

- SUBJECT:** Continuing TEA and regional education service centers
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 6 ayes — Grusendorf, Branch, Delisi, Eissler, B. Keffer, Mowery
2 nays — Dutton, Hochberg
1 absent — Oliveira
- SENATE VOTE:** On final passage, May 9 — 31-0
- WITNESSES:** (*On House companion bill, HB 2576 by Grusendorf:*)
For — Allison Gouris, Autism Society of Greater Austin; Kay Lambert, Advocacy, Inc.; Rona Statman, ARC of Texas; Dianna Pharr; Leah Rummel; Dianne B. Thomas; Karen Yeaman
Against — None

On — David Anderson, Gene Lenz, Texas Education Agency; Rhonda Barfield, Texas Association of School Boards, Texas Council for Administrators of Special Education; Amy Beneski, Texas Association of School Administrators; Holly Eaton, Texas Classroom Teachers Association; Dwight Harris, Texas Federation of Teachers; Jennifer Jones, Sunset Advisory Commission; Richard Kouri, Texas State Teachers Association; Susan Maughan, Texas Council for Administrators of Special Education; Susan Maxwell, Texas Council for Developmental Disabilities; Jo Hannah Whitsett, Association of Texas Professional Educators
- BACKGROUND:** The Texas Education Agency (TEA) is headed by the education commissioner, who is appointed by the governor with the advice and consent of the Senate, and oversees a staff of about 630 employees. The 15-member State Board of Education (SBOE) and the commissioner oversee of the Texas public education system, including local school districts, charter schools and regional education service centers (ESCs).

TEA's current mission is to provide leadership, guidance and resources to help schools meet the educational needs of all students. To accomplish this mission, TEA:

- develops student educational program standards based on statewide curriculum requirements;
- administers statewide student assessments, including the Texas Assessment of Knowledge and Skills (TAKS);
- develops and manages the state and federal performance accountability rating system;
- monitors school districts, charter schools and education service centers (ESCs) for compliance with state and federal regulations, financial accountability, and data quality;
- coordinates efforts leading to SBOE adoption of textbooks, as well as the purchase and distribution of those textbooks to school districts; and
- supports SBOE's administration of the Permanent School Fund, which generates the state's share of funding that is distributed to school districts through formulas and funds textbook purchases.

In September, 2003, TEA underwent major downsizing and reorganization as a result of the state's budget crisis. TEA's operating budget was reduced by about \$40 million and its total number of full-time equivalent (FTE) employees by about 200. The 78th Legislature limited TEA's authority to conduct compliance monitoring of a school district, campus, or charter school. Monitoring may now be conducted only as necessary to ensure compliance with federal laws and regulations, financial accountability, including compliance with grant requirements, and data integrity for purposes of the Public Education Information Management Systems (PEIMS) and accountability under the state accountability system. School boards and charter school governing bodies were given primary responsibility for ensuring that the district or school complies with all applicable requirements of state educational programs.

Texas is divided into 20 education regions, each served by a regional education service center (ESC) as authorized under Education Code, ch. 8. ESCs act as brokers or fiscal agents in providing support services to school districts, including data processing and reporting, bulk buying of Internet services, and training administrators and teachers to comply with state and federal mandates. School districts receive services on a voluntary

basis and may work with any ESC in the state, not just one located in their region.

In 2003, the Legislature enacted SB 929 by Shapiro, subjecting the state's 20 regional education service centers to review and abolishment under the Sunset Act. The bill required the comptroller to contract with a consultant to perform a comprehensive audit of regional ESCs. The audit was required to include:

- a detailed analysis of all services provided by each ESC;
- an evaluation of whether those services could be provided at a lower cost elsewhere;
- an analysis of ESC governance structures;
- a review of ESC financial condition and current funding sources;
- a review of the number and geographic distribution of ESCs;
- a review of ESC institutional structures and whether TEA field offices could take over any of their functions; and
- an evaluation of whether ESC support functions could be reduced through business processes or application redesigns.

DIGEST:

SB 422 would continue TEA until September 1, 2017, and would repeal the sunset provision for ESCs.

