

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1376
By: Paxton
Education
4/10/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1376 is aimed to offer relief from unfunded mandates in the state's education code, as well as encourage innovative practices on the local level. S.B. 1376 is based on the K-12 Improvement, Innovation, and Mandate Relief Workgroup's recommendations around five issue areas: data collection, reporting, and utilization; school operations; student pathways, course offerings, and public school options; teacher quality; and classroom conduct and school discipline.

S.B. 1376 intends to:

- streamline the State Board for Educator Certification, and Texas Education Agency (TEA) functions
- eliminate the defunct High School Completion and Success Initiative Council and unfunded corresponding grants
- remove and transfer authority of TEA for appropriate related tasks to appropriate agencies
- eliminate requirements imposed on school districts not related to increased academic outcomes: purchasing CFL lightbulbs, conducting physical fitness assessments, and recycling requirements
- consolidate niche subject level teacher recruitment programs and corresponding grants into a broader more purposeful recruitment tool (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1376 amends current law relating to eliminating certain requirements imposed on school districts and other educational entities.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Environmental Quality, is modified in SECTION 2.02 (Section 361.425, Health and Safety Code) and SECTION 2.03 (Section 361.426, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the commissioner of education (commissioner) is rescinded in SECTION 2.01 (Section 33.202, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is rescinded in SECTION 4.01 (Sections 21.411, 21.412, 21.413, 39.407, and 39.416, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of higher education is rescinded in SECTION 4.01 (Section 39.416, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. POWERS AND DUTIES OF STATE BOARD FOR EDUCATOR CERTIFICATION, SHARED SERVICES ARRANGEMENTS, AND HIGH SCHOOL COMPLETION AND SUCCESS INITIATIVE COUNCIL

SECTION 1.01. Amends Section 21.040, Education Code, as follows:

Sec. 21.040. GENERAL POWERS AND DUTIES OF BOARD. Requires the State Board for Educator Certification (SBEC) to:

- (1) deletes existing Subdivision (1) requiring SBEC to supervise the executive director's performance and redesignates existing Subdivision (3) as Subdivision (1);
- (2) deletes existing Subdivision (2) requiring SBEC to approve an operating budget for SBEC and make a request for appropriations and redesignates existing Subdivision (4) as Subdivision (2);
- (3) redesignates existing Subdivision (5) as Subdivision (3) and makes a nonsubstantive change; and
- (4) redesignates existing Subdivision (6) as Subdivision (4) and deletes existing Subdivision (7) requiring SBEC to execute interagency contracts to perform routine administrative functions.

SECTION 1.02. Amends Section 29.006(a), Education Code, to require that at least one member appointed to the continuing advisory committee be a director of special education programs for a school district, rather than a director of special education programs for a school district or a director for a shared services arrangement of multiple school districts as provided by Section 29.007 (Shared Services Arrangements).

SECTION 1.03. Amends Sections 29.095(d) and (e), Education Code, as follows:

(d) Deletes existing text requiring the criteria for a receipt of a grant under this section (Grants For Students Clubs) to require confirmation that the appropriate campus-level planning and decision-making committee established under Subchapter F (District-Level and Site-Based Decision-Making), Chapter 11, and the school district board of trustees have approved a plan that includes any other information the High School Completion and Success Initiative Council (council) requires. Makes nonsubstantive changes.

(e) Requires the commissioner of education (commissioner) to establish the minimum requirements for a local grant agreement, including requiring:

- (1) makes no changes to this subdivision; and
- (2) the district and the student club to participate in an evaluation, rather than an evaluation as determined by the council, of the club's program and the program's effect on student achievement and dropout rates.

SECTION 1.04. Section 29.096(e), Education Code, to delete existing text requiring the pilot local collaborative dropout reduction program to include any other requirements as determined by the council. Makes nonsubstantive changes.

