

Suspending limitations on conference committee
jurisdiction, H.B. No. 2 (Grusendorf/Shapiro)

By: Grusendorf

H.R. No. 446

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 79th Legislature, 1st Called Session, 2005, That House Rule
3 13, Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 2 (public education and
6 public school finance matters; imposing criminal penalties) to
7 consider and take action on the following matters:

8 (1) House Rule 13, Section 9(a)(4), is suspended to permit
9 the committee to incorporate a new Subsection (e-1) to proposed
10 Section 11.203, Education Code, to read as follows:

11 (e-1) For the state fiscal biennium beginning September 1,
12 2005, the amount set aside under Subsection (e) may not exceed \$3.6
13 million. This subsection expires August 31, 2007.

14 Explanation: The change is necessary to limit the amount
15 that may be spent to pay the costs of administering the school
16 leadership pilot program for principals for the state fiscal
17 biennium beginning September 1, 2005.

18 (2) House Rule 13, Section 9(a)(4), is suspended to permit
19 the committee to incorporate a new section in the bill, numbered as
20 SECTION 2A.13, to read as follows:

21 SECTION 2A.13. Effective September 1, 2006, Subchapter I,
22 Chapter 21, Education Code, is amended by adding Section 21.4031 to
23 read as follows:

24 Sec. 21.4031. SALARY SUPPLEMENT FOR CERTAIN

1 RETIREMENT-ELIGIBLE CLASSROOM TEACHERS. (a) The amounts specified
2 by this section are in addition to amounts to which a classroom
3 teacher is entitled under Section 21.402.

4 (b) A classroom teacher, other than an employed retiree, is
5 entitled to an annual salary supplement equal to:

6 (1) \$1,000 for a year in which the sum of the teacher's
7 age and years of service credit in the Teacher Retirement System of
8 Texas equals at least 80 but less than 85;

9 (2) \$2,000 for a year in which the sum of the teacher's
10 age and years of service credit in the Teacher Retirement System of
11 Texas equals at least 85 but less than 90;

12 (3) \$3,000 for a year in which the sum of the teacher's
13 age and years of service credit in the Teacher Retirement System of
14 Texas equals at least 90 but less than 95; and

15 (4) \$4,000 for a year in which the sum of the teacher's
16 age and years of service credit in the Teacher Retirement System of
17 Texas equals at least 95.

18 (c) If a person is entitled to a salary supplement under a
19 provision of Subsection (b) for only part of a year, the amount of
20 the salary supplement shall be prorated accordingly.

21 (d) The Teacher Retirement System of Texas, at the request
22 of the agency, may release information to the agency about a member
23 of the retirement system or a retiree that the executive director of
24 the retirement system finds is necessary to determine a person's
25 eligibility for a salary supplement under this section. The
26 information remains confidential after the information is released
27 to the agency as authorized by this section. The agency may

1 disclose whether an employee is entitled to a supplement and the
2 amount of the supplement to which the employee is entitled but may
3 not release other information provided by the retirement system.

4 (e) A school district is entitled to state funds in an
5 amount equal to the sum of the salary supplements to which classroom
6 teachers employed by the district are entitled under this section.
7 Funding a school district receives under this section is in
8 addition to any funding the district receives under Chapter 42. The
9 commissioner shall distribute funds under this section with the
10 Foundation School Program payment to which the district is entitled
11 as soon as practicable after the end of the school year as
12 determined by the commissioner. A district to which Chapter 41
13 applies is entitled to funding under this section. The
14 commissioner shall determine the timing of the distribution of
15 funds to a district that does not receive Foundation School Program
16 payments.

17 Explanation: The change is necessary to entitle a classroom
18 teacher who is eligible for retirement, other than an employed
19 retiree, to a salary supplement.

20 (3) House Rule 13, Section 9(a)(2), is suspended to permit
21 the committee to omit "by negotiated rulemaking as provided by
22 Chapter 2008, Government Code" added in proposed Section 21.458(c),
23 Education Code.

24 Explanation: The change is necessary to permit the
25 commissioner to adopt rules relating to teacher mentor
26 qualifications in the manner provided by Chapter 2001, Government
27 Code.