Vouchers. SB 422 would establish an urban school choice pilot scholarship program for eligible students in the following school districts: San Antonio, Dallas, Houston, Fort Worth, Austin, Edgewood and North Forest. Eligible districts would be the largest school districts in counties with populations of more than 750,000 in which a majority of students were economically disadvantaged or at least 90 percent of students were economically disadvantaged during the preceding year.

For the next three school years, beginning with the 2005-06 school year, the number of students eligible for the program would be capped at 5 percent of the number of students in the district as of October 1 of the preceding school year. The cap would not apply to students who had dropped out, students starting school for the first time, or students who had been the victims of assault by a student on the same campus. The cap would expire on September 1, 2008.

To be eligible for the program, a child would have to reside in an eligible district and have dropped out of school, be starting school for the first

time, or have attended a public school for the majority of the previous semester and be:

- at risk of dropping out of school;
- a victim or the sibling of a victim of assault committed by a student who attends the same campus, regardless of whether the assault occurred on campus;
- eligible to participate in special education programs in K-12;
- of limited English proficiency; or
- part of a household whose income did not exceed 200 percent of the qualifying income for free and reduced price lunches.

School districts would provide written notice of the program to the parents of students eligible to participate. A child who established eligibility would continue to be eligible for the program until he or she graduated from high school or reached the age of 21, whether or not the student continued to live in an eligible district.

A child eligible for the program would be entitled to receive an annual scholarship of the lesser of 90 percent of the statewide average annual cost per student for the preceding school year or the qualifying school's average actual annual cost per student. If a child were eligible for special education or bilingual education, the scholarship would have to include the amount that the school district received for these special programs for the child.

On application by the parent of an eligible child, TEA would have to provide the child's application to a schools-of-choice resource center. TEA would select one or more independent and privately funded nonprofit organizations to operate schools-of-choice resource centers in each eligible district. The resource centers would have to help parents learn to be better education consumers, provide information on educational alternatives, help parents, schools and districts respond to the urban school choice program, and accept and approve applications for the program.

The resource center would have to determine whether the child was eligible for participation and, if so, issue a scholarship certificate to the parent. The parent would endorse the certificate and present it to the qualifying school chosen by the parent. The qualifying school would present the certificate, along with documentation verifying attendance, to TEA, which would issue payments in monthly installments. The

scholarship would be the entitlement of the child, and not that of any school, and a school could not share a child's scholarship with or rebate or refund the scholarship to the student's parents. A child's scholarship could not be financed by funds appropriated from the Available School Fund.

A qualifying school would have to be accredited or applying for accreditation by a recognized accreditation association and not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or ethnicity. The school could not deny admission by discriminating on the basis of the child's race, national origin, or ethnicity and would have to comply with federal antidiscrimination laws. A school that had more scholarship applicants than available positions would have to fill the available scholarship positions by a random selection process. A school could give preference to a previously enrolled student, siblings of current students, victims of school violence, and students from low-performing schools. The public school would have to provide the qualifying school with all of the student's records.

Each qualifying school that enrolled a child under the program would have to administer annually the TAKS or other state-administered assessment test or a nationally norm-referenced test approved by TEA. The school would have to provide test results to the child's parent, the aggregated results of tests to the public, and individual results to researchers as authorized by the bill, with appropriate safeguards for student privacy.

A qualifying school that accepted a scholarship under the program would not be considered to be an agent or an arm of the state or federal government and would not be subject to state regulation. The bill would specify that the purpose of the program was to allow the private sector maximum freedom to respond to and provide for the educational needs of the children of Texas without governmental control and that the regulations authorized by the bill would be liberally construed to achieve that purpose.

TEA would adopt rules to administer the program and respond to and investigate complaints or disputes. TEA could withhold funds from any district or qualifying school that violated TEA rules for the program.

TEA would contract with one or more researchers experienced in evaluating school choice programs to conduct a study of the program. The

study would assess student performance and satisfaction, parent satisfaction, the overall impact of the program on public school students and on the schools and districts from which the student transferred, and the impact of the program on public and private school capacity, availability, and quality of service. TEA would have to provide the Legislature with a final copy of the study. State funds could not be used to pay for the study, but TEA could solicit private grants for this purpose.

This section of the bill would expire June 1, 2014, with the exception of the provisions governing schools of choice resource centers, which would expire September 30, 2013.

