

Suspending limitations on conference committee
jurisdiction, H.B. No. 3 (Eissler/Shapiro)

By: Shapiro

S.R. No. 1104

R E S O L U T I O N

1 BE IT RESOLVED by the Senate of the State of Texas, 81st
2 Legislature, Regular Session, 2009, That Senate Rule 12.03 be
3 suspended in part as provided by Senate Rule 12.08 to enable the
4 conference committee appointed to resolve the differences on House
5 Bill 3, relating to public school accountability, curriculum, and
6 promotion requirements, to consider and take action on the
7 following matter:

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

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

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

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

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

22 (c) The agency shall contract for the services of one or
23 more third-party contractors to develop, implement, and maintain a
24 system of collecting and evaluating the best practices of campuses,
25 ~~[and]~~ school districts, and open-enrollment charter schools as
26 provided by this section. In addition to any other considerations
27 required by law, the agency must consider an applicant's

1 demonstrated competence and qualifications in analyzing campus,
2 [~~and~~] school district, and open-enrollment charter school
3 practices in awarding a contract under this subsection.

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

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

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

20 (c-2) The State Board of Education shall adopt rules to
21 authorize each school district to implement a program under which
22 students in middle or junior high school may earn credits toward
23 high school graduation in middle or junior high school for any
24 course determined by board rule to qualify as a high school
25 equivalent course.

26 Explanation: The omission of text is necessary to remove the
27 requirement directing the State Board of Education to adopt rules

1 to authorize school district programs to allow middle or junior
2 high school students to earn high school credit.

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

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

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

21 (4) Senate Rule 12.03(2) is suspended to permit the
22 committee to omit text not in disagreement, in added Section
23 28.025(b-5), Education Code, to read as follows:

24 (b-5) Notwithstanding Section 5.09, Chapter 5 (H.B. 1),
25 79th Legislature, 3rd Called Session, 2006, the curriculum
26 requirements for the recommended and advanced high school programs
27 under Subsection (b-1) apply to students entering the ninth grade

1 beginning with the 2011-2012 school year. This subsection expires
2 September 1, 2015.

3 Explanation: The omission of text is necessary to have the
4 high school curriculum requirements for the recommended and
5 advanced high school programs established under Chapter 5 (H.B. 1),
6 79th Legislature, 3rd Called Session, 2006, apply to students
7 entering the ninth grade beginning with the 2007-2008 school year,
8 as originally intended.

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

13 (b-7) The agency shall establish a pilot program allowing a
14 student attending school in a county with a population of more than
15 one million and in which more than 80 percent of the population
16 resides in a single municipality to satisfy the fine arts credit
17 required under Subsection (b-1)(3)(A) by participating in a fine
18 arts program not provided by the school district in which the
19 student is enrolled. The fine arts program may be provided on or
20 off a school campus and outside the regular school day. Not later
21 than December 1, 2010, the agency shall provide to the legislature a
22 report regarding the pilot program, including the feasibility of
23 expanding the pilot program statewide.

24 (b-8) A school district, with the approval of the
25 commissioner, may allow a student to comply with the curriculum
26 requirements for the physical education credit required under
27 Subsection (b-1)(3)(B) by participating in a private or

1 commercially sponsored physical activity program provided on or off
2 a school campus and outside the regular school day.

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

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

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

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

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

18 (7) Senate Rule 12.03(4) is suspended to permit the
19 committee to add text on a matter not included in either version of
20 the bill, under SECTION 59 of the bill, in proposed Section
21 39.057(a), Education Code, to read as follows:

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

24 . . .

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

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

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

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

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

16 Explanation: The addition is necessary to ensure school
17 district and campus resources are being used for the instruction of
18 students.