1 (4) House Rule 13, Section 9(a)(4), is suspended to permit
2 the committee to incorporate a new section in the bill, numbered as
3 SECTION 2B.095, to read as follows:

4 SECTION 2B.095. Subchapter C, Chapter 7, Education Code, is
5 amended by adding Section 7.061 to read as follows:

6 Sec. 7.061. SUBPOENA. (a) The commissioner may issue a
7 subpoena to compel the attendance and testimony of a witness or the
8 production of materials relevant to an audit or investigation under
9 this title.

10 (b) A subpoena may be issued throughout the state and may be
11 served by any person designated by the commissioner.

12 (c) If a person fails to comply with a subpoena issued under
13 this section, the commissioner, acting through the attorney
14 general, may file suit to enforce the subpoena in a district court
15 in Travis County or in the county in which the audit or
16 investigation is conducted. The court shall order compliance with
17 the subpoena if the court finds that good cause exists to issue the
18 subpoena.

19 Explanation: The change is necessary to permit the
20 commissioner to issue a subpoena to compel the attendance and
21 testimony of a witness or the production of materials relevant to an
22 audit or investigation under Title 2, Education Code.

23 (5) House Rule 13, Section 9(a)(4), is suspended to permit
24 the committee to incorporate a new section in the bill, numbered as
25 SECTION 2B.16, to read as follows:

26 SECTION 2B.16. Subchapter A, Chapter 28, Education Code, is
27 amended by adding Section 28.0022 to read as follows:

1 Sec. 28.0022. CURRICULUM REVIEW; ALIGNMENT WITH
2 INSTRUCTIONAL MATERIALS AND ASSESSMENT PROGRAM. (a) The State
3 Board of Education shall adopt a five-year cycle for reviewing the
4 essential knowledge and skills of each subject of the required
5 curriculum under Section 28.002.

6 (b) The State Board of Education may not modify the
7 curriculum in a manner intended to benefit:

8 (1) a specific publisher of instructional materials,
9 as those terms are defined by Section 31.002; or

10 (2) another vendor of educational products or
11 technology.

12 (c) It is the intent of the legislature that the State Board
13 of Education continue to align instructional materials approved
14 under Chapter 31 with the required curriculum. The agency shall
15 develop the state assessment program under Subchapter B, Chapter
16 39, in alignment with the required curriculum.

17 Explanation: The change is necessary to require the State
18 Board of Education to adopt a five-year cycle for reviewing the
19 essential knowledge and skills of each subject of the
20 state-required curriculum and to align approved instructional
21 materials with the state-required curriculum.

22 (6) House Rule 13, Section 9(a)(1), is suspended to permit
23 the committee to change the text of proposed Section 44.011(b),
24 Education Code, to read as follows:

25 (b) For purposes of this section, whether an expenditure is
26 an expenditure for direct instructional activities shall be
27 determined in accordance with standards and definitions adopted by

1 the National Center for Education Statistics of the United States
2 Department of Education.

3 Explanation: The change is necessary to provide the method
4 by which an expenditure is determined to be an expenditure for
5 direct instructional activities.

6 (7) House Rule 13, Section 9(a)(4), is suspended to permit
7 the committee to incorporate a new section in the bill, numbered as
8 SECTION 2C.12, to read as follows:

9 SECTION 2C.12. Section 44.0071, Education Code, is amended
10 by amending Subsection (a) and adding Subsection (a-1) to read as
11 follows:

12 (a) Each fiscal year, a school district shall compute and
13 report to the commissioner:

14 (1) the percentage of the district's total available
15 revenue [~~expenditures~~] for the preceding fiscal year that was
16 [~~were~~] used to fund direct instructional activities; [~~and~~]

17 (2) the percentage of the district's total available
18 revenue for the preceding fiscal year that was used to fund direct
19 instructional activities related to courses that are subject to
20 assessment under Subchapter B, Chapter 39; and

21 (3) the percentage of the district's full-time
22 equivalent employees during the preceding fiscal year whose job
23 function was to directly provide classroom instruction to students,
24 determined by dividing the number of hours spent by employees in
25 providing direct classroom instruction by the total number of hours
26 worked by all district employees.

27 (a-1) The commissioner by rule shall determine the manner in

1 which a district's total available revenue for purposes of this
2 section is computed.

3 Explanation: The change is necessary to require each school
4 district to report the percentage of total available revenue,
5 rather than the district's total expenditures, used to fund direct
6 instructional activities and report the percentage of total
7 available revenue used to fund direct instructional activities
8 related to courses assessed under the state assessment program.

