

## **BILL ANALYSIS**

Senate Research Center

S.B. 668  
By: Hughes  
Education  
6/13/2019  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

One of the Senate Education Committee's interim charges pertained to mandate relief and innovation. To assist the committee in responding to this mandate, the Lt. Governor's Office convened the K-12 Improvement, Innovation, and Mandate Relief Workgroup in the summer of 2018. The workgroup was comprised of education stakeholders representing teachers, school administrators, and policy organizations. Workgroup members unanimously agreed on a set of recommendations that were published in February of this year. S.B. 668 seeks to enact several of these recommendations.

The bill establishes a uniform definition of "homeless children and youth" (Section 1.01 of the bill) in Chapter 5 of the Education Code and then updates references to homeless students in the following education statutes:

Section 25.001 related to admission and enrollment (bill section 1.03)

Section 25.086(a) related to exemptions from compulsory attendance (bill section 1.04)

Section 28.025(i) related to high school graduation requirements (bill section 1.05)

Section 29.081(d) related to the definition of a "student at risk of dropping out of school" (bill section 1.06)

Section 29.153(b) related to eligibility for prekindergarten (bill section 1.07)

Sections 33.906(a) and (c) related to required internet resources for students who are homeless (bill section 1.09)

S.B. 668 also authorizes the more efficient collection and reporting of data related to teacher persistence rates (collecting this data through the Public Education Information Management System (PEIMS) rather than the Teacher Retirement System) (Section 21.0452(b) of the Education Code and bill section 1.02).

School districts and charter schools are given greater flexibility to make requisitions for instructional materials throughout the year rather than by a specified date (Section 31.103(b) of the Education Code and bill section 1.08).

Reporting the use of epinephrine auto-injectors is streamlined. Under current law, the use of such injectors must be reported to the school district, charter school, or private school at which the injector was used, the physician who prescribed the injector, the commissioner of education, and the commissioner of state health services. The Health and Human Services Commission sets guidelines for the use of these injectors. Reporting to the commissioner of education is unnecessary, and the bill removes this recipient from the notification list (Section 38.209(a) of the Education Code and bill section 1.10).

The underutilized High School Allotment Recognition is repealed. The Texas Education Agency reports that interest in this recognition is too minimal to justify the use of agency resources (Section 39.0233(a) of the Education Code and bill section 1.11; Section 39.233 of the Education Code and bill section 3.01(3)).

The Best Practices Clearinghouse is repealed. This program has not been consistently funded. TEA maintains a website but does not update it due to lack of resources. A Sunset Report recommended repeal of the program, and TEA agreed (Section 39.410(c) of the Education Code and bill section 1.12; Section 7.009 of the Education Code and bill section 3.01(1)).

Certain utility consumption reports by school districts are repealed. School districts are already required to report their aggregate utility consumption to TEA. Section 2265.001 of the Government Code also requires them to report such utility usage on a publicly accessible website, requiring additional, unnecessary expense (Section 2265.001 of the Government Code and bill section 1.13).

A more flexible notice and amendment process involving charter schools and school districts is established. Between February 1 and April 1 of each year, charter schools apply for and give notice of potential expansion in the following academic year. School districts would like more advance notice of potential charter school expansion, and charter schools would like to give such notice and have more flexibility in completing the expansion. Toward that end, S.B. 668 would establish a process whereby charter schools could apply for and give notice of an expansion 18 months prior to the proposed expansion. In addition, a charter school would not be obligated to complete the expansion within the 18-month timeframe (Section 12.101 of the Education Code and bill section 2.01; Section 12.114 of the Education Code and bill section 2.03). The notice requirement is expanded to include not only a school district board (as in current law) but the superintendent of the district (Section 12.1101 of the Education code and bill section 2.02). (Original Author's/Sponsor's Statement of Intent)

S.B. 668 amends current law relating to data collection, reporting, and notice requirements for certain educational entities.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education (commissioner) in SECTION 2.01 (Section 12.101, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is modified in Section 2.02 (Section 12.1101, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is rescinded in SECTION 3.01 (Section 39.233, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

#### **ARTICLE 1. DATA COLLECTION, REPORTING, AND UTILIZATION**

SECTION 1.01. Amends Section 5.001, Education Code, by adding Subdivision (1-a) to define "child who is homeless," "person who is homeless," and "student who is homeless."

SECTION 1.02. Amends Section 21.0452(b), Education Code, as follows:

(b) Includes the perseverance of beginning teachers in the profession, based on information reported through the Public Education Information Management System (PEIMS) providing the number of beginning teachers employed as classroom teachers for at least three years after certification in comparison to similar programs, rather than determined on the basis of the number of beginning teachers who maintain status as active contributing members in the Teacher Retirement System of Texas, among certain information the State Board for Educator Certification is required to make available regarding each educator preparation program.

