to participate in the pilot program if 50 percent or more of the students enrolled in the school are educationally disadvantaged and the school operates or agrees to operate a computer lending program that: allows students and parents to borrow a computer; includes an option for students and parents to work toward owning a computer initially borrowed under the school's lending program, subject to any applicable legal restrictions regarding disposition of the computer involved; provides computer training for students and parents; and operates outside regular school hours, including operation until at least 7 p.m. on at least three days each week.

The bill amends the Government Code by adding a temporary provision, set to expire September 1, 2014, requiring a state agency, a state eleemosynary (charitable) institution or an institution or agency of higher education, if a disposition of the institution or agency's surplus or salvage data processing equipment is not made under state law governing the direct transfer or disposition of such equipment to another state agency, political subdivision, or assistance organization, to make the equipment available to the commissioner for use in the computer lending pilot program. The bill requires the state agency or institution, if the commissioner declines to take the equipment, to transfer the equipment to a school district or open-enrollment charter school, to an assistance organization specified by the school district, or to the Texas Department of Criminal Justice (TDCJ). The bill prohibits the state agency or institution from collecting a fee or other reimbursement from the commissioner for such equipment.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Establish rules for the computer lending pilot program and rules for the technology demonstration sites program. Identify funding to conduct either or both programs.

Outstanding Issues: None

Does this bill create a new program? Yes

Rulemaking Authority Commissioner

Does this expressly apply to charters? Charter schools may be eligible to apply.

Does this bill contain a new reporting requirement for TEA/school districts? Yes

For further information, please contact: John Lopez/Karen Kahan/Richard LaGow, Division of Instructional Materials and Educational Technology, 512/463-9601

Statute Amended or Added: Amends §32.258, Education Code

Summary: §32.258 requires TEA to make available a data portal for assessment data for use by school districts, teachers, parents, students, and public institutions of higher education that will:

- (1) allow a student or the student's parent/guardian to access that student's individual assessment data;
- (2) allow an authorized school district employee to view individual student assessment data for students within that district;
- (3) allow an authorized employee of a public institution of higher education to view individual assessment data of students applying for admission;
- (4) provide a means for a student or the student's parent/guardian to track the student's progress on assessment instrument requirements for graduation;
- (5) provide general student assessment data that is easily accessible to the public; and
- (6) permit comparisons of student performance information at the classroom, campus, district, and state levels.

The data provided must include student performance data over multiple years beginning with data from the 2007-2008 school year, and include data indicating progress in student achievement. Each school year, the previous year's data must be available on or before the first instructional day.

Change from current law: §32.252(b)(4) requires TEA to establish an Education Internet Portal through which TEA may provide secure access to student assessment data. §32.258 in current law requires TEA to "seek to further the goal of providing school districts with access to student performance information at the classroom level." By contrast, HB 3 requires TEA to provide secure access to student assessment data through the Student Assessment Data Portal in §32.258, including data at the classroom, campus, district, and state levels.

Effective Date: Applies beginning with 2009-2010 school year

Action required for 2009-2010 School Year: Begin process for establishing data portal, including the collection of data that establishes links between individual students and teachers.

Outstanding Issues: Must map requirements for project, possibly amend the current assessment contract.

Does this bill create a new program? Expands existing data made available by the testing contractor.

Rulemaking Authority? None

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? Yes. TEA must provide access to student assessment data as described in §32.258 (see Summary).

For further information, please contact: Division of Student Assessment, 512/463-9536

Statute Amended or Added: Adds §32.351, §32.352, §32.353, §32.354, and §32.355, Education Code and Amends §2175.128, Government Code

Summary: Requires the commissioner of education by rule to establish a computer lending pilot program to provide state surplus or salvage computers or computers donated or purchased for the program to participating public schools for use by students and their parents. Bill language also included in HB 2893 and HB 4294.

The bill establishes a public school's eligibility to participate in a computer lending pilot program if 50 percent or more of the students enrolled in the school are educationally disadvantaged and the school operates or agrees to operate a computer lending program that: allows students and parents to borrow a computer; includes an option for students and parents to work toward owning a computer initially borrowed under the school's lending program, subject to any applicable legal restrictions regarding disposition of the computer involved; provides computer training for students and parents; and operates outside regular school hours, including operation until at least 7 p.m. on at least three days each week.

The bill amends the Government Code by adding a temporary provision, set to expire September 1, 2014, requiring a state agency, a state eleemosynary institution or an institution or agency of higher education, if a disposition of the institution or agency's surplus or salvage data processing equipment is not made under state law governing the direct transfer or disposition of such equipment to another state agency, political subdivision, or assistance organization, to make the equipment available to the commissioner for use in the computer lending pilot program. The bill requires the agency or institution, if the commissioner declines to take the equipment, to transfer the equipment to a school district or open-enrollment charter school, to an assistance organization specified by the school district, or to the Texas Department of Criminal Justice (TDCJ). The bill prohibits the agency or institution from collecting a fee or other reimbursement from the commissioner for such equipment.

Change from current law: Not Applicable

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Commissioner rules must be developed to establish the program. Procedures must be established for the administration of the pilot program, including procedures for distributing computers to participating public schools.

Outstanding Issues: None

Does this bill create a new program? Yes

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Charter schools are not mentioned in the bill.

Does this bill contain a new reporting requirement for TEA/school districts? Yes

For further information, please contact: John Lopez/Richard LaGow, Division of Instructional Materials and Educational Technology, 512/463-9601

Statute Amended or Added: Amends §34.0021, Education Code

Summary: Section 3 of the bill allows school districts the option to conduct school bus emergency evacuation training.

Change from current law: School bus emergency evacuation training was previously mandatory.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Randy Boatman, Division of State Funding, 512/463-9180

Statute Amended or Added: Amends §37.001(a), Education Code

Summary: This bill requires school districts to specify that consideration will be given as a mitigating factor in determining appropriate disciplinary action to be taken against a public school student.

Change from current law: This bill requires that consideration will be give to the factors listed in 37.001 (a) (4) in each decision concerning suspension, removal to a DAEP, expulsion, or placement in a JJAEP.

Effective Date: 2009-2010 School Year

Action required for 2009-2010 School Year: Some school district will need to change their local policy to incorporate the requirement for consideration of the factors listed in TEC 37.001 (a) (4).

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Julie Harris Lawrence, Health and Safety, 512/463-3070

Statute Amended or Added: Amends §37.007, Education Code

Summary: This bill prohibits the expulsion of a student solely on the basis of the student's use, exhibition, or possession of a firearm at an approved target range in the course of the student's participation in a school-sponsored shooting sports competition or a shooting sports educational activity sponsored or supported by the Texas Parks & Wildlife Department (TPWD) or by a sanctioning organization with TPWD.

Change from current law: Currently there are no criteria in TEC Chapter 37 for allowing consideration by the school district not to expel a student solely for using, exhibiting, or possessing a fire arm that occurs at an approved target range not located on a school campus or while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: School districts will need to establish policies related to this bill.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Julie Harris Lawrence, Health and Safety, 512/463-3070

Statute Amended or Added: Amends §37.011, Education Code

Summary: HB 1425 establishes that certain counties allow the county's juvenile board to enter into a memorandum of understanding with each school district within the county outlining each entity's respective responsibilities with respect to students expelled without receiving alternative educational services.

Change from current law: Current law requires a county with a population of more than 125,000 to build and operate a juvenile justice alternative education program, essentially requiring each such county to create its own school district to educate juvenile criminals.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Julie Harris Lawrence, Health and Safety, 512/463-3070

Statute Amended or Added: Adds §37.110, Education Code

Summary: The legislation relates to criminal street gangs and certain other offenses. It requires that each public school district and the administrator of each private elementary or secondary school located in the public school district ensure that the student handbook for each campus includes information on gang-free zones and the consequences of engaging in organized criminal activity within those zones.

Change from current law: This legislation allows for enhanced charges for offenders engaging in organized criminal activity, gang-related and other criminal acts within 1000 feet of any public or private elementary or secondary school, or institution of higher education.

Effective Date: Beginning of 2009-2010 school year or 2009 fall semester.

Action required for 2009-2010 School Year: Student handbooks or similar publications must include information on gang-free zones and the consequences of engaging in organized criminal activity within those zones.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Julie Harris-Lawrence, Health and Safety, 512/463-3070

Statute Amended or Added: Adds §38.0041, Education Code

Summary: The bill creates a 9-member task force to establish a strategy for reducing child abuse and neglect and improving child welfare. Additionally HB 1041 requires each school district to adopt and implement a policy addressing sexual abuse of children to be included in the district improvement plan. This bill requires that the policy address methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children.

Change from current law: Not applicable

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: School districts will need to make additions to their district improvement plans during the 2009-2010 school year

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Julie Harris-Lawrence, Health and Safety, 512/463-3070

Statute Amended or Added: Amends §38.063, Education Code

Summary: The bill allows local health departments, hospitals, health care systems, universities and nonprofit organizations that contract with school districts to be eligible to receive grants for school-based health centers and subject these entities to the same requirements to which school districts applying for and receiving grants are subject. The bill specifies that these grants cannot be given to certain non-profit entities that offer reproductive services. The bill also amends the reporting requirement associated with school-based health centers.

Change from current law: This bill allows local health departments, hospitals, health care systems, universities and nonprofit organizations to operate school based health centers with funded obtained through a competitive grant process.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner of Health

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Ginny Barr, Health and Safety, 512/463-3070

Statute Amended or Added: Adds §39.023(a-1), (o), and (p); amends §39.023(b), (c), (c-4), (d), (e), (l), and (m), Education Code

Summary: HB 3, Section 50 amends TEC §39.0239(a-1) to require TEA to develop TAKS assessments in grades 3-8 in a manner that allows, to the extent practicable:

1. a student's score to provide reliable information relating to a student's satisfactory performance for each performance standard under §39.0241; and
2. an appropriate range of performance to serve as a valid indication of growth in student achievement.

The bill amends TEC §39.023(b) to refer to the alternate assessments currently administered under the Texas Student Assessment Program – TAKS-Modified and TAKS-Alternative. The bill makes technical and conforming changes throughout §39.023, including the removal of references to an exemption from testing for students served by special education that is no longer allowable under federal law.

HB 3 amends §39.023(e) to exclude from the three-year release schedule any assessment administered for retesting purposes. The bill amends §39.023(l) to eliminate the administration of Spanish version TAKS assessments in grade 6.

The bill amends §39.023(o) to require the commissioner of education and the commissioner of higher education to study the feasibility of allowing students to satisfy end-of-course requirements by successfully completing a dual credit course through an institution of higher education. The two commissioners are required to make recommendations to the legislature based on this study by December 1, 2010.

No later than September 1 of each year, the commissioner of education is required under TEC §39.023(p) to post the following information on TEA's website for the TAKS assessments (English and Spanish) in grades 3-11 and any end-of-course assessments:

1. the number of questions on the assessment instrument;
2. the number of questions that must be answered correctly to meet the commissioner's standard under §39.0241(a);
3. the number of questions that must be answered correctly to meet the college readiness standard under §39.0241; and
4. the corresponding scale scores.

Change from current law: The provisions in the new TEC §39.023(a-1), (o), and (p) do not appear in current law. Current law requires the release of retest assessment instruments every third year and the administration of TAKS Spanish to eligible 6th graders. Current law refers to alternate assessments that are no longer administered and exemptions from testing that are no longer allowable.

Effective Date: TEC §39.023(e) is effective immediately; the rest of the section applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: TEA must post online the information required under TEC §39.023(p) by September 1, 2009. In conjunction with THECB, TEA must begin to study the feasibility of allowing students to satisfy end-of-course requirements by successfully completing a dual credit course through an institution of higher education. TEA must update materials that refer to TAKS Spanish in grade 6. Also see rulemaking authority.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? New language in §39.023 will require amendments to rules throughout 19 TAC, Ch. 101, Assessment.

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? TEA must annually post online the information required under §39.023(p)

For further information, please contact: Division of Student Assessment, 512/463-9536

Statute Amended or Added: Amends §39.0233(d), Education Code

Summary: HB 3, Section 51 amends TEC §39.0233(d) to specify that special-purpose questions included in end-of-course assessments developed under TEC §39.023(c) to measure college readiness *may not* be administered in a separate section of the test.

Change from current law: Current law *requires* that special-purpose questions included in EOC assessment instruments developed under TEC §39.023(c) be administered in a separate section of the test.

Effective Date: Applies beginning with 2009-2010 school year

Action required for 2009-2010 School Year: None

Outstanding Issues: TEC §39.023 addresses the adoption and administration of state assessment instruments and §39.025 addresses the secondary-level performance required on EOC assessments for a student participating in the minimum, recommended, or advanced high school program.

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Student Assessment, 512/463-9536

Statute Amended or Added: Amends §39.0234(a), Education Code

Summary: HB 3, Section 52 amends TEC §39.0234(a) to specify that the commissioner of education may not require a school district or open-enrollment charter school to administer TAKS and/or end-of-course assessments online.

Change from current law: Current law requires TEA to develop assessment instruments under §39.023—TAKS (English and Spanish), end-of-course assessments, and alternate assessments—that are capable of being administered by computer. Current law is silent about whether school districts and charters may be required to administer assessments online.

Effective Date: Applies beginning with 2009-2010 school year

Action required for 2009-2010 School Year: None

Outstanding Issues: TEA has developed several online-only versions of assessments over the past several years, including TELPAS and the (optional) end-of-course assessments in Algebra I, geometry, biology, chemistry, and U.S. history.

Additional costs associated with developing and administering state assessments in two modes—online and paper—can be anticipated for field-testing and psychometric activities, development and shipping of paper test materials, and scoring and reporting.

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Student Assessment, 512/463-9536

Statute Amended or Added: Amends §39.024, Education Code

Summary: HB 3 changes the title of §39.024 from “Satisfactory Performance” to “Measure of College Readiness.”

Under subsection (a), the bill defines “college readiness”—as required to be measured on EOCs and TAKS—as the level of preparation a student must attain in ELA and mathematics courses to enroll and succeed, without remediation, in an entry-level general course for credit in that same content area at a state university or a community college or another institution offering baccalaureate degrees, associate’s degrees, or certificates or credentials other than baccalaureate or advanced degrees.

Under subsection (b), beginning with the 2011-2012 school year, HB 3 requires TEA and the Texas Higher Education Coordinating Board (THECB) to ensure that end-of-course assessments in Algebra II and English III are capable of measuring college readiness.

Before the 2011-2012 school year, subsection (c) requires TEA, in collaboration with THECB, to conduct studies to find a correlation between a certain level of performance by students on the Algebra II and English III EOCs and college readiness. These studies must include an evaluation of any need for remediation courses to facilitate college readiness.

Under subsection (e), based on the results of the linking studies from subsection (c), the commissioner of education and the commissioner of higher education are required to establish performance standards for Algebra II and English III EOCs indicating college readiness.

Under subsection (f), HB 3 requires the agency, working with THECB, to conduct research studies for science and social studies EOCs similar, if practicable, to the studies described under subsection (c). If the commissioner of education and the commissioner of higher education determine that a link is substantiated between performance on science and social studies EOCs and college readiness, then the two commissioners can, as soon as practicable, establish student performance standards on science and social studies EOCs indicating students have attained college readiness.

Under subsection (f-1), by December 1, 2012, TEA and THECB will submit to the lieutenant governor, the speaker of the house, and the education committees in both chambers a report that includes:

1. an analysis of the feasibility of establishing college readiness performance standards for science and social studies EOCs; and
2. a summary of implementation procedures adopted for each standard.

Subsection (g) requires the agency and THECB to conduct the studies under subsection (c) and (f) at least once every 3 years.

Subsection (h) also requires the agency and THECB to periodically review the college readiness performance standards established under §39.024 and compare them to performance standards established nationally and internationally for comparable assessment instruments. Following each review of college readiness standards, the agency and THECB will report to the above-mentioned legislative leaders and committees on whether the Texas standards are sufficiently rigorous to prepare students to compete academically with students nationally and internationally. If the agency and THECB determine that the college readiness performance standards are not sufficiently rigorous, TEA and THECB will recommend changes to the college readiness standards.

Subsection (i) requires TEA to conduct research to substantiate any correlation between a level of performance by students on an EOC and success in military service or a workforce training, certification, or other credential program that offers associate degrees or certificates or credentials.

Change from current law: Current performance standards do not include college-readiness measures for end-of-course assessments nor do they require studies, in conjunction with THECB, to establish such measures.

Effective Date: Applies beginning with 2009-2010 school year

Action required for 2009-2010 School Year: In conjunction with THECB, collection of data will need to begin for the required studies under subsections (c) and (f). TEA will need to begin collecting data for the studies required under subsection (i).

Outstanding Issues: Beginning with the EOC assessments that become operational in the 2011-2012 school year, HB 3 requires TEA and THECB to have established standards for EOC assessments capable of measuring college readiness for Algebra II and English III.

Does this bill create a new program? No

Rulemaking Authority? Before EOC assessments are administered in 2011-2012, based on the results of the linking studies from subsection (c), the commissioner of education and the commissioner of higher education will establish performance standards for Algebra II and English III EOCs indicating college readiness.

Depending on the results of the studies under subsection (f), the commissioner of education and the commissioner of higher education may establish performance standards for science and social studies EOCs indicating college readiness. This may be done whenever most practicable.

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? Yes, TEA required to report to legislature on feasibility of establishing college readiness links for science and social studies.

For further information, please contact: Division of Student Assessment, 512/463-9536

Statute Amended or Added: Adds §39.0241, Education Code

Summary: Subsection (a) says that the commissioner of education will determine the level of performance considered to be satisfactory on the assessment instruments.

Subsection (a-1) specifies that the commissioner of education, in collaboration with the commissioner of higher education, will determine the level of performance necessary to indicate college readiness as defined by TEC 39.024(a).

For purposes of establishing performance across grades levels, the commissioner will establish by 2011-2012:

1. In conjunction with the commissioner of higher education, the college readiness performance standards for Algebra II and English III EOCs as specified by TEC 39.024(b).
2. The student performance standards for Algebra I and English II EOCs that correlate performance on these assessments with performance on the Algebra II and English III assessments as determined by the studies under TEC 39.0242.
3. The student performance standards for the English I EOC that correlate with performance on the English II assessment as determined by the studies under TEC 39.0242.
4. The performance standard for the grade 8 assessment instruments that correlate to student performance on Algebra I and English I EOCs as determined by the studies under TEC 39.0242.
5. The performance standards on the assessments in grades 3 through 7 that correlate to student performance in the same content area on the assessment for the next grade as determined by the studies under TEC 39.0242.

Under subsection (c), TEA *may* develop and *make available* study guides to parents, instead of *shall* develop and *distribute* study guides.

Under subsection (d), TEA shall develop teacher training materials and resources to assist teachers in teaching LEP students. (The same provision exists in current law (39.024(d).)

Subsection (e) states that the commissioner can retain a portion of the total amount of the funds allotted under §42.152(a), the Compensatory Education Allotment to finance study guides and LEP materials/training. (The same provision exists in current law (39.024(e).)

Change from current law: Much of TEC 39.0241 is new. No linking studies as described above are mandated by current law. The language in subsections 39.0241(d) and (e) currently exists in §39.024.

Major changes to current law include granting standard-setting authority to the commissioner, rather than the SBOE, and no longer requiring TEA to develop study guides.

Effective Date: Applies beginning with 2009-2010 school year

Action required for 2009-2010 School Year: Data collection for linking studies will need to begin.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? The commissioner of education will determine the level of performance necessary for satisfactory performance on the assessment instruments. The commissioners of education and higher education will set the performance standards necessary to indicate college readiness. SBOE rulemaking authority has been removed for setting performance standards.

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Student Assessment, 512/463-9536

Statute Amended or Added: Adds §39.0242, Education Code

Summary: HB 3 adds §39.0242(a) to require TEA, during the 2009-2010 and 2010-2011 school years, to collect data through the administration of the general assessments at grades 3-8 and the administration of EOC assessments to an appropriate number of students throughout the state for the purpose of setting performance standards.

Under subsection (b) before the beginning of the 2011-2012 school year, TEA must analyze the data collected above to substantiate the correlation between:

1. satisfactory student performance on assessments in grades 3 through 7 with satisfactory performance on the assessments in the same content area for the next grade level;
2. satisfactory student performance on the grade 8 assessment instruments with satisfactory performance on the Algebra I and English I EOCs in the same content area;
3. satisfactory student performance on the English I and Algebra I EOCs with satisfactory performance on the English II and Algebra II EOCs, respectively; and
4. satisfactory student performance on the English II EOC with satisfactory performance as determined under §39.024 on the English III EOC.

Studies under this section must include an evaluation of any need for remediation courses to facilitate college readiness.

