

By: Patterson

H.B. No. 3638

A BILL TO BE ENTITLED

AN ACT

relating to eliminating certain requirements imposed on school districts and other educational entities.

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

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. Section 21.040, Education Code, is amended to read as follows:

Sec. 21.040. GENERAL POWERS AND DUTIES OF BOARD. The board shall:

~~(1) [supervise the executive director's performance,~~
~~(2) [approve an operating budget for the board and~~
~~make a request for appropriations,~~

~~(3)]~~ appoint the members of any advisory committee to the board;

(2) ~~[(4)]~~ for each class of educator certificate, appoint an advisory committee composed of members of that class to recommend standards for that class to the board;

(3) ~~[(5)]~~ provide to its members and employees, as often as necessary, information regarding their qualifications for office or employment under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers or employees; and

1 (4) [~~(6)~~] develop and implement policies that clearly
2 define the respective responsibilities of the board and the board's
3 staff [~~, and~~
4 ~~[(7) execute interagency contracts to perform routine~~
5 ~~administrative functions]~~.

6 SECTION 1.02. Section 29.006(a), Education Code, is amended
7 to read as follows:

8 (a) The governor shall appoint a continuing advisory
9 committee, composed of 17 members, under 20 U.S.C. Section
10 1412(a)(21). At least one member appointed under this subsection
11 must be a director of special education programs for a school
12 district [~~or for a shared services arrangement of multiple school~~
13 ~~districts as provided by Section 29.007]~~.

14 SECTION 1.03. Sections 29.095(d) and (e), Education Code,
15 are amended to read as follows:

16 (d) The commissioner shall establish application criteria
17 for receipt of a grant under this section. The criteria must
18 require confirmation that the appropriate campus-level planning
19 and decision-making committee established under Subchapter F,
20 Chapter 11, and the school district board of trustees have approved
21 a plan that includes:

- 22 (1) a description of the student club;
23 (2) a statement of the student club's goals, intent,
24 and activities;
25 (3) a statement of the source of funds to be used to
26 match the grant;
27 (4) a budget for the student club; and

1 (5) a statement showing that the student club's
2 finances are sustainable~~[, and~~
3 ~~[(6) any other information the council requires]~~.

4 (e) The commissioner shall establish the minimum
5 requirements for a local grant agreement, including requiring:

6 (1) the agreement to be signed by the sponsor of a
7 student club receiving a grant and another authorized school
8 district officer; and

9 (2) the district and the student club to participate
10 in an evaluation~~[, as determined by the council,]~~ of the club's
11 program and the program's effect on student achievement and dropout
12 rates.

13 SECTION 1.04. Section 29.096(e), Education Code, is amended
14 to read as follows:

15 (e) The commissioner shall establish minimum standards for
16 a local collaborative agreement, including a requirement that the
17 agreement must be signed by an authorized school district or
18 open-enrollment charter school officer and an authorized
19 representative of each of the other participating entities that is
20 a partner in the collaboration. The program must:

21 (1) limit participation in the program to students
22 authorized to participate by a parent or other person standing in
23 parental relationship;

24 (2) have as a primary goal graduation from high
25 school;

26 (3) provide for local businesses or other employers to
27 offer paid employment or internship opportunities and advanced

1 career and vocational training;

2 (4) include an outreach component and a lead
3 educational staff member to identify and involve eligible students
4 and public and private entities in participating in the program;

5 (5) serve a population of students of which at least 50
6 percent are identified as students at risk of dropping out of
7 school, as described by Section 29.081(d);

8 (6) allocate not more than 15 percent of grant funds
9 and matching funds, as determined by the commissioner, to
10 administrative expenses; and

11 (7) include matching funds from any of the
12 participating entities [~~and~~

13 [~~(8) include any other requirements as determined by~~
14 ~~the council~~].

15 SECTION 1.05. Section 29.097(b), Education Code, is amended
16 to read as follows:

17 (b) From funds appropriated for that purpose in an amount
18 not to exceed \$3 million each year, the commissioner shall
19 establish a pilot program for the commissioner to award grants to
20 participating campuses to provide intensive technology-based
21 supplementary instruction in English, mathematics, science, or
22 social studies to students in grades nine through 12 identified as
23 being at risk of dropping out of school, as described by Section
24 29.081(d). Instruction techniques and technology used by a campus
25 under this section must be based on the best available research [~~as~~
26 ~~determined by the council,~~] regarding college and workforce
27 readiness.

1 SECTION 1.06. Section 39.235(a), Education Code, is amended
2 to read as follows:

3 (a) From funds appropriated for that purpose, the
4 commissioner may establish a grant program under which grants are
5 awarded to middle, junior high, and high school campuses and school
6 districts to support:

7 (1) the implementation of innovative improvement
8 programs that are based on the best available research regarding
9 middle, junior high, or high school reform, dropout prevention, and
10 preparing students for postsecondary coursework or employment; and

11 (2) enhancing education practices that have been
12 demonstrated by significant evidence of effectiveness[~~, and~~

13 [~~(3) the alignment of grants and programs to the~~
14 ~~strategic plan adopted under Section 39.407]~~.

