

SUBJECT: Revising school curriculum, limiting instructional material adoptions

COMMITTEE: Public Education — committee substitute recommended

VOTE: 10 ayes — Aycock, Allen, Bohac, Deshotel, Dutton, Farney, Galindo, Huberty, K. King, VanDeaver

0 nays

1 absent — González

SENATE VOTE: On final passage, May 5 — 31-0

WITNESSES: (*On House companion bill, HB 1341*)

For — Mark Terry, Texas Elementary Principals and Supervisors Association; Randy Willis, Granger ISD, Texas Rural Education Association, Texas Community of Schools, Central Texas School Board Association; (*Registered, but did not testify*): David Anderson, Arlington ISD Board of Trustees; Ellen Arnold, Texas PTA; Portia Bosse, Texas State Teachers Association; Grover Campbell, Texas Association of School Boards; Monty Exter, Association of Texas Professional Educators; Barbara Frandsen, League of Women Voters of Texas; Bill Hammond, Texas Association of Business; Janna Lilly, Texas Council of Administrators of Special Education; Casey McCreary, Texas Association of School Administrators; Ted Melina Raab, Texas American Federation of Teachers; Mike Motheral, Small Rural School Finance Coalition; Colby Nichols, Texas Association of Community Schools, Texas Rural Education Association; Maria Whitsett, Texas School Alliance; Paige Williams, Texas Classroom Teachers Association; Dwain York, Wimberley ISD)

Against — Zenobia Joseph

On — Gloria Zyskowski, Texas Education Agency; (*Registered, but did not testify*): Criss Cloudt and Monica Martinez, Texas Education Agency)

**BACKGROUND:** SB 6 by Shapiro, enacted by the 82nd Legislature during its first called session, repealed the technology allotment and established the instructional materials allotment (IMA). The law replaced Education Code references to “textbook” with “instructional material” and expanded the definition of that term. The law required the State Board of Education (SBOE) to set aside 50 percent of the annual distribution from the Permanent School Fund to the Available School Fund to fund the IMA.

Districts are allowed to use the IMA to buy textbooks, technological equipment, and other materials. The allotment also can be used to train certain personnel and employ support staff for technological equipment directly involved in student learning.

**DIGEST:** CSSB 313 would require the State Board of Education (SBOE) to narrow the foundation curriculum and limit new instructional materials proclamations to 75 percent of the total amount available for the instructional materials allotment (IMA) during that biennium. It also would require the administration of a college readiness exam to all 10th graders for diagnostic purposes.

**Curriculum revision.** The bill would require the SBOE to modify and narrow the content and scope of the essential knowledge and skills (TEKS) for the foundation curriculum.

In revising the curriculum, the SBOE would be required to consider the time a teacher needed to provide comprehensive instruction on a particular student expectation and the time a typical student would need to master the expectation. The board also would have to determine whether each TEKS of a subject could be comprehensively taught within the required 180-day school year, excluding testing days. The SBOE would be required to determine whether the college and career readiness standards had been appropriately integrated in the curriculum and to consider whether state-required STAAR assessments would adequately assess a particular student expectation.

The board would be required to first review and modify the TEKS for

subjects for which a high school STAAR end-of-course exam was administered before subjects for which a STAAR grade 3-8 test was administered. The curriculum revision would have to be completed by September 1, 2018. Until the review was completed, the SBOE could not add to or modify the content and scope of standards and skills for any subject in the foundation curriculum.

**College readiness.** The SBOE would be required by January 1, 2016, to develop a chart that clearly indicated the alignment of college readiness standards and expectations with the TEKS.

**Diagnostic assessment.** The bill would require school districts, using funds received from the state, to administer to each 10th grade student a college readiness exam designated by the Texas Higher Education Coordinating Board to measure college readiness. A student's performance could be used only for diagnostic purposes, including for determining whether a student should be enrolled in developmental education courses.

Students receiving special education services would be administered the college readiness exam only if the student's admission, review, and dismissal committee determined it was appropriate.

The requirement for college readiness exams would apply only until the SBOE completed the review and modification of the TEKS and would expire September 1, 2018.

**Student performance reports.** The bill would require the Texas Education Agency to provide a detailed report of a student's performance on the STAAR tests administered in grades 3-8. The report would be delivered to the student and the student's teachers and parent or guardian. It would have to include an analysis of the student's performance on each assessed TEKS standard or skill and whether the student had mastered each. The analysis would have to demonstrate both individual results and results aggregated across classes, campuses, and districts. If the Texas Education Agency utilized a state testing contractor, it would be required

to fulfill the requirements for the reports.

