

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Huberty, Creighton, Pitts, Harless,  
White, et al.

H.B. No. 462

A BILL TO BE ENTITLED

1 AN ACT

2 relating to state control of teacher appraisal criteria, curriculum  
3 standards, and assessment instruments.

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

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

7 (a) The commissioner shall adopt a recommended appraisal  
8 process and criteria on which to appraise the performance of  
9 teachers. The commissioner may not adopt or develop a recommended  
10 appraisal process and criteria based on any appraisal criteria that  
11 incorporate the results of student performance on assessment  
12 instruments that are intended for national applicability or are  
13 enacted federally as optional criteria, excluding college advanced  
14 placement tests and international baccalaureate examinations as  
15 those terms are defined by Section 28.051. The criteria must be  
16 based on observable, job-related behavior, including:

17 (1) teachers' implementation of discipline management  
18 procedures; and

19 (2) the performance of teachers' students.

20 SECTION 2. Section 28.002, Education Code, is amended by  
21 adding Subsections (b-1), (b-2), (b-3), and (b-4) to read as  
22 follows:

23 (b-1) In this section, "common core state standards" means  
24 the national curriculum standards developed by the Common Core

1 State Standards Initiative.

2 (b-2) The State Board of Education may not adopt common core  
3 state standards to comply with a duty imposed under this chapter.

4 (b-3) A school district may not use common core state  
5 standards to comply with the requirement to provide instruction in  
6 the essential knowledge and skills at appropriate grade levels  
7 under Subsection (c).

8 (b-4) Notwithstanding any other provision of this code, a  
9 school district or open-enrollment charter school may not be  
10 required to offer any aspect of a common core state standards  
11 curriculum.

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

14 (a-3) The agency may not adopt or develop a  
15 criterion-referenced assessment instrument under this section  
16 based on common core state standards as defined by Section  
17 28.002(b-1). This subsection does not prohibit the use of college  
18 advanced placement tests or international baccalaureate  
19 examinations as those terms are defined by Section 28.051.

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

# ADOPTED

MAY 21 2013

*Atty. Gen.*  
Secretary of the Senate

By: Patrick

H.B. No. 462

Substitute the following for H.B. No. 462:

By: Jan Patrick

C.S. H.B. No. 462

## A BILL TO BE ENTITLED

1

### AN ACT

2 relating to state control of teacher appraisal criteria,  
3 curriculum standards, and assessment instruments.

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

5 SECTION 1. Section 28.002, Education Code, is amended by  
6 adding Subsections (b-1), (b-2), (b-3), and (b-4) to read as  
7 follows:

8 (b-1) In this section, "common core state standards" means  
9 the national curriculum standards developed by the Common Core  
10 State Standards Initiative.

11 (b-2) The State Board of Education may not adopt common  
12 core state standards to comply with a duty imposed under this  
13 chapter.

14 (b-3) A school district may not use common core state  
15 standards to comply with the requirement to provide instruction  
16 in the essential knowledge and skills at appropriate grade  
17 levels under Subsection (c).

18 (b-4) Notwithstanding any other provision of this code, a  
19 school district or open-enrollment charter school may not be  
20 required to offer any aspect of a common core state standards  
21 curriculum.

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

24 (a-3) The agency may not adopt or develop a criterion-

1 referenced assessment instrument under this section based on  
2 common core state standards as defined by Section 28.002(b-1).  
3 This subsection does not prohibit the use of college advanced  
4 placement tests or international baccalaureate examinations as  
5 those terms are defined by Section 28.051.

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 22, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB462** by Huberty (Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.), **As Passed 2nd House**

**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:** UP, SD, JBi, JSc

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 17, 2013**

**TO:** Honorable Dan Patrick, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB462** by Huberty (Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.), **Committee Report 2nd House, Substituted**

<p><b>No fiscal implication to the State is anticipated.</b></p>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, JBi, JSc

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 16, 2013**

**TO:** Honorable Dan Patrick, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB462** by Huberty (Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, JBi, JSc

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 29, 2013**

**TO:** Honorable Jimmie Don Aycock, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB462** by Huberty (Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.), **Committee Report 1st House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, JBi, JSc



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 14, 2013**

**TO:** Honorable Jimmie Don Aycock, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB462** by Huberty (Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.), **As Introduced**

**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:** UP, JBi, JSc