15 ARTICLE 2. SCHOOL OPERATIONS

16 SECTION 2.01. Section 28.004(k), Education Code, is amended
17 to read as follows:

18 (k) A school district shall publish in the student handbook
19 and post on the district's Internet website, if the district has an
20 Internet website:

21 (1) a statement of the policies adopted to ensure that
22 elementary school, middle school, and junior high school students
23 engage in at least the amount and level of physical activity
24 required by Section 28.002(1); and

25 (2) a statement of:

26 (A) the number of times during the preceding year
27 the district's school health advisory council has met;

1 (B) whether the district has adopted and enforces
2 policies to ensure that district campuses comply with agency
3 vending machine and food service guidelines for restricting student
4 access to vending machines; and

5 (C) whether the district has adopted and enforces
6 policies and procedures that prescribe penalties for the use of
7 e-cigarettes, as defined by Section 38.006, and tobacco products by
8 students and others on school campuses or at school-sponsored or
9 school-related activities~~[, and~~

10 [~~(3) a statement providing notice to parents that they~~
11 ~~can request in writing their child's physical fitness assessment~~
12 ~~results at the end of the school year]~~.

13 SECTION 2.02. Sections 33.202(a), (c), (d), and (e),
14 Education Code, are amended to read as follows:

15 (a) The University Interscholastic League [~~commissioner by~~
16 ~~rule~~] shall develop and adopt an extracurricular activity safety
17 training program as provided by this section. In developing the
18 program, the league [~~commissioner~~] may use materials available from
19 the American Red Cross, Emergency Medical Systems (EMS), or another
20 appropriate entity.

21 (c) The safety training program must include:

22 (1) certification of participants by the American Red
23 Cross, the American Heart Association, or a similar organization or
24 by the University Interscholastic League~~[, as determined by the~~
25 ~~commissioner]~~;

26 (2) current training in:

27 (A) emergency action planning;

1 (B) cardiopulmonary resuscitation if the person
2 is not required to obtain certification under Section 33.086;

3 (C) communicating effectively with 9-1-1
4 emergency service operators and other emergency personnel; and

5 (D) recognizing symptoms of potentially
6 catastrophic injuries, including head and neck injuries,
7 concussions, injuries related to second impact syndrome, asthma
8 attacks, heatstroke, cardiac arrest, and injuries requiring use of
9 a defibrillator; and

10 (3) at least once each school year, a safety drill that
11 incorporates the training described by Subdivision (2) and
12 simulates various injuries described by Subdivision (2)(D).

13 (d) The University Interscholastic League [~~A school~~
14 ~~district~~] shall provide training to students participating in an
15 extracurricular athletic activity related to:

16 (1) recognizing the symptoms of injuries described by
17 Subsection (c)(2)(D); and

18 (2) the risks of using dietary supplements designed to
19 enhance or marketed as enhancing athletic performance.

20 (e) The safety training program and the training under
21 Subsection (d) must [~~may~~] each be conducted by the University
22 Interscholastic League [~~a school or school district~~] or by another
23 [~~an~~] organization described by Subsection (c)(1), as determined by
24 the league.

25 SECTION 2.03. Section 361.425(b), Health and Safety Code,
26 is amended to read as follows:

27 (b) The commission:

1 (1) by order shall exempt from compliance with this
2 section:

3 (A) [~~a school district or~~] a municipality with a
4 population of less than 5,000 [~~from compliance with this section~~]
5 if the commission finds that compliance would work a hardship on
6 [~~the district or~~] the municipality;

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

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

10 (i) the entity petitions the commission for
11 an exemption; and

12 (ii) the commission finds that compliance
13 would work a hardship on the entity; and

14 (2) [~~The commission~~] shall adopt rules for
15 administering this subsection.

16 SECTION 2.04. Section 361.426(d), Health and Safety Code,
17 is amended to read as follows:

18 (d) The commission:

19 (1) by order shall exempt from compliance with this
20 section:

21 (A) [~~a school district or~~] a municipality with a
22 population of less than 5,000 [~~from compliance with this section~~]
23 if the commission finds that compliance would work a hardship on
24 [~~the district or~~] the municipality;

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

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

1 (i) the entity petitions the commission for
2 an exemption; and

3 (ii) the commission finds that compliance
4 would work a hardship on the entity; and

5 (2) [~~The commission~~] shall adopt rules for
6 administering this subsection.

7 ARTICLE 3. TEACHER QUALITY

8 SECTION 3.01. The heading to Section 21.410, Education
9 Code, is amended to read as follows:

10 Sec. 21.410. MASTER [~~READING~~] TEACHER GRANT PROGRAM.

11 SECTION 3.02. Section 21.410, Education Code, is amended by
12 amending Subsections (a), (b), (c), (d), (f), (g), and (j) and
13 adding Subsection (c-1) to read as follows:

14 (a) The commissioner shall establish a master [~~reading~~]
15 teacher grant program to encourage teachers to:

16 (1) become certified as master [~~reading~~] teachers in
17 reading, mathematics, technology, or science; and

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

22 (b) From funds appropriated for the purpose, the
23 commissioner shall make grants to school districts as provided by
24 this section to pay stipends to selected certified master [~~reading~~]
25 teachers who teach at high-need campuses.

