

By: Paxton

S.B. No. 1376

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.

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

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

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

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

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

ARTICLE 2. SCHOOL OPERATIONS

SECTION 2.01. Sections 33.202(a), (c), (d), and (e), Education Code, are amended to read as follows:

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

(c) The safety training program must include:

(1) certification of participants by the American Red Cross, the American Heart Association, or a similar organization or by the University Interscholastic League~~[, as determined by the~~

1 ~~commissioner~~];

2 (2) current training in:

3 (A) emergency action planning;

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

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

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

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

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

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

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

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

SECTION 2.02. Section 361.425(b), Health and Safety Code,
is amended to read as follows:

(b) The commission:

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

(A) [a school district or] a municipality with a
population of less than 5,000 [from compliance with this section]
if the commission 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 the commission for
an exemption; and

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

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

SECTION 2.03. Section 361.426(d), Health and Safety Code,
is amended to read as follows:

(d) The commission:

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

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

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

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

4 (i) the entity petitions the commission for
5 an exemption; and

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

8 (2) [~~the~~ commission] shall adopt rules for
9 administering this subsection.

10 ARTICLE 3. TEACHER QUALITY

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

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

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

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

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

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

25 (b) From funds appropriated for the purpose, the
26 commissioner shall make grants to school districts as provided by
27 this section to pay stipends to selected certified master ~~[reading]~~

teachers who teach at high-need campuses.

(c) The commissioner shall annually identify each high-need campus in a school district using criteria established by the commissioner by rule~~[, including performance on the reading assessment instrument administered under Section 39.023]~~. The commissioner shall also use the criteria to rank campuses in order of greatest need.

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

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

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

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

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

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

(C) whose primary duties include:

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

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

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

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

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

(g) The commissioner shall reduce payments to a school district proportionately to the extent a teacher does not meet the requirements under Subsection (d)(2) for the entire school year. A

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

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

22 ARTICLE 4. REPEALERS

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

- 25 (1) Section 7.102(c)(9);
26 (2) Sections 21.411, 21.412, and 21.413;
27 (3) Section 29.007;

1 (4) Sections 29.095(a)(1), 29.096(a), and
2 29.097(a)(1);

3 (5) Section 38.0081;

4 (6) Sections 39.401, 39.402, 39.403, 39.404, 39.405,
5 39.406, 39.407, 39.409, 39.410, 39.411, 39.412, 39.413, 39.414,
6 39.415, and 39.416;

7 (7) Section 44.903; and

8 (8) Section 45.208(e).

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

10 ARTICLE 5. EFFECTIVE DATE

11 SECTION 5.01. This Act applies beginning with the 2019-2020
12 school year.

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