

By: Seliger  
(Aycock)

S.B. No. 313

Substitute the following for S.B. No. 313:

By: Aycock

C.S.S.B. No. 313

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the essential knowledge and skills of the required  
3 public school curriculum, the administration of and reports  
4 relating to assessment instruments administered to public school  
5 students, the instructional materials allotment, and proclamations  
6 for the production of instructional materials.

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

8 SECTION 1. Subchapter A, Chapter 28, Education Code, is  
9 amended by adding Section 28.0025 to read as follows:

10 Sec. 28.0025. REVIEW AND MODIFICATION OF ESSENTIAL  
11 KNOWLEDGE AND SKILLS. (a) The State Board of Education shall:

12 (1) conduct a review of the essential knowledge and  
13 skills of each foundation curriculum subject under Section  
14 28.002(a)(1) that were most recently revised by the board with an  
15 effective date before September 1, 2012; and

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

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

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

24 (A) a teacher would require to provide

1 comprehensive instruction on a particular standard or skill; and

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

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

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

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

16 (c) In establishing or following an established timeline  
17 for reviewing and modifying the essential knowledge and skills as  
18 required under this section, the State Board of Education shall  
19 ensure that the timeline reflects a priority to first review and  
20 modify a subject for which an end-of-course assessment instrument  
21 under Section 39.023(c) is administered before a subject for which  
22 an assessment instrument under Section 39.023(a) is administered.  
23 The board shall complete the review and modification of the  
24 essential knowledge and skills at each grade level for each  
25 applicable subject as required under this section not later than  
26 September 1, 2018.

27 (d) Until the review and modification under this section is

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

6 (e) This section expires September 1, 2018.

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

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

18 SECTION 3. Subchapter A, Chapter 28, Education Code, is  
19 amended by adding Section 28.0081 to read as follows:

20 Sec. 28.0081. ADMINISTRATION OF ASSESSMENT INSTRUMENT FOR  
21 DIAGNOSTIC PURPOSES. (a) Not later than April 1 of each school  
22 year, a school district, using funds appropriated to the agency and  
23 distributed by the commissioner to the district for that purpose,  
24 shall administer an assessment instrument designated by the Texas  
25 Higher Education Coordinating Board under Section 51.3062(c) to  
26 each student in the district enrolled in the 10th grade. A  
27 student's performance on the assessment instrument may only be used

1 for diagnostic purposes, including a determination as to whether a  
2 student should be enrolled in developmental education courses. If  
3 a student is in a special education program under Subchapter A,  
4 Chapter 29, the student's admission, review, and dismissal  
5 committee shall determine if it is appropriate for the student to be  
6 administered the assessment instrument required under this  
7 section.

8 (b) This section applies only until the State Board of  
9 Education has completed the review and modification of essential  
10 knowledge and skills of the foundation curriculum subjects required  
11 by Section 28.0025. This section expires September 1, 2018.

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

14 (1-b) "Proclamation" means a request for production of  
15 instructional materials issued by the State Board of Education.

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

18 (a) A school district is entitled to an [~~annual~~]  
19 each biennium from the state instructional materials fund for each  
20 student enrolled in the district on a date during the last year of  
21 the preceding biennium [~~school year~~] specified by the  
22 commissioner. The commissioner shall determine the amount of the  
23 allotment per student each biennium [~~year~~] on the basis of the  
24 amount of money available in the state instructional materials fund  
25 to fund the allotment. An allotment under this section shall be  
26 transferred from the state instructional materials fund to the  
27 credit of the district's instructional materials account as

1 provided by Section 31.0212.

2 (d) Each biennium [~~year~~] a school district shall use the  
3 district's allotment under this section to purchase, in the  
4 following order:

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

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

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

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

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

21 (a) The commissioner shall, as early as practicable during  
22 each biennium [~~fiscal year~~], notify each school district and  
23 open-enrollment charter school of the estimated amount to which the  
24 district or charter school will be entitled under Section 31.0211  
25 during the next fiscal biennium [~~year~~].

26 (b) The commissioner may allow a school district or  
27 open-enrollment charter school to place an order for instructional

1 materials before the beginning of a fiscal biennium [~~year~~] and to  
2 receive instructional materials before payment. The commissioner  
3 shall limit the cost of an order placed under this section to 80  
4 percent of the estimated amount to which a school district or  
5 open-enrollment charter school is estimated to be entitled as  
6 provided by Subsection (a) and shall first credit any balance in a  
7 district or charter school instructional materials account to pay  
8 for an order placed under this section.

