

## **BILL ANALYSIS**

C.S.S.B. 422  
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Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, the Texas public education system serves more than four million students at about 1,037 school districts and 204 charter schools. The 20 Regional Education Service Centers (ESCs) provide training, technical support, and other services to meet the needs of local school districts and charter schools.

TEA and ESCs are subject to the Sunset Act and will be abolished on September 1, 2005, unless continued by the Legislature. While the Sunset review found that TEA and ESCs are critical to the public education system, the review also identified several areas needing improvement.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Commissioner of Education in SECTION 1.06, SECTION 1.13, SECTION 1.17, SECTION 1.20, SECTION 1.25, SECTION 1.28, SECTION 1.29, SECTION 1.30, and SECTION 1.37, the Texas Education Agency in SECTION 1.17. Rulemaking authority previously granted to the Texas Education Agency is transferred to the Texas Commission of Licensing and Regulation in SECTION 2.03, SECTION 2.04, SECTION 2.09, SECTION 2.10, SECTION 2.13, and SECTION 2.14.

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 2.06. Rulemaking authority previously granted to the Commissioner of Education is transferred to the Texas Commission of Licensing and Regulation in SECTION 2.08, SECTION 2.10, SECTION 2.13, SECTION 2.16, SECTION 2.17, and SECTION 2.18.

Rulemaking authority previously granted to the Texas Education Agency is transferred to the Texas Department of Licensing and Regulation in SECTION 2.15 in agreement with the Texas Commission of Licensing and Regulation, Texas Rehabilitation Commission and the Department of Public Safety.

### **ANALYSIS**

CSSB 422 establishes a definition of charter school. The bill continues the Texas Education Agency until 2017. This bill requires TEA and regional education service centers (ESCs) to solicit and disseminate best practices information from exemplary and recognized school districts and open-enrollment charter schools. The agency and ESCs must develop incentives for the implementation of best practices.

CSSB 422 eliminates on-site investigations from the list of exceptions for compliance monitoring. It requires the commissioner to adopt rules by which a school district, open-enrollment charter school, or other person wishing to challenge an agency decision made under Chapters 39, 41, 42, or 46 must petition for an informal review. The commissioner shall implement a policy requiring the agency to use appropriate technological solutions to improve the agency's ability to perform its functions.

The bill establishes specific guidelines for the administration of agency grants and requires the agency in coordination with regional education service centers to use best practices grant information. CSSB 422 outlines the procedure by which the commissioner shall close, revoke, or deny the renewal of an open-enrollment charter school and makes conforming changes.

The bill requires the commissioner to adopt rules concerning educator certification. The bill ensures that any educator certificate issued in accordance with Subchapter B, Chapter 21 of the Education Code as it existed before September 1, 2005 or issued in accordance with the rules adopted by the commissioner will be valid.

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CSSB 422 requires the agency to provide more information to persons interested in special education due process hearings, collect information on complaints regarding the conduct of hearing officers, and analyze the performance of hearing officers. An individual employed as a hearing officer is prohibited from accepting employment or compensation from school districts.

CSSB 422 establishes an urban school choice pilot program and sets forth criteria for an eligible district, an eligible child who can participate in the program, and designates other definitions. A child attending a qualifying school is entitled to receive an annual scholarship. A qualifying school must meet criteria including being accredited or having filed an application for accreditation. A qualifying school with more scholarship applicants than available positions must fill the scholarship positions by a random selection process but may give preference to scholarship applicants as specifically designated. Each qualifying school enrolling a child must administer the appropriate assessment tests or a nationally norm-referenced assessment test annually and results shall be provided to designated parties. The bill specifies limitations on the number of participating children. The program shall be made available for participation beginning with the 2005 - 2006 school year. Judicial guidelines for review or challenge of the urban school choice pilot program are described in Subchapter J, Chapter 29 of the Education Code. Other components of this program including evaluation are specified by this legislation.