Under subsection (d), based on the results of the studies conducted under this section, TEA will continue to collect data and perform the studies at least every 3 years. If at any time the data do not support the correlation between student performance standards and college readiness, the commissioner, in collaboration with the commissioner of higher education, will revise the performance standards considered to be satisfactory.

Subsection (e) states that based on the data collected and the studies performed under subsection (d), the commissioner can increase the rigor of the performance standards established under TEC 39.0241(a) as the commissioner deems necessary.

Change from current law: This is a new section. No corresponding statute currently exists.

Effective Date: Applies beginning with 2009-2010 school year

Action required for 2009-2010 School Year: TEA must administer the available EOCs to an appropriate number of students for standard setting purposes.

Outstanding Issues: Studies must be designed. New assessments at grades 3-8 must be designed per Section 50 of HB 3, TEC 39.023 (a-1).

Does this bill create a new program? Creates a requirement to conduct studies of all the performance standards for assessments covered by TEC 39.023(a) and (c) at least every 3 years.

Rulemaking Authority? The commissioner will establish the performance standards considered satisfactory. The commissioner, in collaboration with the commissioner of higher education, will establish the performance standard indicating college readiness.

Subsection (e) states that, based on the data collected and the studies performed under subsection (d), the commissioner can increase the rigor of the performance standards established under TEC 39.0241(a) as the commissioner deems necessary.

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? Yes. TEA must conduct studies detailing the setting and revision of performance standards for all assessments covered by TEC 39.023(a) and (c).

For further information, please contact: Division of Student Assessment, 512/463-9536

Statute Amended or Added: Amends §39.025, Education Code

Summary: HB 3 amends subsection (a) to require a student to achieve in each subject of the foundation curriculum a cumulative score that is at least equal to the product of the number of EOC assessments administered to the student in that subject area and a scale score that indicates satisfactory performance (39.0241(a)). A student must achieve a minimum score as determined by the commissioner for the score to count towards the student's cumulative score.

HB 3 amends subsection (a-1) to allow the commissioner of education, by rule, to determine a method by which a student's performance on the Preliminary Scholastic Assessment Test (PSAT) or preliminary American College Test (ACT) could be used as a factor to determine whether a student met the requirements of subsection (a).

Under subsections (a-2) and (a-3), in addition to the cumulative score requirements detailed above, a student must achieve a score that meets or exceeds the score determined by the commissioner of education for English III and Algebra II EOCs in order to graduate under the recommended and advanced high school programs.

Amendments to subsection (b) allow a student to retake assessment instruments if the student failed to perform satisfactorily on the Algebra II or English III EOC at the college readiness performance standard. If a student failed to achieve the minimum score on an EOC assessment, the student shall retake the EOC assessments.

Amendments to subsection (b-1) require a school district to provide a student accelerated instruction if the student failed to perform satisfactorily on an EOC assessment as determined by the commissioner.

Under subsection (b-2), a student who upon completion of grade 11 is unlikely to meet the cumulative score requirement for one or more subjects and who is required to enroll in an available corresponding college prep course for which an EOC has been adopted must be administered an EOC assessment for the course with the EOC scored on a scale as determined by the commissioner of education not to exceed 20 percent of the cumulative score requirements required to graduate under subsection (a).

New subsection (c-1) eliminates the use of the Texas Assessment of Academic Skills (TAAS) assessment instrument. A school district may administer an alternate assessment instrument at exit level selected from a list approved by the commissioner of education for students who fall under TAAS graduation requirements. A student eligible to take the alternate assessment must not be tested in a subject that was not assessed by the exit level TAAS. The commissioner of education must determine the performance level considered satisfactory on the alternate assessment instrument and provide the information to school districts to administer these assessments. The commissioner's determination regarding the list of approved alternative assessments and the required performance standard on that alternative assessment instrument will be considered final.

HB 3 provides conforming and technical amendments to subsection (f) and requires the commissioner of education to adopt rules to transition from general subject assessment instruments at the high school level to EOC assessment instruments. Additional amendments address the transition in the use of ratings for accountability purposes and specify that students scheduled to graduate under TAKS requirements still must pass the exit-level TAKS after 2011-2012 in order to receive a diploma.

Change from current law: Under current law, a student must meet EOC assessment cumulative score requirements based on a scale ranging from 0-100, and a 12th grader taking an EOC that

corresponds to a college prep course will receive a score of 0 to 40 to be applied to his/her cumulative score. Current law does not allow the commissioner to determine a method by which a student's performance on the PSAT or preliminary ACT could be used as a factor to determine whether a student met EOC requirements. TEA still administers the exit level TAAS to eligible students under current law.

Effective Date: Applies beginning with 2009-2010 school year

Action required for 2009-2010 School Year: Begin to set performance standards. Determine standards for alternative assessments in place of TAAS.

Outstanding Issues: Setting a standard for an alternative assessment for TAAS, setting standards for EOC assessments, determining a method by which a student's performance on the PSAT or preliminary ACT could be used as a factor to determine whether a student meets EOC requirements.

Does this bill create a new program? No—it eliminates the TAAS program.

Rulemaking Authority? Subsection (a-1) allows the commissioner of education to determine a method by which a student's performance on the PSAT or preliminary ACT could be used as a factor to determine whether a student meets EOC requirements. For TAAS, the commissioner must determine the list of approved alternative assessment instruments and the required performance standard on the alternative assessments.

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? Yes. The EOC cumulative score requirements for graduation have been modified.

For further information, please contact: Division of Student Assessment, 512/463-9536

Statute Amended or Added: Amends §39.0262(a), Education Code

Summary: HB 3, Section 55 amends TEC §39.0262(a) to prohibit a school district, in a subject area for which assessments are administered under §39.023, from administering locally required assessments designed to prepare students for state-administered assessments to any student on more than 10 percent of the instructional days in any school year.

A campus-level planning and decision-making committee may limit the administration of locally required assessments to less than 10 percent of the instructional days in any school year.

Change from current law: Current law contains a similar 10 percent limit but is not as specific about the nature of the assessments subject to the limit—HB 3 describes the assessments as “locally required” rather than “district-required” and specifies that the limitation applies to “assessment instruments designed to prepare students for state-administered assessment instruments.” In addition, current law does not allow a campus-level committee to tighten the limit on the administration of local assessments.

Effective Date: Applies beginning with 2009-2010 school year

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Student Assessment, 512/463-9536

Statute Amended or Added: Amends §39.027(a) and (e); adds §39.027(a-1), Education Code

Summary: HB 3, Section 56 amends TEC §39.027(a) to allow up to five years of exemption from an assessment under §39.023 for a student who is limited English proficient (LEP) and initially was enrolled as an unschooled asylee or refugee. The bill adds §39.027(a-1) to define "unschooled asylee or refugee" as a student who:

1. initially enrolled in a U.S. school as an asylee or refugee as defined in federal law;
2. has a visa issued by the U.S. Department of State and stamped with "Asylee," "Refugee," or "Asylum"; and
3. as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum, as determined by the language proficiency assessment committee.

The bill also removes exemptions from the state assessment program for certain students served by special education and makes technical and conforming changes to §39.027(e). Allowing exemptions of up to five years would enable eligible students to either be exempt or take an alternative type of assessment until the spring of their 6th year in a U.S. school.

Change from current law: Current law contains no specific exemption for students who are asylees or refugees. In addition, §39.027(a)(1) and (2) under current law contain exemptions for students served by special education that are not allowed under federal law. The amendments in HB 3 eliminate these exemptions, aligning state law with federal law.

Effective Date: Applies beginning with 2009-2010 school year

Action required for 2009-2010 School Year: The bill requires the amendment of 19TAC, Ch. 101, Subch. AA, Commissioner's Rules Concerning The Participation Of Limited English Proficient Students In State Assessments.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Student Assessment, 512/463-9536

Statute Amended or Added: Amends §39.032, Education Code

Summary: This bill amends §39.032 to allow norms of group-administered achievement tests to remain unchanged for eight years. Further, for purposes of re-norming a test, the eight-year limit on norms does not apply if at the end of eight years there is not sufficient data to update the sample. The commissioner by rule may limit this exception.

It repeals TEC §39.032(a), which currently prohibits 1) a company or organization from distributing, selling, or grading the same form of an assessment instrument for more than three years, and 2) a school district from using the same form for more than three years.

It also repeals TEC §39.032(b), which currently requires a company or organization to report assessment results by campus and district and in comparison to state and national standards. Finally, the bill repeals TEC §39.032(d), which currently holds a company or organization liable for failing to comply with §39.032.

Change from current law: Current law prohibits the sale or use of the same form of a group-administered achievement test for more than three years. Group-administered achievement tests also must be re-normed every six years.

Current law requires a company or organization to report assessment results by campus and district and in comparison to state and national standards. Current law also holds a company or organization liable for failing to comply with §39.032.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: The bill allows the commissioner by rule to limit the exception allowing the eight-year renorming requirement to be waived if sufficient data are not available. In addition, 19 TAC §101.101, Group-Administered Tests must be amended by the SBOE to conform with the provisions of SB 759.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner and SBOE

Does this expressly apply to charters? No, but TEC Ch. 39, subchapter B as a whole applies to districts and charters alike. Current law applies expressly to school districts (and implicitly to charters). SB 759 removes any mention of "school district" in the text of the law; however, the caption refers to "certain standards for group-administered achievement tests used by school districts."

Does this bill contain a new reporting requirement for TEA/school districts? The bill repeals the reporting requirement in §39.032(b), which (under current law) requires a company/organization that grades an assessment instrument to report the results to the district and TEA by campus and district and in comparison to state and national averages, unless TEA requests a report in another form.

For further information, please contact: Division of Student Assessment, 512/463-9536

Statute Amended or Added: Amends §39.033(b), Education Code

Summary: HB 3, Section 57 amends TEC §39.033(b) to require a private school that voluntarily administers a state assessment to its students to report, as determined appropriate by the commissioner, student performance indicator data described by §39.053(c) and additional performance indicator data under §39.301(c).

Change from current law: The same requirement exists under current law, except that private schools currently must report the information described in §39.051(b), which is now contained in §39.053(c) following amendment by HB 3. In addition, current law does not allow the commissioner of education to determine the appropriateness of private schools' reporting these data.

Effective Date: Applies beginning with 2009-2010 school year

Action required for 2009-2010 School Year: The bill requires amendments to 19 TAC, §101.31, Private Schools

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? The bill requires amendments to 19 TAC, §101.31, Private Schools.

Does this expressly apply to charters? No – it expressly applies to private schools.

Does this bill contain a new reporting requirement for TEA/school districts? No, but it may modify the reporting requirements for private schools who administer statewide assessments if determined appropriate by the commissioner.

For further information, please contact: Division of Student Assessment, 512/463-9536

Statute Amended or Added: Amends §39.034(d) and adds subsection (d-1), Education Code

Summary: Subsection (d) requires the agency to determine annual improvement required each year for a student to be prepared to perform satisfactorily on, as applicable:

1. grade 5 assessment instruments;
2. grade 8 assessment instruments; and
3. EOC assessments.

The agency must report to school districts the results of annual improvement required.

Change from current law: Currently, the agency is required to determine the necessary annual improvement required each year for a student to be prepared to perform satisfactorily on TAKS.

Effective Date: Applies beginning with 2009-2010 school year

Action required for 2009-2010 School Year: Currently, vertical scales exist for reading and mathematics in grades 3-8, and the Texas Performance Measure (TPM) projects students' scores to the next high stakes grade using students' current year scores and campus average scores. The TPM indicates whether students are projected to meet the passing standard in grades 5, 8, and 11 after receiving grade-level instruction.

TEA is already in compliance with HB 3 modifications to TEC 39.034.

Outstanding Issues: Vertical scales and TPM will have to be adjusted to account for EOC assessments.

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Student Assessment, 512/463-9536

Statute Amended or Added: Amends Subchapter C, Accreditation, §39.052 – §39.055, Education Code

Summary: §39.051 and §39.052 direct the commissioner to determine the accreditation status of each district annually. §39.053 establishes the performance indicators, defines Required Improvement, and limits the definition of a dropout. §39.054 requires that districts and campuses be assigned a performance rating of either acceptable performance or unacceptable performance based on the performance indicators. §39.055 prohibits the use of performance data for students court-ordered into certain facilities and programs in determining the ratings of the district where the facility is located.

Change from current law: Allows for a district accreditation status to change based on below-standard performance for one or more campuses within the district. Moves control of the adoption and review of the performance indicators from the State Board of Education to the commissioner. Removes the requirement that the performance indicators be disaggregated by gender. Adds exit-level retest results to the assessment indicators. For each subject, requires that four sets of percentages be used: percent passing, percent not passing but projected to pass, percent college-ready, and percent not college-ready but projected to be college-ready. Deletes Comparable Improvement. Directs the commissioner to raise the state standard for the percent college-ready indicator so that Texas ranks in the top ten among states nationally by 2019-20 on two measures—the percent college-ready and the percent graduating under the recommended or advanced high school program, with no gaps by race, ethnicity, or socio-economic status. Changes the definition of a dropout by excluding students to be counted as dropouts if they are court-ordered to attend a GED program, if they were previously counted as dropouts, if they are refugees or asylees, if they are incarcerated in facilities not served by Texas public schools, or if they are ADA ineligible. Requires campus and district performance ratings to be issued by August 8 each year, and requires campuses and districts with repeated unacceptable ratings to be notified by June 15th each year. Previous rating labels of *Exemplary*, *Recognized*, *Academically Acceptable*, and *Academically Unacceptable* are deleted. Adds a provision that evaluation of the assessment and dropout rate indicators should consider not only current year performance, but performance averaged over the current and preceding two school years. Also, adds a provision that allows an acceptable rating if 85 percent of the evaluated measures on the assessment and dropout indicators meet acceptable performance, given certain conditions are met. Deletes the Gold Performance Acknowledgment (GPA) system.

Effective Date: 2011-12, except that no ratings are required to be issued in 2012, as outlined in §39.116. In 2012-13 performance on the college-ready indicator is to be reported, but ratings are to be based on the percent passing indicators only. In 2013-14 ratings are to be based on both percent passing and percent college-ready indicators. Dropout exclusions have an effective date of 2011-12.

Action required for 2009-2010 School Year: Implement procedures for changing PEIMS data collection of leaver data to accommodate changes in dropout definition. Must maintain ability to distinguish students defined as dropouts under both state and federal definitions in order to satisfy both state and federal rating and reporting requirements.

Outstanding Issues: Convene accountability focus groups to recommend state standards on assessment indicators at both the proficiency and college-ready levels.

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? Yes

For further information, please contact: Division of Performance Reporting, 512/463-9704

Statute Amended or Added: Renumbers §39.074 and §39.075 to §39.056 and §39.057, Education Code, respectively, and amends the sections

Summary: §39.056 and 39.057 address on-site investigations and special accreditation investigations of school districts. Certain conforming changes to these sections were made. Additionally, as it relates to on-site investigations referenced in §39.056, amendments were made to reference potential changes to district accreditation status assignment, district and campus accountability ratings, and campus distinction designations as a result of an on-site investigation.

§39.057 specifies reasons for conducting a special accreditation investigation and describes the commissioner's authority to take action based on the results of the investigation, including action under Subchapter E, *Accreditation Interventions and Sanctions*, and/or the lowering of a school district's accreditation status or a district's or campus's accountability rating.

Change from current law: In §39.056, amendments were made to reference accreditation status assignment and the new campus distinction designations, both of which may be impacted by the results of an on-site investigation. Additionally, the previous subsection (e) was stricken which previously prevented the agency from conducting an on-site investigation of only those campuses that displayed low performance on certain academic excellence indicators.

In §39.057, several new reasons for conducting a special accreditation investigation are specified, including:

- when a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily as determined by the commissioner under §39.0241(a) on assessment instruments administered under §39.023(a), (c), or (l);
- when excessive numbers of students graduate under the minimum high school program;
- when excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other course determined by the commissioner as distinguishing between students participating in the recommended high school program from students participating in the minimum high school program; and
- when resource allocation practices as evaluated under §39.0821 (related to the comptroller's review of resource allocation practices) indicate a potential for significant improvement in resource allocation.

Additionally, this section clarifies that, in response to an investigation, the commissioner may lower a school district's accreditation status and/or a district's or campus's accountability rating. This clarification was added to update the previous reference to an "accreditation rating." With the changes enacted in HB 1 of the 79th Legislature, Third Called Session, 2006, and in HB 3, it was necessary to distinguish between an accreditation status and an accountability rating.

Effective Date: 2011-2012 school year

Action required for 2009-2010 School Year: The agency will undertake rule-making activities to ensure that the Texas Administrative Code is in alignment with the amendments made to TEC, Chapter 39, through the enactment of HB 3.

Outstanding Issues: Several of the added reasons for conducting a special accreditation investigation will be implemented in future years based on patterns of district performance that may emerge as a result of this legislation.

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? It will be necessary for the TEA to be able to identify those districts that may be subject to a special accreditation investigation under the new safeguard provisions related to the minimum high school diploma and social promotion.

For further information, please contact: Office of Program Monitoring and Interventions, 512/463-5226

Statute Amended or Added: Renumbers §39.201-203 to §39.081-.083; §39.204 to §39.085; adds §39.0821; §39.0822; §39.0823; and §39.084; and repeals §44.011, Education Code

Summary: §39.082 includes open-enrollment charter schools in the financial accountability rating system. The commissioner shall develop, in consultation with the comptroller, develop a separate financial accountability rating system for open- enrollment charter schools. Removes the 65% instructional expenditure ratio from the School FIRST performance measures.

§39.0821 requires the comptroller to identify school districts and campuses that use resource allocation practices that contribute to high academic achievement and cost-effective operations. In reviewing resources allocation practices of districts and campuses, the comptroller shall ensure resources are being used for the instruction of students.

§39.0822 requires the agency to develop a review process to anticipate the future solvency of each school district. The review process shall analyze the district's revenues and expenditures for the preceding school year, current year and following two school years. The analysis should take into consideration the district's student-to-staff ratios relative to expenditures; the rate of change in the district unreserved general fund balance; student enrollment; adopted tax rate; the independent audit report; and actual financial data for the first quarter. The agency is to consult with school district financial officers and public finance experts when developing the review process.

The agency is to develop an electronic-based program for school districts to use in submitting information to the agency for purposes of this analysis. The commissioner shall adopt rules to allow a district to enter critical data into the program before the district adopts its budget. The program must be capable of importing data a district has previously submitted to the TEA; include entry space for the school to enter information explaining any irregularity in the data submitted; and provide alerts for: a) a student-to- staff ratio that is significantly outside the norm; b) a rapid depletion of the district general fund balance; and c) a significant discrepancy between actual budget figures and projected revenues and expenditures. The alert in the program must be developed to notify TEA immediately on the occurrence of a condition and then TEA must immediately notify the affected school district.

§39.0823 adds that if the review process indicates a projected deficit for a school district's general fund within the following three school years, the district shall provide the agency interim financial reports, supplemented by staff and student count data. If the interim financial data substantiates the projected deficit, the school district will need to provide the agency with a financial plan which the agency will need to review and approve only if the agency determines the plan will permit the district to avoid the project insolvency. The district's accreditation status will be accredited-warned if the district fails to submit a plan; fails to obtain approval from TEA; fails to comply with the approved plan; or the agency determines the submitted plan is no longer sufficient or is not appropriately implemented.

§39.083 adds a description of the data submitted in the review process is to be included in the annual financial management report the schools provided at their public hearing on the financial accountability rating.

§39.084 requires the district to post on the district's Internet website a copy of the budget adopted by the board of trustees. The district is to maintain the adopted budget on their website until the third anniversary of the date the budget was adopted.

Section 66 repeals TEC §44.011 which deals with spending targets for school district expenditures.

Change from current law: Currently neither school districts nor the TEA are required to provide information on financial solvency of a school district. The agency does review the financial audits each year for all school districts and charter schools and does informal monitoring of school districts and charter schools that show financial stress.

Currently the financial accountability rating system does not apply to charter schools.

Effective Date: Beginning with the 2009-2010 school year

Action required for 2009-2010 School Year: Develop a review process to anticipate the future solvency of each school district. Remove the 65% instructional expenditure ratio from School FIRST. Develop a financial accountability rating system for open-enrollment charter schools.

Outstanding Issues: None

Does this bill create a new program? Yes

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? Yes

For further information, please contact: Division of Financial Audits, 512/463-9095

Statute Amended or Added: Renumbers §39.131, §39.132, and §39.1331 to §39.102, §39.103, and §39.109, Education Code, respectively, and amends the sections

Summary: §39.102, §39.103, and §39.109 address interventions and sanctions for districts and campuses. Certain conforming changes to these sections were made. Additionally, as it relates to interventions and sanctions for districts referenced in §39.102, amendments were made that authorize the commissioner to immediately order interventions for districts that fail to satisfy standards related to dropout and/or completion rates.

