

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Guillen, Rodriguez, Martinez, Flores

H.B. No. 635

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of the Texas Education Agency to seek,  
3 accept, determine eligibility for, and distribute grants available  
4 for the benefit of public education.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 7, Education Code, is  
7 amended by adding Section 7.031 to read as follows:

8 Sec. 7.031. GRANTS. (a) The agency may seek, accept, and  
9 distribute grants awarded by the federal government or any other  
10 public or private entity for the benefit of public education,  
11 subject to the limitations or conditions imposed by the terms of the  
12 grants or by other law.

13 (b) Unless otherwise prohibited by federal law, the  
14 commissioner may determine, solely for purposes of the program's  
15 eligibility to receive federal grant funds, for the purpose of  
16 technology services and support, that a Head Start program operated  
17 in this state by a school district or a community-based  
18 organization serves the function of an elementary school by  
19 providing elementary education at one or more program facilities.

20 (c) A determination by the commissioner under Subsection  
21 (b):

22 (1) does not entitle a Head Start program to receive  
23 state funds for which the program would not otherwise be eligible;

24 (2) may not reduce the amount of federal grant funds

1 available for school districts and open-enrollment charter  
2 schools; and

3 (3) may not be appealed.

4 SECTION 2. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2009.

**ADOPTED**

MAY 25 2009

*Antony Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

*Lucio*

1 Amend H.B. No. 635 (senate committee report) by adding the  
2 following appropriately numbered SECTIONS to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Subchapter J, Chapter 21, Education Code, is  
5 amended by adding Section 21.461 to read as follows:

6 Sec. 21.461. PROFESSIONAL DEVELOPMENT GRANTS REGARDING  
7 EDUCATION OF STUDENTS WITH DISABILITIES. (a) From funds  
8 appropriated for the purpose, as well as other available sources,  
9 the commissioner shall award a grant to each teacher or  
10 paraprofessional who completes a professional development  
11 institute developed under Subsection (c). The commissioner shall  
12 determine the amount of the grant awarded under this subsection.

13 (b) The commissioner shall, for each teacher or  
14 paraprofessional who completes training in an applied behavior  
15 analysis training program developed under Subsection (e), pay to  
16 the provider the cost of providing the program to the teacher or  
17 paraprofessional. The commissioner may determine a maximum amount  
18 that may be paid to provide the program under this subsection.

19 (c) The commissioner shall develop and make available  
20 professional development institutes for teachers and  
21 paraprofessionals relating to research-based instructional  
22 services for students with disabilities, including autism spectrum  
23 disorders.

24 (d) A professional development institute developed under  
25 this section must address:

26 (1) disability-specific information necessary to  
27 enable a teacher or paraprofessional to work effectively in the  
28 classroom with students with disabilities;

29 (2) instructional techniques proven by scientifically

1 based research, as defined by Section 9101, No Child Left Behind Act  
2 of 2001 (20 U.S.C. Section 7801), to be effective in teaching the  
3 curriculum required under Section 28.002 to students with  
4 disabilities; and

5 (3) appropriate management of behaviors related to a  
6 student's disability that may affect the student's performance.

7 (e) The commissioner shall develop one or more professional  
8 development institutes that offer applied behavior analysis  
9 training programs provided by or supervised by a person certified  
10 as a behavior analyst by the Behavior Analyst Certification Board.  
11 A training program under this subsection must provide:

12 (1) public access to lectures and training on the  
13 agency's Internet website and the appropriate regional education  
14 service center's Internet website;

15 (2) individual consultation in the classroom with  
16 students for at least six one-hour sessions;

17 (3) telephone or in-person video review for at least  
18 three one-hour sessions; and

19 (4) access to the teacher's mentor through telephone  
20 or videoconference consultation during the program.

21 (f) The commissioner shall develop a list of providers  
22 approved to conduct an applied behavior analysis training program  
23 under Subsection (e). A training program may be provided by a  
24 regional education service center, district specialist,  
25 university, private entity, private consultant, or other entity  
26 that provides training.

