

BILL ANALYSIS

Senate Research Center
82R4981 VOO-D

S.B. 3
By: Shapiro
Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current Texas law imposes burdensome restrictions on school districts' decision-making power in ways that range from requirements regarding personnel matters to mandates concerning school operation and resource allocation. In addition, state law creates barriers for a school district, both to its sound operation, and to its ability to implement necessary changes to improve education quality and increase efficiency in ways like preventing full access to virtual courses, and mandating certain unnecessary tax hearings.

S.B. 3 returns control of personnel matters to school districts by pushing back the deadline for notice of contract renewal to 10 days after the last instructional day, and repealing the requirement that teachers receive at least the same salary as earned in the 2010-2011 school year.

S.B. 3 returns control over operations and resource allocation to school districts by removing the 10 to one student-teacher ratio requirement for remedial courses and removing regulations on pest management.

Finally, S.B. 3 removes barriers that inhibit school district improvement and efficiency by eliminating the course limitation on student access to virtual classes and establishing that a school board is not required to publish another notice or hold another hearing if a debt service tax rate is adopted that is lower than what is published in the original required public notice.

As proposed, S.B. 3 amends current law relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 11 (Section 1951.059, Occupations Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 2 (Section 21.402, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is restricted in SECTION 4 (Section 30A.107, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.206(a), Education Code, to require the board of trustees (board), not later than the 10th day after the last day of instruction in a school year, rather than the 45th day before the last day of instruction in a school year, to notify in writing each teacher whose contract is about to expire whether the board proposes to renew or not renew the contract.

SECTION 2. Amends Section 21.402(a), Education Code, to delete the exception provided by Subsection (d) (relating to the salary entitlement of certain school district employees) and to make a nonsubstantive change.

SECTION 3. Amends Section 28.0211(c), Education Code, to delete existing text prohibiting an accelerated instruction group administered by a school district under this section from having a ratio of more than 10 students for each teacher.

SECTION 4. Amends Section 30A.107(b), Education Code, to prohibit the commissioner of education from limiting the number of electronic courses a student to whom this subsection applies may take through the state virtual school network.

SECTION 5. Amends Section 44.004, Education Code, by adding Subsection (g-1), as follows:

(g-1) Provides that if the rate calculated under Section 44.004(c)(5)(A)(ii)(b) (relating to specifications of and certain items to be included in the notice of public meeting to discuss and adopt the budget and proposed tax rate) decreases after the publication of the notice required by this section, the president is not required to publish another notice or call another meeting to discuss and adopt the budget and the proposed lower tax rate.

SECTION 6. Amends Section 1951.052(a), Occupations Code, to delete the exception provided by Section 1951.212 (Integrated Pest Management Programs for School Districts) and to make a nonsubstantive change.

SECTION 7. Amends Section 1951.053(a), Occupations Code, to delete the exception provided by Section 1951.212 and to make a nonsubstantive change.

SECTION 8. Amends Section 1951.054(a), Occupations Code, to delete the exception provided by Section 1951.212 and to make a nonsubstantive change.

SECTION 9. Amends Section 1951.055(a), Occupations Code, to delete the exception provided by Section 1951.212 and to make a nonsubstantive change.

SECTION 10. Amends Section 1951.056(a), Occupations Code, to delete the exception provided by Section 1951.212 and to make a nonsubstantive change.

SECTION 11. Amends Section 1951.059(a), Occupations Code, to authorize the Texas Department of Agriculture by rule to exempt an activity from, among other requirements, the requirement under Section 1951.212.

SECTION 12. Amends Section 26.05(a), Tax Code, to provide that one component of the tax rate for a school district is the rate calculated, rather than the rate published, under Section 44.004(c)(5)(A)(ii)(b), Education Code.

SECTION 13. Repealer: Section 21.402(d) (relating to the salary entitlement of certain school district employees), Education Code.

Repealer: Section 1951.212 (Integrated Pest Management Programs for School Districts), Occupations Code.

SECTION 14. Provides that the changes in law made by the repeal of Section 21.402(d), Education Code, applies beginning with the 2012-2013 school year.

SECTION 15. Provides that Sections 28.0211(c) and 30A.107(b), Education Code, as amended by this Act, and the repeal of Section 1951.212, Occupations Code, apply beginning with the 2011-2012 school year.

SECTION 16. Provides that Section 44.004(g-1), Education Code, as added by this Act, applies beginning with the adoption of a tax rate for the 2011 tax year.

SECTION 17. Effective date: upon passage or September 1, 2011.