CSSB 422 requires the agency to recommend to the State Board of Education a limit on the cost that may be paid for a textbook on the nonconforming list related to the percentage of essential knowledge and skills that are missing from the textbook. This bill also requires TEA to establish a statewide textbook credit system.

CSSB 422 requires the commissioner to develop and adopt a safety training program. Individuals as designated by this bill such as coaches and trainers must complete the safety training program. Students must complete and sign the medical and safety forms. A student's parent or guardian must also sign the forms. This bill includes other safety precautions and measures for full implementation of this section and requires school compliance and enforcement of the safety training program. The agency and UIL shall investigate the availability of funds for purchasing an automated external defibrillators.

The agency is required to make every effort to ensure assessment instruments are properly administered and to protect the integrity of the assessment program.

CSSB 422 revises method by which the commissioner conducts audits of dropout records.

CSSB 422 requires the Texas Education Agency to develop a comprehensive, integrated accreditation system thereby establishing a coordinated approach to pull together information from all TEA sources to quickly identify problems and assist schools in resolving them. The agency shall annually review the performance of each school district and campus and determine if a change in the academic performance rating of the district or campus is warranted. For accountability purposes a student attending a campus that is a facility operated by a contract with the Texas Youth Commission or registered with the Texas Juvenile Probation Commission is not considered to be a student of the school the student. This bill makes special accreditation investigations by the commissioner permissive under certain conditions. This bill provides guidelines for conducting special accreditation investigations including on-site investigations. A board of managers can be appointed if a district fails to satisfy financial accountability standards as determined by commissioner rule. The commissioner's decisions are final. The bill provides for revocation of district accreditation if for two consecutive school years the district demonstrates poor performance and campus intervention if for two consecutive years the campus is rated academically unacceptable. The bill requires the commissioner to review at least annually districts for which the academic rating has been lowered due to student performance. The commissioner may require a school district or campus to acquire professional services to address a deficiency. The commissioner may revoke the accreditation of a district and order closure of a district or campus under certain circumstances as designated by the bill including a determination by the commissioner that the district is insolvent and cannot complete the school year. A decision regarding the imposition of sanctions by the commissioner is final and may not be appealed.

Article 2 of CSSB 422 transfers the driver training program from the Texas Education Agency to the Texas Commission of Licensing and Regulation and Texas Department of Licensing and Regulation. The executive director of TDLR may designate a person to administer Chapter 1001, Education Code. The commission may establish fees for a new driver education school or course provider license. In developing rules under the section on Alcohol Awareness Information and Information Relating to Litter Prevention, the commission is required to consult with the Department of Public Safety. The bill establishes definitions and conforming changes throughout Article 2.

CSSB 422 changes references from low performing to rated academically unacceptable and makes conforming changes throughout.

### **EFFECTIVE DATE**

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute modifies provisions within the section on special education hearing officers and complaints. The substitute requires the commissioner to adopt rules concerning educator certification and ensures that any certificate issued in accordance with Subchapter B, Chapter 21 of the Education Code as it existed before September 1, 2005 or issued in accordance with the rules adopted by the commissioner will be valid. The substitute sets forth language for an urban school choice pilot program. The substitute states the TEA shall make the urban school choice pilot program available for participation beginning with the 2005-2006 academic school year and sets forth judicial guidelines for Subchapter J, Chapter 29 of the Education Code.

The substitute removes the sections on records of complaints and comprehensive monitoring system. The substitute removes the section on collecting and reporting grant performance and spending information and removes the sections on the development of grant system, grant administration during certain school years, and training for members of board of directors. The substitute also removes the sections dealing with the monitoring of certain charter schools and financial accountability for charter schools and any rulemaking authority created by that section. The substitute removes the section on the development of workplace literacy and basic skill curriculum. The substitute amends language within the section on comprehensive annual report. The substitute removes language as to the priority for certain bonds and the proposed Subchapter D within Chapter 46 of the Education Code.

The substitute makes conforming changes throughout the bill.