27 (g) The commissioner shall adopt criteria for selection of  
28 teachers and paraprofessionals authorized to attend a professional  
29 development institute, including an applied behavior analysis  
30 training program, developed under this section. The commissioner  
31 must give priority to teachers and paraprofessionals who have a

1 significant level of professional contact with students with autism  
2 spectrum disorders.

3 (h) Not later than January 1 of each odd-numbered year, the  
4 commissioner shall submit a report regarding the success of the  
5 institutes developed under this section, including recommendations  
6 for changes, to the governor, lieutenant governor, speaker of the  
7 house of representatives, and presiding officer of each legislative  
8 committee with primary jurisdiction over public education.

9 SECTION \_\_\_\_\_. Section 21.461, Education Code, as added by  
10 this Act, does not make an appropriation. Section 21.461,  
11 Education Code, as added by this Act, takes effect only if a  
12 specific appropriation for the implementation of the section is  
13 provided in a general appropriations act of the 81st Legislature.

# ADOPTED

MAY 25 2009

*Atty. Gen. Spaw*  
Secretary of the Senate

*Ruthie Van de Putte*

FLOOR AMENDMENT NO. 2

BY: \_\_\_\_\_

1 Amend H.B. No. 035 by adding the following appropriately  
2 numbered SECTION to the bill and renumbering subsequent SECTIONS  
3 accordingly:

4 SECTION \_\_\_\_\_. (a) Chapter 73, Education Code, is amended by  
5 adding Subchapter I to read as follows:

6 SUBCHAPTER I. COMPETITIVE GRANT PROGRAM TO PROMOTE EARLY LITERACY

7 Sec. 73.601. DEFINITIONS. In this subchapter:

8 (1) "Competitive grant program" means the competitive  
9 grant program to promote early literacy established under this  
10 subchapter.

11 (2) "Health care practitioner" has the meaning  
12 assigned by Section 112.001, Occupations Code.

13 (3) "Health science center" means The University of  
14 Texas Health Science Center at Houston.

15 (4) "Literacy program" means a program to promote  
16 early literacy.

17 Sec. 73.602. ESTABLISHMENT OF COMPETITIVE GRANT PROGRAM TO  
18 PROMOTE EARLY LITERACY. (a) The University of Texas Health  
19 Science Center at Houston shall establish a competitive grant  
20 program to promote early literacy through which the health science  
21 center will award grants for the implementation of literacy  
22 programs, or the expansion of existing programs, and for the  
23 operation of those programs for a period of not less than two years.

24 (b) The health science center shall award grants under the  
25 program to applicants, including applicants operating existing  
26 programs, in a manner that ensures that the literacy programs  
27 collectively:

28 (1) operate in multiple communities that are  
29 geographically distributed throughout this state; and

1           (2) provide program services to approximately 50,000  
2 children.

3           Sec. 73.603. LITERACY PROGRAM REQUIREMENTS. (a) A  
4 literacy program funded through a grant awarded under this  
5 subchapter must:

6           (1) strictly adhere to the program model developed by  
7 the Reach Out and Read National Center, including any clinical,  
8 programmatic, and data collection requirements of that model;

9           (2) provide matching funds in an amount equal to the  
10 amount of the grant funds awarded under this subchapter;

11           (3) require that health care practitioners volunteer  
12 to:

13           (A) in conjunction with performing well-child  
14 examinations, provide books to children and encourage parents to  
15 read to their children to develop preliteracy skills;

16           (B) maintain waiting rooms that encourage  
17 children to read; and

18           (C) provide services designed to increase the  
19 school readiness of children receiving program services; and

20           (4) partner with local adult literacy providers to  
21 encourage parent literacy in appropriate circumstances.

22           (b) Matching funds under Subsection (a)(2) may include  
23 in-kind contributions.

