

By: Shapiro

S.R. No. 140

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 79th Legislature, First Called Session, 2005, That Senate Rule 12.03, be suspended in part as provided by Senate Rule 12.08, to enable the conference committee appointed to resolve the differences on House Bill No. 2, relating to public education and public school finance matters; imposing criminal penalties, to consider and take action on the following matters:

(1) Senate Rule 12.03(4), is suspended to permit the committee to incorporate a new Subsection (e-1) to proposed Section 11.203, to read as follows:

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

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

(2) Senate Rule 12.03(4), is suspended to permit the committee to incorporate a new section in the bill, numbered as SECTION 2A.13, to read as follows:

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

Sec. 21.4031. SALARY SUPPLEMENT FOR CERTAIN RETIREMENT-ELIGIBLE CLASSROOM TEACHERS. (a) The amounts specified by this section are in addition to amounts to which a classroom teacher is entitled under Section 21.402.

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

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

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

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

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

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

(d) The Teacher Retirement System of Texas, at the request of the agency, may release information to the agency about a member of the retirement system or a retiree that the executive director of the retirement system finds is necessary to determine a person's eligibility for a salary supplement under

this section. The information remains confidential after the information is released to the agency as authorized by this section. The agency may disclose whether an employee is entitled to a supplement and the amount of the supplement to which the employee is entitled but may not release other information provided by the retirement system.

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

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

(3) Senate Rule 12.03(2), is suspended to permit the committee to omit "by negotiated rulemaking as provided by Chapter 2008, Government Code" added in proposed Subsection (c), Section 21.458, Education Code.

Explanation: The change is necessary to permit the

commissioner to adopt rules relating to teacher mentor qualifications in the manner provided by Chapter 2001, Government Code.

(4) Senate Rule 12.03(4), is suspended to permit the committee to incorporate a new section in the bill, numbered as SECTION 2B.095, to read as follows:

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

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

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

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

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

(5) Senate Rule 12.03(4), is suspended to permit the committee to incorporate a new section in the bill, numbered as

SECTION 2B.16, to read as follows:

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

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

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

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

(2) another vendor of educational products or technology.

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

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

(6) Senate Rule 12.03(1), is suspended to permit the committee to change the text of proposed Subsection (b), Section

44.011, Education Code, to read as follows:

(b) For purposes of this section, whether an expenditure is an expenditure for direct instructional activities shall be determined in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education.

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

(7) Senate Rule 12.03(4), is suspended to permit the committee to incorporate a new section in the bill, numbered as SECTION 2C.12, to read as follows:

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

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

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

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

(3) the percentage of the district's full-time equivalent employees during the preceding fiscal year whose job function was to directly provide classroom instruction to

students, determined by dividing the number of hours spent by employees in providing direct classroom instruction by the total number of hours worked by all district employees.

(a-1) The commissioner by rule shall determine the manner in which a district's total available revenue for purposes of this section is computed.

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

(8) Senate Rule 12.03(2), is suspended to permit the committee to omit the text of proposed Section 44.0073, Education Code, as follows:

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

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

(2) "Indirect instructional costs" includes:

(A) a school district's expenses related to social work services, health services, student transportation, food services, facility maintenance and operations, security and

monitoring services, and data processing services; and

(B) payments to another district under the public education grant program under Subchapter G, Chapter 29, payments to another district that is a member of a shared services arrangement, payments to a fiscal agent, and payments under Section 37.012 to a juvenile justice alternative education program.

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

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

(9) Senate Rule 12.03(4), is suspended to permit the committee to incorporate a new section in the bill, numbered as SECTION 2E.391, to read as follows:

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

Sec. 32.008. TECHNOLOGY GRANTS. (a) From amounts appropriated for the purpose, the commissioner shall make grants as provided by this section to school districts on behalf of eligible campuses and to eligible open-enrollment charter schools. A grant under this section must be in the amount of \$300

for each student enrolled at an eligible campus or eligible open-enrollment charter school.

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

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

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

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

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

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

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

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

(D) library and other research tools;

(E) electronic assessment tools;

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

(G) classroom and school management systems;

(2) provide professional development for teachers

to integrate the tools and solutions described by Subdivision (1); and

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

(d) To receive a grant under this section, a school district or open-enrollment charter school must apply in the time and manner specified by commissioner rule. A grant under this section is for a period of two school years and may be renewed as provided by commissioner rule. The commissioner shall ensure that public schools that are awarded grants under this section reflect the demographic and geographic diversity of this state.

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

(10) Senate Rule 12.03(4), is suspended to permit the committee to incorporate a new section in the bill, numbered as SECTION 3.24, to read as follows:

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

(b) Except as provided by Subsection (b-2), the [The] president shall provide for the publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or biweekly newspaper published in the district. If no daily, weekly, or biweekly newspaper is published in the district, the president shall provide for the publication of notice in at least

one newspaper of general circulation in the county in which the district's central administrative office is located. Notice under this subsection shall be published not earlier than the 30th day or later than the 10th day before the date of the hearing.

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

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

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

(i) A school district that uses a certified estimate, as authorized by Subsection (h), may adopt a budget at the public

meeting designated in the notice prepared using the estimate, but the district may not adopt a tax rate before the district receives the certified appraisal roll for the district required by Section 26.01(a), Tax Code. After receipt of the certified appraisal roll, the district must publish a revised notice and hold another public meeting before the district may adopt a tax rate that exceeds:

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

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

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

(11) Senate Rule 12.03(4), is suspended to permit the committee to incorporate a new section in the bill, numbered as SECTION 7.125, to read as follows:

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

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

(1) assistant principal;

(2) principal; or

(3) superintendent.

(b) A candidate for certification under this section

must:

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

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

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

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

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

(e) A certificate issued under this section:

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

(2) is not renewable.

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

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

(2) has recommended the person to the commissioner

and favorably reviewed, primarily using objective measures of student performance and improvement in the district, the person's performance.

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

(1) mentoring; and

(2) intensive, high-quality professional development.

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

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on July 20, 2005, by the following vote: Yeas 16, Nays 14.

Secretary of the Senate