

## **BILL ANALYSIS**

C.S.H.B. 462  
By: Huberty  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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 U.S. 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. C.S.H.B. 462 seeks to address these matters as they relate to state control of teacher appraisal criteria, curriculum standards, and standardized tests.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 462 amends the Education Code to prohibit the commissioner of education from adopting or developing a recommended appraisal process and criteria for appraising the performance of teachers 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.

C.S.H.B. 462 prohibits the State Board of Education from adopting common core state standards, defined in the bill as the national curriculum standards developed by the Common Core State Standards Initiative, to comply with a duty imposed under statutory provisions relating to student courses of study and advancement. The bill 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. The bill prohibits a school district or open-enrollment charter school from being required to offer any aspect of a common core state standards curriculum. The bill prohibits the Texas Education Agency from adopting or developing a statewide standardized test based on common core state standards and specifies that this prohibition does not prohibit the use of college advanced placement tests or international baccalaureate examinations.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 462 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences

between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 21.351(a), Education Code, is amended to read as follows:

(a) The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of teachers. The commissioner may not adopt or develop a recommended appraisal process and criteria based on any appraisal criteria that incorporate the results of student performance on assessment instruments and that are intended for national applicability or are enacted federally as optional criteria.

The criteria must be based on observable, job-related behavior, including:

- (1) teachers' implementation of discipline management procedures; and
- (2) the performance of teachers' students.

SECTION 2. Section 28.002, Education Code, is amended.

SECTION 3. Section 39.023, Education Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) The agency may not adopt or develop a criterion-referenced assessment instrument under this section based on common core state standards as defined by Section 28.002(b-1).

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 21.351(a), Education Code, is amended to read as follows:

(a) The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of teachers. The commissioner may not adopt or develop 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. The criteria must be based on observable, job-related behavior, including:

- (1) teachers' implementation of discipline management procedures; and
- (2) the performance of teachers' students.

SECTION 2. Same as introduced version.

SECTION 3. Section 39.023, Education Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) The agency may not adopt or develop a criterion-referenced assessment instrument under this section based on common core state standards as defined by Section 28.002(b-1). 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. Same as introduced version.