

BILL ANALYSIS

C.S.S.B. 658
By: Madla
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

During the last six months of 2004, through on-site campus tours and visits with superintendents, school board members, and students, it was reported that the scheduling of University Interscholastic League (UIL) regional competition was problematic, especially for rural schools. Performance on the Texas Assessment of Knowledge and Skills (TAKS) was negatively impacted when UIL competitions were scheduled the same week or the week prior to testing. In rural areas, students may travel up to 150 miles to compete at the regional level and often participate in several events thereby impacting their academic performance.

A follow-up survey sent to school districts in Senate District 19 resulted in 21 responses in favor of requesting that UIL regional competitions be prohibited the week of, or prior to, TAKS testing. The prohibition would not apply to practice for extra-curricular activities of any kind or regularly scheduled sports games.

CSSB 658 prohibits UIL area, regional, or state competitions from being held the week of, or prior to, TAKS testing. It also requires the Texas Education Agency (TEA) to provide UIL a calendar of expected testing dates of testing three years in advance to allow sufficient time to negotiate contracts and prohibits schools from obtaining a waiver from TEA. CSSB 658 gives the commissioner discretion to cancel testing dates and reschedule the tests in the event of extreme emergencies and allow for rules to be developed regarding UIL rescheduling.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Commissioner of Education in SECTION 1 and State Board of Education in SECTION 1 of this bill.

ANALYSIS

CSSB 658 amends the Education Code by requiring the State Board of Education, by rule, to prohibit participation in a University Interscholastic League (UIL) area, regional, or state competition, on Monday through Thursday of the school week in which the primary administration of assessment instruments occurs or if the primary administration of the assessment instrument is completed before Thursday of the school week, beginning on Monday and ending on the last school day on which the assessment instruments are administered. The commissioner is required to determine the school week during the school year in which the primary administration of assessment instruments occurs for purposes of this subsection. The commissioner is required to adopt rules to provide UIL with a periodic calendar of dates reserved for testing for planning purposes under this section. The periodic calendar must be provided at least every three years on or before May 1 of the year preceding the three-year cycle of reserved testing dates. In adopting rules under this section the commissioner shall include a procedure for changing reserved testing dates, define exceptional circumstances and establish criteria to determine if a UIL competition must be cancelled if the event conflicts with a changed testing date. The bill provides that this section does not apply to testing dates on which assessment instruments are administered only to students retaking the assessment instruments.

CSSB 658 amends the Education Code in that it prohibits a school campus or district, except as provided by Subsection (f), from receiving an exemption or waiver under this section from a requirement, restriction, or prohibition relating to extracurricular activities under Section 33.081 or participation in a UIL area, regional, or state competition under Section 33.0812.

A rule adopted under Section 33.0812(a), Education Code, as added by this Act, does not apply to student participation in a University Interscholastic League area, regional, or state competition for which a contract for the provision of facilities in which the competition will be conducted was entered into before the effective date of this Act.

EFFECTIVE DATE

This Act applies beginning with the 2006 - 2007 school year.

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 creates additional language as to when participating in a University Interscholastic League area, regional or state competition is prohibited due to the administration of assessment instruments.