

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2811
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Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 2811 amends current law relating to a revision of the essential knowledge and skills of the public school foundation curriculum and the instructional materials allotment.

C.S.H.B. 2811 amends current law relating to the essential knowledge and skills of the required public school curriculum, the administration of and reports relating to assessment instruments administered to public school students, the instructional materials allotment, and proclamations for the production of instructional materials.

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 Subchapter A, Chapter 28, Education Code, by adding Section 28.0025, as follows:

Sec. 28.0025. REVIEW AND REVISION OF ESSENTIAL KNOWLEDGE AND SKILLS. (a) Requires the State Board of Education (SBOE) to:

(1) conduct a review of the essential knowledge and skills of each foundation curriculum subject under Section 28.002(a)(1) (requiring each school district that offers kindergarten through grade 12 to offer, as a required curriculum, a foundation curriculum that includes certain listed subjects) that were most recently revised by SBOE with an effective date before September 1, 2012; and

(2) modify the essential knowledge and skills of each foundation curriculum subject reviewed under Subdivision (1) to narrow content and scope of standards and skills for the subject at each grade level in accordance with this section.

(b) Requires SBOE, in complying with this section, to consider:

(1) at each grade level for each subject reviewed under this section, the time:

(A) a teacher would require to provide comprehensive instruction on a particular standard or skill; and

(B) a typical student would require to master a particular standard or skill;

(2) whether, in light of the consideration required by Subdivision (1), each essential knowledge and skill of a subject reviewed under this section can be comprehensively taught within the number of school days required under Section 25.081 (Operation of Schools), not including the number of days required for testing;

(3) the college and career readiness standards, and whether inclusion of part of those standards in the essential knowledge and skills of a subject reviewed under this section is possible; and

(4) whether an assessment instrument administered under Section 39.023 (Adoption and Administration of Instruments) adequately assesses a particular standard or skill.

(c) Requires SBOE, in establishing or following an established timeline for reviewing and modifying the essential knowledge and skills as required under this section, to ensure that the timeline reflects a priority to first review and modify a subject for which an end-of-course assessment instrument under Section 39.023(c) (requiring the Texas Education Agency (TEA) to adopt end-of-course assessment instruments for secondary-level courses in certain subjects) is administered before a subject for which an assessment instrument under Section 39.023(a) (requiring TEA to adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science) is administered. Requires SBOE to complete the review and modification of the essential knowledge and skills at each grade level for each applicable subject as required under this section not later than September 1, 2018.

(d) Prohibits SBOE, until the review and modification under this section is complete, from adding to or modifying the content and scope of standards and skills for any subject in the foundation curriculum under Section 28.002(a)(1) reviewed under this section unless modifications are made in accordance with this section.

(e) Provides that this section expires September 1, 2018.

SECTION 2. Amends Section 28.008(d), Education Code, as follows:

(d) Requires SBOE to develop a chart that clearly indicates the alignment of the college readiness standards and expectation with the essential knowledge and skills identified by SBOE under Section 28.002(c) (requiring SBOE, with direct participation of educators, parents, business and industry representatives, and employers, to identify the essential knowledge and skills of each subject of the required curriculum that all students should be able to demonstrate and that will be used to evaluate instructional materials). Makes no further change.

SECTION 3. Amends Subchapter A, Chapter 28, Education Code, by adding Section 28.0081, as follows:

Sec. 28.0081. ADMINISTRATION OF ASSESSMENT INSTRUMENT FOR DIAGNOSTIC PURPOSES. (a) Requires a school district, not later than April 1 of each school year, using funds appropriated to TEA and distributed by the commissioner of education (commissioner) to the district for that purpose, to administer an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.3062(c) (requiring SBOE to designate one or more instruments for use by institutions of higher education in assessing students under this section) to each student in the district enrolled in the 10th grade. Authorizes a student's performance on the assessment instrument to only be used for diagnostic purposes, including a determination as to whether a student should be enrolled in developmental education courses. Requires the student's admission, review, and dismissal committee, if a student is in a special education program under Subchapter A (Special Education Program), Chapter 29, to determine if it is appropriate for the student to be administered the assessment instrument required under this section.

(b) Provides that this section applies only until SBOE has completed the review and modification of essential knowledge and skills of the foundation curriculum subjects required by Section 28.0025. Provides that this section expires September 1, 2018.

SECTION 4. Amends Section 31.002, Education Code, by adding Subdivision (1-b) to define "proclamation."

SECTION 5. Amends Sections 31.0211(a) and (d), Education Code, as follows:

(a) Entitles a school district to an allotment each biennium, rather than entitles a school district to an annual allotment, from the state instructional materials fund for each student enrolled in the district on a date during the last year of the preceding biennium, rather than school year, specified by the commissioner. Requires the commissioner to determine the amount of the allotment per student each biennium, rather than year, on the basis of the amount of money available in the state instructional materials fund to fund the allotment. Requires an allotment under this section to be transferred from the state instructional materials fund to the credit of the district's instructional materials account as provided by Section 31.0212.

(d) Requires a school district, each biennium, rather than year, to use the district's allotment under this section to purchase, in the following order:

(1) instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level as required by Section 28.002 (Required Curriculum); and

(2) any other instructional materials or technological equipment as determined by the district.

SECTION 6. Amends Section 31.0212(a), Education Code, as follows:

(a) Requires the commissioner to maintain an instructional materials account for each school district. Requires the commissioner, in the first year of each biennium, rather than each school year, to deposit in the account for each district the amount of the district's instructional materials allotment under Section 31.0211 (Instructional Materials Allotment).

