

BILL ANALYSIS

C.S.H.B. 2811
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Legislature, interested parties note, recently established the instructional materials allotment for the purchase of instructional materials, technological equipment, and technology-related services with the intention of providing school districts more flexibility over the use of funds and updating the aging system under which instructional materials were previously purchased. According to the parties, however, many districts have complained about a lack of flexibility with regard to the allotment because the costs of the materials adopted by the State Board of Education (SBOE) leave few remaining funds to enable that flexibility. The purpose of C.S.H.B. 2811 is to ensure that the SBOE adopts materials that do not consume the entire amount of the allotment so that districts will have the ability to spend their allotments for purposes other than just the purchase of textbooks.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2811 amends the Education Code to require the State Board of Education (SBOE) to conduct a review of the essential knowledge and skills for the foundation curriculum and to revise the essential knowledge and skills for that curriculum to narrow the number and scope of student expectations for each subject and grade level in accordance with the bill's provisions. The bill requires the scope of the essential knowledge and skills for each subject and grade level of the foundation curriculum to be more narrow than the scope of, and require less time for a demonstration of mastery than required for, the essential knowledge and skills adopted as of January 1, 2015. The bill requires the SBOE to ensure that a revision of the essential knowledge and skills for the foundation curriculum does not result in a need for the adoption of new instructional materials; to consider for each subject and grade level the time a teacher would require to provide comprehensive instruction on a particular student expectation and the time a typical student would require to master a particular student expectation; to determine whether, in light of those considerations, each essential knowledge and skill of a subject can be comprehensively taught within the prescribed minimum number of school days for instruction for students, not including the number of days required for testing; to determine whether the college and career readiness standards have been appropriately integrated in the essential knowledge and skills for each subject and grade level; and to consider whether a statewide standardized test administered to students adequately assesses a particular student expectation. The bill requires the SBOE, not later than September 1, 2018, to complete the review and

revision of the essential knowledge and skills for each subject and grade level of the foundation curriculum that was last revised before September 1, 2012. These provisions expire September 1, 2019.

C.S.H.B. 2811 changes the instructional materials allotment from an annual allotment to a biennial allotment and changes the date specified by the commissioner of education as the date on which student enrollment determines a district's entitlement to the allotment from a date during the preceding school year to a date during the last year of the preceding biennium. The bill changes from an annual basis to a biennial basis the frequency with which a school district must use the allotment and the frequency of the SBOE's required set aside of 50 percent of the distribution from the permanent school fund to the available school fund for placement in the state instructional materials fund. The bill changes the frequency of the commissioner's required deposit of each district's allotment amount in the district's instructional materials account from each school year to the first year of each biennium and the time at which the commissioner must notify each school district and open-enrollment charter school of the estimated allotment amount to which the district or charter will be entitled from as early as practicable during each fiscal year to as early as practicable during each biennium. The bill changes the period during which the entitlement to that estimated allotment amount applies from during the next fiscal year to during the next fiscal biennium.

C.S.H.B. 2811 restricts the authority of the SBOE, for any state fiscal biennium, to issue proclamations requesting the production of instructional materials to proclamations in which the total projected cost of instructional materials under the proclamations does not exceed 75 percent of the total amount used to fund the instructional materials allotment for that biennium. The bill requires the SBOE to amend any proclamation issued for the purchase of instructional materials to comply with this restriction. The bill requires the SBOE, following the adoption of revised essential knowledge and skills for any subject, to determine whether issuance of a proclamation is necessary based on the significance of the changes to the essential knowledge and skills. The bill requires the SBOE, if it determines a proclamation is necessary, to issue a full call for instructional materials aligned to all of the essential knowledge and skills for the subject and grade level, a supplemental call for instructional materials aligned to new or expanded essential knowledge and skills for the subject and grade level, a call for new information demonstrating alignment of current instructional materials to the revised essential knowledge and skills, or any combination of such calls. The bill requires the SBOE, in determining the disbursement of money to the available school fund and the amount of that disbursement that will be used to fund the instructional materials allotment, to consider the cost of all instructional materials and technology requirements for that state fiscal biennium.