§39.103 addresses interventions and sanctions for campuses and describes the commissioner's authority to take action related to campuses that exhibit performance below any standard under §39.054(e). Specifically, §39.103(b) allows, but does not require the commissioner to: 1) order a hearing in front of the commissioner or commissioner's designee at which certain parties must appear to discuss a campus's low performance, and/or 2) establish a school community partnership team composed of members of the campus-level planning and decision-making committee established under §11.251 and additional community representatives as determined appropriate by the commissioner. Additionally, language is added to §39.103(c) to allow the commissioner to accept as being in compliance with Subchapter E any substantially similar intervention measures implemented by a campus in response to federal accountability requirements.

In addition to other interventions and sanctions, §39.109 authorizes the commissioner to order a district or campus to acquire professional services at the expense of the district or campus to address financial, assessment, data quality, program, performance, or governance deficiencies.

Change from current law: The revision to §39.102(a)(11) allows the commissioner to immediately order interventions for districts that fail to satisfy standards related to dropout and/or completion rates. The previous statute required that the district fail to meet standards for two consecutive school years before certain specific interventions and sanctions could be ordered.

In §39.103, the list of available campus interventions and sanctions is condensed and focuses on hearings that may be held before the commissioner or commissioner's designee and the establishment of a school community partnership team as referenced above. Certain available sanctions related to public notice and comment that previously were specified in the campus intervention section were stricken and addressed in subsequent sections of statute (see summary of §39.106). Additionally, certain references to sanctions involving the preparation of parental involvement reports, reports on the effectiveness of district- and campus-level planning and decision-making committees, and student achievement improvement plans were deleted as being duplicative of other sanction and intervention requirements in the subchapter.

Additionally, as noted above, language is added to §39.103(c) to allow the commissioner to accept as being in compliance with Subchapter E any substantially similar intervention measures implemented by a campus in response to federal accountability requirements.

Certain additions to §39.109 clarify that, in addition to other available interventions and sanctions, the commissioner may assign an external auditor, data quality expert, assessment monitor, or curriculum or program expert to a district or campus as a professional services provider and may require that district staff, campus staff, and/or board members participate in training activities.

Effective Date: Subchapter E, Chapter 39, applies as provided by the transition plan to be adopted not later than December 1, 2010, by the commissioner under §39.116. The commissioner of education

may immediately apply any exceptions to interventions and sanctions under Subchapter E, Chapter 39, Education Code, as amended by HB 3, to interventions and sanctions under Subchapter G, Chapter 39, Education Code, as that law existed prior to amendment by HB 3.

Action required for 2009-2010 School Year: The agency will undertake rule-making activities to ensure that the Texas Administrative Code is in alignment with the amendments made to TEC, Chapter 39, through the enactment of HB 3. Additionally, the agency will begin development of the transition plan required by §39.116 and will make intervention and sanction determinations in accordance with the requirements of HB 3 and the transition plan, as applicable.

Outstanding Issues: See above and below for references related to the transition plan. Additionally, the transition plan to be adopted under §39.116 will require the commissioner during the 2011-2012 and 2012-2013 school years to continue to implement interventions and sanctions for districts and campuses identified as having unacceptable performance in the 2010-2011 school year in accordance with the performance standards applicable during the 2010-2011 school year and will allow the commissioner to increase or decrease the level of interventions and sanctions based on an evaluation of the district's or campus's performance.

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Office of Program Monitoring and Interventions, 512/463-5226

Statute Amended or Added: Renumbers §39.1322 and §39.1323 to §39.105 and §39.106, Education Code, respectively, and amends the sections

Summary: §39.105 addresses certain applications of the campus improvement plan under §11.253, and §39.106 establishes requirements related to campus intervention teams assigned to campuses that do not meet standards under §39.054(e).

§39.105 applies to a campus if campus performance satisfies standards under §39.054(e) for the current school year but would not satisfy standards under §39.054(e) if the standards to be used for the following school year were applied to the current school year. The identification of affected campuses applies to both the percent passing and percent college-ready indicators and allows for Required Improvement and student progress to be included in the evaluation against next year's standards. A campus so identified would be required, upon request of the commissioner, to have the campus-level committee established under §11.251 to revise and submit to the commissioner in an electronic format the portions of the campus improvement plan developed under §11.253 that are relevant to those areas for which the campus would not satisfy performance standards. §39.105(b) requires a charter school campus impacted by this requirement to establish a campus-level planning and decision-making committee that is as much as practicable the same as the committee required for traditional public school campuses and to develop a campus improvement plan as provided by §11.253, which is subject to the same request for submission to the commissioner.

§39.106 establishes the requirement that a campus intervention team (CIT) be assigned to a campus if campus performance is below any standard under §39.054(e) and that the CIT, with the involvement and advice of the school community partnership team, if applicable, conduct a targeted on-site needs assessment relevant to the area(s) of insufficient performance, or, if determined necessary by the commissioner, a comprehensive on-site needs assessment. The CIT also is charged with recommending appropriate actions, assisting in the development of a targeted improvement plan, assisting the campus in submitting the targeted plan to the board of trustees for approval and presenting the plan in a public hearing, and assisting the commissioner in monitoring campus progress in implementing the plan.

§39.106(e) requires that a CIT continue to work with a campus until: 1) the campus satisfies all performance standards under §39.054(e) for a two-year period, or 2) the campus satisfies all performance standards under §39.054(e) for a one-year period and the commissioner determines that the campus is operating and will continue to operate in a manner that improves student achievement. During the period of assignment, the CIT also is required to assist in updating the improvement plan to identify areas of growth and areas in need of improvement and submit each updated plan to the board of trustees. A campus that does not fully implement the CIT's recommendations or the targeted improvement plan may be ordered to reconstitute.

Change from current law: The amendments to §39.105 substitute for the previous technical assistance team (TAT) requirements in statute. With these amendments, the references to a TAT and TAT waiver are stricken, and the group that is required to address the performance concern is specified to be the campus-level planning and decision-making committee in Chapter 11. The previous statute did not specify the composition of the TAT, and membership was established through commissioner rule. The previously-adopted commissioner rules utilized the campus-level planning and decision-making committee and specified that the team must include an additional member with the knowledge and ability to provide technical assistance in the area(s) subject to improvement planning. Additionally, HB 3 specifies that the plan subject to submission is the campus improvement plan under Chapter 11,

and that, upon the request of the commissioner, relevant portions must be submitted to the agency electronically.

The amendments to §39.106 provide for a number of changes, including the following:

- the involvement and advice of a school community partnership team in conducting the on-site campus needs assessment and recommending actions relating to insufficient performance, if a school community partnership team is required by the commissioner;
- the focus on a targeted, rather than comprehensive, on-site needs assessment, unless the commissioner determines that a comprehensive assessment is needed (a targeted assessment must include only those items in §39.106(b) relevant to each area of insufficient performance while a comprehensive assessment must address all items);
- the focus on a targeted improvement plan;
- an on-site needs assessment that determines contributing education-related and other factors resulting in low performance and lack of progress;
- the addition of certain items for consideration as part of the on-site needs assessment, including: the percentage of teachers who are fully certified; the extent and quality of a mentoring program for experienced teachers with less than two years of teaching experience in the subject or grade level assigned; the comparison of needs assessment findings for the identified campus to other campuses serving the same grade levels within the district (or to other campuses within a comparison group if no other campuses exist within the district);
- the addition of teacher recruitment or retention strategies and incentives to attract and retain certified and experienced teachers as an item to be included in recommended actions relating to any areas of insufficient performance;
- the ability, if authorized by the commissioner, of a school community partnership team to supersede the authority of and satisfy the requirements of establishing and maintaining a campus-level planning and decision-making committee under Subchapter F, Chapter 11;
- the ability of the commissioner to authorize a targeted improvement plan or updated plan to supersede the provisions of and satisfy the requirements of developing, reviewing, and revising a campus improvement plan under Subchapter F, Chapter 11;
- the addition of an item allowing a CIT, in executing the targeted improvement plan, to require the district to develop a teacher recruitment and retention plan to address the qualifications and retention of teachers at the campus; and
- the addition of specific requirements related to board approval of improvement plans and public notification, including: required public hearings to be conducted by the board to notify the public of insufficient performance, expected improvements, and possible interventions and sanctions and to solicit public comment on the plan or updated plan and the required posting of improvement plans on the district website before the public hearing.

Effective Date: Subchapter E, Chapter 39, applies as provided by the transition plan to be adopted not later than December 1, 2010, by the commissioner under §39.116. The commissioner of education may immediately apply any exceptions to interventions and sanctions under Subchapter E, Chapter 39, Education Code, as amended by HB 3, to interventions and sanctions under Subchapter G, Chapter 39, Education Code, as that law existed prior to amendment by HB 3.

Action required for 2009-2010 School Year: The agency will undertake rule-making activities to ensure that the Texas Administrative Code is in alignment with the amendments made to TEC, Chapter 39, through the enactment of HB 3. Additionally, the agency will begin development of the transition plan required by §39.116 and will make intervention and sanction determinations in accordance with the requirements of HB 3 and the transition plan, as applicable.

Outstanding Issues: See above and below for references related to the transition plan. Additionally, the transition plan to be adopted under §39.116 will require the commissioner during the 2011-2012 and 2012-2013 school years to continue to implement interventions and sanctions for

districts and campuses identified as having unacceptable performance in the 2010-2011 school year in accordance with the performance standards applicable during the 2010-2011 school year and will allow the commissioner to increase or decrease the level of interventions and sanctions based on an evaluation of the district's or campus's performance.

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No, although some campuses may need to submit relevant portions of campus improvement plans upon request.

For further information, please contact: Division of Performance Reporting, 512/463-9704 (for campus identification) and Office of Program Monitoring and Interventions, 512/463-5226 (for campus interventions)

Statute Amended or Added: Renumbers §39.1324 and §39.1327 to §39.107, and amends the section; adds §39.115, Education Code

Summary: §39.107 addresses reconstitution, repurposing, alternative management, and closure of campuses with continuing performance concerns. §39.115 prohibits the commissioner from requiring that the name of a campus be changed in reconstituting, repurposing, or imposing any other intervention or sanction on a campus under Subchapter E.

§39.107(a) requires the commissioner to order the reconstitution of a campus after the campus has been identified as unacceptable for two consecutive school years and requires the campus intervention team (CIT) to assist the campus in developing an updated targeted improvement plan, submitting the plan to the board of trustees for approval and presenting the plan in a public hearing under §39.106(e-1), obtaining approval of the updated plan from the commissioner, and executing the plan. The CIT also is charged with determining which educators may be retained at the campus. A principal who has been employed at the campus for the full period described by §39.107(a) may not be retained unless the CIT determines that retention of the principal would be more beneficial to student achievement and campus stability than removal.

§39.107(b-2) requires the CIT to assist in updating the targeted improvement plan to identify areas of growth and areas in need of improvement and submit each updated plan to the board of trustees and the parents of campus students and to the commissioner for approval.

§39.107(c) authorizes the commissioner to appoint a monitor, conservator, management team, or board of managers to the district to ensure and oversee district-level support to low-performing campuses and the implementation of the updated targeted improvement plan. The commissioner in making appointments is required to consider individuals who have demonstrated success in managing campuses with student populations similar to the campus at which the individual appointed will serve.

§39.107(d) authorizes the commissioner to order repurposing, alternative management, or closure of a campus if the commissioner determines that the campus is not fully implementing the updated targeted improvement plan or if the students enrolled at the campus fail to demonstrate substantial improvement in the areas targeted by the updated plan.

§39.107(e) requires the commissioner to order repurposing, alternative management, or closure of a campus if the campus is considered to have an unacceptable performance rating for three consecutive school years after the campus is reconstituted, and subsection (e-1) allows the commissioner to waive the requirement to enter such an order for not more than one school year if the commissioner determines that, on the basis of significant improvement in student performance over the preceding two school years, the campus is likely to be assigned an acceptable performance rating for the following school year.

Subsection 39.107(f) establishes the requirements for repurposing a campus, including requirements related to a repurposing plan, and states that the commissioner may not approve the repurposing unless:

- all students in the assigned attendance zone of the campus in the school year immediately preceding the repurposing of the campus are provided with the opportunity to enroll in and are provided transportation on request to another campus, unless the commissioner grants

an exception because there is no other campus in the district in which the students may enroll;

- the principal is not retained at the campus, unless the commissioner determines that students enrolled at the campus have demonstrated significant academic improvement; and
- teachers employed at the campus in the school year immediately preceding the repurposing of the campus are not retained at the campus, unless the commissioner or the commissioner's designee grants an exception, at the request of a school district, for: 1) a teacher who provides instruction in a subject other than a subject for which an assessment instrument is administered under §39.023(a) or (c) who demonstrates to the commissioner satisfactory performance; or 2) a teacher who provides instruction in a subject for which an assessment instrument is administered under §39.023(a) or (c) if the district demonstrates that the students of the teacher demonstrated satisfactory performance or improved academic growth on that assessment instrument.

An educator that is not retained may be assigned to another position in the district.

Subsection 39.107(h) describes the process by which the commissioner can solicit proposals for nonprofit alternative campus management entities or appoint another school district within the same education service center region to assume alternative campus management of the campus. The section further states that the commissioner may solicit proposals from qualified for-profit entities to assume alternative management of a campus if a nonprofit entity has not responded to the commissioner's request for proposals. Subsections (j)-(r) provide additional information related to alternative campus management.

Change from current law: The amendments to §39.107 provide for a number of changes, including the following:

- establishes the CIT, as opposed to the district, as the entity that makes the final determination about the retention of the principal at a reconstituted campus and establishes a decision framework for the determination;
- requires the CIT under §39.107(b-2) to submit an updated improvement plan to the board of trustees and parents of campus students;
- allows the commissioner to order repurposing, alternative management, or closure of a multi-year unacceptable campus if the commissioner determines that the campus is not fully implementing the updated targeted improvement plan or if the students enrolled at multi-year unacceptable campus are failing to demonstrate substantial improvement in the areas targeted by the updated plan;
- establishes repurposing as an additional “ultimate” sanction that may be ordered by the commissioner (the previous statute did not specify repurposing as a separate sanction; the definition of repurposing was established through commissioner rule as a subset of the definition of campus closure) and defines repurposing in statute, as referenced above;
- adds an additional year to the timeline under which the commissioner is required to order an “ultimate” campus sanction (repurposing, alternative management, or closure), with an “ultimate” sanction now required for a campus that is considered to have unacceptable performance for three consecutive school years (as opposed to two) after the campus is reconstituted;
- allows the commissioner to waive the requirement to order an “ultimate” sanction for not more than one school year if the commissioner determines that, on the basis of significant improvement in student performance over the preceding two school years, the campus is likely to be assigned an acceptable performance rating for the following school year; and
- allows the commissioner to solicit proposals from qualified for-profit entities to assume alternative management of a campus if a nonprofit entity has not responded to the commissioner's request for proposals.

Additionally, §39.115 prohibits the commissioner from requiring that the name of a campus be changed in reconstituting, repurposing, or imposing any other intervention or sanction on a campus under Subchapter E. The previous statute did not address this issue; however, a requirement that the name of a closed and repurposed campus be changed previously was established through commissioner rule.

Effective Date: Subchapter E, Chapter 39, applies as provided by the transition plan to be adopted not later than December 1, 2010, by the commissioner under §39.116. The commissioner of education may immediately apply any exceptions to interventions and sanctions under Subchapter E, Chapter 39, Education Code, as amended by HB 3, to interventions and sanctions under Subchapter G, Chapter 39, Education Code, as that law existed prior to amendment by HB 3.

Action required for 2009-2010 School Year: The agency will undertake rule-making activities to ensure that the Texas Administrative Code is in alignment with the amendments made to TEC, Chapter 39, through the enactment of HB 3. Additionally, the agency will begin development of the transition plan required by §39.116 and will make intervention and sanction determinations in accordance with the requirements of HB 3 and the transition plan, as applicable. The commissioner may be required to post a request for proposals for alternative campus management that includes for-profit entities, if a non-profit entity is not identified.

Outstanding Issues: See above and below for references related to the transition plan. Additionally, the transition plan to be adopted under §39.116 will require the commissioner during the 2011-2012 and 2012-2013 school years to continue to implement interventions and sanctions for districts and campuses identified as having unacceptable performance in the 2010-2011 school year in accordance with the performance standards applicable during the 2010-2011 school year and will allow the commissioner to increase or decrease the level of interventions and sanctions based on an evaluation of the district's or campus's performance.

Does this bill create a new program? No

Does this bill require a new report? This bill requires the agency to prepare and deliver a transition plan not later than December 1, 2010, that contains a detailed description of the process the commissioner of education will use to develop and implement HB 3. The plan must be delivered to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, the clerks of the standing committees, and the Legislative Budget Board.

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Office of Program Monitoring and Interventions, 512/463-5226

Statute Amended or Added: Amends §39.108, Education Code

Summary: This section directs the commissioner to annually review the performance of a district or campus for which the accreditation status or rating has been lowered due to insufficient student performance. The commissioner may not raise the accreditation status or ratings until the district has demonstrated improved student performance. If student improvement is not demonstrated, the commissioner is to increase state interventions and sanctions unless the commissioner finds good cause for maintaining the current status.

Change from current law: § 39.133 is renumbered to § 39.108. Under current law, only ratings may not be raised until performance improves. Now, both accreditation status and ratings may not be raised until performance improves.

Effective Date: Subchapter E, Chapter 39, applies as provided by the transition plan to be adopted not later than December 1, 2010, by the commissioner under §39.116. The commissioner of education may immediately apply any exceptions to interventions and sanctions under Subchapter E, Chapter 39, Education Code, as amended by HB 3, to interventions and sanctions under Subchapter G, Chapter 39, Education Code, as that law existed prior to amendment by HB 3.

Action required for 2009-2010 School Year: No

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Performance Reporting at 512/463-9704 and the Office of Program Monitoring and Interventions (PMI) at 512/463-5226

Statute Amended or Added: Amends §39.115 (a), (b), and (d), Education Code

Summary: This bill authorizes the Commissioner to use appropriated funds for the high school innovation grant initiative for middle and junior high campuses.

Change from current law: Current law authorizes grants to be awarded to secondary campuses and districts.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: The agency will review language in the Request for Application documents for programs to be funded under this section to incorporate the clarifying language that middle and junior high school campuses are eligible applicants under this section.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Bill does not mention charters, however, some of the grant programs operating under this section do include charters as eligible applicants.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Jan Lindsey, Director College and Career Readiness Initiatives, Department of State Initiatives (512) 936-6060

Statute Amended or Added: Adds §39.116, Education Code

Summary: This section provides a transition timeline. During the transition to the accreditation system, the commissioner may suspend assignment of accreditation statuses and performance ratings for the 2011-2012 school year.

For the 2012-2013 school year, the agency is to report results on college readiness performance. However, district accreditation statuses and district and campus performance ratings shall only be based on percent proficiency on assessment instruments. For the 2013-2014 school year, the district accreditation statuses and district and campus performance ratings are to be based on both percent proficient and percent college-ready on the assessment instruments.

During the 2011-2012 and 2012-2013 school years, the commissioner shall continue to implement interventions and sanctions for districts and campuses identified as having unacceptable performance in the 2010-2011 school year in accordance with the performance standards applicable during the 2010-2011 school year and may increase or decrease the level of interventions and sanctions for districts and campuses identified as having unacceptable performance in the 2010-2011 school year based on an evaluation of a district's or campus's performance.

Performance ratings and accreditation statuses issued in the 2010-2011 and 2012-2013 school years will be considered consecutive.

Change from current law: New section

Effective Date: 2011-12; with an expiration date of September 1, 2014

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Performance Reporting at 512/463-9704 and the Office of Program Monitoring and Interventions (PMI) at 512/463-5226

Statute Amended or Added: Adds Subchapter G, Distinction Designations, §39.201 – §39.204, Education Code

Summary: These sections create distinction designations for college readiness, academic improvement, high performance, closing achievement gaps, fine arts, physical education, 21st workforce development and second language acquisition programs. One distinction designation applies to both districts and campuses. The others apply to campuses only. The distinction designation for which both campuses and districts are eligible is labeled the Academic Excellence Distinction Designation and is to have two levels of award—Recognized and Exemplary. These distinctions are based on the percent of students achieving college-ready standards or demonstrating improvement toward those standards. This section includes the alternate assessments that are administered to students with disabilities in the list of assessment instruments used to determine these distinction designations.

The campus-only distinctions include designations for campuses in the top quartile of campuses demonstrating student growth, distinctions for campuses in the top quartile in reducing performance differentials among student groups, and distinctions for the following programs or specific categories of performance: academic achievement, fine arts, physical education, 21st Century Workforce Development program, and second language acquisition program.

§39.204 requires that the commissioner establish separate committees for each distinction designation. The committees must be comprised of individuals who practice as professionals in the relevant content area, educators with subject area expertise, and community leaders. Each committee shall identify a variety of indicators for measuring excellence and consider categories of designations based on the school type and size.