24           Sec. 73.604. APPLICATION. (a) A public or private entity,  
25 including a county, municipality, or other political subdivision of  
26 this state, may apply for a grant under this subchapter.

27           (b) To apply for a grant, an applicant must submit a written  
28 application to the health science center on a form prescribed by the  
29 health science center in consultation with the Reach Out and Read  
30 National Center.

31           Sec. 73.605. ADDITIONAL CONSIDERATIONS IN AWARDING GRANTS.

1 In addition to the factors described by Sections 73.602(b) and  
2 73.603, in determining whether to award a grant to an applicant  
3 under this subchapter, the health science center may consider:

4 (1) the demonstrated need for a literacy program in  
5 the community in which the applicant proposes to operate or expand  
6 the program, which the health science center shall determine by  
7 considering:

8 (A) the poverty rate, the crime rate, the number  
9 of births to Medicaid recipients, the rate of poor birth outcomes,  
10 and the incidence of referrals of elementary school students for  
11 remedial instruction or special education services, and of child  
12 abuse and neglect, during a prescribed period in the community; and

13 (B) the need to enhance school readiness in the  
14 community;

15 (2) the applicant's ability to participate in ongoing  
16 monitoring and performance evaluations under Section 73.608,  
17 including the applicant's ability to collect and provide  
18 information requested by the health science center under Section  
19 73.608(d);

20 (3) the applicant's ability to adhere to the literacy  
21 program guidelines published under Section 73.606;

22 (4) the applicant's ability to develop broad-based  
23 community support for implementing or expanding a literacy program,  
24 as applicable; and

25 (5) the applicant's history of developing and  
26 sustaining innovative, high-quality programs that meet the needs of  
27 families and communities.

28 Sec. 73.606. LITERACY PROGRAM GUIDELINES. The health  
29 science center, with the assistance of the Reach Out and Read  
30 National Center, shall publish guidelines for the literacy programs  
31 funded under this subchapter. The guidelines must adhere to the



1 Reach Out and Read national program model standards and guidelines  
2 that have been tested and replicated in multiple communities.

3 Sec. 73.607. USE OF PROGRAM FUNDS. (a) In addition to  
4 awarding grants under this subchapter, the health science center  
5 may use program funds to:

6 (1) administer the competitive grant program; and

7 (2) purchase or contract to purchase discounted books  
8 for use by grant recipients.

9 (b) A grant recipient may use grant funds awarded under this  
10 subchapter only to cover costs related to implementing or expanding  
11 and operating a literacy program, including costs related to:

12 (1) administering the literacy program;

13 (2) training and managing health care practitioners  
14 who volunteer to participate in the literacy program; and

15 (3) purchasing or contracting to purchase discounted  
16 books for use in the literacy program.

17 Sec. 73.608. PROGRAM MONITORING AND EVALUATION; ANNUAL  
18 COMMITTEE REPORTS. (a) The health science center, with the  
19 assistance of the Reach Out and Read National Center, shall publish  
20 performance indicators that are designed to measure a grant  
21 recipient's performance with respect to the literacy program  
22 guidelines published under Section 73.606.

23 (b) The health science center shall:

24 (1) use the performance indicators published under  
25 Subsection (a) to continuously monitor and formally evaluate on an  
26 annual basis the performance of each grant recipient; and

27 (2) prepare and submit an annual report, not later  
28 than December 1 of each year, to the Senate Committee on Education,  
29 or its successor, and the House Public Education Committee, or its  
30 successor, regarding the performance of each grant recipient during  
31 the preceding state fiscal year with respect to providing literacy

1 program services.

2 (c) The report required under Subsection (b)(2) must  
3 include:

4 (1) the number of low-income children receiving  
5 literacy program services;

6 (2) the number of health care practitioners who  
7 participate in the program and the estimated value of the services  
8 provided by those practitioners under the program; and

9 (3) the extent to which each grant recipient adhered  
10 to the Reach Out and Read national program model.

