

1-1 By: Paxton S.B. No. 1376
 1-2 (In the Senate - Filed March 1, 2019; March 14, 2019, read
 1-3 first time and referred to Committee on Education; April 11, 2019,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 10, Nays 0; April 11, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Fallon	X			
1-12 Hall	X			
1-13 Hughes	X			
1-14 Paxton	X			
1-15 Powell	X			
1-16 Watson	X			
1-17 West			X	

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 1376 By: Paxton

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to eliminating certain requirements imposed on school
 1-23 districts and other educational entities.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 ARTICLE 1. POWERS AND DUTIES OF STATE BOARD FOR EDUCATOR
 1-26 CERTIFICATION, SHARED SERVICES ARRANGEMENTS, AND HIGH SCHOOL
 1-27 COMPLETION AND SUCCESS INITIATIVE COUNCIL

1-28 SECTION 1.01. Section 21.040, Education Code, is amended to
 1-29 read as follows:

1-30 Sec. 21.040. GENERAL POWERS AND DUTIES OF BOARD. The board
 1-31 shall:

1-32 (1) ~~supervise the executive director's performance,~~
 1-33 ~~(2) approve an operating budget for the board and~~
 1-34 ~~make a request for appropriations,~~
 1-35 ~~(3) appoint the members of any advisory committee to~~
 1-36 the board;

1-37 (2) ~~(4)~~ for each class of educator certificate,
 1-38 appoint an advisory committee composed of members of that class to
 1-39 recommend standards for that class to the board;

1-40 (3) ~~(5)~~ provide to its members and employees, as
 1-41 often as necessary, information regarding their qualifications for
 1-42 office or employment under this chapter and their responsibilities
 1-43 under applicable laws relating to standards of conduct for state
 1-44 officers or employees; and

1-45 (4) ~~(6)~~ develop and implement policies that clearly
 1-46 define the respective responsibilities of the board and the board's
 1-47 staff~~, and~~

1-48 ~~(7) execute interagency contracts to perform routine~~
 1-49 ~~administrative functions].~~

1-50 SECTION 1.02. Section 29.006(a), Education Code, is amended
 1-51 to read as follows:

1-52 (a) The governor shall appoint a continuing advisory
 1-53 committee, composed of 17 members, under 20 U.S.C. Section
 1-54 1412(a)(21). At least one member appointed under this subsection
 1-55 must be a director of special education programs for a school
 1-56 district ~~[or for a shared services arrangement of multiple school~~
 1-57 ~~districts as provided by Section 29.007].~~

1-58 SECTION 1.03. Sections 29.095(d) and (e), Education Code,
 1-59 are amended to read as follows:

1-60 (d) The commissioner shall establish application criteria

2-1 for receipt of a grant under this section. The criteria must
2-2 require confirmation that the appropriate campus-level planning
2-3 and decision-making committee established under Subchapter F,
2-4 Chapter 11, and the school district board of trustees have approved
2-5 a plan that includes:

- 2-6 (1) a description of the student club;
- 2-7 (2) a statement of the student club's goals, intent,
2-8 and activities;
- 2-9 (3) a statement of the source of funds to be used to
2-10 match the grant;
- 2-11 (4) a budget for the student club; and
- 2-12 (5) a statement showing that the student club's
2-13 finances are sustainable~~[, and~~
- 2-14 ~~[(6) any other information the council requires].~~

2-15 (e) The commissioner shall establish the minimum
2-16 requirements for a local grant agreement, including requiring:

- 2-17 (1) the agreement to be signed by the sponsor of a
2-18 student club receiving a grant and another authorized school
2-19 district officer; and
- 2-20 (2) the district and the student club to participate
2-21 in an evaluation~~[, as determined by the council,]~~ of the club's
2-22 program and the program's effect on student achievement and dropout
2-23 rates.

