

BILL ANALYSIS

C.S.S.B. 313
By: Seliger
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the State Board of Education (SBOE) is tasked with adopting curriculum standards for public education, known as the Texas Essential Knowledge and Skills (TEKS). The parties report that there is consensus among educators that the scope of the TEKS is too broad to be reasonably taught within the span of the school year. The parties also note that the Texas Legislature recently established the instructional materials allotment for the purchase of instructional materials, technological equipment, and technology-related services with the intention of providing school districts more flexibility over the use of funds and updating the aging system under which instructional materials were previously purchased. According to the parties, however, many districts have complained about a lack of flexibility with regard to the allotment because the costs of the materials adopted by the SBOE leave few remaining funds to enable that flexibility.

The purpose of C.S.S.B. 313, among other things, is to develop a framework to guide the SBOE in narrowing the essential knowledge and skills of the foundation school curriculum and to ensure that the SBOE adopts instructional materials that do not consume the entire amount of the instructional materials allotment so that districts will have the ability to spend their allotments for purposes other than just the purchase of textbooks.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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.S.B. 313 amends the Education Code to require the State Board of Education (SBOE) to conduct a one-time review of the essential knowledge and skills of each required foundation curriculum subject that were most recently revised by the SBOE with an effective date before September 1, 2012, and to modify the reviewed essential knowledge and skills to narrow the content and scope of standards and skills for the subject at each grade level. The bill requires the SBOE, in doing so, to consider the following:

- at each grade level for each subject reviewed, the time a teacher would require to provide comprehensive instruction on a particular standard or skill and the time a typical student would require to master a particular standard or skill;
- whether, in light of such consideration, each essential knowledge and skill of a reviewed subject can be comprehensively taught within the required number of school days, not including the number of days required for testing;

- the college and career readiness standards, and whether inclusion of part of those standards in the essential knowledge and skills of a reviewed subject is possible; and
- whether a statewide standardized test adequately assesses a particular standard or skill.

C.S.S.B. 313 requires the SBOE, in establishing or following an established timeline for reviewing and modifying the essential knowledge and skills, to ensure that the timeline reflects a priority to first review and modify a subject for which an end-of-course test is administered in a secondary-level course before a subject for which a statewide standardized test is administered in grades three through eight. The bill requires the SBOE to complete the review and modification of the essential knowledge and skills at each grade level for each applicable subject not later than September 1, 2018. The bill prohibits the SBOE, until the review and modification is complete, from adding to or modifying the content and scope of standards and skills for any subject in the foundation curriculum reviewed under the bill's provisions unless modifications are made in accordance with those provisions. The bill's provisions relating to the review and modification expire September 1, 2018.

C.S.S.B. 313 requires the SBOE to develop a chart, not later than January 1, 2016, that clearly indicates the alignment of the college readiness standards and expectations with the essential knowledge and skills identified by the SBOE with the direct participation of educators, parents, business and industry representatives, and employers for use in evaluating instructional materials and to be addressed on statewide standardized tests.

C.S.S.B. 313 requires a school district, not later than April 1 of each school year, using funds appropriated to the Texas Education Agency (TEA) and distributed by the commissioner of education to the district for that purpose, to administer a test designated by the Texas Higher Education Coordinating Board for use with regard to the Texas Success Initiative to each student in the district enrolled in the 10th grade. The bill limits the use of a student's performance on the test to diagnostic purposes, including a determination as to whether a student should be enrolled in developmental education courses. The bill requires the admission, review, and dismissal committee of a student in a special education program to determine if it is appropriate for the student to be administered the test. These provisions apply only until the SBOE has completed the review and modification of essential knowledge and skills of the foundation curriculum subjects and expire September 1, 2018.

C.S.S.B. 313 changes the instructional materials allotment from an annual allotment to a biennial allotment and changes the date specified by the commissioner as the date on which student enrollment determines a district's entitlement to the allotment from a date during the preceding school year to a date during the last year of the preceding biennium. The bill changes from an annual basis to a biennial basis the frequency with which a school district must use the allotment and the frequency of the SBOE's required set aside of 50 percent of the distribution from the permanent school fund to the available school fund for placement in the state instructional materials fund. The bill changes the frequency of the commissioner's required deposit of each district's allotment amount in the district's instructional materials account from each school year to the first year of each biennium and the time at which the commissioner must notify each school district and open-enrollment charter school of the estimated allotment amount to which the district or charter will be entitled from as early as practicable during each fiscal year to as early as practicable during each biennium. The bill changes the period during which the entitlement to that estimated allotment amount applies from during the next fiscal year to during the next fiscal biennium and specifies that the commissioner may 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 before the beginning of a fiscal year.