Change from current law: This is all new text. There is no relationship between these designations and current law other than, like the current Gold Performance Acknowledgment (GPA) system, distinctions can only be awarded if a campus and district have acceptable performance ratings. Distinctions are to be issued by August 8 each year, concurrent with the release of performance ratings.

Effective Date: 2009-10; however, because distinctions are tied to performance ratings in Subchapter C, distinctions cannot be issued before 2013, because the ratings in Subchapter C are not effective until 2013.

Action required for 2009-2010 School Year: Formulation of five separate distinction designation committees and determination and/or hiring of staff resources for supporting these committees.

Outstanding Issues: Plans for defining, collecting, evaluating, and integrating new indicators must be deferred until committees are convened and policies on these and other issues are decided.

Does this bill create a new program? Yes

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? Yes, this is likely for campuses wishing to earn distinctions for fine arts, physical education, 21st century workforce development and/or second language acquisition.

For further information, please contact: Division of Performance Reporting, 512/463-9704 and Curriculum Division, 512/463-9581.

Statute Amended or Added: Adds §39.205, Education Code

Summary: Section 2-06 will require the Department of Information Resources (DIR) in consultation with the agency to adopt standards for the performance and interoperability of school financial and attendance accounting software. The standards will assure that the software will provide school districts with the ability to share and report data in a timely manner for the purposes of financial management, operational decision making and public transparency.

DIR will award contracts to vendors that have certified that the software products have met the standards adopted. DIR may negotiate state contract pricing for such products that meet the standards.

Change from current law: Currently the software used by school districts for financial and attendance accounting is not approved by the DIR or the agency.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Financial Audits, 512/463-7595

Statute Amended or Added: Amends §39.234 (formerly 39.114), Education Code

Summary: This section modifies the language regarding exceptions to how districts may use their high school allotment. It specifies that a district may use its high school allotment for any non-athletic program if it meets the standard set by the commissioner on two criteria: high school completion and college readiness.

Change from current law: Under current law, a district must either meet or exceed the high school completion rate required to earn an accountability rating of Exemplary in order to be exempt from requirements on how it must use its high school allotment. This amendment modifies that requirement by specifying that the district must *exceed* the rate required to achieve a status of Accredited.

Under current law, a district also must meet a standard set by the commissioner related to a measurement of postsecondary success in order to be exempt from the usage requirements for the High School Allotment. This amendment modifies that requirement by specifying that the standard must demonstrate progress toward college readiness.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Agency will modify the standards and measures by which districts earn an exemption from the requirements on how they may use their High School Allotment.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? No change

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Patricia Hicks, College and Career Readiness Initiatives, 512/463-9622

Statute Amended or Added: Adds §39.236, Education Code

Summary: This legislation requires the commissioner to adopt standards to evaluate school district programs for gifted and talented students to determine whether a district operates a program for gifted and talented students in accordance with (1) the Texas Performance Standards Project; or (2) another program approved by the commissioner that meets the requirements of the state plan for the education of gifted and talented students.

Change from current law: Not applicable.

Effective Date: Effective immediately. Applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: The commissioner will be required to adopt standards to evaluate programs for gifted and talented students.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? The commissioner is required to adopt standards to evaluate school district programs for gifted and talented students.

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Kelly Callaway, Advanced Academics/Gifted Education, Division of Curriculum 512/463-9581

Statute Amended or Added: Adds Subchapter J, Parent and Educator Reports, §39.301 – §39.307, Education Code

Summary: §39.301 identifies indicators of performance that are in addition to the indicators used for determining performance ratings. §39.302 and 39.303 direct the agency to provide districts with reports on student growth on the assessment indicators and for districts to provide that information to parents. §39.304 requires districts to provide teachers with information about the performance of students previously served by that teacher as well as students new to that teacher. §39.305 requires the agency to prepare and distribute a report card for each campus. §39.306 requires districts to publish an annual report of performance and descriptive information. §39.307 describes the uses of the annual performance report.

Change from current law: §39.301 is comparable to 39.051 in current law. The new section moves what were previously described as academic excellence indicators, but not used in the determination of ratings, to this separate section as “report-only” indicators. References to the term “academic excellence indicators” are deleted. This section gives the commissioner, rather than the State Board of Education (SBOE) authority to adopt and review the indicators. New indicators are added, including a requirement to report minimum high school program and distinguished achievement program graduates as well as recommended high school program graduates. Also, indicators are added for counts of students opting to take courses under the minimum plan, the percent of students not educationally disadvantaged, the percent who enroll and attend college the year following graduation, and the percent who complete their first year of college without needing a developmental education course. Two indicators are deleted; attendance rates and the percent of graduates meeting certain criteria on the end-of-course assessments. Some indicators are still required to be disaggregated by bilingual and English as a second language (ESL) instructional settings; however the indicators differ from those requiring this disaggregation in current law. The report-only indicators are no longer required to be compared to comparable improvement, meaning campus groups and group performance no longer need to be created and reported.

§39.302 through 39.304 are comparable to 39.034 (d) through (f) in current law. A difference is the new text requires that the report to teachers include information on incoming students, not just those students previously provided instruction by that teacher.

§39.305 corresponds to 39.052 in current law. This section pertains to the Campus Report Card. Requirements to include campus groups and group performance are deleted. Some previously required indicators are deleted such as attendance rates, the percent of graduates meeting certain criteria on the end-of-course assessments, and rates of exemption from the assessment program. Other indicators are added, such as participation in the minimum high school program, and counts of students opting to take courses under the minimum high school plan.

§39.306 and 39.307 pertain to the Performance Report and Uses of the Performance Report, respectively, which were previously §39.053 and 39.054. Other than changing references to renumbered sections of code and language changes related to the performance ratings, distinction designations, and accreditation status; these sections have no significant new requirements compared to current statute.

Effective Date: 2009-10, though the requirement to include performance ratings and distinction designations in some of these reports cannot be implemented prior to 2013. The requirement for the new indicators cannot be met by 2009-10, as the data cannot be collected by then.

Action required for 2009-2010 School Year: Planning for collection of new data elements through the Public Education Information Management System (PEIMS) or from other external sources such as the Higher Education Coordinating Board.

Outstanding Issues: Collection of new data elements

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Performance Reporting at 512/463-9704 and Enterprise Data Management at 512/463-9795

Statute Amended or Added: Amends and renumbers §39.251 to §39.361, Education Code

Summary: This legislation requires that the first written notice of a student's performance that a school district gives during a school year include a statement of whether the campus at which the student is enrolled has been awarded a distinction designation or has been identified as an unacceptable campus and an explanation of the significance of this information.

Change from current law: Changes language to reflect new accountability language. However, it specifies that this must be done only in cases where the school has earned a distinction or has been identified as an unacceptable campus. [Statute does not require a campus to include this information if it is acceptable and has not earned a distinction.] It also requires that an explanation of the *significance* of the information be included.

Effective Date: 2011-12; although cannot be implemented as written until new ratings are issued in 2013.

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Performance Reporting, 512/463-9704

Statute Amended or Added: Multiple sections as listed below:

Section 5 – amends Section 12.106, Education Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2).

Section 6 – amends Subchapter D, Chapter 12, Education Code, by adding Section 12.1331.

Section 7 – amends Section 19.007, Education Code, by adding Subsection (g).

Section 8 – amends Section 19.009, Education Code, by adding Subsections (d-2) and (d-3).

Section 9 – amends Section 21.402, Education Code, by amending Subsections (a), (d), and (g), and by adding Subsections (c-1), (c-2), and (c-3).

Section 15 – amends Section 28.009, Education Code, by adding Subsection (a-2).

Section 17 – amends Section 29.082, Education Code, by adding Subsection (h).

Section 18 – amends Section 29.0822, Education Code, by amending Subsections (a), (c), and (d) and adding Subsection (e).

Section 44 – amends Section 41.002(a), Education Code.

Section 45 – amends Section 41.093(b-1), Education Code.

Section 46 – amends Section 41.121, Education Code.

Section 47 – amends Section 42.005(g), Education Code.

Section 49 – amends Subchapter A, Chapter 42, Education Code, by adding Section 42.008.

Section 50 – amends Section 42.101, Education Code.

Section 51 – amends Section 42.106, Education Code.

Section 52 – amends Section 42.152(c), Education Code.

Section 53 – amends Section 42.152, Education Code.

Section 54 – amends Section 42.154(a), Education Code.

Section 55 – amends Subchapter C, Chapter 42, Education Code, by adding Section 42.1541

Section 56 – amends Subchapter C, Chapter 42, Education Code, by adding Sections 42.159 and 42.160.

Section 57 – amends Section 42.2516, Education Code, by amending Subsections (b), (b-1), (c), (d), (e), (f), (f-1), (g), and (h), and by repealing Subsections (a-1), (b-2), (i), (j), (k), and (l).

Section 58 – amends Subchapter E, Chapter 42, Education Code, by adding Section 42.25161.

Section 59 – amends Section 42.252(a), Education Code.

Section 60 – amends Section 42.253, Education Code, by adding Subsection (c-1).

Section 61 – amends Section 42.259, Education Code, by adding Subsection (g).

Section 62 – makes a conforming amendment to Section 42.260, Education Code, related to the repeal of Section 42.2514.

Section 63 – amends Sections 42.302(a), (a-1), and (a-2), Education Code.

Section 64 – makes a conforming amendment to Section 42.303, Education Code.

Section 65 – amends Chapter 42 of the Education Code, by creating Subchapter I.

Section 68 – makes conforming amendments to Section 45.052, Education Code.

Section 68A – makes conforming amendments to Sections 45.053(a), (b), and (c), Education Code.

Section 69 – amends Subchapter C, Chapter 45, Education Code, by adding Section 45.0531.

Section 70 – makes conforming amendments to Section 45.055, Education Code.

Section 71 – makes conforming amendments to Section 45.056(b), Education Code.

Section 72 – amends Section 45.061, Education Code, by adding Subsections (c) and (d).

Section 73 – amends Section 45.062(a), Education Code.

Section 74 – amends Section 45.109, Education Code.

Section 75 – amends Chapter 45, Education Code, by adding Subchapters I and J.

Section 76 – amends Section 46.033, Education Code.

Section 77 – makes conforming amendments to Section 46.034(c).

Section 78 – amends Section 3.005, Election Code, by making a conforming amendment to Subsection (a) and adding Subsection (d).

Section 79 – amends Section 4.0008, Election Code, by making a conforming amendment to Subsection (a) and adding Subsection (b).

Section 80 – amends Sections 403.302(d), (i), and (j), Government Code.

Section 81 – makes a conforming amendment related to the repeal of Subchapter N, Chapter 21, Education Code.

Section 82 – amends Sections 825.405(a) and (b), Government Code.

Section 83 – makes a conforming amendment to Section 1579.251(a), Insurance Code, related to the repeal of Section 42.2514, Education Code.

Section 84 – makes a conforming amendment to Section 1581.053(b), Insurance Code, related to the repeal of Section 42.2514, Education Code.

Section 85 – amends Section 26.01(e), Tax Code.

Section 86 – amends Section 26.05, Tax Code.

Section 87 – amends Section 26.08, Tax Code, by adding Subsection (p).

Section 88 – amends Section 31.06, Tax Code.

Section 89 – makes a conforming amendment to Section 311.013(n).

Section 90 of the bill repeals provisions adopted in House Bill 323, 80th Legislature, Regular Session, 2007.

Section 95 of the bill makes provisions related to the wage increases prescribed by the statutory changes to Section 12.1331, 19.007(g), 19.007(g), 19.009(d-2), and 21.402(c-1).

Section 96 of the bill requires the commissioner of education to make determinations of the each school district's entitlement to ARRA funds and to authorize the commissioner to require an application for those funds.

Summary:

Section 5 accelerates the transition for open-enrollment charter schools (OECSs) from funding based on the districts in which its students reside to funding based on the statewide average funding elements under Chapter 42. This section works in conjunction with the repeal of Section 40, Chapter 1504 (H.B. 6), Acts of the 77th Legislature found in Section 105 of this bill.

Section 6 of the bill amends Subchapter D, Chapter 12, Education Code, to require that OECSs deliver wage increases to employees who would be subject to the minimum salary schedule (MSS employees), as amended by this bill, if they were employed by a school district. These include classroom teachers, full-time counselors, full-time nurses, full-time librarians, and full-time speech pathologists. Beginning with the 2009-2010 school year, OECSs would be required to provide these employees with wage increases amounting to the greater of \$80 month, or the maximum uniform amount that can be delivered to MSS employees using an amount equal to the product of \$60 per WADA, adjusted in consideration of the additional contributions to the social security and teacher retirement systems. The wage increase is intended to be in addition to wages the charter holder would otherwise pay the employee.

Section 7 of the bill amends Section 19.007 by adding Subsection (g) to provide funding to the Windham school system to provide the same pay raise to its MSS employees as required for OECS employees.

Section 8 of the bill amends Section 19.009, Education Code, by adding Subsections (d-2) and (d-3). Subsection (d-2) requires the Windham school system, beginning with the 2009-2010 school year, to provide its MSS employees with wage increases amounting to the greater of \$80 month, or the maximum uniform amount that can be delivered to MSS employees using an amount equal to the product of \$60 per WADA, adjusted in consideration of the additional contributions to the social security and teacher retirement systems. The wage increase is intended to be in addition to wages Windham would otherwise pay the employee. Subsection (d-3) requires that the wage increase be paid in addition to any wages the district would otherwise pay the employee during the 2009-2010 school year.

Section 9 of the bill makes conforming amendments to Subsection 21.402(a), Education Code to reflect the repeal of several provisions related to funding formulas. New Subsection (c-1) requires that school

districts, beginning with the 2009-2010 school year, provide MSS employees with wage increases amounting to the greater of: 1) \$80 month, or 2) the maximum uniform amount that can be delivered to MSS employees using an amount equal to the product of \$60 per WADA, adjusted in consideration of the additional contributions to the social security and teacher retirement systems.

New Subsection (c-2) provides that the prescribed pay increase does not include amounts that an employee would have received in 2009-2010 or 2010-2011 under the salary schedule in effect in the school district during the 2008-2009 school year. The pay increase does not include any increase to which the employee would be entitled under Subsection (a). Conforming amendments are made to Subsections (d) and (g).

Section 15 of the bill amends Section 28.009, Education Code, by adding Subsection (a-2) to provide that a school district is not required to pay a student's tuition or other costs associated with taking a dual credit course. This subsection expires on September 1, 2011.

Section 17 of the bill amends Section 29.082, Education Code, by adding Subsection (h) to make a conforming amendment related to the direct appropriation of funding for optional extended year programs that were previously funded by set-asides from the compensatory education allotment.

Section 18 of the bill amends Section 29.0822, Education Code, by amending Subsections (a), (c), and (d) and adding Subsection (e) to repeal language previously limiting the optional flexible school day program (OFSDP) to students in high school and to make provisions for attendance credit for students who have been denied credit for one or more classes based on the failure to maintain the 90% attendance requirement for earning course credit. A conforming amendment to Subsection (c) allows the number of hours provided by the OFSDP for students in credit recovery courses to be modified from the minimum requirements for instructional hours. Amendments to Subsection (d) ensure that a student in a credit recovery program would earn a maximum of one full credit of average daily attendance (ADA) during a fiscal year. New Subsection (e) would permit a student to enroll in this credit recovery program during the regular school year or during the summer.

Section 44 of the bill amends Section 41.002(a), Education Code, to re-define the equalized wealth level applicable to the compressed tax rate of a school district subject to the provisions of Chapter 41 (Chapter 41 district). (The compressed tax rate is defined by multiplying the school district's 2005 maintenance and operations [M&O] tax rate by .6667.). The new definition equates this EWL to the funding provided by the basic allotment as defined by Section 42.101, Education Code.

Section 45 of the bill amends Section 41.093(b-1), Education Code, to make conforming amendments to the EWL associated with the first six cents of tax effort that exceeds a school district's compressed tax rate. If school districts that are recipients of funding under the guaranteed yield defined by Section 42.302 receive funding at the same level as the funding received by the Austin Independent School District (Austin ISD) for the first six cents of tax effort that exceeds their compressed tax rates, school districts that are subject to the recapture of local tax collections under Chapter 41, Education Code, will not be subject to recapture on the tax collections associated with the first six cents of tax effort that exceed their compressed tax rates.

Section 46 of the bill amends Section 41.121, Education Code, to repeal language that authorizes the efficiency credit currently available to school property-wealthy districts that exercise partnership agreements with property-poor school districts. New Subsection (b) grandfathers the credit for existing partnerships that are maintained over the next biennium. This provision expires on September 1, 2011.

Section 47 of the bill amends Section 42.005(g), Education Code, to provide that the participation of students in dual credit courses is eligible for attendance credit.

Section 48 of the bill amends Section 42.005(g), Education Code, to eliminate the provisions allowing dual credit courses to count toward attendance effective September 1, 2011.

Section 49 of the bill amends Subchapter A, Chapter 42, Education Code, by adding Section 42.008, to create a limit on revenue increases available to school districts. Subsection (a) creates a limit of \$350 per WADA more than the district received in the preceding school year. Subsection (a-1) provides that the limit in Subsection (a) becomes effective with the 2010-2011 school year. For the 2009-2010 school year, the revenue increases are limited to the funds the district would have received under the school finance formulas as they existed on January 1, 2009, plus an additional \$350 per WADA. Subsection (b) specifies that the limit on revenue increases does not apply to the enrichment revenue to which a district is entitled under Section 42.302 for tax effort that exceeds the compressed tax rate. Subsection (c) provides the commissioner with authority to reduce state aid or increase recapture amounts as necessary to comply with the limitations on revenue increases prescribed by this section.

Section 50 of the bill amends Section 42.101, Education Code, to revise the definition of the basic allotment. Amended Subsection (a) provides that the basic allotment is set at \$4,765 per ADA, and it is proportionally reduced for school districts that have a compressed tax rate below \$1.00. New Subsection (a-1) provides that the changes in amended Subsection (a) become effective with the 2013-2014 school year. For the 2009-2010 through 2012-2013 school years, Subsection (a) applies except that each reference to \$4,765 in that subsection is replaced with an amount equal to the greater of \$4,765 or the amount equal to the product of .0165 and the statewide average property value per WADA. Subsection (a-1) expires on September 1, 2013.

Section 51 of the bill amends Section 42.106, Education Code, to revise the way in which school districts that do not offer all grade levels are reimbursed for the tuition they pay to have their students educated in another school district. The new language provides for an allotment to these districts and repeals provisions that adjusted the property values used for state funding purposes.

Section 52 of the bill amends Section 42.152(c), Education Code, to amend the indirect cost allotment for the compensatory education allotment from 15 to 45 percent.

Section 53 of the bill amends Section 42.152, Education Code, by adding Subsections (s), (s-1), (s-2), and (s-3) to provide a compensatory education allotment of \$650 per ADA for students who have a parent or guardian on active duty in a combat zone and for students who have a parent or guardian on active duty who have transferred to a school district as a result of a change related to an action taken under the Defense Base Closure and Realignment Act of 1990. Districts would be permitted to use this funding only to serve eligible students. Funding may be provided only if funds are specifically appropriated for that purpose or the commissioner determines that a surplus exists in the appropriation for the Foundation School Program (FSP). The amount appropriated for this purpose may not exceed \$9.9 million. If the total amount of allotments exceeds the available appropriation, the commissioner is required to reduce each district's allotment proportionately.

Section 54 of the bill amends Section 42.154(a), Education Code, to provide \$50 per student who is enrolled in two or more advanced career and technology (CTE) courses or an advanced course as part of a tech-prep program, in addition to the weighted funding currently provided for participation in those courses.

Section 55 of the bill amends Subchapter C, Chapter 42, Education Code, by adding Section 42.1541 to require the State Board of Education (SBOE) to revise the indirect cost allotments established under Sections 42.151(h), 42.152(c), 42.153(b), and 42.154(a-1) and (c). The SBOE is required to take action on the revised indirect cost allotments that reflect the increase in the program allotments related to the increase in the basic allotment such that the changes apply to the 2009-2010 school year.

Section 56 of the bill amends Subchapter C, Chapter 42, Education Code, by adding Sections 42.159 and 42.160.

New Section 42.159 provides for a state virtual school network allotment. The allotment is generated by students' participation in the state virtual school network (VSN) under Chapter 30A, Education Code. For each student who completes an electronic course that satisfies a high school graduation requirement and is provided to the student through the VSN as part of the normal course load, the provider school district or OECSs will receive \$400. The school district or OECS in which the student is enrolled will receive \$80 as a reimbursement for associated administrative costs. A juvenile probation department or state agency is entitled to receive this funding for students who are under their supervision. Depending upon available funding, the commissioner of education may provide funding for students who participate in VSN courses that exceed a normal class load, including summer school classes. The commissioner also has discretion to set aside no more than 50% of available funding for courses in excess of the normal course load for students who are working to recover academic credit for courses in which the students were previously unsuccessful. The commissioner may further designate a portion of this set-aside amount for students in alternative education settings, including disciplinary alternative education program, and juvenile justice alternative education programs, and students under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice. The commissioner is prohibited from providing partial funding for students who participate but do not successfully complete a VSN course. School districts and OECSs are eligible to receive funds under this section in addition to funds to which they are entitled under Chapters 21, 41, and 42 of the Education Code.