2-24 SECTION 1.04. Section 29.096(e), Education Code, is amended
2-25 to read as follows:

2-26 (e) The commissioner shall establish minimum standards for
2-27 a local collaborative agreement, including a requirement that the
2-28 agreement must be signed by an authorized school district or
2-29 open-enrollment charter school officer and an authorized
2-30 representative of each of the other participating entities that is
2-31 a partner in the collaboration. The program must:

- 2-32 (1) limit participation in the program to students
2-33 authorized to participate by a parent or other person standing in
2-34 parental relationship;
- 2-35 (2) have as a primary goal graduation from high
2-36 school;
- 2-37 (3) provide for local businesses or other employers to
2-38 offer paid employment or internship opportunities and advanced
2-39 career and vocational training;
- 2-40 (4) include an outreach component and a lead
2-41 educational staff member to identify and involve eligible students
2-42 and public and private entities in participating in the program;
- 2-43 (5) serve a population of students of which at least 50
2-44 percent are identified as students at risk of dropping out of
2-45 school, as described by Section 29.081(d);

2-46 (6) allocate not more than 15 percent of grant funds
2-47 and matching funds, as determined by the commissioner, to
2-48 administrative expenses; and

2-49 (7) include matching funds from any of the
2-50 participating entities~~[, and~~

2-51 ~~[(8) include any other requirements as determined by~~
2-52 ~~the council].~~

2-53 SECTION 1.05. Section 29.097(b), Education Code, is amended
2-54 to read as follows:

2-55 (b) From funds appropriated for that purpose in an amount
2-56 not to exceed \$3 million each year, the commissioner shall
2-57 establish a pilot program for the commissioner to award grants to
2-58 participating campuses to provide intensive technology-based
2-59 supplementary instruction in English, mathematics, science, or
2-60 social studies to students in grades nine through 12 identified as
2-61 being at risk of dropping out of school, as described by Section
2-62 29.081(d). Instruction techniques and technology used by a campus
2-63 under this section must be based on the best available research~~[, as~~
2-64 ~~determined by the council,]~~ regarding college and workforce
2-65 readiness.

2-66 SECTION 1.06. Section 39.235(a), Education Code, is amended
2-67 to read as follows:

2-68 (a) From funds appropriated for that purpose, the
2-69 commissioner may establish a grant program under which grants are

3-1 awarded to middle, junior high, and high school campuses and school
3-2 districts to support:

3-3 (1) the implementation of innovative improvement
3-4 programs that are based on the best available research regarding
3-5 middle, junior high, or high school reform, dropout prevention, and
3-6 preparing students for postsecondary coursework or employment; and

3-7 (2) enhancing education practices that have been
3-8 demonstrated by significant evidence of effectiveness[~~and~~

3-9 [~~(3) the alignment of grants and programs to the~~
3-10 ~~strategic plan adopted under Section 39.407~~].

3-11 ARTICLE 2. SCHOOL OPERATIONS

3-12 SECTION 2.01. Sections 33.202(a), (c), (d), and (e),
3-13 Education Code, are amended to read as follows:

3-14 (a) The University Interscholastic League [~~commissioner by~~
3-15 ~~rule~~] shall develop and adopt an extracurricular activity safety
3-16 training program as provided by this section. In developing the
3-17 program, the league [~~commissioner~~] may use materials available from
3-18 the American Red Cross, Emergency Medical Systems (EMS), or another
3-19 appropriate entity.

3-20 (c) The safety training program must include:

3-21 (1) certification of participants by the American Red
3-22 Cross, the American Heart Association, or a similar organization or
3-23 by the University Interscholastic League[~~, as determined by the~~
3-24 ~~commissioner~~];

3-25 (2) current training in:

3-26 (A) emergency action planning;

3-27 (B) cardiopulmonary resuscitation if the person
3-28 is not required to obtain certification under Section 33.086;

3-29 (C) communicating effectively with 9-1-1
3-30 emergency service operators and other emergency personnel; and

3-31 (D) recognizing symptoms of potentially
3-32 catastrophic injuries, including head and neck injuries,
3-33 concussions, injuries related to second impact syndrome, asthma
3-34 attacks, heatstroke, cardiac arrest, and injuries requiring use of
3-35 a defibrillator; and

3-36 (3) at least once each school year, a safety drill that
3-37 incorporates the training described by Subdivision (2) and
3-38 simulates various injuries described by Subdivision (2)(D).

3-39 (d) The University Interscholastic League [~~A school~~
3-40 ~~district~~] shall provide training to students participating in an
3-41 extracurricular athletic activity related to:

3-42 (1) recognizing the symptoms of injuries described by
3-43 Subsection (c)(2)(D); and

3-44 (2) the risks of using dietary supplements designed to
3-45 enhance or marketed as enhancing athletic performance.