C.S.H.B. 2811 amends the Government Code to require the comptroller of public accounts, in transferring from the general revenue fund to the foundation school fund the amount necessary to fund the Foundation School Program, to permit the Texas Education Agency, to the extent authorized by the General Appropriations Act, to make temporary transfers from the foundation school fund for payment of the instructional materials allotment and, for such purpose, to authorize a transfer from the general revenue fund to the foundation school fund earlier than two days before the date an installment to school districts is required. The bill adds the amount of any such temporary transfers to the cap on the amount of foundation school fund transfers.

C.S.H.B. 2811 repeals Sections 31.101(d) and (e), Education Code, requiring a school district or open-enrollment charter school to use instructional material not on the instructional materials list for a certain period of time and authorizing a district or charter school to cancel a subscription for instructional material before the end of the state contract period under certain conditions.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2811 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0025 to read as follows:

Sec. 28.0025. REVIEW AND REVISION OF ESSENTIAL KNOWLEDGE AND SKILLS. (a) The State Board of Education shall:

(1) conduct a review of the essential knowledge and skills for the foundation curriculum adopted under Section 28.002(a)(1); and

(2) revise the essential knowledge and skills for that curriculum to narrow the number and scope of student expectations for each subject and grade level in accordance with this section.

(b) The scope of the essential knowledge and skills for each subject and grade level of the foundation curriculum must:

(1) be more narrow than the scope of the essential knowledge and skills adopted as of January 1, 2015; and

(2) require less time for a demonstration of mastery than required for the essential knowledge and skills adopted as of January 1, 2015.

(c) In complying with this section, the State Board of Education shall:

(1) ensure that a revision of the essential knowledge and skills for the foundation curriculum does not result in a need for the adoption of new instructional materials;

(2) consider for each subject and grade level, the time:

(A) a teacher would require to provide comprehensive instruction on a particular student expectation; and

(B) a typical student would require to master a particular student expectation;

(3) determine whether, in light of the consideration required by Subdivision (2), each essential knowledge and skill of a subject can be comprehensively taught within the number of school days required under Section 25.081, not including the number of days required for testing;

(4) determine whether the college and career

readiness standards have been appropriately integrated in the essential knowledge and skills for each subject and grade level; and (5) consider whether an assessment instrument administered under Section 39.023 adequately assesses a particular student expectation.

(d) Not later than September 1, 2018, the State Board of Education shall complete the review and revision of the essential knowledge and skills for each subject and grade level of the foundation curriculum that was last revised before September 1, 2012.

(e) This section expires September 1, 2019.

SECTION 1. Section 31.002, Education Code, is amended by adding Subdivision (1-b) to read as follows:

(1-b) "Proclamation" means a request for production of new instructional materials issued by the State Board of Education.

No equivalent provision.

SECTION 2. Section 31.002, Education Code, is amended by adding Subdivision (1-b) to read as follows:

(1-b) "Proclamation" means a request for production of instructional materials issued by the State Board of Education.

SECTION 3. Sections 31.0211(a) and (d), Education Code, are amended to read as follows:

(a) A school district is entitled to an ~~annual~~ allotment each biennium from the state instructional materials fund for each student enrolled in the district on a date during the last year of the preceding biennium ~~school year~~ specified by the commissioner. The commissioner shall determine the amount of the allotment per student each biennium ~~year~~ on the basis of the amount of money available in the state instructional materials fund to fund the allotment. An allotment under this section shall be transferred from the state instructional materials fund to the credit of the district's instructional materials account as provided by Section 31.0212.

(d) Each biennium ~~year~~ a school district shall use the district's allotment under this section to purchase, in the following order:

(1) instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level as required by Section 28.002; and

(2) any other instructional materials or technological equipment as determined by the district.

No equivalent provision.

SECTION 4. Section 31.0212(a), Education

No equivalent provision.

SECTION 2. Section 31.022, Education Code, is amended by adding Subsections (b-1) and (b-2) and amending Subsection (f) to read as follows:

(b-1) Proclamations may be issued only during the second year of a biennium. For any biennium, the board may only issue proclamations for instructional materials in which the total projected cost of instructional materials under the proclamations does not exceed 75 percent of the total amount used to fund the instructional materials allotment under Section 31.0211 for that biennium.