SECTION 1.05. Amends Section 29.097(b), Education Code, to require instruction techniques and technology used by a campus under this section (Intensive Technology-Based Academic Intervention Pilot Program) to be based on the best available research regarding college and workforce readiness, rather than based on the best available research, as determined by the council, regarding college and workforce readiness.

SECTION 1.06. Amends Section 39.235(a), Education Code, to delete existing text authorizing the commissioner, from funds appropriated for that purpose, to establish a grant program under which grants are awarded to middle, junior high, and high school campuses and school districts to support the alignment of grants and programs to the strategic plan adopted under Section 39.407 (Strategic Plan).

ARTICLE 2. SCHOOL OPERATIONS.

SECTION 2.01. Amends Sections 33.202(a), (c), (d), and (e), Education Code, as follows:

(a) Requires the University Interscholastic League, rather than the commissioner by rule, to develop and adopt an extracurricular activity safety training program as provided by this section (Safety Training Required). Makes a conforming change.

(c) Requires the safety training program to include:

(1) certification of participants by the American Red Cross, the American Heart Association, or a similar organization or by the University Interscholastic League, rather than one of those organizations as determined by the commissioner; and

(2)–(3) makes no changes to these subdivisions.

(d) Requires the University Interscholastic League, rather than a school district, to provide training to students participating in an extracurricular athletic activity related to certain symptoms and risks.

(e) Requires, rather than authorizes, the safety training program and the training under Subsection (d) to each be conducted by the University Interscholastic League, rather than a school or school district, or by another organization described by Subsection (c)(1), as determined by the league.

SECTION 2.02. Amends Section 361.425(b), Health and Safety Code, as follows:

(b) Provides that the Texas Commission on Environmental Quality (TCEQ):

(1) creates this subdivision from existing text and requires TCEQ by order to exempt from compliance with this section (Governmental Entity Recycling):

(A) creates this paragraph from existing text and requires TCEQ by order to exempt a municipality with a population of less than 5,000 if TCEQ finds that compliance would work a hardship on the municipality from compliance with this section, rather than to exempt a school district or municipality with a population of less than 5,000 from compliance with this section if TCEQ finds that compliance would work a hardship on the district or the municipality;

(B) a school district with a student enrollment of fewer than 10,000 students; and

(C) an entity described by Subsection (a) if:

(i) the entity petitions TCEQ for an exemption; and

(ii) TCEQ finds that compliance would work a hardship on the entity; and

(2) creates this subdivision from existing text and makes nonsubstantive changes.

SECTION 2.03. Amends Section 361.426(d), Health and Safety Code, to make conforming changes.

ARTICLE 3. TEACHER QUALITY

SECTION 3.01. Amends the heading to Section 21.410, Education Code, to read as follows:

Sec. 21.410. MASTER TEACHER GRANT PROGRAM.

SECTION 3.02. Amends Section 21.410, Education Code, by amending Subsections (a), (b), (c), (d), (f), (g), and (j) and adding Subsection (c-1), as follows:

(a) Requires the commissioner to establish a master teacher grant program, rather than a master reading teacher grant program, to encourage teachers to:

(1) become certified as master teachers in reading, mathematics, technology, or science, rather than become certified as master reading teachers; and

(2) work with other teachers and with students in order to improve student reading, mathematics, or science performance or to increase the use of technology in each classroom, as applicable, rather than work with other teachers and with students in order to improve student reading performance.

(b) Requires the commissioner, from funds appropriated for the purpose, to make grants to school districts as provided by this section to pay stipends to selected certified master teachers, rather than master reading teachers, who teach at high-need campuses.

(c) Deletes existing text requiring the commissioner to identify each high-need campus in a school district using performance on the reading assessment instrument administered under Section 39.023 (Adoption and Administration of Instruments).

(c-1) Requires the commissioner, in establishing criteria under Subsection (c) (relating to requiring the commissioner to identify and rank high-need campuses using criteria established by the commissioner) to identify high-need campuses for purposes of awarding master teacher grants in reading, mathematics, or science, to include performance on the reading, mathematics, or science assessment instrument administered under Section 39.023, as applicable.

