

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 30, 2015

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
 Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB313 by Seliger (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.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for SB313, Conference Committee Report: a negative impact of (\$9,163,128) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|---|
| 2016 | (\$5,663,128) |
| 2017 | (\$3,500,000) |
| 2018 | (\$4,200,000) |
| 2019 | \$0 |
| 2020 | (\$4,200,000) |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Savings/(Cost) from <i>General Revenue Fund</i> 1 | Probable Savings/(Cost) from <i>Foundation School Fund</i> 193 |
|-------------|--|--|
| 2016 | (\$1,463,128) | (\$4,200,000) |
| 2017 | (\$3,500,000) | \$0 |
| 2018 | \$0 | (\$4,200,000) |
| 2019 | \$0 | \$0 |
| 2020 | \$0 | (\$4,200,000) |

Fiscal Analysis

The bill would require the State Board of Education (SBOE) to conduct a review of the Texas Essential Knowledge and Skills (TEKS) in the foundation curriculum subjects and modify those TEKS to narrow the content and scope for each subject and grade level.

The bill would require the SBOE to consider the time a teacher would require to provide comprehensive instruction and the time a student would require to master a particular standard or skill for each subject and grade level; whether the TEKS can be comprehensively taught within the required number of school days; possible inclusion of the college and career readiness standards; and whether an assessment instrument adequately assesses a particular standard or skill.

The bill would require the SBOE to ensure priority in reviewing subjects for which an end-of-course (EOC) assessment is administered. By September 1, 2018, the bill would require the SBOE to complete the review and revision process of the TEKS for each subject and grade level in the foundation curriculum subjects last revised before September 1, 2012.

The bill would require that the TEKS review and modification not result in a need for the adoption of new instructional materials in any subject other than English language arts.

The bill would require TEA to provide a detailed report of a student's performance on each TEKS standard for which an assessment instrument is administered and to provide assessment results aggregated across classes, campuses, and districts to the students, the student's parent or guardian, and the student's teachers. The bill would allow the Commissioner to contract with a third party to provide the detailed report.

The bill would require the SBOE to develop and adopt a chart indicating the alignment of the college readiness standards and expectations with the TEKS.

The bill would entitle school districts to the instructional materials allotment (IMA) on a biennial basis instead of an annual basis and require IMA funding to be available in the first year of each biennium.

The bill would require the State Board of Education (SBOE) to only issue proclamations, defined as a request for production of new instructional materials, in which the total projected cost of instructional materials does not exceed 75 percent of the total IMA for any biennium. The bill would require the SBOE to determine whether issuance of a proclamation was necessary following the adoption of revised TEKS for any subject. If necessary, the bill would require the SBOE to issue 1) a full call for instructional materials aligned to all TEKS for the subject and grade level; 2) a supplemental call aligned to new or expanded TEKS for the subject and grade level; 3) a call for new information demonstrating alignment of current instructional materials to revised TEKS; or 4) any combination of the above. The bill requires the SBOE to consider the cost of all instructional materials and technology requirements in determining the disbursement of money to the available school fund to fund the IMA.

The bill would require the State Board of Education (SBOE) to set aside 50 percent of the distribution from the permanent school fund (PSF) to the available school fund (ASF) to be placed in the instructional materials fund (IMF) on a biennial basis instead of an annual basis. The bill would require the Comptroller of Public Accounts, to the extent authorized by the General Appropriations Act, to allow the Texas Education Agency (TEA) to make temporary transfers from the foundation school fund (FSF) to pay for the instructional materials allotment as needed.

The bill would take effect on September 1, 2015, or immediately if passed within the necessary voting margins.

Methodology

Reviewing and modifying the Texas Essential Knowledge and Skills (TEKS) standards would cost \$663,128 in fiscal year 2016 and \$3.7 million in fiscal year 2017. This estimate assumes that the Texas Education Agency (TEA) would incur all costs associated with the review and modification of the TEKS standards in the 2016-17 biennium due to the September 1, 2018 implementation date.

This estimate assumes TEA would convene committees to review and modify the TEKS in fiscal year 2016. Based on information provided by TEA, this analysis assumes the TEKS review would be limited to science and social studies, and would not include mathematics since those TEKS were recently reviewed, or English language arts since those TEKS are currently scheduled for review in fiscal year 2015. Under these assumptions, two committees would meet for four days to review the TEKS standards for science and social studies. Each committee would include 101 members, totaling 202 committee members for the two committees. The estimated cost of travel reimbursement, including lodging, meals and incidentals, and mileage, would be \$791 per committee member, totaling \$639,128 in fiscal year 2016 (\$791 per person x 202 committee members x four days). TEA estimates an additional 2016 cumulative cost of approximately \$6,000 per meeting for audio/visual equipment, meeting room rental, and materials.

In addition to the costs related to review and modification, this estimate assumes a total cost of \$3.5 million in fiscal year 2017 to provide professional development to support implementation of the revised standards in science and social studies. Based on information provided by TEA, the estimated cost of providing professional development is \$1.75 million per subject area for science and social studies for teachers in kindergarten to grade 12.

Changes to state curriculum review and assessment processes are subject to review by the U.S. Department of Education as a part of the No Child Left Behind Title I, Part A program. To the extent that changes resulting from the bill are not federally approved, the bill may result in the loss of significant federal funds.

Regarding the bill's provisions relating to IMA funding, this estimate assumes TEA will make a temporary transfer from the FSF to the IMF in the amount of approximately \$1.1 billion at the beginning of fiscal year 2016 and that approximately \$1.1 billion from the IMF will be sent to school districts in a biennial IMA in September 2015.

Based on information provided by the Comptroller of Public Accounts, there would be a \$4.2 million loss of expected interest earnings to the FSF in the first year of each biennium based on a 0.8 percent projected rate of return on the FSF. This estimate assumes that the temporary transfer would be totally repaid to the FSF early in the second year of each biennium and there would be no loss of interest earnings in the second year of the biennium. The estimate further assumes the temporary transfer amount and repayment pattern would be the same in future biennia.

Technology

Although districts and campuses currently have the ability to create teacher or classroom specific reports for test results through TEA's student assessment data portal, the bill requires TEA to provide a detailed report of a student's performance at the classroom level.

According to TEA, the agency does have the necessary systems in place to report at the classroom level through its assessment data portal. For school year 2015-16, districts and campuses would be required to make the appropriate classroom assignments by subject for each assessed student within the agency system to allow for accurate state-level reporting. However, district and campus capability to participate is unknown since many of the state's largest districts have reporting systems independent of the state's assessment data portal.

According to the TEA, beginning in school year 2016-17, the agency would need to collect student classroom assignments by subject through its Public Education Information Management System (PEIMS) to accurately report at the classroom level. Although TEA indicates this requirement would not have a fiscal impact because PEIMS can handle multiple uploads a year and new data elements are not required, this estimate assumes the new data collection would cost an estimated \$800,000 in fiscal year 2016. This estimate is based on the cost of previous similar PEIMS upgrades and does not include full-time equivalents since TEA currently has dedicated technology staff to make enhancements and modifications.

Local Government Impact

The bill would make funding available earlier in the school year to school districts and open-enrollment charter schools to purchase instructional materials and may prevent districts from borrowing from local funds to pay for these materials.

Source Agencies: 701 Central Education Agency, 304 Comptroller of Public Accounts

LBB Staff: UP, AW, JBi, AM