(b-2) The board shall issue a proclamation for only supplemental instructional materials instead of a proclamation for

Code, is amended to read as follows:

(a) The commissioner shall maintain an instructional materials account for each school district. In the first year of each biennium [~~Each school year~~], the commissioner shall deposit in the account for each district the amount of the district's instructional materials allotment under Section 31.0211.

SECTION 5. Sections 31.0215(a) and (b), Education Code, are amended to read as follows:

(a) The commissioner shall, as early as practicable during each biennium [~~fiscal year~~], notify each school district and open-enrollment charter school of the estimated amount to which the district or charter school will be entitled under Section 31.0211 during the next fiscal biennium [~~year~~].

(b) The commissioner may allow a school district or open-enrollment charter school to place an order for instructional materials before the beginning of a fiscal biennium [~~year~~] and to receive instructional materials before payment. The commissioner shall limit the cost of an order placed under this section to 80 percent of the estimated amount to which a school district or open-enrollment charter school is estimated to be entitled as provided by Subsection (a) and shall first credit any balance in a district or charter school instructional materials account to pay for an order placed under this section.

SECTION 6. Section 31.022, Education Code, is amended by adding Subsections (b-1), (b-2), and (b-3) and amending Subsection (f) to read as follows:

(b-1) For any state fiscal biennium, the board may only issue proclamations for instructional materials in which the total projected cost of instructional materials under the proclamations does not exceed 75 percent of the total amount used to fund the instructional materials allotment under Section 31.0211 for that biennium.

(b-2) Following the adoption of revised essential knowledge and skills for any subject, the board shall determine whether

instructional materials that are not supplemental if the supplemental instructional materials are sufficient for the subject addressed in the proclamation.

issuance of a proclamation is necessary based on the significance of the changes to the essential knowledge and skills. If the board determines a proclamation is necessary, the board shall issue:

(1) a full call for instructional materials aligned to all of the essential knowledge and skills for the subject and grade level;

(2) a supplemental call for instructional materials aligned to new or expanded essential knowledge and skills for the subject and grade level;

(3) a call for new information demonstrating alignment of current instructional materials to the revised essential knowledge and skills;

or

(4) any combination of the calls described by Subdivisions (1), (2), and (3).

(b-3) In determining the disbursement of money to the available school fund and the amount of that disbursement that will be used, in accordance with Section 43.001(d), to fund the instructional materials allotment under Section 31.0211, the board must consider the cost of all instructional materials and technology requirements for that state fiscal biennium.

(f) The board shall amend any proclamation [~~request for production~~] issued for the purchase of instructional materials to conform to the instructional materials funding levels provided by the General Appropriations Act for the year of implementation and to comply with Subsection (b-1).

(f) The board shall amend any proclamation [~~request for production~~] issued for the purchase of instructional materials to conform to the instructional materials funding levels provided by the General Appropriations Act for the year of implementation and to comply with Subsection (b-1).

No equivalent provision.

SECTION 7. Section 43.001(d), Education Code, is amended to read as follows:

(d) Each biennium [~~year~~] the State Board of Education shall set aside an amount equal to 50 percent of the [~~annual~~] distribution for that biennium [~~year~~] from the permanent school fund to the available school fund as provided by Section 5(a), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state instructional materials fund established under Section 31.021.

No equivalent provision.

SECTION 8. Section 403.093(d), Government Code, is amended to read as follows:

(d) The comptroller shall transfer from the

general revenue fund to the foundation school fund an amount of money necessary to fund the foundation school program as provided by Chapter 42, Education Code. The comptroller shall make the transfers in installments as necessary to comply with Section 42.259, Education Code, and permit the Texas Education Agency, to the extent authorized by the General Appropriations Act, to make temporary transfers from the foundation school fund for payment of the instructional materials allotment under Section 31.0211, Education Code. Unless an earlier date is necessary for purposes of temporary transfers for payment of the instructional materials allotment, an [An] installment must be made not earlier than two days before the date an installment to school districts is required by Section 42.259, Education Code, and must not exceed the amount necessary for that payment and any temporary transfers for payment of the instructional materials allotment.

No equivalent provision.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 9. Sections 31.101(d) and (e), Education Code, are repealed.

SECTION 10. This Act takes effect September 1, 2015.