Charter schools. TEA would have to order the closure and revoke or deny the charter renewal of a charter school if each campus under the charter had been closed or if for two consecutive years at least half of the campuses were rated academically unacceptable or other unsatisfactory performance ratings. A charter holder that received an academically acceptable or higher rating for either of those two years would not be subject to closure. Hearings concerning the closure and revocation or denial of renewal of a charter would be limited to the question of whether the school actually received a particular rating and could not be used to challenge TEA's final academic performance rating. Hearings could be held at the charter school, at an alternative facility located in the same county, or at the ESC closest to the charter school. TEA's decision on closure of the school would be final and could not be appealed.

Academic accountability system. The bill would require TEA annually to determine each district's accreditation status and establish procedures for doing so. TEA would assign districts an accreditation status of:

- accredited;
- accredited-warned; or
- accredited-probation.

TEA also could revoke a district's accreditation and order it closed. TEA would have to notify school districts that received a status of accredited-warned or accredited-probation that the district's performance was below TEA standards. The district would have to notify parents and property owners of its accreditation status and the implications of this status. A school district that was not accredited could not receive state funds or hold itself out as a public school district.

In determining a district's accreditation status, TEA would have to evaluate and consider the district's performance under academic and financial accountability systems; evaluate and consider the results of any special accreditation investigations and the district's current special education monitoring or compliance status with TEA. The agency could consider the district's compliance with TEA and SBOE rules and statutory requirements, reporting data, high school graduation rates, waivers, and the effectiveness of the district's programs for special populations and career and technology.

Authority for adopting rules governing district and campus ratings under the state accountability system would be transferred from SBOE to TEA. TEA would have to review annually the performance of each district and campus and determine if a change in the academic performance rating was warranted. Each annual review would include an analysis of district or campus performance in relation to state standards and school improvement. If a district's rating were lowered due to unacceptable student performance, it could not be raised until student performance had improved.

TEA could order a district or campus to acquire and pay for professional services to address an applicable financial, assessment, data quality, program, or governance deficiency. The agency could order the district or campus to select an external auditor, a data quality expert, a professional authorized to monitor district assessment instrument administration, or a curriculum or program expert or could require the district to provide appropriate training to staff or board members.

A school district, charter school, or person who wanted to challenge a decision to assign or lower an accreditation status, an academic performance rating, or a financial accountability rating would have to petition TEA for an informal review. A final decision to assign or lower a rating could not be appealed.

TEA would have to make every effort to ensure the appropriate administration of statewide tests and to protect the integrity of the testing system. TEA's comprehensive annual report on education issues would have to include a summary of agency investigations into inappropriate test administration and the agency's efforts to protect test integrity.

Sanctions for chronically low performing districts and schools. The bill would clarify TEA's authority to revoke accreditation and close districts or schools, as appropriate, under the following circumstances:

- the district or school had received an accreditation status of accredited-warned or accredited-probation or had failed to meet financial accountability requirements for two consecutive years;
- the district was insolvent and unable to complete the school year;
- or
- the district had ceased operations for 11 or more instructional days during the current or most recent scheduled school year without TEA authorization.

TEA would issue an order of closure that included provisions for the education of students enrolled in the district, including annexation to one or more adjoining districts. An order of closure could:

- establish an effective date for closure of up to one year after the date of the order;
- provide for an interim board of managers to exercise the duties of the board of trustees as designated by TEA. The board of managers would not have to be residents of the district and could exercise the authority of the board with regard to financial management and personnel issues;
- require enrollment or student services to be provided by another district; and
- require the preservation, transfer or surrender of student or other records. Intentionally destroying, concealing or tampering with a record that was required to be preserved, transferred or surrendered would be a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000).

Safety training for UIL athletic activities. The commissioner would have to develop and adopt a safety training program for coaches, physicians, and directors of school marching bands as well as students who participated in athletics. The program could be conducted by a school or school district or by the American Red Cross, the American Heart Association, or a similar organization of the UIL. Physicians would be exempted from the training requirement if they attended a continuing medical education course that specifically addressed emergency medicine for athletic team physicians.