SECTION 7. Amends Sections 31.0215(a) and (b), Education Code, as follows:

(a) Requires the commissioner to, as early as practicable during each biennium, rather than fiscal year, to notify each school district and open-enrollment charter school of the estimated amount to which the district or charter school will be entitled under Section 31.0211 during the next fiscal biennium, rather than fiscal year.

(b) Authorizes the commissioner to allow a school district or open-enrollment charter school to place an order for instructional materials before the beginning of a fiscal biennium, rather than fiscal year, and to receive instructional materials before payment. Requires the commissioner to limit the cost of an order placed under this section to 80 percent of the estimated amount to which a school district or open-enrollment charter school is estimated to be entitled as provided by Subsection (a) and to first credit any balance in a district or charter school instructional materials account to pay for an order placed under this section.

SECTION 8. Amends Section 31.022, Education Code, by adding Subsections (b-1), (b-2), and (b-3) and amending Subsection (f), as follows:

(b-1) Authorizes SBOE, for any state fiscal biennium, to only issue proclamations for instructional materials in which the total projected cost of instructional materials under the proclamations does not exceed 75 percent of the total amount used to fund the instructional materials allotment under Section 31.0211 for that biennium.

(b-2) Requires SBOE, following the adoption of revised essential knowledge and skills for any subject, to determine whether issuance of a proclamation is necessary based on the significance of the changes to the essential knowledge and skills. Requires SBOE, if SBOE determines a proclamation is necessary, to issue:

- (1) a full call for instructional materials aligned to all of the essential knowledge and skills for the subject and grade level;
- (2) a supplemental call for instructional materials aligned to new or expanded essential knowledge and skills for the subject and grade level;
- (3) a call for new information demonstrating alignment of current instructional materials to the revised essential knowledge and skills; or
- (4) any combination of the calls described by Subdivisions (1), (2), and (3).

(b-3) Requires SBOE, in determining the disbursement of money to the available school fund and the amount of that disbursement that will be used, in accordance with Section 43.001(d), to consider the cost of all instructional materials and technology requirements for that state fiscal biennium.

(f) Requires SBOE to amend any proclamation, rather than amend any request for production, issued for the purchase of instructional materials to conform to the instructional materials funding levels provided by the General Appropriations Act for the year of implementation and to comply with Subsection (b-1).

SECTION 9. Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.0239, as follows:

Sec. 39.0239. REQUIRED REPORT FOR CERTAIN ASSESSMENTS. (a) Requires TEA, following the administration of an assessment instrument adopted or developed under Section 39.023(a), to provide a detailed report of a student's performance on the assessment instrument to:

- (1) the student;
- (2) the student's parent or other person standing in parental relationship; and
- (3) the student's teachers.

(b) Requires that the report provided under Subsection (a) include an analysis of a student's performance on each assessed standard or skill in the essential knowledge and skills of the subject for which the assessment instrument was administered. Requires that the analysis indicate whether the student mastered each standard or skill assessed in the assessment instrument.

(c) Requires that the analysis under Subsection (b) demonstrate both individual assessment results and assessment results aggregated across classes, campuses, and districts.

(d) Requires that a contract, if the commissioner contracts with a third party for the development or adoption of an assessment instrument under Section 39.023(a), require the third party to fulfill the requirements of this section.

SECTION 10. Amends Section 43.001(d), Education Code, as follows:

(d) Requires SBOE, each biennium, to set aside an amount equal to 50 percent of the distribution for that biennium, rather than to set aside an amount equal to 50 percent of the annual distribution for that year, from the permanent school fund to the available

school fund as provided by Section 5(a) (providing that the permanent school fund consists of all land appropriated for public schools by this constitution or the other laws of this state, other properties belonging to the permanent school fund, and all revenue derived from the land or other properties), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state instructional materials fund established under Section 31.021 (State Instructional Materials Fund). Makes conforming changes.

SECTION 11. Amends Section 403.093(d), Government Code, as follows:

(d) Requires the comptroller to transfer from the general revenue fund to the foundation school fund an amount of money necessary to fund the foundation school program as provided by Chapter 42, Education Code. Requires the comptroller to make the transfers in installments as necessary to comply with Section 42.259 (Foundation School Fund Transfers), Education Code, and permit the Texas Education Agency, to the extent authorized by the General Appropriations Act, to make temporary transfers from the foundation school fund for payment of the instructional materials allotment under Section 31.0211, Education Code. Requires an installment to be made not earlier than two days before the date an installment to school districts is required by Section 42.259, Education Code, and must not exceed the amount necessary for that payment and any temporary transfers for payment of the instructional materials allotment, unless an earlier date is necessary for purposes of temporary transfers for payment of the instructional materials allotment. Makes a nonsubstantive change.

SECTION 12. Repealers: Sections 31.101(d) (requiring a school district or open-enrollment charter school to use the instructional material for the period of the review and adoption cycle the State Board of Education has established for the subject and grade level for which the instructional material is used) and (e) (relating to the cancellation of the subscription of instructional material), Education Code.

SECTION 13. Requires SBOE, not later than January 1, 2016, to adopt a chart as prescribed by Section 28.008(d), Education Code, as amended by this Act.

SECTION 14. Provides that the change in law made by Section 39.0239(d), Education Code, as added by this Act, applies only to a contract entered into, amended, or renewed on or after the effective date of this Act. Makes application of Section 39.0239(d), Education Code, as added by this Act, prospective.

SECTION 15. Provides that this Act applies beginning with the 2015-2016 school year.

SECTION 16. Effective date: upon passage or September 1, 2015.