**Instructional materials.** The bill would entitle school districts to a biennial, instead of an annual, allotment from the state instructional materials fund for each student enrolled in the district on a date during the last year of the preceding biennium. The commissioner of education would be required to deposit the allotment amount in districts' accounts in the first year of each biennium. Districts could place an order for instructional materials before the beginning of a fiscal biennium and receive materials before payment.

The bill would define "proclamation" as a request for production of instructional materials issued by the SBOE. For any biennium, the board could issue proclamations only for instructional materials in which the total projected cost did not exceed 75 percent of the total amount available for the IMA for that biennium. The SBOE would be required to amend any proclamation to comply with the 75 percent limit.

Following the adoption of revised TEKS for any subject, the SBOE would determine whether the issuance of a proclamation was necessary. If necessary, the SBOE would issue a full call for instructional materials, a supplemental call for instructional materials, a call for new information demonstrating alignment of current instructional materials to the revised standards, or any combination of those calls.

In determining the disbursement of money to the Available School Fund for the IMA, the board would be required to consider the cost of all instructional materials and technology requirements for that fiscal biennium and make the 50 percent distribution biennially, rather than annually.

The bill would repeal sections of the Education Code that currently require that a district use instructional materials not on the instructional materials list for a certain period of time and authorize a district to cancel a subscription for instructional materials before the end of the state contract period under certain conditions.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015, and would apply beginning with the 2015-16 school year.

**SUPPORTERS SAY:** CSSB 313 would address issues that have been raised about the state's public school curriculum and funding for textbooks and technology. It also would help ensure that high school sophomores were prepared for college by administering a diagnostic exam.

**Curriculum.** The bill also would require the SBOE to narrow the scope of the required curriculum for each subject and grade level. This review could result in TEKS that were more aligned to in-depth learning and more reasonable for teachers to cover in a school year.

**Instructional materials.** The bill would give districts flexibility to use their instructional materials allotment (IMA) to purchase technology by limiting the costs of textbooks adopted by the SBOE. Although the Legislature intended the IMA to be a dual-purpose fund, technology expenditures have plummeted since the technology allotment was abolished.

In recent years, the SBOE has issued proclamations, or calls, for expensive new textbooks for social studies and science. Districts also needed new books to prepare for STAAR exams. These textbook purchases have left districts with little money to meet technology needs.

The SBOE is aware of the frustration and has taken action by delaying new proclamations and increasing distributions for the IMA. The bill would require the SBOE to be more careful when issuing proclamations by not allowing the cost of new books to exceed 75 percent of the total IMA. Publishers could estimate the cost of delivering new books, which would give the board the information it needed before issuing a proclamation.

The SBOE also would be required to factor in the cost of textbooks when determining the percentage of the Permanent School Fund distribution to the Available School Fund. Additionally, the SBOE would be encouraged to adopt supplemental materials that could be used to update existing textbooks instead of adopting new books.

The bill also would help districts manage their purchases of textbooks and technology by giving them all of their biennial IMA funds at the start of each biennium. This could encourage districts to order materials early, allowing teachers to have textbooks ready for the first day of class.

**College readiness.** The bill would require the state to pay for high school sophomores to take an existing college readiness exam approved by the Texas Higher Education Coordinating Board. The results would help identify students who need additional instruction to be prepared for postsecondary success.

**Student performance reports.** The state's testing contractor would be required to give detailed feedback to students, teachers, and parents regarding which TEKS a student has or has not mastered. It would be appropriate to require the contractor to provide this information, which should be readily available.

**OPPONENTS SAY:** CSSB 313 could have a negative effect on the quality and quantity of instructional materials by limiting the SBOE's ability to call for new textbooks when needed. The bill would in essence re-create the technology allotment but could ultimately shortchange the instructional materials needed by students to cover the required curriculum.

The SBOE has a process in place to replace textbooks that become outdated or that are physically falling apart. At times, new books are needed because the Legislature has focused on a particular subject or adopted a new testing regimen. The board needs to retain its ability to respond to districts' needs for new textbooks.

It would be difficult for the board to predict the costs of a future textbook

adoption and determine in advance how much money would be available for the IMA. The bill would require the SBOE to consider textbook costs in deciding how to manage the Permanent School Fund, whereas these decisions traditionally have been based on the need to preserve the fund for future generations of schoolchildren.

In addition, the bill is unnecessary because districts already can spend their IMA on technology. Shifting to more technology-based instructional materials, however, could disadvantage students who did not have computers and Internet access at home.

**NOTES:** The Legislative Budget Board estimates the bill would have a negative impact on general revenue related funds of \$18.5 million through fiscal 2016-17.