The commissioner is required to adopt rules necessary to implement this section. The rules must require school districts and OECSs to reduce the amount of any fee charged for participation in a VSN course by the amount of state funding received for that course. The rules must also address the division and distribution of funds for VSN course participation for students who transfer from one district, school, or other educational setting to another.

New Section 42.160 moves the high school allotment currently authorized in Section 42.2516. This allotment provides \$275 for each high school student in ADA. Chapter 41 districts are entitled to take this allotment as a credit against their costs for recapture. OECSs are entitled to receive these funds. The commissioner is required to adopt rules to administer this section, including the permissible uses of the funds received under this section by an OECS.

Section 57 of the bill amends Section 42.2516, Education Code. Revised Subsection (b) ensures that a school district that imposes an M&O tax rate at least equal to its compressed tax rate will receive at least the amount of state revenue to provide the district with the sum of: 1) the state and local revenue per WADA to which the school district would be entitled under Chapters 41 and 42 as those chapters existed on January 1, 2009; 2) an additional \$120 per WADA; 3) an amount equal to the amount to which the district is entitled based on supplemental payments owed to a tax increment fund (TIF) under Section 311.013(n), Tax Code; and 4) any amount due to the district under Section 42.106 for the tuition allotment. Language in Sections (a-1) and (b) that describes current funding is repealed. These amendments together with the repeal of existing language effectively re-set the revenue targets that were established with the passage of House Bill 1, 79th Legislature, Third Called Session, (HB 1 [79-3]).

Amendments to Subsection (b-1) provide that entitlements to school districts under this section are revised for differences in the amounts due to districts under Section 42.155 (transportation allotment), Section 42.158 (new instructional facilities allotment), or Section 42.2515 (additional state aid for tax credit) from the amounts due to school districts during the 2009-2010 school year. Similar provisions currently found in Subsection (b-2) are repealed.

Amendments to Subsection (c) specify that the enrichment revenue to which a school district is entitled under Section 42.302 is not included in the calculation of the district's revenue target under this section and repeals existing language related to the calculation of revenue targets.

Amendments to Subsection (d) specify that the district's revenue target include the \$23.63 per WADA in funds received under Rider 86, Page III-23, Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session 2007. The revenue target is also adjusted for the difference in the amount of tuition paid in 2008-2009 and the amount paid in the current school year.

Amendments to Subsection (e) describe the treatment of Chapter 41 districts with regard to the repeal of the prohibition for these districts to receive the benefit of the mid-sized school district adjustment. In the calculation of the revenue targets for 2009-2010, total revenue will be divided by the number of WADA that is based on old law, without the benefit of the mid-sized adjustment. This amount of revenue per WADA will be multiplied by the number of WADA derived from the amended calculation, which provides Chapter 41 districts with the benefit of the mid-sized adjustment. Existing language regarding the treatment of the technology allotment is repealed.

Amendments to Subsection (f) provide that Chapter 41 districts are entitled to offset their recapture costs by the amount of funds to which they are entitled under this section. Existing language regarding the use of average tax collection rates is repealed.

Amendments to Subsection (f-1) update year references related to adjustments to revenue targets for school district participation in optional homestead exemptions, tax abatements, and tax increment financing (TIF) projects.

Amendments to Subsection (g) permit the commissioner to adopt rules necessary to implement the section and repeal the penalty for tax rates below the compressed tax rate.

Amendments to Subsection (h) provide that a determination by the commissioner under this section is final and may not be appealed. Existing provisions that require the reduction of excess revenue are repealed. Language in this section that permits Chapter 41 districts to receive their entitlements to revenue under this section through an offset to their costs for recapture is repealed here and moved to the revised Subsection (f).

Existing Subsections (j), (k), and (l) are repealed. Subsection (j) currently provides that a district with a tax rate that exceeds the compressed tax rate cannot be penalized for the additional revenue. Subsection (k) provides the commissioner with rulemaking authority; this language is moved to the revised Subsection (g). Subsection (l) provides that a determination by the commissioner under this section is final and not subject to appeal, language that has been moved to the revised Subsection (h).

Section 58 of the bill amends Subchapter E, Chapter 42, Education Code, by adding Section 42.25161 related to funding for the South Texas ISD. The new section provides that South Texas ISD will receive at least \$120 per WADA in addition to the funding that the school district would have otherwise received during the 2009-2010 school year. The commissioner is permitted to adopt rules necessary to implement this section. A determination by the commissioner under this section is final and may not be appealed.

Section 59 of the bill amends Section 42.252(a), Education Code, to change the definition of the local fund assignment (LFA). Based on this new definition, the LFA is now the lesser of: 1) school district's compressed tax rate, or 2) \$1.00.

Section 60 of the bill amends Section 42.253, Education Code, to provide that school districts will receive state aid for their supplemental payments to TIFs based on estimates that will be settled up at the close of the fiscal year.

Section 61 of the bill amends Section 42.259, Education Code, by adding Subsection (g) making provisions for school district payments under the Foundation School Program (FSP) that support the implementation of the state intercept program.

Section 62 of the bill amends makes a conforming amendment to Section 42.260, Education Code, related to the repeal of Section 42.2514.

Section 63 of the bill amends Sections 42.302(a), (a-1), and (a-2), Education Code. Changes to Subsection (a) provide that the high school and virtual school allotments will be backed out of the Tier 1 allotments used in the calculation of WADA by applying the same methodology currently used with the transportation and new instructional facilities allotment. Amendments to (a-1) essentially collapse the first level of Tier 2 enrichment into the basic allotment. As a result, school districts will generate the basic allotment on the basis of their compressed tax rate and enrichment funding on the tax effort that exceeds the compressed tax rate. The first six cents of tax effort that exceeds the compressed tax rate will generate a guaranteed yield equivalent to that of the Austin ISD or the amount of revenue per WADA received on that tax effort in the previous year, whichever is greater. Tax effort that exceeds the compressed tax rate plus six cents will continue to generate a yield of \$31.95 per penny per WADA.

Section 64 of the bill makes a conforming amendment to Section 42.303, Education Code, related to the redefinition of the LFA under Section 42.252.

Section 65 of the bill amends Chapter 42 of the Education Code, by creating Subchapter I, which authorizes a comprehensive review of public school finance weights, allotments, and adjustments. Four senators, four representatives and the commissioner of education will serve on this committee with three persons employed at a primary or secondary school and three persons representing the business community. The committee is charged with reviewing and identifying specific short term goals that will assist the state in meeting the objectives and goals of public education. The review will "include recommendations regarding: "1) methods to close the achievement gap and define and measure readiness or college and the workforce; 2) revisions to the public accountability system; and 3) methods for promoting efficient and effective support structures for public schools." The committee may appoint a director and a staff to support the work of the committee, and they may also contract with one or more consultants. The review will include public hearings throughout the state, including one hearing to be held at a public school during the school day so that students can attend. The committee is required to prepare a report no later than December 1, 2010. This subchapter expires on January 11, 2011.

Section 68 of the bill amends Section 45.052, Education Code, to add conforming language related to the state intercept program.

Section 68A of the bill makes additional conforming amendments to Sections 45.053(a), (b), and (c), Education Code.

Section 69 of the bill amends Subchapter C, Chapter 45, Education Code, by adding Section 45.0531 to provide statutory authority for the SBOE to reserve a percentage of the cost value of the permanent school fund (PSF) from use in guaranteeing school district bonds. This amendment represents the codification of a practice currently authorized by SBOE rule. The statutory changes require the board to annually consider the percentage reserved, if a reserve has been established.

Section 70 of the bill amends Section 45.055, Education Code, to make conforming amendments to the application process for a bond guarantee related to the state intercept program.

Section 71 of the bill amends Section 45.056(b), Education Code, to make a conforming amendment to the process of reviewing applications for a bond guarantee related to the state intercept program.

Section 72 of the bill amends Section 45.061, Education Code, by adding Subsections (c) and (d). New Subsection (c) provides the commissioner with authority to order a district to set a tax rate capable of paying the principal and interest on bonds due and of reimbursing the state for a payment made on the district's bonds that are backed by a bond guarantee or credit enhancement program. A school district that fails to comply with such an order will be subject to additional sanctions under Subchapter G, Chapter 39, including the appointment of a board of managers or annexation of the district to another district.

Section 73 of the bill amends Section 45.062(a), Education Code, to make conforming amendments to the commissioner's authority to request legal assistance from the state's attorney general related to the state intercept program.

Section 74 of the bill amends Section 45.109, Education Code, by adding Subsections (a-1) and (a-2). These provisions authorize school districts to enter into joint projects with institutions of higher education (IHEs) to construct instructional or athletic facilities. A district must enter into written agreements with an IHE in order to contribute district resources to such a project.

Section 75 of the bill amends Chapter 45, Education Code, by adding Subchapters I and J. Subchapter I establishes the state intercept program to provide credit enhancement for school district bonds. Subchapter J creates a credit enhancement program for open-enrollment charter schools.

Subchapter I makes provisions for program application, limitations on the program, eligibility, and the use of the FSP for credit enhancement. Provisions to make payments on behalf of districts that fail to make payments on bonds and the consequences of that failure are also established. The commissioner is directed to adopt rules related to the administration of this program.

Subchapter J makes provisions for the charter school credit enhancement program. Authority for the program is established, including limitations on participation, minimum requirements for debt service reserves, and the use of the FSP for credit enhancement. The requirement for private matching funds is described as well as the consequences that would result from the failure of a charter school to make timely payments on debt that has received the credit enhancement. Charter schools will be required to agree a lien against real property involved with the credit enhancement. The commissioner is required to adopt rules upon implementation of the program.

Section 76 of the bill amends Section 46.033, Education Code, to provide a permanent roll forward provision to establish bond eligibility for the existing debt allotment (EDA) program. These provisions delete the dates in the statute and replace the dates with references to the last year of the preceding biennium. As a result, bonds that have been issued during a biennium and the first payment is made during that biennium will become automatically eligible for EDA in the following biennium without the need for legislative action.

Section 77 of the bill makes a conforming amendment to Section 46.034(c) related to the EDA roll forward.

Section 78 of the bill amends Section 3.005, Election Code, by making a conforming amendment to Subsection (a) and adding Subsection (d). New Subsection (d) requires that an election to ratify a tax rate that is adopted under Section 26.05(g), Tax Code, be ordered no later than the 30th day before the election.

Section 79 of the bill amends Section 4.008, Election Code, by making a conforming amendment to Subsection (a) and adding Subsection (b). New Subsection (b) requires a district that orders a tax rate election under Section 26.05(g), Tax Code, to notify the county clerk no later than 30 days prior to the election.

Section 80 of the bill amends Sections 403.302(d), (i), and (j), Government Code. Amendments to Subsection (d) delete the current requirement for the comptroller of public accounts to adjust school district tax bases for certain payments due under a TIF arrangement. These provisions are related to the tax rate compression required by HB 1 (79-3). Subsection (i) makes a conforming amendment to the changes in Subsection (d). The amendment to Subsection (j) conforms with amendments made to Chapter 42, Education Code.

Section 81 of the bill makes a conforming amendment related to the repeal of Subchapter N, Chapter 21, Education Code.

Section 82 of the bill amends Sections 825.405(a) and (b), Government Code, to change the minimum salary schedule to be used in the calculation of a district's retirement contributions for certain school personnel from a 1995 salary schedule to the current minimum salary schedule established under Section 21.402, Education Code adjusted by the cost of education index.

Section 83 of the bill makes a conforming amendment to Section 1579.251(a), Insurance Code, related to the repeal of Section 42.2514, Education Code.

Section 84 of the bill makes a conforming amendment to Section 1581.053(b), Insurance Code, related to the repeal of Section 42.2514, Education Code.

Section 85 of the bill amends Section 26.01(e), Tax Code, to change the date by which a chief appraiser must provide a certified estimate of taxable property values to school districts from June 7 to April 30.

Section 86 of the bill amends Section 26.05, Tax Code, by adding Subsection (g) to authorize school districts to adopt a tax rate before adopting a budget that occurs during a current tax year, if the chief appraiser has certified an estimate of taxable property value.

Section 87 of the bill amends Section 26.08, Tax Code, by adding Subsection (p) to authorize a school district that adopts an M&O tax rate that is less than the district's effective M&O rate for that preceding tax year to calculate its rollback tax rate for the current year as if the district had adopted the effective M&O tax rate during the preceding year. The changes also permit a school district to levy I&S taxes sufficient to accelerate the payment of principal and interest on bonds.

Section 88 of the bill amends Section 31.06, Tax Code, to require a tax collector to accept payment in the form of U.S. currency, check money order, credit card, or electronic funds transfer. Provisions requiring a written agreement between the tax collector and the taxpayer are repealed.

Section 89 of the bill makes a conforming amendment to Section 311.013(n), Tax Code, related to changes made in the reporting of property values involved in TIF arrangements.

Section 90 of the bill makes numerous provisions. Subsection (a) repeals provisions adopted in House Bill 323, 80th Legislature, Regular Session, 2007 that make the requirement to install seat belts contingent on a specific appropriation by the legislature to provide funding for that purpose.

Subsection (b) accelerates the effective date of Section 547.701(e), Transportation Code, from September 2010 to September 2009. Subsection (c) amends Section 547.701, Transportation Code, by adding Subsection (f) to provide that school districts are required to comply with the provisions of Subsection (e), which requires the installation of three-point seat belts in school buses, only to the extent that the TEA pays or commits to pay for expenses incurred in complying with that section. The TEA is authorized to make grants of appropriated money for these purposes. The TEA has an appropriation of \$10 million for FY 2011 contingent approval by the Legislative Budget Board of an implementation plan to be completed by the Texas Transportation Institute.

Section 95 of the bill makes provisions related to the wage increases prescribed by the statutory changes to Section 12.1331, 19.007(g), 19.007(g), 19.009(d-2), and 21.402(c-1) contingent upon a determination by the commissioner that these wage increases are allowable uses of the federal funds received under the American Recovery and Reinvestment Act of 2009 (ARRA). The commissioner's determination is contingent upon approval of the state's application for ARRA funds. The commissioner is required to promptly notify districts of the determination, which is final and may not be appealed. School districts and charter schools are authorized to adopt employment contracts that are contingent upon the commissioner's determination. If the commissioner determines that the ARRA funds may not be used for this purpose, the required salary increases do not take effect.

Section 96 of the bill requires the commissioner of education to make determinations of the each school district's entitlement to ARRA funds and to authorize the commissioner to require an application for those funds.

Section 97 of the bill provides that for the purposes of interpreting and implementing Section 825.406, Government Code, which determines the state's contribution to the Teacher Retirement System (TRS) for the salary increases required by this bill and paid from ARRA funds, these salary increases will not be considered as paid from federal funds. These provisions ensure that the increased contributions to TRS required by the wage increases will be borne by the state.

Section 98 of the bill requires the commissioner to provide school districts with the maximum flexibility possible in the use of their ARRA funds.

Section 99 of the bill clarifies that Section 21.402(c-1), Education Code, do not require a salary increase for MSS employees in the 2010-11 school year.

Section 100 of the bill makes provisions for catch up payments related to school districts' participation in TIF arrangements to be made during FY 2010, along with any other FSP settle-up payments due to the district during the school year.

Section 105 of the bill repeals several provisions of the Education Code:

Subsection (a)(5) repeals Section 42.103(e) – this provision currently prohibits Chapter 41 districts from receiving the benefit of the mid-sized district adjustment. The repeal will allow these districts to receive this benefit.

Subsection (a)(6) repeals Sections 42.152(e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), and (u) – These subsections currently authorize set-asides from the compensatory education allotment:

- Subsections (e)–(h) are related to the compensatory education allotment set-aside for the Life Skills Program for Student Parents.
- Subsections (i)–(k) are related to the compensatory education allotment set-aside for the certified counselor program authorized in Chapter 33.
- Subsections (l) and (n) are related to the compensatory education allotment set-aside for the ICF.
- Subsections (m) and (o) are related to the compensatory education allotment set-aside for unanticipated expenditures related to a significant increase in enrollment of students who live in residential treatment facilities and who do not have disabilities.
- Subsection (p) is related to the compensatory education allotment set-aside for the OEYP.
- Subsection (u) is related to the compensatory education allotment set-aside for the Communities in Schools program.

Subsection (a)(7) repeals Sections 42.2511, 42.2512, 42.2513, and 42.2514 —

- Section 42.2511 provides additional state aid for homestead exemptions (1997).
- Section 42.2512 provides additional state aid for professional staff salaries.
- Section 42.2513 provides additional state aid for staff salary increases (2006).
- Section 42.2514 provides additional state aid for school employee benefits (2001).

Subsection (b) repeals Subchapter C, Chapter 1581, Insurance Code – This subchapter is related to the entitlement of school districts to additional state aid for school employee benefits.

Subsection (c) repeals Section 2, Chapter 1191 (HB 828), Acts of the 80th Legislature, Regular Session, 2007, which amended Subsection (a-1), Section 42.302, Education Code. This provision would ensure that the guaranteed yield on the first six cents of tax effort that exceeds a district's compressed tax rate would be no lower than the yield in the previous year. Under HB 828, the provisions were to go into effect on September 1, 2010. This bill accelerates that effective date to September 1, 2009.

Subsection (d) repeals Section 3, Chapter 1337 (SB 1788), Acts of the 80th Legislature, Regular Session, 2007, which made provisions related to the implementation of virtual school network courses through FY 2011.

Subsection (e) repeals Section 40, Chapter 1504 (HB 6), Acts of the 77th Legislature, Regular Session, 2007, which made general law provisions for the transition of charter school funding from a resident district basis to a statewide average basis.

Change from current law:

- Requires wage increases for MSS employees at OECs, school districts, and Windham
 - o Requires OECs and school districts to use up to \$60/WADA of the funding provided by formula increases to deliver wage increases to MSS employees
 - o Provides funding to Windham for the required wage increases
 - o Makes the requirement for salary increases contingent upon the approval of the state's ARRA application by the USDE.
 - o Makes provisions to ensure that the payment of the TRS contributions related to these required salaries are made by the state
 - o Clarifies that Section 21.402(c-1), Education Code, do not require a salary increase for MSS employees in the 2010-11 school year
- Allows school districts to charge students for participation in dual credit courses and earn ADA credit until September 2011.
- Expands the optional flexible school day program (OFSDP) to provide access to students who are not in high school and makes provisions for attendance credit for students who have been denied credit for one or more classes based on the failure to maintain the 90% attendance requirement for earning course credit; a student in a credit recovery program would earn a maximum of one full credit of average daily attendance (ADA) during a fiscal year.
- Significant changes are made to school finance formulas:
 - o Revenue targets are re-set to the amounts that would have been received in 2009-2010 under old law;
 - o Stabilizes charter school funding;
 - o School districts, open-enrollment charter schools (OECs), and South Texas ISD are ensured to receive a minimum increase of \$120 per student in weighted average daily attendance (WADA) above the old law 2009-2010 entitlements;
 - o Modifies school finance formulas
 - the first equalized wealth level (EWL) is:
 - applicable to the compressed tax rate of a Chapter 41 district;
 - equal to the wealth per student available under the basic allotment

- the basic allotment is defined as the lesser of:
 - \$4,765, or
 - 1.65 percent of the statewide average taxable property value per WADA
- the local fund assignment (LFA) is redefined as the lesser of:
 - the school district's compressed tax rate, or
 - \$1.00.
- a limit on revenue increases is established
 - Repeals set-aside funding from compensatory education allotment
 - Creates a tuition allotment for school districts that do not offer all grade levels
 - Repeals the prohibition against Chapter 41 districts receiving the benefit of the mid-sized school district adjustment.
 - Provides for an automatic rolling forward of the eligibility of bonds issued by school districts during a biennium under the existing debt allotment (EDA) program
- Revises the indirect cost allotment for the compensatory education allotment and directs the State Board of Education (SBOE) to revise the other special program allotments accordingly
- Establishes a new category of compensatory education, funding for the military dependent allotment.
- Provides additional funding for students in certain types of career and technology (CTE) education.
- Moves the high school allotment to Subchapter C, Chapter 42, with other special program allotments
- Establishes a new virtual school allotment
- Establishes state intercept programs to provide credit enhancement for school district and charter school facilities funding
- Creates a Select Committee on School Finance Weights, Allotments, and Adjustments that is charged with a comprehensive review of school finance formulas
- Authorizes school districts to enter written agreements with institutions of higher education (IHEs) to participate in joint construction of instructional or athletic facilities.
- Permits school districts to conduct tax rate ratification elections prior to the adoption of their budgets
- Provides catch-up payments to districts participating in tax increment financing (TIF) arrangements and simplifies administration of payments due to these districts in the future
- Modifies the calculation of school district contributions to the TRS on salaries paid to administrators
- Permits school districts to temporarily reduce M&O tax rates without having to conduct a tax rate ratification election to restore previous tax rates
- Requires tax collectors to receive payments in the form of U.S. currency, check money order, credit card, or electronic funds transfer (EFT) and repeals provisions requiring a written agreement between the collector and the taxpayer in order to make EFT payments
- Modifies requirements for school districts to have seatbelts on buses purchased after September 1, 2009 such that the requirement applies only to the extent that the TEA provides funds for installation of the seat belts
- Requires the commissioner to provide school districts with the maximum flexibility possible in the use of their ARRA funds

Effective Date: September 1, 2009.