9 (8) House Rule 13, Section 9(a)(2), is suspended to permit
10 the committee to omit the text of proposed Section 44.0073,
11 Education Code, as follows:

12 Sec. 44.0073. INSTRUCTIONAL COSTS. (a) For purposes of
13 this section:

14 (1) "Direct instructional costs" includes a school
15 district's expenses related to instruction, instructional
16 resources and media services, curriculum development,
17 instructional staff development, instructional leadership, school
18 leadership, and evaluation and counseling services.

19 (2) "Indirect instructional costs" includes:

20 (A) a school district's expenses related to
21 social work services, health services, student transportation,
22 food services, facility maintenance and operations, security and
23 monitoring services, and data processing services; and

24 (B) payments to another district under the public
25 education grant program under Subchapter G, Chapter 29, payments to
26 another district that is a member of a shared services arrangement,
27 payments to a fiscal agent, and payments under Section 37.012 to a

1 juvenile justice alternative education program.

2 (b) For purposes of school district financial
3 accountability, the agency shall identify each district's direct
4 and indirect instructional costs for the preceding fiscal year and
5 make that information available to the public on the agency's
6 Internet website.

7 Explanation: The change is necessary to remove the provision
8 of the bill that requires the Texas Education Agency to make
9 information relating to direct and indirect instructional costs, as
10 defined by that provision, available to the public and permit the
11 continuation of current law.

12 (9) House Rule 13, Section 9(a)(4), is suspended to permit
13 the committee to incorporate a new section in the bill, numbered as
14 SECTION 2E.391, to read as follows:

15 SECTION 2E.391. Subchapter A, Chapter 32, Education Code,
16 is amended by adding Section 32.008 to read as follows:

17 Sec. 32.008. TECHNOLOGY GRANTS. (a) From amounts
18 appropriated for the purpose, the commissioner shall make grants as
19 provided by this section to school districts on behalf of eligible
20 campuses and to eligible open-enrollment charter schools. A grant
21 under this section must be in the amount of \$300 for each student
22 enrolled at an eligible campus or eligible open-enrollment charter
23 school.

24 (b) To be eligible for a grant under this section, a public
25 school must:

26 (1) be identified by the agency as meeting the goals of
27 the long-range plan for technology under Section 32.001; and

1 (2) certify to the commissioner that the school will
2 commit to using, for a purpose specified by Subsection (c), other
3 funds available to the school in an amount equal to \$50 for each
4 student enrolled at the school.

5 (c) A grant under this section may be used only to:

6 (1) provide for the purchase by public schools of:

7 (A) wireless electronic mobile computing devices
8 or other technology devices that convey instruction;

9 (B) productivity software and hardware,
10 including writing, computation, presentation, printing, and
11 communication tools;

12 (C) electronic learning software aligned with
13 the essential knowledge and skills adopted by the State Board of
14 Education under Section 28.002;

15 (D) library and other research tools;

16 (E) electronic assessment tools;

17 (F) electronic learning tools to improve
18 communications among students, teachers, school administrators,
19 parents, and the community; and

20 (G) classroom and school management systems;

21 (2) provide professional development for teachers to
22 integrate the tools and solutions described by Subdivision (1); and

23 (3) acquire other infrastructure, components, and
24 technologies necessary to support and enhance student performance.

25 (d) To receive a grant under this section, a school district
26 or open-enrollment charter school must apply in the time and manner
27 specified by commissioner rule. A grant under this section is for a

1 period of two school years and may be renewed as provided by
2 commissioner rule. The commissioner shall ensure that public
3 schools that are awarded grants under this section reflect the
4 demographic and geographic diversity of this state.

5 Explanation: The change is necessary to provide for
6 technology grants for school districts on behalf of eligible
7 campuses and to eligible open-enrollment charter schools.

8 (10) House Rule 13, Section 9(a)(4), is suspended to permit
9 the committee to incorporate a new section in the bill, numbered as
10 SECTION 3.24, to read as follows:

11 SECTION 3.24. Section 44.004, Education Code, is amended by
12 amending Subsections (b), (e), and (i) and adding Subsections (b-1)
13 and (b-2) to read as follows:

14 (b) Except as provided by Subsection (b-2), the [~~The~~]
15 president shall provide for the publication of notice of the budget
16 and proposed tax rate meeting in a daily, weekly, or biweekly
17 newspaper published in the district. If no daily, weekly, or
18 biweekly newspaper is published in the district, the president
19 shall provide for the publication of notice in at least one
20 newspaper of general circulation in the county in which the
21 district's central administrative office is located. Notice under
22 this subsection shall be published not earlier than the 30th day or
23 later than the 10th day before the date of the hearing.

