

BILL ANALYSIS

Senate Research Center

H.B. 2808
By: Morrison (West, Royce)
Education
5/13/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 2808 eliminates conflicting sections of the Education Code that relate to the P-16 council (council), and codifies the council in Section 61.076, Education Code. Additionally, HB. 2808 adds a member from the Department of Assistive and Rehabilitative Services to the council, and allows the co-chairs to appoint up to three additional members.

Three sections in the Education Code presently address the functions of the P-16 Council: Section 61.076 (Cooperation Between State Agencies of Education), Section 61.077 (Joint Advisory Committee), and Section 61.077 (P-16 Council). Duplicative section numbering and text, as well as reference to a disbanded committee (Joint Advisory Committee), creates confusion in interpretation and implementation of the statutes. As proposed, H.B. 2808 repeals Section 61.077 (Joint Advisory Commission) and Section 61.077 (P-16 Council), moves appropriate language from those sections regarding the responsibilities of the council to Section 61.076, and renames Section 61.076 with the appropriate council name, P-16 Council.

As presently constituted, the P-16 Council has four members: the commissioner of education, the commissioner of higher education, the executive director of the Texas Workforce Commission, and the executive director of the State Board of Educator Certification. These members often are required to work together and to represent their respective agencies on matters outside the council and could be in violation of open meetings requirements if two or more of them meet in another venue. Therefore, expanding the membership of the P-16 Council will help avoid potential open meetings issues regarding a quorum. H.B. 2808, adds the commissioner of assistive and rehabilitative services as a member of the P-16 Council and names the commissioner of education and the commissioner of higher education as co-chairs of the council. The bill also authorizes the co-chairs to appoint up to three public members as appropriate and needed to further reduce the possibility of open meeting issues regarding a quorum.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.076, Education Code, as follows:

Sec. 61.076. New heading: P-16 COUNCIL. (a) Requires the P-16 Council (council), rather than the Texas Higher Education Coordinating Board (THECB) and the State Board of Education (SBOE), in conjunction with other agencies as may be appropriate, to ensure that long-range plans and educational programs for the state, rather than established by the boards, complement the functioning of the entire system of public education, extending from early childhood education through postgraduate study. Deletes existing text referring to the coordination of plans and programs.

(b) Sets forth the specific members and co-chairs of the council.

(c) Authorizes the co-chairs to appoint three additional members who are education professionals, business representatives, or other members of the

community. Provides that members appointed to the council under this subsection serve two-year terms expiring February 1 of each odd-numbered year.

(d) Requires the council to meet at least once each calendar quarter and authorizes the council to hold other meetings as necessary at the call of the co-chairs. Requires each member of the council or the member's designee to make a report of the council's activities at least twice annually to the governing body of the member's agency, except that the commissioner of education or that commissioner's designee is required to report to SBOE and the commissioner of assistive and rehabilitative services or that commissioner's designee is required to report to the executive commissioner of the Health and Human Services Commission.

(e) Redesignates text from existing Subsection (b). Requires the council to coordinate plans and programs including curricula, instructional programs, research, and other functions as appropriate. Requires this coordination to include college recruitment, with special emphasis on the recruitment of historically underrepresented populations, rather than minority students.

(f) Requires the council to examine and make recommendations regarding the alignment of secondary and postsecondary education curricula and testing and assessment. Provides that this subsection does not require the council to establish curriculum or testing or assessment standards.

(g) Requires the council to advise THECB and SBOE on the coordination of certain postsecondary career and technology activities, career and technology teacher education programs offered or proposed to be offered in the colleges and universities of this state, and other relevant matters.

SECTION 2. Amends Subchapter C, Chapter 61, Education Code, by adding Section 61.0761, as follows:

Sec. 61.0761. P-16 COUNCIL EARLY CHILDHOOD TASK FORCE. (a) Requires the council to create a blue ribbon task force on early childhood education to assist the council with the coordination of the public education system as provided by Section 61.076. Sets forth certain requirements of the task forces.

(b) Requires the task force to consist of nine members appointed by council. Sets forth the specific membership.

(c) Requires the council to appoint one of the public members recommended by the governor as the public chair. Requires the lieutenant governor and speaker of the house of representatives to recommend to the council that one of the members recommended by each presiding officer under Subsection (b) be appointed as co-presiding officers with the public chair.

(d) Requires the task force to convene at the call of the presiding officers.

(e) Authorizes the task force to form working groups consisting of members of the task force, members of the public involved in early childhood care, and other members of the legislature.

(f) Requires the task force, not later than September 1, 2006, to report the task force's findings and recommendations to the council, the lieutenant governor, the speaker of the house of representatives, and the members of the 79th Legislature.

SECTION 3. (a) Repealer: Section 61.077 (Joint Advisory Committee, P-16 Council), Education Code, as amended by Chapters 61, 818, and 820, Acts of the 78th Legislature, Regular Session, 2003.

(b) Provides that to the extent of any conflict, this Act prevails over another Act of the 79th Legislature, Regular Session, 2005, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. Effective date: September 1, 2005.