C.S.S.B. 313 restricts the authority of the SBOE, for any state fiscal biennium, to issue proclamations requesting the production of instructional materials to proclamations 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 for that biennium. The bill

requires the SBOE to amend any proclamation issued for the purchase of instructional materials to comply with this restriction. The bill requires the 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. The bill requires the SBOE, if it determines a proclamation is necessary, to issue a full call for instructional materials aligned to all of the essential knowledge and skills for the subject and grade level, a supplemental call for instructional materials aligned to new or expanded essential knowledge and skills for the subject and grade level, a call for new information demonstrating alignment of current instructional materials to the revised essential knowledge and skills, or any combination of such calls. The bill requires the SBOE, in determining the disbursement of money to the available school fund and the amount of that disbursement that will be used to fund the instructional materials allotment, to consider the cost of all instructional materials and technology requirements for that state fiscal biennium.

C.S.S.B. 313 requires TEA, following the administration of a statewide standardized test in grades three through eight, to provide a detailed report of a student's performance on the test to the student, the student's parent or other person standing in parental relationship, and the student's teachers. The bill requires the report to 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 test was administered. The bill requires the analysis to indicate whether the student mastered each standard or skill assessed in the assessment instrument and to demonstrate both individual assessment results and assessment results aggregated across classes, campuses, and districts. The bill requires any contract between the commissioner and a third party for the development or adoption of a test to require the third party to fulfill the bill's requirements relating to the test report.

C.S.S.B. 313 amends the Government Code to require the comptroller of public accounts, in transferring from the general revenue fund to the foundation school fund the amount necessary to fund the Foundation School Program, to permit TEA, 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 and, for such purpose, to authorize a transfer from the general revenue fund to the foundation school fund earlier than two days before the date an installment to school districts is required. The bill adds the amount of any such temporary transfers to the cap on the amount of foundation school fund transfers.

C.S.S.B. 313 repeals Sections 31.101(d) and (e), Education Code, requiring a school district or open-enrollment charter school to use instructional material not on the instructional materials list for a certain period and authorizing a district or charter school to cancel a subscription for instructional material before the end of the state contract period under certain conditions.

C.S.S.B. 313 applies beginning with the 2015–2016 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 313 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 28, Education Code, is amended by adding

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Section 28.0025 to read as follows:
Sec. 28.0025. REVIEW AND MODIFICATION OF ESSENTIAL KNOWLEDGE AND SKILLS. (a) The State Board of Education shall:

(1) conduct a review of the essential knowledge and skills of the foundation curriculum subjects under Section 28.002(a)(1); and

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

(b) In complying with this section, the State Board of Education shall consider:

(1) for each subject and grade level, 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 can be comprehensively taught within the number of school days required under Section 25.081, 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 is possible; and

(4) whether an assessment instrument administered under Section 39.023 adequately assesses a particular standard or skill.

(c) In establishing or following an established timeline for reviewing and modifying the essential knowledge and skills as required under this section, the State Board of Education shall 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) is administered before a subject for which an assessment instrument under Section 39.023(a) is administered. The board shall complete the review and modification of the essential knowledge and skills for each applicable subject and grade

Section 28.0025 to read as follows:
Sec. 28.0025. REVIEW AND MODIFICATION OF ESSENTIAL KNOWLEDGE AND SKILLS. (a) The State Board of Education shall:

(1) conduct a review of the essential knowledge and skills of each foundation curriculum subject under Section 28.002(a)(1) that were most recently revised by the board 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 the content and scope of standards and skills for the subject at each grade level in accordance with this section.

(b) In complying with this section, the State Board of Education shall 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, 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 adequately assesses a particular standard or skill.

(c) In establishing or following an established timeline for reviewing and modifying the essential knowledge and skills as required under this section, the State Board of Education shall 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) is administered before a subject for which an assessment instrument under Section 39.023(a) is administered. The board shall complete the review and modification of the essential knowledge and skills at each grade level for each applicable

level as required under this section not later than September 1, 2018.

(d) Until the review and modification under this section is complete, the State Board of Education may not add to or modify the content and scope of standards and skills for any subject in the foundation curriculum under Section 28.002(a)(1) unless modifications are made in accordance with this section.

(e) The State Board of Education may not modify the essential knowledge and skills of the foundation curriculum subjects in a manner that requires:

(1) the revision of professional development training for teachers on essential knowledge and skills;

(2) the purchase of additional instructional materials; or

(3) the revision of assessment instruments adopted or developed under Section 39.023.

(f) This section expires September 1, 2018.