A training program would have to include annual training in emergency action planning, cardiopulmonary resuscitation, communicating effectively with 911, and recognizing symptoms of potentially catastrophic injuries. Training would also have to include a safety drill at least once each year that included elements of the program. Participants would have to receive certification from the Red Cross or another sponsoring organization as part of the training. Students would have to receive training in recognizing the symptoms of catastrophic injuries and the risks of using supplements designed or marketed to enhance athletic performance. Medical history forms signed by students and parents would have to include a statement, specified in the bill, addressing cardiovascular health.

Coaches, trainers or sponsors of athletic events could not encourage or permit students to engage in unreasonably dangerous activities that unnecessarily endangered a student's health and would have to ensure that students followed safety precautions specified in the bill.

On request, schools would have to make available to the public proof of compliance with safety training requirements for each person enrolled in, employed by or volunteering for the school. The superintendent or school director would have to maintain records of compliance with the safety training requirements. A campus that was determined not to be in compliance would have to discontinue all athletic activities offered by that campus, including all practices and competitions, until the superintendent or director determined that the campus was in compliance. TEA would have to maintain a phone number and an email address to allow people to report violations. Schools would have to prominently display this contact information at the schools' administrative offices. Students and parents would be provided with a copy of the text of this portion of the bill, either in print or electronically.

The bill would require UIL and TEA to jointly investigate the availability of federal, state, local and private funds for purchasing automated external defibrillators and the possibility of receiving bulk discounts on such purchases. TEA and UIL would have to submit a report of their findings to the Legislature by June 1, 2006.

Special education due process hearings. TEA would have to make available and place on the agency website easily understood information concerning special education due process hearings. The information would

have to include a description of steps in the process, the text of any applicable administrative, procedural or evidentiary rule, notice requirements, options for alternative dispute resolution, including mediation, an explanation of a resolution session, answers to frequently asked questions, and other sources of information, such as special education case law available on the Internet.

TEA would have to maintain a file on each written complaint filed with the agency regarding the conduct of a special education hearing officer. The file would include the name of the person filing the complaint, the date the complaint was received, the subject matter of the complaint, the name of each person contacted about the complaint, a summary of results of the review or investigation of the complaint, and an explanation for why the file was closed, if TEA closed the file without taking action other than to investigate the complaint. TEA would have to at least quarterly notify the parties of the status of the complaint until its final disposition.

TEA would collect and analyze any information, including complaint information, relating to the performance of a special education hearing officer for use in assessing the effectiveness of the process and the performance of the hearing officer. TEA would use the information to determine whether to renew a contract with a hearings officer. A special education hearings officer could not accept employment or compensation from a school district while employed as a hearings officer.

Grant program administration. TEA would have to ensure that the mission, purpose and objectives of each agency grant program supported student academic performance or another state public education mission, objective or goal and that each grant program coordinated with other agency grant programs in the most efficient manner. TEA would have to develop one or more consolidated applications to be used by school districts and charter schools in applying for state-funded formula grants administered by the agency. Beginning with the 2009-10 school year, TEA would use data from grant programs to identify successful projects. Each ESC would have to provide information about these programs to the school district in the region.

Best practices. TEA and regional service centers would have to solicit and collect from exemplary or recognized school districts and charter schools "best practices" information and disseminate that information. Best practices information could include information on available

programs, products, and policies that successfully had been used by districts or charter schools; specific examples of successful best practices; and resources available to help districts and charter schools comply with applicable state and federal education laws.

The best practices information would have to include information collected by TEA or ESCs on the effective use of online courses. TEA and ESCs would not have to evaluate and could not endorse this best practices information but would have to develop incentives for school districts and charter schools to implement these practices.

Agency operations. TEA would adopt rules under which a school district, charter school or person that wished to challenge an agency decision would petition the commissioner for an informal review of that decision. The commissioner could limit a review to a written submission of any issue identified by the commissioner. A final decision could not be appealed.

TEA would implement a policy requiring the agency to use appropriate technological solutions to improve the agency's ability to perform its functions. The policy would have to ensure that the public is able to interact with the agency on the Internet.

The bill would clarify agency monitoring procedures and require TEA to adopt rules for obtaining information from administrators, teachers and parents.

Educator certification. TEA would have to adopt rules concerning educator certification. The bill would specify that any certificate issued before September 1, 2005, would be valid.