24 (b-1) The notice of the public meeting to discuss and adopt
25 the budget and the proposed tax rate may not be smaller than
26 one-quarter page of a standard-size or a tabloid-size newspaper,
27 and the headline on the notice must be in 18-point or larger type.

1 (b-2) Instead of publishing notice in the manner prescribed
2 by Subsection (b), a school district may publish the required
3 notice on its Internet website not earlier than the 30th day or
4 later than the 10th day before the date of the hearing. A school
5 district that publishes notice under this subsection must have a
6 link on its Internet website that is clearly identified as the link
7 to the public notice for the budget and proposed tax rate meeting.

8 (e) A person who owns taxable property in a school district
9 is entitled to an injunction restraining the collection of taxes by
10 the district if the district has not complied with the requirements
11 of Subsections (b), (b-1), and (b-2)~~[(c),]~~ and ~~[(d), and]~~, if
12 applicable, Subsection (i), and the failure to comply was not in
13 good faith. An action to enjoin the collection of taxes must be
14 filed before the date the school district delivers substantially
15 all of its tax bills.

16 (i) A school district that uses a certified estimate, as
17 authorized by Subsection (h), may adopt a budget at the public
18 meeting designated in the notice prepared using the estimate, but
19 the district may not adopt a tax rate before the district receives
20 the certified appraisal roll for the district required by Section
21 26.01(a), Tax Code. After receipt of the certified appraisal roll,
22 the district must publish a revised notice and hold another public
23 meeting before the district may adopt a tax rate that exceeds:

24 (1) the rate proposed in the notice prepared using the
25 estimate; or

26 (2) the district's rollback rate determined under
27 Section 26.08, Tax Code, if applicable, using the certified

1 appraisal roll.

2 Explanation: This change is necessary to prescribe the
3 requirements of the published notice of a school district's budget
4 meeting and proposed tax rate.

5 (11) House Rule 13, Section 9(a)(4), is suspended to permit
6 the committee to incorporate a new section in the bill, numbered as
7 SECTION 7.125, to read as follows:

8 SECTION 7.125. Subchapter B, Chapter 21, Education Code, is
9 amended by adding Section 21.0461 to read as follows:

10 Sec. 21.0461. TEMPORARY CERTIFICATE FOR SUPERINTENDENT OR
11 PRINCIPAL. (a) The commissioner may issue a temporary certificate
12 under this section for:

13 (1) assistant principal;

14 (2) principal; or

15 (3) superintendent.

16 (b) A candidate for certification under this section must:

17 (1) hold a baccalaureate or advanced degree from an
18 institution of higher education;

19 (2) have significant management and leadership
20 experience, as determined by the board of trustees of the school
21 district that will employ the person under the temporary
22 certificate; and

23 (3) perform satisfactorily on the appropriate
24 examination prescribed under Section 21.048.

25 (c) A school district may require that a person who is
26 employed by the district and who holds a certificate issued under
27 this section complete a training program.

1 (d) A certificate issued to a person under this section is
2 valid only in the school district in which the person is initially
3 employed after receiving the certificate.

4 (e) A certificate issued under this section:

5 (1) expires on the third anniversary of the date on
6 which the certificate was issued; and

7 (2) is not renewable.

8 (f) The commissioner shall issue a standard certificate to a
9 person who holds a temporary certificate issued under this section
10 if the school district employing the person under the temporary
11 certificate:

12 (1) has employed the person for at least three years in
13 the capacity for which the person seeks a standard certificate; and

14 (2) has recommended the person to the commissioner and
15 favorably reviewed, primarily using objective measures of student
16 performance and improvement in the district, the person's
17 performance.

18 (g) A school district employing a person who holds a
19 temporary certificate issued under this section must provide the
20 person with intensive support during the person's first year of
21 employment with the district, including:

22 (1) mentoring; and

23 (2) intensive, high-quality professional development.

24 Explanation: The change is necessary to permit the
25 commissioner of education to issue a limited temporary certificate
26 for assistant principal, principal, or superintendent.

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- 1 Suspending limitations on conference committee jurisdiction, H.B.
- 2 No. 2.