(d) Makes a conforming change. Deletes existing text providing that unless reduced by Subsection (g) or (i) (relating to the limitations on the extent of entitlement under this section), each grant is in the amount of \$5,000. Requires the commissioner to approve the application for a grant if the applicant school district:

(1) makes no changes to this subdivision; and

(2) agrees to use each grant only for the purpose of paying a year-end stipend to a master teacher in reading, mathematics, technology, or science, rather than a master reading teacher:

(A) who holds the appropriate certificate issued under Section 21.0481 (Master Reading Teacher Certification), Section 21.0482 (Master Mathematics Teacher Certification), Section 21.0483 (Master Technology Teacher Certification), or Section 21.0484 (Master Science Teacher Certification), rather than a certificate issued under Section 21.0481;

(B) makes no changes to this paragraph;

(C) whose primary duties include:

(i) teaching reading, mathematics, or science or integrating technology use in teaching, as applicable, rather than teaching reading; and

(ii) serving as a reading, mathematics, or science teaching mentor or technology training mentor, as applicable, to other teachers for the amount of time and in the manner established by the district and by rule adopted by the commissioner, rather than serving as a reading teaching mentor to other teachers for the amount of time

and in the manner established by the district and by rule adopted by the commissioner; and

(D) makes no changes to this paragraph.

(f) Makes conforming and nonsubstantive changes to this subsection.

(g) Makes conforming changes to this subsection.

(j) Makes a conforming change to this subsection.

ARTICLE 4. REPEALERS

SECTION 4.01. Repealer: Section 7.102(c)(9) (relating to authorizing the State Board of Education to grant an open-enrollment charter or approve a charter revision), Education Code.

Repealer: Section 21.411 (Master Mathematics Teacher Grant Program), Education Code.

Repealer: Section 21.412 (Master Technology Teacher Grant Program), Education Code.

Repealer: Section 21.413 (Master Science Teacher Grant Program), Education Code.

Repealer: Section 29.007 (Shared Services Arrangements), Education Code.

Repealer: Section 29.095(a)(1) (relating to the definition of "council"), Education Code.

Repealer: Section 29.096(a) (relating to relating to the definition of "council"), Education Code.

Repealer: Section 29.097(a)(1) (relating to relating to the definition of "council"), Education Code.

Repealer: Section 38.0081 (Information About Steroids), Education Code.

Repealer: Section 39.401 (Definition), Education Code.

Repealer: Section 39.402 (High School Completion and Success Initiative Council), Education Code.

Repealer: Section 39.403 (Terms), Education Code.

Repealer: Section 39.404 (Presiding Officer), Education Code.

Repealer: Section 39.405 (Compensation and Reimbursement), Education Code.

Repealer: Section 39.406 (Council Staff and Funding), Education Code.

Repealer: Section 39.407 (Strategic Plan), Education Code.

Repealer: Section 39.409 (Private Foundation Partnerships), Education Code.

Repealer: Section 39.410 (Grant Program Evaluation), Education Code.

Repealer: Section 39.411 (Council Recommendations), Education Code.

Repealer: Section 39.412 (Funding Provided to School Districts), Education Code.

Repealer: Section 39.413 (Funding For Certain Programs), Education Code.

Repealer: Section 39.414 (Private Funding), Education Code.

Repealer: Section 39.415 (Reports), Education Code.

Repealer: Section 39.416 (Rules), Education Code.

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

Repealer: Section 45.208(e) (relating to requiring a copy of the depository contract and bond to be filed with the Texas Education Agency), Education Code.

Repealer: Chapter 114 (Interagency Obesity Council), Health and Safety Code.

ARTICLE 5. EFFECTIVE DATE

SECTION 5.01. Provides that this Act applies beginning with the 2019–2020 school year.

SECTION 5.02. Effective date: upon passage or September 1, 2019.