Textbooks. TEA would have to recommend to SBOE a limit on the cost that could be paid from the state textbook fund for a textbook placed on the nonconforming list that was prorated based on the percentage of required elements and grade level skills missing from the textbook. The bill would expand a current textbook credit pilot program to any school district or charter school in the state. Districts would receive credit for textbooks purchased at a lower cost than the state cost limit. Half of this credit could be applied to the purchase of additional textbooks or electronic materials on the conforming or nonconforming list.

Transfer of authority over driver's education programs. CSSB 422 would transfer from TEA to the Texas Department of Licensing and Regulation authority over private driver education training programs. The bill would align regulatory provisions in the Education Code with TDLR's enabling statute.

The bill would take effect September 1, 2005, unless otherwise specified.

**SUPPORTERS
SAY:**

TEA should be continued as an agency to ensure that the state's public education system provides a quality education that results in student academic success. TEA administers the public education system in Texas both by distributing and overseeing state and federal funds and by supporting and monitoring school districts.

Vouchers. SB 422 would provide students with the opportunity to reach their full potential regardless of their economic circumstances or where they live d by providing individual students with the resources they needed to pursue educational alternatives. The bill would offer hope and choice to students trapped in failing public schools who did not have the economic means to leave this system and attend private schools.

The state cannot afford to wait any longer to offer an alternative to students who are being failed by the current system. SB 422 would extend a lifeline to these students by establishing a school choice program that initially would serve only 5 percent of students but eventually could offer educational options to all students in the state's five largest urban districts and other eligible low-income districts. These are the students that would gain the most from a voucher program and who are in the most immediate need. If the program were successful, it could be expanded to other parts of the state.

The bill would improve public schools by creating competition for students and student dollars, just as the private marketplace depends on competition to improve products and services. In every community that has adopted a school choice program, the nearby public schools have improved as a result. There is no reason why education should not be subject to the same forces as other elements of the economy.

Education is personal, and no one is better qualified to determine what is best for a child than the child's parent. The bill would give parents the opportunity to make an informed choice about the best educational

program for their children. Even if some of the beneficiaries of the program would have attended private schools anyway, these families are taxpayers and should be able to benefit from taxpayer-supported education programs.

Schools that accepted vouchers would be subject to state testing requirements, and TEA would have the authority to investigate complaints or disputes and withhold funds from districts or schools that violated TEA rules governing the program.

Charter schools. By giving TEA clear authority to close down and revoke the charters of low-performing charter schools, the bill would give the agency the tools it needed to address problems with poorly performing charter schools while continuing to support successful programs. In recent years, charter schools that should have been closed have prevailed in court because TEA's authority to revoke charters was not clearly outlined in statute.

Good charter schools should not be subject to any more regulations. Charter schools were conceived to open the door to innovative forms of education without undue regulation. These schools should be allowed to continue to operate independently as long as they meet current accountability and reporting requirements. Those schools that do not meet these requirements should be shut down and their charters revoked.

Academic accountability system. The bill would strengthen the state's accountability system by establishing clear guidelines for accrediting districts and schools. While current statutes require the state to establish an accreditation system, no clear direction is provided about what this system should include. The bill would establish accreditation standards in statute and give TEA clear authority to step in and order changes or even close down a district or school that was not meeting these standards.

Sanctions for chronically low-performing districts and schools. The bill would give TEA authority to address problems such as the recent failure of the Wilmer-Hutchins school district. While TEA ultimately sent in a management team to address problems facing Wilmer-Hutchins, the agency needs clearer statutory authority to order districts to address problems and to require the district to cover the cost of outside consultants or other solutions to specific problems.

Safety training for UIL athletic activities. The bill would establish school procedures for addressing situations in which a student unexpectedly experienced life-threatening catastrophes. The bill would help prevent tragedies such as recent student deaths in the Austin area due to undiagnosed heart conditions and students continuing to play football after experiencing a concussion. No school athletic program should be allowed to operate unless all of these procedures are in place.

Special education due process hearings. The bill would establish controls to protect families from perceived biases and conflicts of interest in special education due process hearings, while retaining the system at TEA, where it should stay. The bill would provide families with more tools to use in approaching these hearings and would establish a complaint and review process to better track the performance of specific hearings officers. The bill would also create new conflicts of interest provisions to prevent hearings officers from being simultaneously employed by school districts.