SECTION 2. Section 28.008(d), Education Code, is amended to read as follows:

(d) The State Board of Education shall incorporate college readiness standards and expectations approved by the commissioner of education and the Texas Higher Education Coordinating Board under Subsection (b) into the essential knowledge and skills identified by the board under Section 28.002(c). The State Board of Education shall develop and by rule adopt a chart that clearly indicates the alignment of the college readiness standards and expectations with the essential knowledge and skills identified by the board under Section 28.002(c).

SECTION 3. Subchapter A, Chapter 28, Education Code, is amended.

No equivalent provision.

No equivalent provision.

subject as required under this section not later than September 1, 2018.

(d) Until the review and modification under this section is complete, the State Board of Education may not add to or modify 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) This section expires September 1, 2018.

SECTION 2. Section 28.008(d), Education Code, is amended to read as follows:

(d) The State Board of Education shall incorporate college readiness standards and expectations approved by the commissioner of education and the Texas Higher Education Coordinating Board under Subsection (b) into the essential knowledge and skills identified by the board under Section 28.002(c). The State Board of Education shall develop a chart that clearly indicates the alignment of the college readiness standards and expectations with the essential knowledge and skills identified by the board under Section 28.002(c).

SECTION 3. Same as engrossed version.

SECTION 4. Section 31.002, Education Code, is amended by adding Subdivision (1-b) to read as follows:

(1-b) "Proclamation" means a request for production of instructional materials issued by the State Board of Education.

SECTION 5. Sections 31.0211(a) and (d), Education Code, are amended to read as follows:

(a) A school district is entitled to an [annual] allotment each biennium from the state instructional materials fund for each student

enrolled in the district on a date during the last year of the preceding biennium [~~school year~~] specified by the commissioner. The commissioner shall determine the amount of the allotment per student each biennium [~~year~~] on the basis of the amount of money available in the state instructional materials fund to fund the allotment. An allotment under this section shall 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) Each biennium [~~year~~] a school district shall 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; and

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

No equivalent provision.

SECTION 6. Section 31.0212(a), Education Code, is amended to read as follows:

(a) The commissioner shall maintain an instructional materials account for each school district. In the first year of each biennium [~~Each school year~~], the commissioner shall deposit in the account for each district the amount of the district's instructional materials allotment under Section 31.0211.

No equivalent provision.

SECTION 7. Sections 31.0215(a) and (b), Education Code, are amended to read as follows:

(a) The commissioner shall, as early as practicable during each biennium [~~fiscal year~~], 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 [~~year~~].

(b) The commissioner may allow a school district or open-enrollment charter school to place an order for instructional materials before the beginning of a fiscal biennium [~~year~~] and to receive instructional materials before payment. The commissioner shall 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 shall first credit any balance in a district or charter school instructional materials account to pay for an order placed under this section.

No equivalent provision.

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

(b-1) For any state fiscal biennium, the board may 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) Following the adoption of revised essential knowledge and skills for any subject, the board shall determine whether issuance of a proclamation is necessary based on the significance of the changes to the essential knowledge and skills. If the board determines a proclamation is necessary, the board shall 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) 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 fund the instructional materials allotment under Section 31.0211, the board must consider the cost of all instructional materials and technology requirements for that state fiscal biennium.

(f) The board shall amend any proclamation [~~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 4. Subchapter B, Chapter 39, Education Code, is amended.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SECTION 5. Not later than January 1, 2016, the State Board of Education shall adopt a chart as prescribed by Section 28.008(d), Education Code, as amended by this Act.

SECTION 9. Same as engrossed version.

SECTION 10. Section 43.001(d), Education Code, is amended to read as follows:

(d) Each biennium [~~year~~] the State Board of Education shall set aside an amount equal to 50 percent of the [~~annual~~] distribution for that biennium [~~year~~] from the permanent school fund to the available school fund as provided by Section 5(a), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state instructional materials fund established under Section 31.021.

SECTION 11. Section 403.093(d), Government Code, is amended to read as follows:

(d) The comptroller shall 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. The comptroller shall make the transfers in installments as necessary to comply with Section 42.259, 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. Unless an earlier date is necessary for purposes of temporary transfers for payment of the instructional materials allotment, an [~~An~~] installment must 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.

SECTION 12. Sections 31.101(d) and (e), Education Code, are repealed.

SECTION 13. Not later than January 1, 2016, the State Board of Education shall develop a chart as prescribed by Section 28.008(d), Education Code, as amended by this Act.

SECTION 6. 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. A contract entered into, amended, or renewed before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 7. This Act applies beginning with the 2015-2016 school year.

SECTION 8. 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, 2015.

SECTION 14. Same as engrossed version.

SECTION 15. Same as engrossed version.

SECTION 16. Same as engrossed version.