11 (d) On request, each grant recipient shall timely collect  
12 and provide data and any other information required by the health  
13 science center to monitor and evaluate the recipient or to prepare  
14 the report required by this section.

15 Sec. 73.609. COMPETITIVE GRANT PROGRAM FUNDING. (a) The  
16 health science center shall actively seek and apply for any  
17 available federal funds to assist in financing the competitive  
18 grant program established under this subchapter.

19 (b) The health science center may use appropriated funds  
20 from the state government and may accept gifts, donations, grants  
21 of money, and in-kind contributions from the federal government,  
22 local governments, private corporations, or other persons to assist  
23 in financing the competitive grant program.

24 (b) The University of Texas Health Science Center at Houston  
25 shall:

26 (1) as soon as practicable, apply for any available  
27 federal funds to assist in financing the competitive grant program  
28 under Subchapter I, Chapter 73, Education Code, as added by this  
29 section, as required by Section 73.609, Education Code, as added by  
30 this section;

31 (2) not later than December 1, 2009, submit a report to

1 the Senate Committee on Education, or its successor, and the House  
2 Public Education Committee, or its successor, regarding the  
3 implementation and status of the competitive grant program required  
4 by Subchapter I, Chapter 73, Education Code, as added by this  
5 section;

6 (3) not later than September 1, 2010, establish and  
7 implement the competitive grant program required by Subchapter I,  
8 Chapter 73, Education Code, as added by this section, and, with the  
9 assistance of the Reach Out and Read National Center, publish the  
10 guidelines required by Section 73.606, Education Code, as added by  
11 this section; and

12 (4) not later than December 1, 2011, submit the  
13 initial annual report required by Subdivision (2), Subsection (b),  
14 Section 73.608, Education Code, as added by this section.

15 (c) This section does not make an appropriation. A  
16 provision in this section that creates a new governmental program,  
17 creates a new entitlement, or imposes a new duty on a governmental  
18 entity is not mandatory during a fiscal period for which the  
19 legislature has not made a specific appropriation to implement the  
20 provision.



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB635** by Guillen (relating to the authority of the Texas Education Agency to seek, accept, determine eligibility for, and distribute grants available for the benefit of public education. ), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB635, As Passed 2nd House: a negative impact of (\$12,772,964) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2010	(\$6,526,491)
2011	(\$6,246,473)
2012	(\$6,080,473)
2013	(\$6,230,473)
2014	(\$6,080,473)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable (Cost) from General Revenue Fund 1</b>	<b>Change in Number of State Employees from FY 2009</b>
2010	(\$6,526,491)	1.0
2011	(\$6,246,473)	3.0
2012	(\$6,080,473)	3.0
2013	(\$6,230,473)	3.0
2014	(\$6,080,473)	3.0

**Fiscal Analysis**

The bill would authorize the Texas Education Agency to seek, accept, and distribute grants available for the benefit of public education.

The bill would require the Commissioner of Education to establish professional development institutes for teachers and paraprofessionals relating to research-based instructional services for student with disabilities, including autism spectrum disorders and to establish professional development institutes that offer applied behavior analysis training programs provided by a certified behavior analyst. The Texas Education Agency (TEA) would be required to post lectures and training from the behavior analysis institutes on the agency's web site and the web sites of various regional education service centers (RESCs).



The bill would require the commissioner to adopt criteria for teachers and paraprofessionals authorized to attend these professional development institutes, but participation by school districts would be on a voluntary basis. Professional development would include instructional techniques proven by scientifically-based research to be effective in teaching curriculum to students with disabilities. Priority would be given to teachers and paraprofessionals working with students with autism spectrum disorders. A stipend would be paid to each teacher or paraprofessional completing the professional development programs. The bill would direct the Commissioner to pay the cost of providing the behavior analysis program to teachers who complete the program.

The bill would require the Commissioner to submit a report on the professional development institutes to the Governor, the Lieutenant Governor, the Speaker of the House, and the presiding officers of the standing legislative committees on public education.

