

## **BILL ANALYSIS**

Senate Research Center  
83R22861 PAM-F

H.B. 462  
By: Huberty et al. (Patrick)  
Education  
5/16/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties assert that federal education legislation has often included statements indicating that the federal government's role in education is limited. The parties assert that the United States Constitution can be interpreted to provide that the states have the ultimate responsibility for education. The parties contend that, despite these principles, the federal government is seeking to increase its authority over education by using funds appropriated in the federal American Recovery and Reinvestment Act to coerce states to adopt national education standards and national tests. H.B. 462 seeks to address these matters as they relate to state control of teacher appraisal criteria, curriculum standards, and standardized tests.

H.B. 462 amends current law relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 21.351(a), Education Code, to prohibit the commissioner of education (commissioner) from adopting or developing a recommended appraisal process and criteria based on any appraisal criteria that incorporate the results of student performance on assessment instruments that are intended for national applicability or are enacted federally as optional criteria, excluding college advanced placement tests and international baccalaureate examinations as those terms are defined by Section 28.051 (Definitions).

SECTION 2. Amends Section 28.002, Education Code, by adding Subsections (b-1), (b-2), (b-3), and (b-4), as follows:

(b-1) Defines "common core state standards" in this section.

(b-2) Prohibits the State Board of Education (SBOE) from adopting common core state standards to comply with a duty imposed under this chapter (Courses of Study; Advancement).

(b-3) Prohibits a school district from using common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels under Subsection (c) (relating to requiring SBOE by rule to identify the essential knowledge and skills of each subject of the required curriculum).

(b-4) Prohibits a school district or open-enrollment charter school, notwithstanding any other provision of this code, from being required to offer any aspect of a common core state standards curriculum.

SECTION 3. Amends Section 39.023, Education Code, by adding Subsection (a-3), as follows:

(a-3) Prohibits the Texas Education Agency from adopting or developing a criterion-referenced assessment instrument under this section based on common core state standards as defined by Section 28.002(b-1). Provides that this subsection does not prohibit the use of college advanced placement tests or international baccalaureate examinations as those terms are defined by Section 28.051.

SECTION 4. Effective date: upon passage or September 1, 2013.