

Suspending limitations on conference committee
jurisdiction, H.B. No. 3

By: Shapiro

S.R. No. 1104

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, 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. 3, relating to public school accountability, curriculum, and promotion requirements, to consider and take action on the following matter:

(1) Senate Rules 12.03(1), (2), and (4) are suspended to permit the committee to change and omit text not in disagreement and to add text on a matter not included in either version of the bill, in SECTION 1 of the bill, in Section 7.009, Education Code, to read as follows:

SECTION 1. Section 7.009, Education Code, is amended to read as follows:

Sec. 7.009. BEST PRACTICES; CLEARINGHOUSE. (a) In coordination with the Legislative Budget Board, the agency shall establish an online clearinghouse of information relating to best practices of campuses, and school districts, and open-enrollment charter schools. The agency shall determine the appropriate topic categories for which a campus, district, or charter school may submit best ~~[regarding instruction, dropout prevention, public school finance, resource allocation, and business]~~ practices. To the extent practicable, the agency shall ensure that information provided through the online clearinghouse is specific, actionable information relating to

the best practices of high-performing and highly efficient campuses, ~~[and school]~~ districts, and open-enrollment charter schools and of academically acceptable campuses, districts, and open-enrollment charter schools that have demonstrated significant improvement in student achievement rather than general guidelines relating to campus, ~~[and school]~~ district, and open-enrollment charter school operation. The information must be accessible by campuses, school districts, open-enrollment charter schools, and interested members of the public.

(b) The agency shall solicit and collect from the Legislative Budget Board, centers for education research established under Section 1.005, and ~~[exemplary or recognized]~~ school districts, campuses, and open-enrollment charter schools~~[, as rated under Section 39.072,]~~ examples of best practices as determined by the agency under Subsection (a) ~~[relating to instruction, dropout prevention, public school finance, resource allocation, and business practices, including best practices relating to curriculum, scope and sequence, compensation and incentive systems, bilingual education and special language programs, compensatory education programs, and the effective use of instructional technology, including online courses]~~.

(c) The agency shall contract for the services of one or more third-party contractors to develop, implement, and maintain a system of collecting and evaluating the best practices of

campuses, ~~[and]~~ school districts, and open-enrollment charter schools as provided by this section. In addition to any other considerations required by law, the agency must consider an applicant's demonstrated competence and qualifications in analyzing campus, ~~[and]~~ school district, and open-enrollment charter school practices in awarding a contract under this subsection.

(d) The commissioner may purchase from available funds curriculum and other instructional tools identified under this section to provide for use by school districts and open-enrollment charter schools.

Explanation: The alteration of text is necessary to permit school districts and open-enrollment charter schools to submit best practices in any relevant area, to clarify that a third-party contractor may collect and evaluate best practices submitted by open-enrollment charter schools, and to clarify that the commissioner of education may purchase curriculum and other instructional tools to provide for use by open-enrollment charter schools.

(2) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement, in SECTION 25 of the bill, in amended Section 28.002, Education Code, to read as follows:

(c-2) The State Board of Education shall adopt rules to authorize each school district to implement a program under which students in middle or junior high school may earn credits toward

high school graduation in middle or junior high school for any course determined by board rule to qualify as a high school equivalent course.

Explanation: The omission of text is necessary to remove the requirement directing the State Board of Education to adopt rules to authorize school district programs to allow middle or junior high school students to earn high school credit.

(3) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement, in SECTION 27 of the bill, in amended Subsection (d), Section 28.014, Education Code, to read as follows:

(d) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Subsection (c) to be used for purposes of Section 51.3062. The questions must be developed in a manner consistent with any college readiness standards adopted under Sections 39.233 [~~39.113~~] and 51.3062. [~~A student's performance on a question adopted under this subsection may not be used to determine the student's performance on an end-of-course assessment instrument.~~]

Explanation: The omission of text is necessary to permit a student's performance on a specific question related to postsecondary readiness on an end-of-course assessment instrument to be used to determine the student's performance on the assessment instrument.

(4) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement, in added Subsection (b-5), Section 28.025, Education Code, to read as follows:

(b-5) Notwithstanding Section 5.09, Chapter 5 (H.B. 1), 79th Legislature, 3rd Called Session, 2006, the curriculum requirements for the recommended and advanced high school programs under Subsection (b-1) apply to students entering the ninth grade beginning with the 2011-2012 school year. This subsection expires September 1, 2015.

Explanation: The omission of text is necessary to have the high school curriculum requirements for the recommended and advanced high school programs established under Chapter 5 (H.B. 1), 79th Legislature, 3rd Called Session, 2006, apply to students entering the ninth grade beginning with the 2007-2008 school year, as originally intended.

(5) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either version of the bill, under SECTION 30 of the bill, in amended Section 28.025, Education Code, to read as follows:

(b-7) The agency shall 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 under Subsection (b-1)(3)(A) 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 outside the regular school day. Not later than December 1, 2010, the agency shall provide to the legislature a report regarding the pilot program, including the feasibility of expanding the pilot program statewide.

(b-8) A school district, with the approval of the commissioner, may allow a student to comply with the curriculum requirements for the physical education credit required under Subsection (b-1)(3)(B) by participating in a private or commercially sponsored physical activity program provided on or off a school campus and outside the regular school day.

Explanation: The additions are necessary to establish a fine arts pilot program and to establish an alternative method for meeting the physical education credit requirement.

(6) Senate Rule 12.03(4) is suspended to permit the committee to add the following SECTION to the bill on a matter not included in either version of the bill to read as follows:

SECTION 52. Section 39.0234(a), Education Code, is amended to read as follows:

(a) The agency shall ensure that assessment instruments required under Section 39.023 are capable of being administered by computer. The commissioner may not require a school district or open-enrollment charter school to administer an assessment instrument by computer.

Explanation: This addition is necessary to prohibit mandatory administration of assessment instruments by computer.

(7) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either version of the bill, under SECTION 59 of the bill, in proposed Subsection (a), Section 39.057, Education Code, to read as follows:

(a) The commissioner shall authorize special accreditation investigations to be conducted:

. . .

(12) when resource allocation practices as evaluated under Section 39.0821 indicate a potential for significant improvement in resource allocation; or . . .

Explanation: This addition is necessary to authorize a special accreditation investigation when the comptroller has identified the potential for significant improvement in resource allocation exists at a school district or campus.

(8) Senate Rule 12.03(a)(4) is suspended to permit the committee to add text on a matter not included in either version of the bill, under SECTION 59 of the bill, in added Section 39.0821, Education Code, to read as follows:

(b) In reviewing resources allocation practices of districts and campuses under this section, the comptroller shall ensure resources are being used for the instruction of students by evaluating:

- (1) the operating cost for each student;
- (2) the operating cost for each program; and
- (3) the staffing cost for each student.

Explanation: The addition is necessary to ensure school

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district and campus resources are being used for the instruction of students.

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 31, 2009.

Secretary of the Senate