The bill would also require The University of Texas Health Science Center at Houston (UTHSCH) to establish a competitive grant program to promote early literacy and to award grants to implement or expand literacy programs. UTHSCH, with the assistance of the Reach Out and Read National Center, would be directed to adopt standards for the literacy program and to design performance indicators to measure a grant recipient's performance. UTHSCH would be required to monitor and formally evaluate the performance of each grant recipient on an annual basis and to comply with annual reporting requirements. UTHSCH would also be required to actively seek and apply for any available federal funds to finance the competitive grant program. UTHSCH estimates that it would provide services to 50,000 children under the program.

### **Methodology**

TEA assumes an estimated \$500,000 one-time cost in fiscal year 2010 to develop training for use in both types of professional development institutes contemplated in the bill. Once the training is developed, it is assumed the agency could contract with regional educational service centers to conduct the program. Priority would be given to teachers who instruct students with autism spectrum disorders. The agency estimates approximately 13,500 teachers at \$250 per teacher would participate in professional development institutes regarding the education of students with disabilities and 2,000 teachers or paraprofessionals at \$1000 per person would participate in professional development institutes on behavior analysis each year, at an annual cost of \$5,375,000. Assumptions include one additional full-time-equivalent position beginning in FY2010 and two additional full-time-equivalent positions beginning in FY2011 at a cost of \$76,491 in FY2010, \$221,473 in FY2011, and \$205,473 in FY2010 and each subsequent year, inclusive of related salary, benefit and other costs, to provide oversight of participation, distribute stipend payments, and coordinate ongoing updates for the institutes.

The estimated cost of developing web content required to be posted on TEA's and selected RESC's web sites is \$75,000 in fiscal year 2010. TEA estimates the cost of meeting the reporting requirement in the bill at \$150,000 beginning in FY2011 and every other subsequent year.

Based on information provided by The University of Texas Health Science Center at Houston (UTHSCH), it is estimated that the total costs of the required competitive grant program would be \$500,000 per year. UTHSCH estimates that it would purchase approximately 168,755 books per year at a cost of \$2.50 per book for an annual cost of \$421,888 and it would need \$23,112 in training and program materials and \$5,000 for research and to complete an annual program evaluation. UTHSCH also estimates that a portion of the grants would cover \$38,318 in personnel expenses and \$11,682 in administrative materials that would be part of the initial grants amounts.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** JOB, JSp, JSc, JGM, JW





**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 4, 2009**

**TO:** Honorable Florence Shapiro, Chair, Senate Committee on Education

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB635** by Guillen (Relating to the authority of the Texas Education Agency to seek, accept, determine eligibility for, and distribute grants available for the benefit of public education.),  
**As Engrossed**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** JOB, JSp, JGM, JSc



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 4, 2009**

**TO:** Honorable Rob Eissler, Chair, House Committee on Public Education

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB635** by Guillen (relating to the authority of the Texas Education Agency to seek, accept, determine eligibility for, and distribute grants available for the benefit of public education. ),  
**Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** JOB, JSp, JGM, JSc



**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

March 22, 2009

**TO:** Honorable Rob Eissler, Chair, House Committee on Public Education

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB635** by Guillen (Relating to the authority of the Texas Education Agency to seek, accept, and distribute grants available for the benefit of public elementary and secondary education.),  
**As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would allow the Texas Education Agency to seek, accept, and distribute federal grants for the benefit of public elementary schools. The bill would allow the commissioner to determine that a school district-operated or a community-based Head Start program serves as a public elementary school for eligibility purposes for federal grants. The bill specifies that a Head Start program determined to be serving as a public elementary school is eligible for any state funds to which it would otherwise not be entitled.

A community-based Head Start program does not meet the federal definition of a Local Education Agency (LEA) and would therefore not be eligible for federal funds designated for LEAs according to federal law.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** JOB, JSp, JGM, JSc