Grant program administration. This portion of the bill would respond in part to the Sunset Advisory Commission's recommendation that TEA improve its oversight of grants to school districts. According the sunset report, TEA distributes more than \$3 billion to school districts from 73 separate state and federal sources. While the sunset commission recommended a more ambitious program for awarding performance-based grants, the bill would impose more realistic guidelines for the agency in administering state and federal grant funding.

Best practices. The sunset report recommended that the state require TEA to collect and disseminate best practices information and investigate effective uses of online course. The bill would respond to this recommendation by requiring TEA to establish a best-practices clearinghouse and making the agency website more user friendly. The estimated \$3.5 million in required start-up costs would be repaid many times over in improved student performance. TEA would not be required to evaluate the practices, so additional resources would not be required for this purpose.

Agency operations. The bill would provide needed clarity regarding the finality of commissioner decisions and prohibit ongoing appeals that could delay the closure of schools for years. The bill would clarify existing agency procedures on monitoring of school districts.

Textbooks. The bill would take important first steps in reining in textbook costs, which have increased significantly over the past decade. The expansion of a successful pilot program to give districts credit for buying textbooks at lower prices should inject a limited amount of market competition into the textbook market. Textbooks that provide only limited subject matter that relates to state curriculum requirements would have to be priced accordingly.

Educator certification. The bill would give TEA authority to adopt rules governing the State Board of Educator Certification (SBEC) if, as expected, SBEC operations were transferred to TEA. SBEC does not have the capacity as an independent agency to properly certify educators and investigate complaints in a timely manner. Any benefits to having SBEC as an independent agency are offset by the problems that continue to plague the agency. The House already has approved the transfer of SBEC funding to TEA as part of the appropriations process, and this change simply would reflect this transfer.

Transfer of authority over driver's education programs. The bill would adopt one of the Sunset Advisory Commission's recommendations to transfer authority over private driver education programs to TDLR, which is the more appropriate agency to oversee these businesses. Driver education programs in public schools still would be regulated by TEA.

OPPONENTS
SAY:

Vouchers. SB 422 would drain taxpayer dollars from public education when schools already face a budget crisis. Dollars siphoned for vouchers would be taken from funding that could pay for smaller classes, education for at-risk students, and higher teacher salaries. The state should not consider funding a voucher pilot program until it has committed to providing sufficient funding for public school students.

Texas school children are not trapped in failed neighborhood public schools. Only a handful of neighborhood schools have been rated low-performing for even two years. The consistently failing schools are charter schools, which are privately run using taxpayer dollars and already have cost the state more than \$1 billion. The state's experience with charter schools should prove that vouchers and alternatives to public education should be approached with caution.

SB 422 would make Texas the first state to devote significant public funding to private and parochial schools through a voucher program.

Communities that have experimented with pilot programs have had mixed results. Texas should not take the lead in using public funds on this educational experiment at a statewide level.

The program is likely primarily to benefit students who would have attended private schools anyway. In Washington, D.C., only 433 students from public schools labeled as needing improvement applied for and received voucher funds through the nation's first federally funded voucher program. Nearly half of the students who applied for and received vouchers already were attending private schools. The bill offers opportunities for students to attend public school briefly to qualify for state funding that could then be used to finance private school education for the rest of the student's school years. This would be a higher cost to the state than the bill's fiscal note estimates.

The bill would allow public money to go to private schools with very few of the controls governing public schools. While these schools would have to administer the TAKS test, the bill would include limited sanctions if the students did not perform well on the test and no real accountability for the expenditures of taxpayer dollars.

Charter schools. The bill would not include sufficient protections against financial mismanagement and lack of academic accountability for charter schools. In its staff report, the Sunset Advisory Commission recommended that TEA beef up its monitoring and financial supervision of charter schools. The bill does not go far enough in meeting these recommendations and ensuring that charter schools are held accountable for the use of public funds.

Sanctions for chronically low performing districts and schools. The bill would shorten the period before sanctions could be imposed for low performance from the current two full school years to "two years, including the current year," meaning that sanctions, including state takeover and closure, would be triggered before two years were up. This provision would set more schools up for state takeover and contracting out by private companies, as state standards ratchet up and resources remain static or even shrink. Charter schools, on the other hand, would receive two consecutive years in their entirety before their sanctions kicked in.