3-46 (e) The safety training program and the training under
3-47 Subsection (d) must [~~may~~] each be conducted by the University
3-48 Interscholastic League [~~a school or school district~~] or by another
3-49 [~~an~~] organization described by Subsection (c)(1), as determined by
3-50 the league.

3-51 SECTION 2.02. Section 361.425(b), Health and Safety Code,
3-52 is amended to read as follows:

3-53 (b) The commission:

3-54 (1) by order shall exempt from compliance with this
3-55 section:

3-56 (A) [~~a school district or~~] a municipality with a
3-57 population of less than 5,000 [~~from compliance with this section~~]
3-58 if the commission finds that compliance would work a hardship on
3-59 [~~the district or~~] the municipality;

3-60 (B) a school district with a student enrollment
3-61 of fewer than 10,000 students; and

3-62 (C) an entity described by Subsection (a) if:

3-63 (i) the entity petitions the commission for
3-64 an exemption; and

3-65 (ii) the commission finds that compliance
3-66 would work a hardship on the entity; and

3-67 (2) [~~The commission~~] shall adopt rules for
3-68 administering this subsection.

3-69 SECTION 2.03. Section 361.426(d), Health and Safety Code,

4-1 is amended to read as follows:

4-2 (d) The commission:

4-3 (1) by order shall exempt from compliance with this

4-4 section:

4-5 (A) ~~[a school district or]~~ a municipality with a
4-6 population of less than 5,000 ~~[from compliance with this section]~~
4-7 if the commission finds that compliance would work a hardship on
4-8 ~~[the district or]~~ the municipality;

4-9 (B) a school district with a student enrollment
4-10 of fewer than 10,000 students; and

4-11 (C) an entity described by Subsection (a) if:

4-12 (i) the entity petitions the commission for
4-13 an exemption; and

4-14 (ii) the commission finds that compliance
4-15 would work a hardship on the entity; and

4-16 (2) ~~[. The commission]~~ shall adopt rules for
4-17 administering this subsection.

4-18 ARTICLE 3. TEACHER QUALITY

4-19 SECTION 3.01. The heading to Section 21.410, Education
4-20 Code, is amended to read as follows:

4-21 Sec. 21.410. MASTER ~~[READING]~~ TEACHER GRANT PROGRAM.

4-22 SECTION 3.02. Section 21.410, Education Code, is amended by
4-23 amending Subsections (a), (b), (c), (d), (f), (g), and (j) and
4-24 adding Subsection (c-1) to read as follows:

4-25 (a) The commissioner shall establish a master ~~[reading]~~
4-26 teacher grant program to encourage teachers to:

4-27 (1) become certified as master ~~[reading]~~ teachers in
4-28 reading, mathematics, technology, or science; and

4-29 (2) work with other teachers and with students in
4-30 order to improve student reading, mathematics, or science
4-31 performance or to increase the use of technology in each classroom,
4-32 as applicable.

4-33 (b) From funds appropriated for the purpose, the
4-34 commissioner shall make grants to school districts as provided by
4-35 this section to pay stipends to selected certified master ~~[reading]~~
4-36 teachers who teach at high-need campuses.

4-37 (c) The commissioner shall annually identify each high-need
4-38 campus in a school district using criteria established by the
4-39 commissioner by rule~~[, including performance on the reading~~
4-40 ~~assessment instrument administered under Section 39.023]~~. The
4-41 commissioner shall also use the criteria to rank campuses in order
4-42 of greatest need.

4-43 (c-1) In establishing criteria under Subsection (c) to
4-44 identify high-need campuses for purposes of awarding master teacher
4-45 grants in reading, mathematics, or science, the commissioner must
4-46 include performance on the reading, mathematics, or science
4-47 assessment instrument administered under Section 39.023, as
4-48 applicable.