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

12 (b-1) For any state fiscal biennium, the board may only  
13 issue proclamations for instructional materials in which the total  
14 projected cost of instructional materials under the proclamations  
15 does not exceed 75 percent of the total amount used to fund the  
16 instructional materials allotment under Section [31.0211](#) for that  
17 biennium.

18 (b-2) Following the adoption of revised essential knowledge  
19 and skills for any subject, the board shall determine whether  
20 issuance of a proclamation is necessary based on the significance  
21 of the changes to the essential knowledge and skills. If the board  
22 determines a proclamation is necessary, the board shall issue:

23 (1) a full call for instructional materials aligned to  
24 all of the essential knowledge and skills for the subject and grade  
25 level;

26 (2) a supplemental call for instructional materials  
27 aligned to new or expanded essential knowledge and skills for the

1 subject and grade level;

2 (3) a call for new information demonstrating alignment  
3 of current instructional materials to the revised essential  
4 knowledge and skills; or

5 (4) any combination of the calls described by  
6 Subdivisions (1), (2), and (3).

7 (b-3) In determining the disbursement of money to the  
8 available school fund and the amount of that disbursement that will  
9 be used, in accordance with Section 43.001(d), to fund the  
10 instructional materials allotment under Section 31.0211, the board  
11 must consider the cost of all instructional materials and  
12 technology requirements for that state fiscal biennium.

13 (f) The board shall amend any proclamation [~~request for~~  
14 ~~production~~] issued for the purchase of instructional materials to  
15 conform to the instructional materials funding levels provided by  
16 the General Appropriations Act for the year of implementation and  
17 to comply with Subsection (b-1).

18 SECTION 9. Subchapter B, Chapter 39, Education Code, is  
19 amended by adding Section 39.0239 to read as follows:

20 Sec. 39.0239. REQUIRED REPORT FOR CERTAIN ASSESSMENTS.

21 (a) Following the administration of an assessment instrument  
22 adopted or developed under Section 39.023(a), the agency shall  
23 provide a detailed report of a student's performance on the  
24 assessment instrument to:

25 (1) the student;

26 (2) the student's parent or other person standing in  
27 parental relationship; and

1           (3) the student's teachers.

2           (b) The report provided under Subsection (a) must include an  
3 analysis of a student's performance on each assessed standard or  
4 skill in the essential knowledge and skills of the subject for which  
5 the assessment instrument was administered. The analysis must  
6 indicate whether the student mastered each standard or skill  
7 assessed in the assessment instrument.

8           (c) The analysis under Subsection (b) must demonstrate both  
9 individual assessment results and assessment results aggregated  
10 across classes, campuses, and districts.

11           (d) If the commissioner contracts with a third party for the  
12 development or adoption of an assessment instrument under Section  
13 39.023(a), the contract must require the third party to fulfill the  
14 requirements of this section.

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

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

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

26           (d) The comptroller shall transfer from the general revenue  
27 fund to the foundation school fund an amount of money necessary to



1 fund the foundation school program as provided by Chapter 42,  
2 Education Code. The comptroller shall make the transfers in  
3 installments as necessary to comply with Section 42.259, Education  
4 Code, and permit the Texas Education Agency, to the extent  
5 authorized by the General Appropriations Act, to make temporary  
6 transfers from the foundation school fund for payment of the  
7 instructional materials allotment under Section 31.0211, Education  
8 Code. Unless an earlier date is necessary for purposes of temporary  
9 transfers for payment of the instructional materials allotment, an  
10 ~~An~~ installment must be made not earlier than two days before the  
11 date an installment to school districts is required by Section  
12 42.259, Education Code, and must not exceed the amount necessary  
13 for that payment and any temporary transfers for payment of the  
14 instructional materials allotment.

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

17 SECTION 13. Not later than January 1, 2016, the State Board  
18 of Education shall develop a chart as prescribed by Section  
19 28.008(d), Education Code, as amended by this Act.

20 SECTION 14. The change in law made by Section 39.0239(d),  
21 Education Code, as added by this Act, applies only to a contract  
22 entered into, amended, or renewed on or after the effective date of  
23 this Act. A contract entered into, amended, or renewed before the  
24 effective date of this Act is governed by the law as it existed  
25 immediately before the effective date of this Act, and that law is  
26 continued in effect for that purpose.

27 SECTION 15. This Act applies beginning with the 2015-2016

1 school year.

2           SECTION 16. This Act takes effect immediately if it  
3 receives a vote of two-thirds of all the members elected to each  
4 house, as provided by Section 39, Article III, Texas Constitution.  
5 If this Act does not receive the vote necessary for immediate  
6 effect, this Act takes effect September 1, 2015.