SECTION 1.03. Amends Section 25.001(b), Education Code, to remove the specification that, for purposes of this subsection, the term "homeless" is defined by 42 U.S.C. Section 11302.

SECTION 1.04. Amends Section 25.086(a), Education Code, to remove the specification that, for purposes of this subsection, the term "homeless" is defined by 42 U.S.C. Section 11302.

SECTION 1.05. Amends Section 28.025(i), Education Code, to delete the existing text defining "student who is homeless" for purposes of this subsection.

SECTION 1.06. Amends Section 29.081(d), Education Code, to remove the specification that, for purposes of defining "student at risk of dropping out of school," the term "homeless" is defined by 42 U.S.C. Section 11302 and its subsequent amendments.

SECTION 1.07. Amends Section 29.153(b), Education Code, to remove the specification that, for purposes of this subsection, the term "homeless child" is defined by 42 U.S.C. Section 11434a and to make a nonsubstantive change.

SECTION 1.08. Amends Section 31.103(b), Education Code, to remove the time requirement of not later than June 1 of each year from the requirement that a school district or open-enrollment charter school make a requisition for instructional material using the online requisition program maintained by the commissioner of education (commissioner).

SECTION 1.09. Amends Sections 33.906(a) and (c), Education Code, to make nonsubstantive changes.

SECTION 1.10. Amends Section 38.209(a), Education Code, to remove the commissioner from among the entities to whom a school is required to make a certain report not later than the 10th business day after the date an employee or volunteer of the school administered an epinephrine auto-injector in accordance with a policy adopted under Section 38.208(a) (relating to the authorization of a school to adopt and implement procedures regarding maintenance, administration, and disposal of epinephrine auto-injectors) and to make nonsubstantive changes.

SECTION 1.11. Amends Section 39.0233(a), Education Code, to remove the college readiness standards adopted under Section 39.233 (Recognition of High School Completion and Success and College Readiness Programs) from among the college readiness standards with which questions included in an end-of-course assessment under this subsection are required to be adopted in a consistent manner.

SECTION 1.12. Amends Section 39.410(c), Education Code, to remove the requirement that the results of the evaluation conducted under this section (Grant Program Evaluation) are to be provided through the online clearinghouse of information relating to the best practices of campuses and school districts established under Section 7.009 (Best Practices; Clearinghouse).

SECTION 1.13. Amends Section 2265.001(a), Government Code, to amend the definition of "governmental entity" to include an exception specifying that it does not include a school district.

## ARTICLE 2. OPEN-ENROLLMENT CHARTER SCHOOLS

SECTION 2.01. Amends Section 12.101, Education Code, by adding Subsection (b-10), as follows:

(b-10) Requires the commissioner by rule to allow a charter holder to provide written notice of the establishment of a new open-enrollment charter school under Subsection (b-4)(2) (relating to certain criteria that a charter holder is required to meet to authorize the construction of a new campus under an existing charter) up to 18 months before the date on which the campus is anticipated to open. Establishes that notice provided to the commissioner under this section does not obligate the charter holder to open a new campus.

SECTION 2.02. Amends Section 12.1101, Education Code, to include the superintendent of each school district from which the proposed open-enrollment charter school or campus is likely to draw students, as determined by the commissioner, among the entities that are required to receive a notice from the commissioner upon receipt of an application for a charter for an open-enrollment charter school under Section 12.110 (Application) or of notice of the establishment of a campus as authorized under Section 12.101(b-4).

SECTION 2.03. Amends Section 12.114, Education Code, by adding Subsection (d), as follows:

(d) Authorizes a charter holder to submit a request for approval for an expansion amendment up to 18 months before the date on which the expansion will be effective. Establishes that a request for approval of an expansion amendment does not obligate the charter holder to complete the proposed expansion.

### ARTICLE 3. REPEALER

SECTION 3.01. Repealer: Section 7.009 (Best Practices; Clearinghouse), Education Code.

Repealer: Section 25.007(a-1) (relating to the definition of "students who are homeless"), Education Code.

Repealer: Section 39.233 (Recognition of High School Completion and Success and College Readiness Programs), Education Code.

Repealer: Section 44.903 (Energy-Efficient Light Bulbs in Instructional Facilities), Education Code.

### ARTICLE 4. EFFECTIVE DATE

SECTION 4.01. Provides that this Act applies beginning with the 2019–2020 school year.

SECTION 4.02. Effective date: upon passage or September 1, 2019.