4-49 (d) A school district may apply to the commissioner for
4-50 grants for each high-need campus identified by the commissioner to
4-51 be used to pay stipends to certified master ~~[reading]~~ teachers in
4-52 accordance with this section. ~~[Unless reduced under Subsection (g)~~
4-53 ~~or (i), each grant is in the amount of \$5,000.]~~ The commissioner
4-54 shall approve the application if the district:

4-55 (1) applies within the period and in the manner
4-56 required by rule adopted by the commissioner; and

4-57 (2) agrees to use each grant only for the purpose of
4-58 paying a year-end stipend to a master ~~[reading]~~ teacher in reading,
4-59 mathematics, technology, or science:

4-60 (A) who holds the appropriate [a] certificate
4-61 issued under Section 21.0481, Section 21.0482, Section 21.0483, or
4-62 Section 21.0484;

4-63 (B) who teaches in a position prescribed by the
4-64 district at a high-need campus identified by the commissioner;

4-65 (C) whose primary duties include:

4-66 (i) teaching reading, mathematics, or
4-67 science or integrating technology use in teaching, as applicable;
4-68 and

4-69 (ii) serving as a reading, mathematics, or

5-1 science teaching mentor or technology training mentor, as
5-2 applicable, to other teachers for the amount of time and in the
5-3 manner established by the district and by rule adopted by the
5-4 commissioner; and

5-5 (D) who satisfies any other requirements
5-6 established by rule adopted by the commissioner.

5-7 (f) The commissioner shall adopt rules for the distribution
5-8 of grants to school districts following the year of the initial
5-9 grant. A district that has been approved for a grant to pay a
5-10 stipend to a certified master [~~reading~~] teacher is not required to
5-11 reapply for a grant for two consecutive school years following the
5-12 year of the initial [~~initial~~] grant if the district:

5-13 (1) continues to pay a stipend as provided by
5-14 Subsection (g); and

5-15 (2) notifies the commissioner in writing, within the
5-16 period and in the manner prescribed by the commissioner, that the
5-17 circumstances on which the grant was based have not changed.

5-18 (g) The commissioner shall reduce payments to a school
5-19 district proportionately to the extent a teacher does not meet the
5-20 requirements under Subsection (d)(2) for the entire school year. A
5-21 district that employs more certified master [~~reading~~] teachers than
5-22 the number of grants available under this section shall select the
5-23 certified master [~~reading~~] teachers to whom to pay stipends based
5-24 on a policy adopted by the board of trustees of the district, except
5-25 that a district shall pay a stipend for two additional consecutive
5-26 school years to a teacher the district has selected for and paid a
5-27 stipend for a school year, who remains eligible for a stipend under
5-28 Subsection (d)(2), and for whom the district receives a grant under
5-29 this section for those years. A decision of the district under this
5-30 subsection is final and may not be appealed. The district may not
5-31 apportion among teachers a stipend paid for with a grant the
5-32 district receives under this section. The district may use local
5-33 money to pay additional stipends in amounts determined by the
5-34 district.

5-35 (j) A decision of the commissioner concerning the amount of
5-36 money to which a school district is entitled under this section is
5-37 final and may not be appealed. Each district shall, in the manner
5-38 and at the time prescribed by the commissioner, provide to the
5-39 commissioner proof acceptable to the commissioner of the master
5-40 [~~reading~~] teacher certification of a teacher to whom the district
5-41 is paying a stipend under this section.

5-42 ARTICLE 4. REPEALERS

5-43 SECTION 4.01. (a) The following provisions of the Education
5-44 Code are repealed:

- 5-45 (1) Section 7.102(c)(9);
- 5-46 (2) Sections 21.411, 21.412, and 21.413;
- 5-47 (3) Section 29.007;
- 5-48 (4) Sections 29.095(a)(1), 29.096(a), and
5-49 29.097(a)(1);
- 5-50 (5) Section 38.0081;
- 5-51 (6) Sections 39.401, 39.402, 39.403, 39.404, 39.405,
5-52 39.406, 39.407, 39.409, 39.410, 39.411, 39.412, 39.413, 39.414,
5-53 39.415, and 39.416;
- 5-54 (7) Section 44.903; and
- 5-55 (8) Section 45.208(e).

5-56 (b) Chapter 114, Health and Safety Code, is repealed.

5-57 ARTICLE 5. EFFECTIVE DATE

5-58 SECTION 5.01. This Act applies beginning with the 2019-2020
5-59 school year.

5-60 SECTION 5.02. This Act takes effect immediately if it
5-61 receives a vote of two-thirds of all the members elected to each
5-62 house, as provided by Section 39, Article III, Texas Constitution.
5-63 If this Act does not receive the vote necessary for immediate
5-64 effect, this Act takes effect September 1, 2019.