The bill would give TEA too much authority to appoint people who do not even live in the district to replace school board members. School boards

are local political entities, and even boards of failing school districts should include local representation.

Safety training for UIL athletic activities. This section of the bill is unnecessary because current UIL rules cover most of the requirements addressed in the bill. At least one of the tragedies that led to the adoption of this portion of the bill occurred at a private school, which would not be subject to these rules. The requirements beyond current UIL procedures would be overly punitive and probably would have a limited effect in preventing the kind of tragedy that led to this portion of the bill. The bill would require that all athletic activities, including practices and competitions for all teams, be terminated until a violation was addressed. A girl's volleyball team should not have to suffer because the boy's football team did not follow procedures in training volunteers or maintaining the appropriate signs.

The bill could be difficult for school districts and athletic programs to implement if volunteers were required to undergo safety training. Existing UIL rules sufficiently cover safety training for coaching staff and others involved in athletic events.

Special education due process hearings. Special education due process hearings should be transferred to the State Office of Administrative Hearings (SOAH) to prevent conflicts of interest at TEA. Parents are at a disadvantage in due process hearings in which hearing officers are paid by school districts. Over the past two years, school districts spent \$1.7 million on special education hearings while parents spent only \$80,000.

Best practices. TEA estimates that start-up costs for this effort would be about \$3.5 million, with \$350,000 in annual maintenance costs. This is too much to devote to a function that ESCs already perform. Additional responsibilities for dissemination of information about best practices should not be assigned to TEA but should continue to be assigned to ESCs. Best practices are difficult to define, and when a regulatory entity is in the business of determining best practice, lines can become blurred between what is required and what is a best practice. Some practices may be implemented for no other reason than that it was posted on the TEA website.

The greatest value to having ESCs deliver the best practice information and technical assistance guidance is the ESC's ability to customize based

on a variety of factors related to regional differences and local contributing factors.

The quality of a best practices clearinghouse would be difficult to monitor. Vendors could include links to products that may not be of sufficient quality. Monitoring this website would time consuming, and the bill would not provide sufficient ongoing resources to ensure this monitoring.

Textbooks. The textbook credit program would not alone provide sufficient price competition for textbooks. The bill should go further in adopting controls over rising textbook prices.

Educator certification. The bill would grant total discretion over teacher certification to the commissioner of education. It would completely eliminate teacher input into certification standards provided under current law and eliminate the checks and balances that currently exist with an appointed State Board for Educator Certification (SBEC) proposing rules and an elected SBOE reviewing those rules and wielding veto authority.

OTHER
OPPONENTS
SAY:

Vouchers should be considered only if the state passes a constitutional amendment prohibiting the imposition of state regulations on private and parochial schools. Although the bill specifies that private schools would not be subject to state regulation, it would include testing requirements and authorize TEA enforcement actions against private schools in certain situations. Private and parochial schools should not participate in any program that would open the door to regulation by the state.

The bill would open the door to court challenges on whether the teaching of religious topics in private and parochial schools violated constitutional prohibitions against state subsidies of religion.

NOTES:

The committee substitute added provisions relating to the school voucher program, modified provisions regarding special education hearings officers, eliminated financial reporting and monitoring requirements for certain charter schools, and authorized TEA to adopt rules governing educator certification.

The committee substitute eliminated standard sunset provisions for complaint records and comprehensive monitoring and eliminated most requirements related to the development of performance-based grant program.

The committee substitute eliminated sections requiring the development of a workplace literacy and basic skill curriculum and establishing a bond refunding program.

The companion bill, HB 2576 by Grusendorf, is pending in the House Education Committee.

The bill's fiscal note estimates a positive impact to general revenue of \$6.1 million for fiscal 2006-07, primarily as a result of savings from textbook purchases. According to the fiscal note, seven school districts would lose about \$69.3 million per year in revenue as a result of transfers to private schools. The textbook credit program is expected to amount to \$7.8 million in credits statewide in fiscal 2006 and about \$9 million annually beginning in fiscal 2008. The safety training requirements are expected to cost districts \$554,000 annually.