

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1919
By: Luna
Education
5-6-97
Committee Report (Substituted)

DIGEST

During the 74th Legislative Session, S.B. 1 reorganized the enabling legislation of the Texas School for the Blind and Visually Impaired; however, concerns have been raised regarding the school's operation and administration. Problems include the graduation of students from high school who lack employability skills, independent living skills, social skills, and functional academic skills; the lack of cooperation between the various agencies serving these students; the lack of specific authority to lease school space for on-campus day care; and the limited authority of the school to accept donations. C.S.S.B. 1919 sets forth those students which the school is intended to serve; allows the school to assist in preparation of teachers for students with visual impairments; provides for cooperation between the school and other agencies in serving visually impaired students by addressing vocational training, living skills, social skills, compensatory skills, and remedial academic skills; sets forth the authority of the school's governing board to accept gifts and license and lease the school's physical facilities; requires the school and the Texas Education Agency, by commissioner of education rule, to adopt a memorandum of understanding; allows the school's governing board to issue probationary contracts in the same manner as independent school districts' boards of trustees; defines the forum to which appeals of contract nonrenewal may be made; and provides specific authority for the school to enter agreements with their employees for the purchase of annuities or contributions to any type of investment.

PURPOSE

As proposed, C.S.S.B. 1919 establishes the operation and administration of the Texas School for the Blind and Visually Impaired.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Education Agency, the Texas School for the Blind and Visually Impaired, and the commissioner of education in SECTION 5 (Section 30.005, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 30.021, Education Code, by amending Subsections (a), (d) and (e), and adding Subsection (f), to provide that the Texas School for the Blind and Visually Impaired (school) is a state agency established to serve as a special school for students who have a visual impairment and who may have one or more other disabilities. Provides that the school is intended to serve students who require specialized or intensive educational or related services regarding visual impairment, and establishes that the school is not intended to serve certain other students. Deletes existing text regarding those students served by the school. Requires the statewide services provided by the school to include facilitating the preparation of teachers for visually impaired students by providing assistance to colleges and universities as well as other teacher preparation programs. Authorizes the services to include conducting a cooperative program with other agencies to serve students who have graduated from high school, who are of a certain age, and who have needs related to vocational training, independent living skills, orientation and mobility, social and leisure skills, compensatory skills, or remedial academic skills. Authorizes the school to operate an on-campus canteen.

SECTION 2. Amends Section 30.022, Education Code, by amending Subsections (d) and (g), and adding Subsections (i)-(k), to require the school's governing board (board) to organize and conduct itself such that the organization and conduct do not conflict with certain of the board's responsibilities. Authorizes an action of the board related to a dismissal during the term of a teacher's, rather than a professional employee's, contract or to a nonrenewal of the same to be appealed to the commissioner of education. Sets forth the terms by which the board is authorized to accept and spend certain gifts, bequests, grants, money, and property. Authorizes the board to license some or all of the physical facilities of the school, and requires the board to adopt policies implementing this subsection. Sets forth the terms by which a license issued by the board is subject to termination on sale or lease of the affected facility.

SECTION 3. Amends Section 30.024(b), Education Code, to require each teacher to be employed under a term contract or under a probationary contract as provided by Chapter 21C.

SECTION 4. Amends Chapter 30B, Education Code, by adding Section 30.028, as follows:

Sec. 30.028. LEASE OF CERTAIN PROPERTY OF TEXAS SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED FOR A DAY-CARE CENTER. Authorizes the school to lease available building space on the school's campus located at 1100 West 45th Street, Austin, Travis County, to a private provider to provide a day-care center. Authorizes the school to determine a fair rental rate and consider the benefits to be received by the school's employees and students. Sets forth the procedure regarding negotiation of the terms of the lease, closure of the transaction, and deposit of the proceeds. Establishes the conditions by which a lease entered into by the board is subject to termination on sale or lease of the affected facility.

SECTION 5. Amends Chapter 30A, Education Code, by adding Section 30.005, as follows:

Sec. 30.005. TEXAS SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED MEMORANDUM OF UNDERSTANDING. Sets forth the terms by which the Texas Education Agency and the school are required to develop, agree to, and by commissioner of education rule, adopt a memorandum of understanding no later than September 1, 1998.

SECTION 6. Amends Sections 411.098(a), (d), and (e), Government Code, to provide that the school is entitled to obtain certain criminal history record information which relates to student teachers, educational interns, and persons who perform ongoing educational projects at the school. Authorizes the school to provide the student teacher, educational intern, or person who performs ongoing educational projects at the school with a copy of respective criminal history record information. Establishes that the failure or refusal to provide a complete set of fingerprints or a complete name on request constitutes good cause for refusal to accept certain employees for placement. Makes conforming changes.

SECTION 7. Amends Section 1, Article 6228a-5, V.T.C.S., to authorize the Texas Higher Education Coordinating Board, rather than the Texas College and University System, the Texas Education Agency, rather than the Central Education Agency, and the Texas School for the Blind and Visually Impaired to enter into agreements with their employees for the purchase of annuities or for contributions to any type of investment for their employees.

SECTION 8. Effective date: September 1, 1997.

SECTION 9. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 30.021, Education Code, to set forth those students which the school is intended to serve, and those students which the school does not serve. Deletes proposed text authorizing a cooperative program between the school and the Texas Commission for the

Blind. Authorizes the program to serve students who have identified needs related to compensatory skills or remedial academic skills.

SECTION 2.

Amends Section 30.022, Education Code, to authorize the board to license some or all of the physical facilities of the school. Deletes proposed text authorizing the board to lease or allow the use of the school's physical facilities. Provides that a license issued by the board is subject to termination on sale or lease of the facility.

SECTION 4.

Amends Section 30.028, Education Code, to provide that a lease entered into by the board is subject to termination on sale or lease of the affected facility.

SECTION 5.

Adds Section 30.005, Education Code, to set forth the terms by which the Texas Education Agency and the school are required to adopt, by commissioner of education rule, a memorandum of understanding by a certain date.

SECTION 6.

Amends Section 411.098, Government Code, to authorize the school to provide certain persons with a copy of criminal history record information, and deletes proposed text prohibiting the school from providing all but certain criminal history record information to those persons.