26 (c) The commissioner shall annually identify each high-need
27 campus in a school district using criteria established by the

1 commissioner by rule[, ~~including performance on the reading~~
2 ~~assessment instrument administered under Section 39.023~~]. The
3 commissioner shall also use the criteria to rank campuses in order
4 of greatest need.

5 (c-1) In establishing criteria under Subsection (c) to
6 identify high-need campuses for purposes of awarding master teacher
7 grants in reading, mathematics, or science, the commissioner must
8 include performance on the reading, mathematics, or science
9 assessment instrument administered under Section 39.023, as
10 applicable.

11 (d) A school district may apply to the commissioner for
12 grants for each high-need campus identified by the commissioner to
13 be used to pay stipends to certified master [~~reading~~] teachers in
14 accordance with this section. [~~Unless reduced under Subsection (g)~~
15 ~~or (i), each grant is in the amount of \$5,000.~~] The commissioner
16 shall approve the application if the district:

17 (1) applies within the period and in the manner
18 required by rule adopted by the commissioner; and

19 (2) agrees to use each grant only for the purpose of
20 paying a year-end stipend to a master [~~reading~~] teacher in reading,
21 mathematics, technology, or science:

22 (A) who holds the appropriate [~~a~~] certificate
23 issued under Section 21.0481, Section 21.0482, Section 21.0483, or
24 Section 21.0484;

25 (B) who teaches in a position prescribed by the
26 district at a high-need campus identified by the commissioner;

27 (C) whose primary duties include:

1 (i) teaching reading, mathematics, or
2 science or integrating technology use in teaching, as applicable;
3 and

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

9 (D) who satisfies any other requirements
10 established by rule adopted by the commissioner.

11 (f) The commissioner shall adopt rules for the distribution
12 of grants to school districts following the year of the initial
13 grant. A district that has been approved for a grant to pay a
14 stipend to a certified master [~~reading~~] teacher is not required to
15 reapply for a grant for two consecutive school years following the
16 year of the initial [~~initial~~] grant if the district:

17 (1) continues to pay a stipend as provided by
18 Subsection (g); and

19 (2) notifies the commissioner in writing, within the
20 period and in the manner prescribed by the commissioner, that the
21 circumstances on which the grant was based have not changed.

22 (g) The commissioner shall reduce payments to a school
23 district proportionately to the extent a teacher does not meet the
24 requirements under Subsection (d)(2) for the entire school year. A
25 district that employs more certified master [~~reading~~] teachers than
26 the number of grants available under this section shall select the
27 certified master [~~reading~~] teachers to whom to pay stipends based

1 on a policy adopted by the board of trustees of the district, except
2 that a district shall pay a stipend for two additional consecutive
3 school years to a teacher the district has selected for and paid a
4 stipend for a school year, who remains eligible for a stipend under
5 Subsection (d)(2), and for whom the district receives a grant under
6 this section for those years. A decision of the district under this
7 subsection is final and may not be appealed. The district may not
8 apportion among teachers a stipend paid for with a grant the
9 district receives under this section. The district may use local
10 money to pay additional stipends in amounts determined by the
11 district.

12 (j) A decision of the commissioner concerning the amount of
13 money to which a school district is entitled under this section is
14 final and may not be appealed. Each district shall, in the manner
15 and at the time prescribed by the commissioner, provide to the
16 commissioner proof acceptable to the commissioner of the master
17 ~~[reading]~~ teacher certification of a teacher to whom the district
18 is paying a stipend under this section.

19 ARTICLE 4. REPEALERS

20 SECTION 4.01. (a) The following provisions of the Education
21 Code are repealed:

- 22 (1) Section 7.102(c)(9);
23 (2) Sections 21.411, 21.412, and 21.413;
24 (3) Section 29.007;
25 (4) Sections 29.095(a)(1), 29.096(a), and
26 29.097(a)(1);
27 (5) Section 38.0081;

1 (6) Subchapter C, Chapter 38;

2 (7) Sections 39.401, 39.402, 39.403, 39.404, 39.405,
3 39.406, 39.407, 39.409, 39.410, 39.411, 39.412, 39.413, 39.414,
4 39.415, and 39.416;

5 (8) Section 44.903; and

6 (9) Section 45.208(e).

7 (b) Chapter 114, Health and Safety Code, is repealed.

8 ARTICLE 5. EFFECTIVE DATE

9 SECTION 5.01. This Act applies beginning with the 2019-2020
10 school year.

11 SECTION 5.02. This Act takes effect immediately if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, this Act takes effect September 1, 2019.