Action required for 2009-2010 School Year:

- Implementation of new school finance formulas, including new and enhanced allotments along expanded attendance eligibility
- Implementation of state intercept programs

Outstanding Issues: Approval of the state's application for ARRA funds.

Does this bill create a new program? Yes.

Rulemaking Authority?? SBOE

Does this expressly apply to charters? No, but there are provisions that do apply expressly to charters, including provisions that impact their state funding and their opportunities to participate in a state-sponsored credit enhancement program for facility funding.

Does this bill contain a new reporting requirement for TEA/school districts?

School districts will need to report about their eligible students in order to receive funding.

For further information, please contact: The School Finance unit at (512) 463-9238 or sfinance@tea.state.tx.us – please state the nature of the question in order to route your inquiry to the appropriate staff.

Statute Amended or Added: Adds §41.0931, §42.0051, §42.2523, §42.2524, §44.0312, Education Code; Amends §418.073; §418.073, Government Code

Summary: The bill makes special provisions for school districts located in a declared disaster area that have incurred disaster remediation costs. For the two-year period after the date of the governor's initial declaration, the amount of attendance credits that must be purchased under the TEC, §41.093, would be reduced by the amount of any disaster remediation costs paid by the district during that period for which the district does not anticipate reimbursement through other sources. For the purposes of reducing recapture costs in 2009–2010, disaster remediation costs paid by the district after September 1, 2008, would be included.

The bill requires the commissioner to adjust the average daily attendance (ADA) of a district in a declared disaster area, if the district experiences a decline in ADA that is reasonably attributable to the disaster. The adjustment must be sufficient to provide funding comparable to that the district would have received if the decline in ADA attributable to the disaster had not occurred. This adjustment must be made for the two-year period after the initial declaration of a state of disaster.

The bill also requires the commissioner to adjust the taxable value of property of a district in a declared disaster area as is necessary to ensure that the district receives funding based as soon as possible on property values as affected by the disaster.

The bill further provides a reimbursement of disaster remediation costs for a district in a declared disaster area for which the district does not anticipate other reimbursement. During the two-year period after the initial declaration of a state of disaster, a district may apply to the commissioner for reimbursement of disaster remediation costs paid during that period for which the district does not anticipate reimbursement through other sources. A district may also seek reimbursement of disaster remediation costs paid on or after September 1, 2008. The commissioner may provide reimbursement from amounts appropriated for that purpose or from the Foundation School Program (FSP) if the commissioner determines that there are surplus appropriations for the FSP.

The bill authorizes a local board of trustees to delegate the authority to contract for replacement, construction, or repair of school equipment or facilities, if necessary for the health and safety of district students and staff.

The bill allows a state or local government entity that participates in disaster preparation or recovery to request and receive funding from the disaster contingency fund to pay for costs incurred in preparing for or recovering from a disaster. If entities receive reimbursement from the federal government, then the entities are required to reimburse the disaster contingency fund by the amount received. Money in the disaster contingency fund may be used to pay for a disaster risk financing instrument to leverage available funds and receive proceeds greater than appropriated amounts to pay for extraordinary expenses. Money in the fund also may be used to provide local matching funds for Federal Emergency Management Agency projects.

Change from current law: Not applicable (new statute).

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: The agency will be required to modify calculations of state funding for districts affected by disasters. School districts that wish to be reimbursed will need to apply for funds and demonstrate need.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? The bill's applicability to charters is unclear.

Does this bill contain a new reporting requirement for TEA/school districts? No. However, school districts that wish to be reimbursed will need to apply for funds and demonstrate need.

For further information, please contact: Al McKenzie, Division of State Funding, 512/463-9186.

HB 3646, Sections 52, 55, 66, 67 Author: Hochberg Sponsor: Shapiro

Statute Amended or Added: Amends §42.152(c) and Subsections §44.004 (h) and (j): Adds §42.1541 and §44.908, Education Code

Summary: Section 52. allows a district receiving funds under the State Compensatory Education allotment, to use up to 45 percent of the allotment for indirect cost as established under State Board of Education rule.

Section 55 requires the State Board of Education to increase the indirect cost allotments for the special education, state compensatory education, bilingual education and career and technology allotments to reflect the increased percentage of total maintenance and operations funding represented by the basic allotment under §42.101 as a result of the amendment by HB 3646.

Section 66 allows a district to adopt a tax rate before receipt of a certified appraisal roll and before the adoption of the budget. If the district elects to adopt a tax rate before adopting a budget, the district must publish a notice and hold a meeting for the purpose of discussing the proposed tax rate and then following the adoption of the tax rate must publish a notice and hold another public meeting before the district may adopt a budget.

Section 67 requires the district to adopt a policy governing the expenditure of local funds from vending machines, rentals, gate receipts, or other local sources of revenue over which the district has direct control. The policy must require discretionary expenditures of local funds to be related to the district's educational purpose and provide a commensurate benefit to the district or its students and meet the standards of Section 52, Article III, of the Texas Constitution, regarding expenditure of public funds.

Change from current law: Currently, the indirect cost rates for the special review programs is at 15 percent for special education, state compensatory education, bilingual education allotments and 10 percent for career and technology allotment. Currently school districts are not allowed to adopt a tax rate prior to adopting a budget.

Effective Date: Section 52 and 55 are effective for the 2009-2010 school year.

Section 66 is effective for the 2010 tax year beginning on or after the effective date of this Act.

Section 67 is effective September 1, 2009.

Action required for 2009-2010 School Year: State Board of Education shall adopt rules for the indirect cost rates for the 2009-2010 school year. School districts need to adopt a policy governing the expenditure of local funds.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? State Board of Education

Does this expressly apply to charters? Section 52 and 55 apply to charters.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Financial Audits, 512/463-9095

Statute Amended or Added: Amends §44.031(a); adds §44.0313; repeals §44.033, Education Code; and amends §271.024, Local Government Code

Summary: Section 1 will increase the level for competitive procurement for all district contracts from \$25,000 to \$50,000 or more in the aggregate for each 12 month period. Districts will not have to competitively procure contracts of less than \$50,000.

Section 2 allows districts to receive bids or proposals electronically. The board of trustees of the district must adopt rules to ensure the identification, security, and confidentiality of the electronic bids or proposals and also that they remain unopened until the proper time.

Section 6 will increase the level for competitive procurement for the construction, repair, or renovation of a structure, road, highway, or other improvement or addition to real property from \$25,000 to \$50,000.

Section 15 repeals the section of the purchasing code that required districts to receive quotes for purchases of personal property valued between \$10,000 and \$25,000.

Change from current law: Currently school districts must competitively procure contracts that are valued at \$25,000 or more in the aggregate for each 12 month period.

Currently school districts are not allowed to receive bids or proposals electronically.

Currently school districts must receive quotes from three vendors prior to purchasing personal property valued between \$10,000 and \$25,000.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Section 6 applies and Sections 1 and 2 would apply if the charter school adopted the state purchasing laws.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Financial Audits, 512/463-7595

Statute Amended or Added: Amends, §44.0311(a) and adds §44.0311(c), Education Code

Summary: The bill will exempt public junior colleges from the purchase, acquisition, or license of library goods and services for a library operated as part of a junior college district from the purchasing laws under TEC 44.031

Change from current law: Currently junior colleges must follow the purchasing rules established under TEC 44.031 which includes library goods and services.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Financial Audits, 512/463-9095

Statute Amended or Added: Amends §44.902 and repeals §44.901(b), Education Code

Summary: Section 4 states that school districts shall establish a long-range energy plan to reduce the district's annual electric consumption by 5% beginning with the 2008 fiscal year. The long-range plan must include strategies for achieving energy efficiency that: results in net savings for the district; or can be achieved without financial cost to the district and the strategies identify the short-term capital costs and lifetime cost and savings that may result from implementation of the strategy. The board of trustees are to consider the total net costs and savings that may occur over the seven-year period. The board of trustees may submit the plan to the State Energy Conservation Office to determine whether funds are available through loan programs administered by the office are available to the district.

Section 5 repeals Subsection (b), Section 44.901 which required school districts to establish a goal to reduce the annual electric consumption by five percent each year for six years.

Change from current law: Currently school districts are to establish a goal to reduce the school district's annual electric consumption by five percent each state fiscal year for six years.

Effective Date: Beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: School districts to establish a long-range energy plan to reduce electric consumption by 5%.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Financial Audits, 512/463-9095

Statute Amended or Added: Amends §45.001(a), Education Code and §26.08, Tax Code

Summary: This bill is related to the authority of a school district to impose ad valorem taxes.

Section 1 of the bill amends the Texas Tax Code, §26.08, by adding Subsection (p). Under new Subsection (p), if a district's adopted maintenance and operations (M&O) tax rate for the prior year is less than its effective M&O rate for that year, then the district's current-year rollback tax rate is calculated as if its prior-year adopted M&O rate were equal to its prior-year effective M&O rate.

Section 2 of the bill amends the TEC, §45.001(a), to allow the governing board of an independent school district or rural high school district and the commissioners court of a county, on behalf of each common school district under its jurisdiction, to levy, pledge, assess, and collect annual ad valorem taxes to pay the principal of and interest on bonds before the principal and interest become due.

Section 3 of the bill provides that the change in law made by this bill applies to the ad valorem tax rate of a school district beginning with the 2009 tax year. If the governing body of a school district adopts its 2009 tax rate before the effective date of the bill, the change in law made by this bill applies to the ad valorem tax rate beginning with the 2010 tax year.

Change from current law: See above.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: If a school district's adopted M&O tax rate for the prior year is less than its effective M&O rate for that year, then the district's current-year rollback rate will be calculated as if the district's prior-year adopted M&O rate were equal to its prior-year effective M&O rate.

Applicable tax-assessing units of government can levy, pledge, assess, and collect annual ad valorem taxes to pay the principal of and interest on bonds before the principal and interest become due.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Helen Daniels, Division of State Funding, 512/463-9238.

Statute Amended or Added: Adds §51.3062(i-1) and (q-1), Education Code

Summary: This legislation allows the commissioner of higher education to adopt rules to require an institution of higher education to adopt uniform standards for the placement of a student in developmental coursework if the student is not deemed ready for freshman-level academic coursework. This legislation also exempts a student who has completed a recommended or advanced high school program and demonstrated the performance standard for college readiness on Algebra II and English III assessment instruments from the requirements for determining the student's readiness to enroll in freshman-level academic coursework in mathematics and English upon entering an institution of higher education.

Change from current law: Current law allows a student who has achieved a score set by the board on the SAT or the American College Test (ACT) to be exempt from the requirements that an institution of higher education determine a student's readiness to enroll in freshman-level academic coursework. A student who has achieved scores set by the board on the questions developed for end-of-course assessment instruments is also exempt by current law from the requirements. This legislation adds a third possible exemption from the requirements that an institution of higher education determine a student's readiness to enroll in freshman-level academic coursework.

Effective Date: Effective immediately. Applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Division of Curriculum, 512/463-9581

Statute Amended or Added: Amends §51.803(a) and adds Subsections (a-1), (a-2), (a-3), (a-4), (a-5), (a-6), (g), (h), (i), (j), (k), and (l); adds §51.8035; amends §28.026; adds §33.007(c); adds Chapter 56, Subchapter R; adds §61.07622, Education Code

Summary: Section 1: Beginning with admissions for the 2011-2012 and ending with the 2015-2016 academic year, this legislation permits The University of Texas at Austin (UT Austin) to limit admission to applicants who qualify for automatic admission to the number required to fill 75 percent of the university's enrollment capacity designated for first-time resident undergraduate students in an academic year. The bill also establishes the criteria by which the 75% must be chosen and by which the other 25% must be chosen.

UT Austin must provide to each school district, notice of which percentile ranks of high school senior-level students who qualify for automatic admission are anticipated to be offered automatic admission during the next school year. This must be provided in a manner determined by TEA, must be provided by September 15 of each year, and must be distributed to high school juniors and their parents by the high school.

If UT Austin offers automatic admission using this allowance, the university must require that a student admitted automatically complete a designated portion of not less than six semester credit hours during evening hours or other low-demand hours as necessary to ensure the efficient use of the institution's available classrooms.

By December 31 of each academic year in which UT Austin uses this allowed limitation, the university must deliver a written report to the governor, the lieutenant governor, and speaker of the house of representatives regarding the university's progress in each of the following areas:

- (1) increasing geographic diversity of the entering freshman class;
- (2) counseling and outreach efforts aimed at students qualified for automatic admission under this section;
- (3) recruiting Texas residents who graduate from other institutions of higher education to the university's graduate and professional degree programs;
- (4) recruiting students who are members of underrepresented demographic segments of the state's population; and
- (5) assessing and improving the university's regional recruitment centers.

The Texas Higher Education Coordinating Board (THECB) by rule must develop and implement a program to increase and enhance the efforts of general academic teaching institutions in conducting outreach to academically high-performing high school seniors in Texas who are likely to be eligible for automatic admission. Outreach efforts must provide those students with information and counseling regarding automatic admission and other opportunities, including financial assistance, available to those students for success at public institutions of higher education in this state. The THECB, after gathering information and recommendations from available sources and examining current outreach practices by institutions in this state and in other states, must prescribe best practices guidelines and standards to be used by general academic teaching institutions in conducting the student outreach described by this subsection.

Students qualified for automatic admission may be admitted for the summer session or the fall session after high school graduation.

Institutions may not refer to the automatic admission requirement in denial letters to applicants. For institutions of higher education that offer admission under Subsection (a-1), admission of first-time undergraduate students who are not residents of this state may not make up more than 10% of an incoming freshmen class. A general academic teaching institution may not offer admission under Subsection (a-1) if a court order prohibits the institution from considering an applicant's race or ethnicity as a factor in the decisions relating to first-time undergraduate admissions or the institution's governing board has provided that an applicant's race or ethnicity may not be considered as a factor in the institution's decisions relating to first-time undergraduate admissions.

The THECB must publish an annual report regarding the effect of this legislation on the state's goal of closing college access and achievement gaps.

Section 2: This section expands automatic admissions to allow eligible students to transfer under certain conditions such as within a set time frame, with core credits, from a Texas community college. This applies beginning Spring 2010.

Section 3: The legislation requires school districts to provide each student, at the time the student first registers for one or more classes required for high school graduation, with a written notification of the substance of Section 51.803 (automatic admission) and, not later than the 14th day after the last day of fall semester classes to provide each eligible senior student and each junior student who has a grade point average in the top 10 percent of the student's high school class, and the student's parent or guardian with a written notification of the student's eligibility including a detailed explanation in plain language of the substance of Section 51.803.

Also, the commissioner is required to adopt forms to use in providing notice and school districts are required to use them. The notice must be on a single form that may contain signature lines to indicate receipt of the notice by the student or the student's parent or guardian.

The commissioner must also adopt procedures to ensure that this notice is provided as soon as practicable after this legislation becomes law to each student who, for the 2009-2010 school year, registers for one or more courses required for high school graduation. The commissioner may adopt rules under this subsection in the manner provided by law for emergency rules. Each district must comply with the procedures adopted by the commissioner under this subsection.

Section 4: At the beginning of Grades 10 and 11, a school counselor certified under the rules of the State Board for Educator Certification must explain the requirements of automatic admission to each student enrolled in a high school or at the high school level in an open-enrollment charter school who has a grade point average in the top 25 percent of the student's high school class.

Section 5: The legislation establishes a scholarship program for students who graduate from high school on the Recommended or Distinguished High School Program in the top ten percent of their class, along with initial eligibility, application, and continued eligibility requirements.

Section 6: The THECB must develop a plan under which high schools with low percentages of graduates enrolling in institutions of higher education are required to:

- (1) provide students with information related to enrollment in institutions of higher education, including admissions and financial aid information; and
- (2) assist those prospective students in completing applications including admissions and financial aid applications.

Change from current law:

Section 1: Currently, no limits on automatic admissions exist.

Section 2: Currently, automatic admission is not available for transfer students; it is a one-time possibility for graduates who enter four-year institutions.

Section 3: This section makes the student information provided by the district much more specific than it currently is and requires the commissioner to adopt a standard form not currently in existence.

Sections 4 – 6: Not applicable

Effective Date: June 19, 2009

Action required for 2009-2010 School Year:

Outstanding Issues: None

Does this bill create a new program? Yes

Rulemaking Authority? Yes

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: The Texas Higher Education Coordinating Board
512/427-6101

Statute Amended or Added: Amends §61.0766, Education Code

Summary: Establishes academies at institutions of higher education to improve instructional skills of teachers in math, science and technology.

Change from current law: Transfers §21.4562 to Subchapter C, Chapter 61, Education Code re-designated as §61.0766.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Institutes of Higher Education (IHE) establish academies if they have an SBEC approved educator preparation program.

Outstanding Issues: TEA/SBEC may need to approve additional IHE teacher preparation programs.

Does this bill create a new program? Yes

Rulemaking Authority? State Board for Educator Certification

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Karen Loonam, Educator Certification and Standards, 512/936-8304

Statute Amended or Added: Adds §61.861, Education Code

Summary: This legislation adds an option for the commissioner of higher education, in consultation with the comptroller and Texas Workforce Commission (TWC), to award a grant not to exceed \$1 million to an institution of higher education to develop advanced mathematics and science courses to prepare high-school students for employment in a high-demand occupation. The commissioner of higher education, the commissioner of education, comptroller, and the TWC must jointly determine what is considered a high-demand occupation for this purpose. An institution of higher education would be required to work with at least one independent school district and a business entity in developing such a course. A course developed for this purpose must provide content that enables a student to develop the relevant and critical skills needed for employment or additional training in a high-demand occupation; incorporate college and career readiness skills as part of the curriculum; be offered as dual credit; and satisfy a mathematics or science requirement under the recommended or advanced high school program. A higher education institution will periodically review and revise the curriculum for the courses developed for a high-demand occupation to accommodate changes in industry standards for the high-demand occupation.

The commissioner of higher education and the commissioner of education, in consultation with the comptroller and TWC must establish the grant application criteria and in making an award must give priority to courses that: prepare students for high-demand, high-wage, and high-skill occupations and further postsecondary studies; may be transferred as college credit to multiple institutions of high education; and are developed as part of a sequence of courses that include statewide availability of the instructional materials and training for the course at a nominal cost to public educational institutions in the state.

Higher education institutions may use funds awarded for the course to develop curriculum; assessments or instructional material, including technology-based supplemental materials; or professional development programs for secondary grade-level teachers teaching such a course.

The courses developed must be reviewed by the commissioner of higher education and commissioner of education, in consultation with the comptroller and TWC once every four years to determine whether a course is being used by public educational institutions; prepares high school students with the skills necessary for employment in a high-demand occupation and further postsecondary study; and satisfies a mathematics or science requirement for the recommended or advanced or high school program.

Grant funds awarded to higher education institutions for the development of the course must be matched by business entities in the applicable industry. The total amount of grant funds awarded in any state fiscal biennium may not exceed \$10 million. The commissioner of higher education will administer the funds.

Change from current law: Current law does not provide grant opportunities for postsecondary institutions to develop advanced mathematics or science courses to prepare high school students for employment in a high-demand occupation.

Effective Date: Effective immediately. Applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: None

Outstanding Issues: The SBOE will have to approve courses to count for a fourth mathematics or science credit in the recommended or advanced high school graduation program should the courses be developed under the grant.

Does this bill create a new program? Yes

Rulemaking Authority? SBOE

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Karen Batchelor, Division of Curriculum, 512/463-9581

Statute Amended or Added: Adds §130.008(d) and (d-1), Education Code

Summary: This bill allows an independent school district (ISD) to establish a partnership, for the purposes of offering its students dual credit, with any community college, provided that the community college in whose service area the ISD is located is unable to provide the requested dual credit course to the satisfaction of the ISD.

Change from current law: Currently, ISDs are required to offer dual credit courses only in partnership with the community college in whose service area the ISD is located.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: ISDs will need to be able to demonstrate that the local community college in whose service area they reside was unable to satisfactorily provide a dual credit course in order to enter into an agreement with another community college for provision of that course.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Jan Lindsey, Director of College and Career Readiness Initiatives, Department of State Initiatives (512) 936-6060

Statute Amended or Added: Adds Chapter 134, Education Code

Summary: This legislation creates a Jobs and Education for Texans (JET) grant program. The comptroller is required to establish and administer the JET fund from a dedicated account in the general revenue fund and award grants to community and technical colleges and eligible nonprofit organizations. Funds would include any amounts appropriated by the legislature, interest earned from the fund, and gifts, grants, and other donations received for the fund. An advisory board of education and workforce stakeholders will assist the comptroller in administering the grant program. The advisory board will be composed of seven members who serve two-year terms and are each appointed by the following: governor, lieutenant governor, speaker of the house, Texas Higher Education Coordinating Board, Texas Workforce Commission, and the comptroller. The comptroller serves as the presiding officer and the board must meet at least once each quarter to review applications and recommend grant awards. Eligible grant recipients include public junior colleges, public technical institutes, and eligible nonprofit organizations. Grants are to be used for the purposes of developing, supporting or expanding programs of nonprofit organizations; preparing low-income students for careers in high-demand occupations; defraying the startup costs for establishing new CTE postsecondary programs; and providing scholarships for students in CTE programs.

Nonprofit organizations must provide matching funds to support low-income students.

The comptroller may award grants to public postsecondary junior and technical institutions to support courses that prepare students for employment in occupations that are identified as being in high-demand, including courses offered for dual credit. These costs can include constructing or renovating facilities and purchasing equipment. The public institutions must provide matching funds from a variety of sources.

The comptroller may also provide scholarships for students that demonstrate financial need and are enrolled in a training program for a high-demand occupation.

Change from current law: Not applicable

Effective Date: Effective immediately. Applies beginning with the 2009-2010 school year.

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? Yes

Rulemaking Authority? Comptroller

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Karen Batchelor, Division of Curriculum, 512/463-9581

Statute Amended or Added: Adds Chapter 162, Education Code

Summary: This bill creates the Interstate Compact on Educational Opportunity for Military Children.

Article I: Purpose – Remove barriers to the educational success of military children by facilitating timely enrollment, placement, qualification and eligibility for enrollment, on-time graduation; providing for the promulgation and enforcement of administrative rules, providing for collection and sharing of data and information among all states under this compact; and promoting coordination with other compacts impacting military children, promoting flexibility and cooperation to achieve educational success for the student.

Article VIII: State Coordination – Provides for a State Council or existing body to coordinate various local and state governmental bodies to comply with the compact. The State Council membership must include (1) commissioner of education, (2) a superintendent from a district with high concentration of military children, (3) a representative of a military installation, one representative of the Texas House of Representatives and the Texas Senate, one representative of the Governor of Texas, and others deemed appropriate. Appointment of a military family education liaison, a commissioner to oversee the operation of the compact. Both the liaison and compact commissioner will serve as ex-officio members of State Council.

Article IX: Interstate Commission on Educational Opportunity for Military Commission – Provides for the creation operation of the Interstate Commission, outlines its duties, responsibilities, basic rules of operation, and membership (one representative from each state).

Article X: Powers and Duties of the Interstate Commission – Outlines the powers of the Commission including rulemaking authority, which has the force of law and binds the states, issues advisory opinions, may maintain offices and staff within the member states, and, generally, provides authority for the Commission to conduct business.

Article XI: Organization and Operation of the Interstate Commission – Provides for the creation and organization of the Commission including the election of officers hiring of personnel, and the establishment of rules which they operate under.

Change from current law: Not Applicable

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Dr. Raymond Glynn, Deputy Commissioner, School Leadership and Educator Quality. 512/463-7996

Statute Amended or Added: Adds Chapter 162. (This summary is for Articles II– IV)

Summary: New Chapter 162 contains the Interstate Compact on Educational Opportunity for Military Children. Article II of the compact contains definitions used in the compact, including definitions of “active duty”, “uniformed services”, “veteran”, “local education agency”, “educational records”, and a number of other terms.

Article III of the compact relates to applicability of the compact. The compact applies to public schools for grade levels kindergarten through grade 12. It applies to children of active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders; children of members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and children of members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

Article IV relates to records and enrollment. It provides that, when a student is moving to a new state, the custodian of records in the sending state shall prepare and furnish to the parent a complete set of unofficial education records in the event the official education records cannot be released to the parents. The school in the receiving state shall enroll and appropriately place the student based on the information in the unofficial records pending validation by the official records.

The school in the receiving state is directed to request the student’s official education record from the school in the sending state. The school in the sending state is to process and furnish the records with 10 days or within a time determined under rules of the Interstate Commission of Educational Opportunity for Military Children. Under the compact, a student is permitted 30 days, or a shorter time period determined by rules of the interstate commission, to obtain an immunization or begin an immunization series required by the receiving state.

Students in kindergarten or first grade must be allowed to continue their enrollment at the same grade level in the receiving state, regardless of age. If the student completed kindergarten or first grade in the sending state, the student must be placed in the next highest grade level in the receiving state, regardless of the student’s age.

Change from current law: Not applicable.

Effective Date: May 5, 2009

Action required for 2009-2010 School Year: Ensure compliance with terms of the contract for military children who move from other states that are members of the compact.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Interstate Commission of Educational Opportunity for Military Children

Does this expressly apply to charters? Yes, an open-enrollment charter is a “local education agency” as defined in Article II of the compact.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Office of Legal Services, 512/463-9720

SB 90 – Article V, Sections A, B, and D; Article VII, Sections A and C

Statute Amended or Added: Adds Chapter 162, Education Code

Summary: Article V Section A: When the student transfers before or during the school year, the receiving state school is required to initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Schools in the receiving state are not precluded from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

Article V Section B: The receiving state school is also required to initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state. Such programs include, but are not limited to: (1) gifted and talented programs; and (2) English as a second language (ESL). Schools in the receiving state are not precluded from performing subsequent evaluations to ensure appropriate placement of the student.

Article V Section D: Local education agency administrative officials have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.

Article VII Section A: Local education agency administrative officials are required to waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency. If a waiver is denied the officials must provide reasonable justification for denial. If a waiver is not granted to a student who would qualify to graduate from the sending school, the local education agency must provide an alternative means of acquiring required coursework so that graduation may occur on time.

Article VII Section C: If a military student transfers at the beginning or during his or her senior year and is ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies are required to ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of the compact, the member state is required to use best efforts to facilitate the on-time graduation of the student.

Sections II, V, and VII potentially impact TEC §§30A.002, 30A.007, and 30A.1051 that address the state virtual school network (TxVSN).

Change from current law: Article V Section A: If the courses are offered, school districts must initially honor placement of transfer military students in courses including but not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways if the student was enrolled in the sending state school and/or educational assessments were conducted at the school in the sending state.

Article V Section B: School districts must initially honor placement of transfer military students in educational programs including but not limited to (1) gifted and talented programs; and (2) English as a second language (ESL) based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state.

Article V Section D: Local education agency administrative officials have flexibility in waiving course and/or program prerequisites, or other preconditions for placing students in courses and/or programs offered under the jurisdiction of the local education agency.

Article VII Section A: School administrators are required to waive specific courses required for graduation if a transfer military student has satisfactorily completed similar coursework at another school. If a waiver is not granted to a student who would qualify to graduate from the sending school, the school must provide an alternative means of acquiring required coursework so the student may graduate on time.

Article VII Section C: If a military student transfers at the beginning or during his or her senior year and is ineligible to graduate under Texas graduation requirements, but meets the graduation requirements of the sending local education agency, after all alternatives have been considered, schools are required to work with the sending local education agencies to ensure the receipt of a diploma from the sending local education agency.

LEAs serving as Provider Districts or programs in the TxVSN must ensure that there are no barriers to placement and transferability for those students to whom this bill applies.

Effective Date: May 5, 2009

Action required for 2009-2010 School Year: Schools must take additional measures regarding placement in courses and educational programs and assistance with satisfying graduation requirements as outlined above in order to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents.

In addition, TxVSN Provider Districts and Programs shall adopt policies that recognize and ensure appropriate program placement, waivers, and transferability of courses taken by students to whom this bill applies and who are enrolled in electronic courses and/or programs in the TxVSN.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Monica Martinez, Curriculum Division, (512)463-9581

SB 90, Article V, Subsection C

Statute Amended or Added: Adds Chapter 162, Education Code

Summary: SB 90 - Interstate Compact on Educational Opportunity for Military Children, Article V Placement and Attendance, Subsection C Special Education Services applies to all students eligible under the Individuals with Disabilities Education Act (IDEA) and Section 504 under the Rehabilitation Act and Americans with Disabilities Act (ADA). Subsection C (1) of the bill requires that when an eligible student arrives in Texas, the receiving State (LEA) will initially provide comparable services to the student based on the current individualized education program (IEP). Subsection C (2) of the bill requires that when a student eligible under Section 504/ADA arrives in Texas, the receiving State (LEA) makes reasonable accommodations and modifications to address the needs of incoming students to ensure equal access to education.

Subsection C (1) or (2) does not preclude the LEA in the receiving state (Texas) from performing subsequent evaluations to ensure appropriate placement/services for the student.

Change from current law: New to State Statute, but not new to our State's implementation of IDEA, Section 504, and ADA.

Effective Date: Immediate effect

Action required for 2009-2010 School Year: Implement requires of the Bill.

Outstanding Issues: None

Does this bill create a new program? No, as it related to students with disabilities.

Rulemaking Authority? Commissioner

Does this expressly apply to charters? Yes

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Regarding this specific section of the Bill, please contact the Division of IDEA Coordination for special education and the Inspector General for Section 504 related issues. IDEA Coordination at 512/463-9414 and Inspector General at 512/463-9290

Statute Amended or Added: Adds Chapter 162. (This summary is for Art. V, Part E)

Summary: New Chapter 162 contains the Interstate Compact on Educational Opportunity for Military Children. Part E of Article V of the compact provides that a student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting shall be granted excused absences at the discretion of the superintendent to visit the parent or legal guardian relative to parent's or legal guardian's leave or deployment.

Change from current law: Not applicable

Effective Date: May 5, 2009

Action required for 2009-2010 School Year: Modify policy regarding excused absences to recognize superintendent's discretion to excuse an absence for this specific purpose.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Yes, an open-enrollment charter is a "local education agency" as defined in Article II of the compact.

Does this bill contain a new reporting requirement for TEA/school districts? Part E, Article V, does not.

For further information, please contact: Office of Legal Services, 512/463-9720

Statute Amended or Added: Adds Chapter 162. (This summary is for Article VI.), Education Code

Summary: New Chapter 162 contains the Interstate Compact on Educational Opportunity for Military Children. Article VI of the compact relates to eligibility for enrollment and for participation in extracurricular activities. It provides that tuition may not be charged for a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis and that a special power of attorney is sufficient for purposes of enrollment and all other actions requiring parental participation and consent.

Allows a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis to continue to attend the school in which the child was enrolled while residing with the custodial parent.

This article also requires facilitation of the opportunity for a transitioning military child to participate in an extracurricular activity, regardless of application deadlines, for which the student is otherwise qualified.

Change from current law: Not applicable.

Effective Date: May 5, 2009

Action required for 2009-2010 School Year: Implement the eligibility terms of Article VI of the compact with regard to enrollment and extracurricular participation of transitioning military children.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Yes, an open-enrollment charter is a "local education agency" as defined in Article II of the compact.

Does this bill contain a new reporting requirement for TEA/school districts? No, Article VI does not contain a reporting requirement.

For further information, please contact: Office of Legal Services, 512/463-9720

Statute Amended or Added: Adds §162.002, Article VII, Sections B. and C, Education Code

Summary: SB 90 adds TEC §162.002, Article VII, Sec. B. to require Texas, as a member state in the Interstate Compact on Educational Opportunity for Military Children, to facilitate the on-time graduation of students from military families who transfer to Texas public schools by accepting the results of exit level/end-of-course exams or other assessments administered by sending states in lieu of the assessments Texas requires at exit level. If Texas cannot accommodate these alternatives for a student transferring in his/her senior year, the provisions of Article VII, Sec. C. apply.

Article VII, Sec. C. requires that if a military student who transfers at the beginning or during his/her senior year is ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with Sections A and B of this article.

Article VII, Sec. C. also requires the commissioner of education to adopt a passing standard on at least one national norm-referenced achievement test that an incoming student from a military family can substitute for completing a particular course or assessment required under Texas law for graduation. This applies to a student who:

- enrolls in a Texas school for the first time after completing grade 9, or
- re-enrolls in a Texas school at or above grade 10 following an absence of at least two years.

Each passing standard must be comparable in rigor to the corresponding Texas graduation requirement and consistent with college readiness standards under TEC, §28.008. The passing standard upon a student's first enrollment in a Texas public school would be the standard for the student regardless of any subsequent revisions to the passing standards.

The commissioner of education is required to consider comments from the State Board of Education or the Texas Higher Education Coordinating Board (THECB) before adopting or revising a passing standard. The THECB must monitor the postsecondary educational performance of students who graduate under the provisions of the compact and make recommendations to the commissioner of education regarding appropriate revisions of the passing standards.

The commissioner of education may adopt rules as necessary to implement these provisions.

Article XVIII, Sec. A, 2 states "All member states' laws conflicting with this compact are superseded to the extent of the conflict."

Change from current law: SB 90 creates a new chapter in the Education Code. The only comparable law appears in TEC §39.025(d), which allows a student who enrolls in a Texas public school after January 1 of the school year in which the student is otherwise eligible to graduate to qualify for a Texas diploma by achieving satisfactory performance on one or more alternative nationally recognized norm-referenced assessment instruments adopted by the commissioner instead of satisfactory performance on the exit-level TAKS. This provision applies only to a student enrolling in a Texas public school for the first time or following an absence of at least four years.

Under 19 TAC §101.4001, the commissioner has adopted the SAT® verbal/critical reading and mathematics tests and the ACT® English and mathematics tests as alternative exit-level assessments that eligible students with qualifying scores may substitute respectively for the TAKS exit-level assessments in English language arts and mathematics.

Effective Date: May 5, 2009

Action required for 2009-2010 School Year: The commissioner of education must adopt a passing standard on an alternative assessment comparable to the passing standards for the exit level TAKS.

Outstanding Issues: For exit-level TAKS, the availability of alternative assessments for science and social studies need to be explored. Following the transition to end-of-course (EOC) assessments as graduation requirements, the commissioner must adopt a passing standard on alternate assessments comparable to the EOC passing standards. Changes to TAC in order to account for the assessment requirements of the military compact will be necessary.

Does this bill create a new program? No

Rulemaking Authority? The bill requires the commissioner to adopt a passing standard on at least one national norm-referenced achievement test that certain incoming student from a military family can substitute for completing a particular course or assessment required under Texas law for graduation. The commissioner may adopt other rules necessary to implement the provisions of SB 90.

Does this expressly apply to charters? No, but references to schools and school districts are intended to apply to charters.

Does this bill contain a new reporting requirement for TEA/school districts? TEA will have to account for affected students.

For further information, please contact: Division of Student Assessment, 512/463-9536

Statute Amended or Added: Amends §29.002, §1001.104, §1001.055, §1001.101 and adds §1001.1015, §1001.110, §1001.257, Education Code. Amends §521.142(d), §521.165, §521, 204(1), §521.205(1), §521.271, §521.421(c) and §545. 424 and adds §521.1601, §521.167 and §521.206, Transportation Code.

Summary: This bill requires each school district to consider offering a driver education course for a fee, increases the hours of behind-the-wheel driving instruction a teen receives, makes the qualifications for driving instructors more stringent, and requires the Department of Public Safety to conduct a driving test for each applicant under 18 years of age and to collect statistics to analyze the effectiveness of different methods of driver education. The bill prohibits the use of a wireless device by a teen while operating a vehicle, except in case of an emergency. HB 339 amends current law relating to driver education and driver's licensing requirements for minors.

Change from current law: HB 339 requires a school district to consider offering a driver education and traffic safety course during each school year, to create a new driver education course for adults, requires the DPS to gather data for a collision rate statistics publication, requires DPS and TEA to enter into a memorandum of understanding under which DPS may access TEA's electronic enrollment records, and requires the DPS to establish a Task Force to review at TEA's driver education materials. The bill authorizes the commissioner to set a fee for the public schools whether conducting or contracting charging a fee in the amount determined by a license driver education school. The bill requires the commissioner by rule to establish or approve the curriculum and designate the textbooks to be used in a driver education course for minors and adults, including a driver education course conducted by a school district, driver education school, or parent or other individual under §521.205, Transportation Code. The bill authorizes the commissioner to establish the curriculum and designate the educational materials to be used in a driver education course exclusively for adults, to print and supply a certificate for the course, to charge a fee to each driver education school offering the course. The bill requires a driver education course to require the student to complete 7 hours of behind-the-wheel instruction, 7 hours of observation instruction, and 20 hours of behind-the-wheel instruction. The bill requires the commissioner of education by rule to require that information relating to distractions to be included in the curriculum of each driver education course or driving safety course and to consult with the DPS on the development of these rules. The bill prohibits the commissioner from issuing or renewing a driver education instructor license to a person who has six or more points assigned to the person's driver's license.

Effective Date: This Act takes effect September 1, 2009.

§521.206, Transportation Code, state fiscal year beginning September 1, 2009, and ending August 31, 2010.

§521.206, Transportation Code, not later than October 1, 2011.

§29.902(c), Education Code, 2010-2011 school year.

§1001.101, Education Code, not later than May 1, 2010.

§521.165, Transportation Code, applies only to an application for a driver's license submitted on or after the effective date of this Act.

§521.205, Transportation Code, apply to a course approved under that section that begins on or after the effective date of this Act.

§521.271, 521.421, and 545.424, Transportation Code, apply only to a person issued a driver's license on or after the effective date of this Act.

The changes in law made by §521.142, Transportation Code, as amended by this Act, and §521.1601 and 521.167, Transportation Code, as added by this Act, apply to an application for the issuance of a driver's license filed on or after the effective date of this Act.

Action required for 2009-2010 School Year: Not later than November 30, 2009, the Texas Department of Public Safety shall appoint a task force

Outstanding Issues: Not later than January 1, 2010, the commissioner of education shall adopt rules as required by §1001.101. As soon as practicable after the effective date of this Act, the commissioner of education shall adopt the rules required by §1001.110, Education Code, as added by this Act.

Does this bill create a new program? Yes

Does this bill require a new report? Yes, DPS shall issue report on October 1 noting the collision rates of students taught by each driver education entity.

Rulemaking Authority? Commissioner

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Victor Alegria/Nina Saint, Driver Training, 512/936-6777

Statute Amended or Added: Amends §29.902, §1001.004, §1001.055(a), §1001.101, §1001.110, §1001.257, Education Code, and Amends §521.165, §521.205(a), Section 521.271, §521.421(c), §545.424, Transportation Code

Summary: bill requires each school district to consider offering a driver education course for a fee, increases the hours of behind-the-wheel driving instruction a teen receives, makes the qualifications for driving instructors more stringent, and requires the Department of Public Safety to conduct a driving test for each applicant under 18 years of age and to collect statistics to analyze the effectiveness of different methods of driver education. The bill prohibits the use of a wireless device by a teen while operating a vehicle, except in case of an emergency. HB 2730 amends current law relating to driver education and driver's licensing requirements for minors.

Change from current law: HB 2730 amends the Education Code to require a school district to consider offering a driver education and traffic safety course during each school year, requires the DPS to gather data for a collision rate statistics publication, to require DPS and TEA to enter into a memorandum of understanding under which DPS may access TEA's electronic enrollment records, to require the DPS to establish a Task Force to review at TEA's driver education materials. The bill authorizes the commissioner to set a fee for the public schools whether conducting or contracting charging a fee in the amount determined by a license driver education school. The bill authorizes the commissioner to establish or approve the curriculum and designate the textbooks to be used in a driver education course, including a driver education course conducted by a school district, driver education school, or parent or other individual under §521.205 (Department-Approved Courses), Transportation Code. The bill requires a driver education course to require the student to complete 7 hours of behind-the-wheel instruction, 7 hours of observation instruction, and 20 hours of behind-the-wheel instruction. The bill requires the commissioner of education by rule to require that information relating to distractions to be included in the curriculum of each driver education course or driving safety course and to consult with the DPS on the development of these rules. The bill prohibits the commissioner from issuing or renewing a driver education instructor license to a person who has six or more points assigned to the person's driver's license.

Effective Date: This Act takes effect September 1, 2009.

§521.206, Transportation Code, state fiscal year beginning September 1, 2009, and ending August 31, 2010. The first publication of collision rate data compiled under

§521.206, Transportation Code, not later than October 1, 2011.

Not later than November 30, 2009, the Texas Department of Public Safety shall appoint a task force

§29.902(c), Education Code, 2010-2011 school year.

Not later than January 1, 2010, the commissioner of education shall adopt rules as required by §1001.101, Education Code and driver education and training programs Chapter 1001 must comply by May 2010.

§521.165, Transportation Code, applies only to an application for a driver's license submitted on or after the effective date of this Act.

§521.205, Transportation Code, apply to a course approved under that section that begins on or after the effective date of this Act.

§521.271, §521.421, and §545.424, Transportation Code, apply only to a person issued a driver's license on or after the effective date of this Act.

Action required for 2009-2010 School Year: §521.206, Transportation Code, state fiscal year beginning September 1, 2009, and ending August 31, 2010. The first publication of collision rate data compiled under §521.206, Transportation Code, not later than October 1, 2011.

Not later than November 30, 2009, the Texas Department of Public Safety shall appoint a task force

Not later than January 1, 2010, the commissioner of education shall adopt rules as required by §1001.101, Education Code

§1001.101, Education Code, not later than May 1, 2010.

§521.165, Transportation Code, applies only to an application for a driver's license submitted on or after the effective date of this Act.

§521.205, Transportation Code, apply to a course approved under that section that begins on or after the effective date of this Act.

§521.271, §521.421, and §545.424, Transportation Code, apply only to a person issued a driver's license on or after the effective date of this Act.

As soon as practicable after the effective date of this Act, the commissioner of education shall adopt the rules required by §1001.110, Education Code, as added by this Act.

The changes in law made by §521.142, Transportation Code, as amended by this Act, and §521.1601 and §521.167, Transportation Code, as added by this Act, apply to an application for the issuance of a driver's license filed on or after the effective date of this Act.

Outstanding Issues: §29.902(c), Education Code, 2010-2011 school year; Not later than January 1, 2010, the commissioner of education shall adopt rules as required by §1001.101, Education Code; §1001.101, Education Code, not later than May 1, 2010; As soon as practicable after the effective date of this Act, the commissioner of education shall adopt the rules required by §1001.110, Education Code, as added by this Act.

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Victor Alegria/Nina Saint, Driver Training, 512/936-6777

Statute Amended or Added: Adds §1001.110, Education Code

Summary: SB 1107 requires the commissioner of education, in consultation with the Texas Department of Public Safety, to require by rule that information relating to the effect of using a wireless communication device or engaging in other actions that may distract a driver on the safe or effective operation of a motor vehicle be included in the curriculum of each driver education course or driving safety course.

Change from current law: This bill requires that driver education curriculum include information regarding distractions while driving.

Effective Date: September 1, 2009.

Action required for 2009-2010 School Year: Adopt rules required to implement this provision as soon as practicable after the effective date of this bill.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Victor Alegria/Nina Saint, Driver Training, 512/936-6777

Statute Amended or Added: Amends §1001.004, §1001.055, and §1001.101, Education Code. Amends §521.142(d) and Adds §521.1601 and §521.167, Transportation Code

Summary: This bill seeks to establish basic driver training instruction for driver's license applicants 18-24 years of age that is based on research that has identified issues most commonly associated with motor vehicle accidents involving new drivers, such as risk taking, impaired driving, speed, driving at night, and using a wireless communication device while operating a vehicle. SB 1317 creates a six-hour driver education course required for applicants 18 years of age or older. The bill authorizes the course to be provided online and requires DPS to waive the requirement for the written knowledge exam on highway signs and traffic laws for any applicant who successfully completes the six-hour course and passes the required exit exam.

Change from current law: This amends the Education Code to create an adult driver education course. The bill prohibits DPS from issuing a driver's license to a person who is younger than 25 years of age unless the person submits a driver education certificate issued under Chapter 1001, Education Code, indicating that that the person has completed and passed a teen driver education and traffic safety course taught by public approved by the Texas Education Agency (TEA) under §29.902 (Driver Education), Education Code, or a driver education course approved by TEA under §1001.101(a)(1) of that code or approved by TxDOT under §521.205 (Department-Approved Courses) or if the person is 18 years of age or older, the newly created an adult driver education course.

Effective Date: This Act takes effect March 1, 2010.

Action required for 2009-2010 School Year: Adopt rules required to implement this provision as soon as practicable after the effective date of this bill.

Outstanding Issues: None

Does this bill create a new program? Yes

Rulemaking Authority? Commissioner

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Victor Alegria/Nina Saint, Driver Training, 512/936-6777

Statute Amended or Added: Adds §1001.1025, Education Code

Summary: SB 1967 requires the Texas Department of Transportation (TxDOT) to conduct a continuing public awareness campaign to promote motorcyclist safety and the concept of sharing the road with motorcyclists. SB 1967 amends the Education Code adding §1001.1025 to require the TEA by rule to require that information relating to motorcycle awareness, the dangers of failing to yield the right-of-way to a motorcyclist, and the need to share the road with motorcyclists be included in the curriculum of any driver education course or driving safety course. The bill requires TEA, in developing rules under this section, to consult with the department.

Change from current law: SB 1967 requires the Texas Education Agency by rule to require that certain information relating to motorcycles be included in the curriculum of any driver education course or driving safety course.

Effective Date: September 1, 2009.

Action required for 2009-2010 School Year: No

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Victor Alegria/Nina Saint, Driver Training, 512/936-6777

Statute Amended or Added: Adds §1001.3541 and §1001.151, Education Code

Summary: SB 858 authorizes a driver education school to teach all or part of the classroom portion of an approved driver education course by an alternative method of instruction that does not require students to be present in a classroom if the commissioner of education approves the alternative method. The bill authorizes the commissioner to approve the alternative method only if the alternative method includes testing and security measures that the commissioner determines are at least as secure as the measures available in the usual classroom setting and if the course, with the use of the alternative method, satisfies any other requirement applicable to a course in which the classroom portion is taught to students in the usual classroom setting. The bill authorizes the commissioner to establish a fee for an application for approval to offer a driver education course by an alternative method of instruction in an amount the commissioner considers appropriate, not to exceed the amount sufficient to cover the costs of considering the application.

Change from current law: Currently, the Texas Education Agency does not have the statutory authority to approve online courses for commercial driving schools. Only public school driver education courses and parents who teach their children to drive can use online driving courses.

Effective Date: May 23, 2009

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Commissioner

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Victor Alegria/Nina Saint, Driver Training, 512/936-6777

Statute Amended or Added: Adds §12.0026, Agriculture Code

Summary: This bill establishes the Interagency Farm to School Coordination task force to develop a plan to facilitate the availability of locally grown food products in public schools. The task force would include representatives of the Department of Agriculture (TDA), the Texas Education Agency (TEA), the Department of State Health Services (DSHS) and representatives of various interest groups.

Change from current law: Not Applicable

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: The Commissioner of Education must appoint a representative to the task force.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Julie Harris-Lawrence, Health and Safety, 512/463-3070

Statute Amended or Added: Adds §12.0027, Agriculture Code

Summary: The Texas Department of Agriculture (TDA) may develop and outreach program to promote better health and nutrition programs and prevent obesity among children in the state. Additionally, the TDA shall develop a program under which grants will be awarded to schools for best practices in nutrition education. The TDA may accept or solicit gifts for these purposes and develop rules to administer an outreach program.

Change from current law: Yes; allows TDA to develop an outreach program for nutrition programs and to solicit gifts to do so.

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: The TDA is required to develop a grant program for best practices in nutrition education.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? Texas Department of Agriculture

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Kathy Golson, Government Relations Liaison, Texas Department of Agriculture, 512/936-0216.

Statute Amended or Added: Adds Chapter 34, Family Code.

Summary: Chapter 34, Family Code, is a new law governing an authorization agreement between a child's parent and a person who is the child's grandparent, adult sibling, or adult aunt or uncle. The agreement does not affect the rights of the child's parent or legal guardian and does not mean that the nonparent relative has legal custody of the child. (See §34.007(b).) The Department of Family and Protective Services is directed to prescribe forms for the agreement and the department and the Texas Education Agency are both directed to provide the forms on their internet websites or to provide paper copies on request.

§34.002 includes acts that may be included in the authorization agreement, including enrolling the child in public primary or secondary school, authorizing the child to participate in age-appropriate extracurricular activities, and consenting to medical treatment. The section provides that to the extent of any conflict or inconsistency between new Chapter 34 and any other law relating to the eligibility requirements other than parental consent to obtain an included service, the other law controls.

§34.003 specifies information, statements, warnings, and disclosures that the agreement must contain. §34.004 governs execution of the agreement. §34.005 specifies duties of the parties to the agreement. §34.006 provides conditions under which the agreement is voidable.

§34.007 provides that a person who is not a party to the agreement who relies in good faith on the agreement is neither subject to civil or criminal liability nor subject to professional disciplinary action for relying on the agreement if the agreement is completed as required under Chapter 34.

§34.008 governs termination of the agreement and §34.009 provides penalties for knowingly presenting an invalid agreement, making a false statement in the agreement, or obtaining an agreement by fraud, duress, or misrepresentation.

Change from current law: Not applicable.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? Yes, an open-enrollment charter school is a public primary or secondary school for the purposes of §34.002(a)(3), Family Code, as added by the Act.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Office of Legal Services, 512/463-9731

Statute Amended or Added: Adds Chapter 449, Government Code

Summary: This legislation establishes the Texas Holocaust and Genocide Commission to serve in an advisory capacity. The commission is attached to the Texas Historical Commission. The commission is composed of 18 members. Fifteen members are appointed positions made by the governor, lieutenant governor, and speaker of the House of Representatives. Three ex officio members include the commissioner of education, the commissioner of higher education, and the executive director of the Texas Veterans Commission. The commission is required to provide advice and assistance to public and private primary and secondary schools and institutions of higher education regarding implementation of Holocaust and genocide courses of study and awareness programs; meet with organizations to provide information on awareness programs or courses of study; determine which, if any, memorials, exhibits, or other resources could be included in or used to support Holocaust and genocide courses of study and awareness programs; compile a list of volunteers; coordinate events in the state to memorialize the Holocaust and other genocide on Days of Remembrance; and solicit volunteers to participate in commemorative events designed to enhance public awareness.

Change from current law: Not applicable

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: State agencies, including the Texas Education Agency, along with school districts may be contacted and asked to cooperate with the Texas Holocaust and Genocide Commission to carry out the duties of the commission to provide awareness programs or Holocaust and genocide courses of study.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Rosemary Morrow, Social Studies, Curriculum Division, (512)463-9581

Statute Amended or Added: Adds Subchapter T, Chapter 531, Government Code

Summary: This bill establishes the Council on Children and Families to coordinate the state's health, education, and human services systems to ensure that children and families have access to needed services; improve coordination and efficiency in state agencies, advisory councils on issues affecting children, and local levels of service; prioritize and mobilize resources for children; and facilitate an integrated approach to providing services for children and youth. The bill requires a common vision of desired outcomes for children and youth and of family and community supports; promotion of shared accountability for outcomes for children and youth; and alignment of allocations of resources with policies for children and youth. The bill sets forth the composition of the council, authorization for a chief administrative officer of a member agency to designate an individual to act on behalf of the officer, meeting procedures, and procedures for electing a presiding officer. The bill provides that the council is administratively attached to the Health and Human Services Commission (HHSC) but is independent of direction by HHSC or the executive commissioner. The bill requires HHSC, through HHSC's Office of Program Coordination for Children and Youth, to provide administrative support. The bill requires the agencies represented on the council to provide periodic staff support of specialists as needed to the council. The bill provides that the council is not subject to provisions regarding state agency advisory committees.

Change from current law: This bill expands and reshapes the original role of the Children's Behavioral Health Council into this Council.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? Yes, for TEA as part of the Council.

For further information, please contact: Ginny Barr, Health and Safety, 512/463-3070

Statute Amended or Added: Adds Chapter 115, Health and Safety Code

Summary: This bill creates the Early Childhood Health and Nutrition Interagency Council which is comprised of representatives from a variety of non-profit organizations and state agencies, including one employee of the TEA's school health programs appointed by the commissioner. The council must meet at least 3 times annually in person and develop an Early Childhood Nutrition and Physical Activity Plan that accounts for stakeholder recommendations, address the financing, staffing, and training required to implement the plan, and include methods to increase fruit and vegetable consumption among children under the age of six; increase daily structured and unstructured physical activity in early childhood settings; increase awareness among parents of the benefits of breast-feeding, healthy eating, and appropriate activity in child under the age of six; facilitate the consumption of breast milk in early child care settings; decrease malnutrition and undernourishment among children under the age of six; and engage existing community and state resources and service providers to educate and increase the awareness of parents and caretakers regarding the need for proper nutrition.

Change from current law: Creates a new council

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: The Early Childhood Health and Nutrition Interagency Council must meet three times annually .

Outstanding Issues: The Commissioner must appoint a designee a TEA representative from school health programs.

Does this bill create a new program? Yes

Rulemaking Authority? Texas Department of Agriculture

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? Yes; TEA will be required to contribute to the report developed by the Council.

For further information, please contact: Kathy Golson, Government Relations Liaison, Texas Department of Agriculture, 512/936-0216.

Statute Amended or Added: Amends §53.021, Occupations Code

Summary: The bill provides that, for purposes of license sanction or denial pursuant to Occupations Code § 53.021, a licensing authority may not consider a person to have been convicted of an offense, regardless of the plea to that offense, if the person has completed deferred adjudication and the charges have been formally dismissed.

However, the bill contains two important exceptions: one providing that it does not apply to licenses that would allow an applicant to provide law enforcement, public health, education, safety, or certain financial services, and another one for offenses that indicate a continuing threat to public safety or an opportunity for repeat conduct.

Change from current law: §53.021 currently makes no reference to deferred adjudication.

Effective Date: June 19, 2009

Action required for 2009-2010 School Year: None

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Andrew Allen, Legal Services 512/936-8238

Statute Amended or Added: Adds §53.101-§53.105; Amends §53.021(a) and Adds §53.0211, Occupations Code

Summary: HB 963 requires all state licensing authorities to create a process by which applicants with a criminal background may request a criminal history evaluation letter to determine the applicant's eligibility for licensure prior to beginning occupational training or investing in a licensing examination.

HB 963 also limits the criminal convictions that can be used to suspend, revoke, or deny an occupational license to those that are:

- (1) directly related to the duties and responsibilities of the occupation;
- (2) not directly related and committed within the past 5 years;
- (3) an offense listed in Sec. 3g, Art. 42.12, Code of Criminal Procedure (offenses ineligible for deferred adjudication); or
- (4) sexually violent offenses subject to sex offender registration pursuant to Art. 62.001, Code of Criminal Procedure.

HB 963 also provides that an otherwise qualified applicant who has not been convicted of an offense described by §53.021(a) must be issued either a license or provisional license. However, §53.0211 contains an exception providing that it does not apply to licenses that would allow an applicant to provide law enforcement, public health, education, safety, or certain financial services.

Change from current law: §53.021(a) currently provides only that a licensing authority may suspend, revoke, or deny a licensee for any felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation.

Effective Date: As to new Occupations Code Subchapter D, a licensing authority must adopt rules necessary to administer its provisions not later than September 1, 2010. As to amended Occupations Code §53.021(a) and added §53.0211, immediately upon the Governor's signature, or on 6/21/09 if not vetoed.

Action required for 2009-2010 School Year: Either an SBEC or Commissioner rule would need to be promulgated prior to the effective date (9/1/10) of new Subchapter D. Educator sanction and administrative denial policies will need to be reviewed as to those convictions that are not directly related to the education profession and are more than five years old.

Outstanding Issues: None

Does this bill create a new program? Yes

Rulemaking Authority? No specific authority, but SBEC will need to adopt rules to implement new Subchapter D.

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Doug Phillips, SBEC, 512/936-8210

Statute Amended or Added: Amends Subchapter G, Title 3, by adding Chapter 403, Occupation Code

Summary: This legislation resides with the Department of State Health Services and does not require action on the part of the Texas Education Agency (TEA) or school districts. The bill covers license requirements for dyslexia practitioners and therapists; requirements for training programs; practice by license holders including practice setting and continuing education; complaints and disciplinary procedure; and license denial.

This bill does not directly impact the Texas Education Agency. The single area of direct relevance to TEA includes a mention that a training program completed by a license applicant must have provided instruction based on the TEA publication, "The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (2007)."

Change from current law: This legislation defines licensure for dyslexia practitioners and dyslexia therapists.

Effective Date: § 403.101 and Subchapters E, F, and G, Chapter 403, Occupations Code, take effect September 1, 2010. All other sections of the bill take effect September 1, 2009.

Action required for 2009-2010 School Year: The Department of State Health Services must appoint an advisory committee to advise the department in administering the new requirements. The Executive Commissioner of the Health and Human Services Commission must adopt rules necessary to administer and enforce the new requirements.

Outstanding Issues: Not applicable

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Sarah Crippen, English Language Arts and Reading, Curriculum Division, 512/463-9581

Statute Amended or Added: Adds §1202.004, Occupations Code; Repeals §46.008(b), Education Code

Summary: This bill is related to the regulation of industrialized housing and buildings. The provisions of this bill that apply to the Texas Education Agency (TEA) are summarized below.

Section 3 of this bill amends the TOC, Chapter 1202, Subchapter A, by adding §1202.004. Subsection (a) of this section defines a relocatable educational facility as a portable, modular building capable of being relocated and that is used as a public school facility for teaching the required kindergarten through grade 12 curricula. Subsection (b) of this section requires a relocatable educational facility that was purchased or leased on or after January 1, 2010, to comply with all provisions related to industrialized buildings in the TOC, Chapter 1202.

Section 5 of this bill repeals the TEC, §46.008(b), requiring the inspection of a portable, modular building used as a school facility to ensure compliance with TOC standards.

Change from current law: The bill moves compliance provisions related to portable educational facilities from the TEC to the TOC. It also moves responsibility for building code compliance of relocatable portable, modular school buildings from the TEA to the Texas Department of Licensing and Regulation.

Effective Date: Section 3 of the bill takes effect September 1, 2009. Section 5 takes effect December 31, 2009.

Action required for 2009-2010 School Year: None. TAC rules on facility standards may require minor revisions to reference the new TOC, §1202.004.

Outstanding Issues: None

Does this bill create a new program? No

Rulemaking Authority? None

Does this expressly apply to charters? The bill's applicability to charter schools is unclear.

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Gary Marek, Division of State Funding, 512/463-9190.

Statute amended or added: Amends §504.648, Transportation Code

Summary: After deduction of the Transportation Department's administrative costs, the remainder of the fee for "God Bless Texas" and "God Bless America" license plates are to be deposited to credit of the Share the Road account in the state treasury. These monies may only be used by the Texas Education Agency to support the Safe Routes to School Program of a designated statewide nonprofit organization whose primary purpose is to promote bicyclist safety, education, and access. Funds can be used for education and awareness programs including trainings, workshops, educational materials and media events. Up to 25% of the amount may be used to support marketing and promoting the Safe Routes to School Program and the license plates. TEA may use money received to secure funds available under federal matching programs for safe routes to school and obesity prevention.

Change from current law: Deposit is made to the credit of the Share the Road account in the State Treasury rather than the State Highway Fund.

Effective Date: May 27, 2009

Action required for 2009-2010 school year: The agency will need to do a RFP to identify a designated statewide nonprofit organization that will receive the funds to operate the program. Agency staff will work with the designated organization in establishing appropriate procedures and guidelines on the use of funds.

Outstanding issues: None

Does this bill create a new program? No

Rulemaking authority? None

Does this apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Marissa Rathbone, Director of School Health, Texas Education Agency, 512/463-3064

Summary: The bill requires DSHS to establish a local behavioral health intervention pilot project for children in Bexar County. In order to implement the pilot project the bill provides that DSHS require a local mental health authority serving Bexar County to enter into Memorandum of Understanding (MOU) with a number of state agencies, including TEA, serving children and adolescents for the purpose of coordinating behavioral health services for the children of Bexar County. The bill also requires the development, in collaboration with state and local agencies, of a best practices plan and requires MOUs between the local mental health authority of Bexar County and state agencies to address significant information sharing relating to a child. It is assumed that all activities required under the bill will be absorbed within existing agency resources.

Change from current law: Not Applicable

Effective Date: September 1, 2009

Action required for 2009-2010 School Year: Bexar county school districts and TEA will be required to enter into an interagency MOU

Outstanding Issues: None

Does this bill create a new program? Yes

Does this bill require a new report? As participants in the pilot project, TEA and local districts may be required to assist in creating a best practices plan.

Rulemaking Authority? None

Does this expressly apply to charters? No

Does this bill contain a new reporting requirement for TEA/school districts? No

For further information, please contact: Robert Vitela, Health and Safety, 512/ 463-3733

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