

BILL ANALYSIS

Senate Research Center

S.B. 2275
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Education
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The State Board of Education (SBOE) is an elected board that has the statutory authority to approve curriculum and adopt textbooks for use in public schools. The political nature of this 15-member board has resulted in partisan beliefs being injected into the public school curriculum.

As proposed, S.B. 2275 transfers SBOE's authority to approve textbooks and curriculum for public schools to the commissioner of education (commissioner). The bill requires the commissioner to consult with teams made up of teachers from each region of the state.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the State Board of Education is transferred to the commissioner of education in SECTION 2 (Section 28.002, Education Code), SECTION 3 (Section 28.0022, Education Code), SECTION 4 (Section 28.0023, Education Code), SECTION 12 (Section 28.025, Education Code), SECTION 17 (Section 31.003, Education Code), SECTION 18 (Section 31.022, Education Code), SECTION 19 (Section 31.0221, Education Code), and SECTION 27 (Section 31.030, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28.001, Education Code, to provide that it the intent of the legislature that the Texas essential knowledge and skills (TEKS) developed by the commissioner of education (commissioner), rather than the State Board of Education (SBOE), under this subchapter requires all students to demonstrate the knowledge and skills necessary to read, write, compute, problem solve, think critically, apply technology, and communicate across all subject areas.

SECTION 2. Amends Section 28.002(b), (c), (f)-(k), (l-3), (n), and (p), Education Code, as follows:

(b) Requires the commissioner, rather than SBOE, by rule to designate subjects constituting a well-balanced curriculum to be offered by a school district that does not offer kindergarten through grade 12.

(c) Requires the commissioner, rather than SBOE, with the direct participation of educators, parents, business and industry representatives, and employers by rule to identify the TEKS of each subject of the required curriculum that all students should be able to demonstrate and that will be used in evaluating textbooks under Chapter 31 (Textbooks) and addressed on the assessment instruments required under Subchapter B (Assessment of Academic Skills), Chapter 39 (Public School System Accountability). Makes a conforming change.

(f)-(k) Makes conforming changes.

(l-3) Makes a conforming change.

(n) Makes a conforming change.

(p) Makes a conforming change.

SECTION 3. Amends Section 28.0022(e), Education Code, to require, not later than September 1, 2009, the commissioner, rather than SBOE, by rule to revise the TEKS of the career and technical education curriculum as provided by Section 28.002(c) based on the recommendations of the panel under Subsection (d) (relating to certain actions the panel is required to undertake). Makes a conforming change.

SECTION 4. Amends Sections 28.0023(b) and (c), Education Code, as follows:

(b) Requires the commissioner, rather than SBOE, by rule to include elements relating to instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator as part of the TEKS of the health curriculum under Section 28.002(a)(2)(B) (relating to the requirement that a school district offer enrichment curriculum that includes health, with emphasis on the importance of proper nutrition and exercise).

(c) Makes a conforming change.

SECTION 5. Amends Subchapter A, Chapter 28, Education Code, by adding Section 28.0024, as follows:

Sec. 28.0024. EDUCATOR TEAMS ON CURRICULUM AND TEXTBOOKS. (a) Requires the commissioner, for each subject area undergoing a TEKS review for the adoption of a curriculum and textbooks, to appoint a team of educators, with each education region of the state represented by one member on the team. Requires the commissioner to make the appointments from among persons nominated by each regional education service center.

(b) Requires each member appointed to a team to have experience in the subject area under review and to have at least a bachelor's degree in that subject area, so that the teams are always composed of educators who are experts in that subject.

(c) Requires a team to conduct reviews as prescribed by Subsection (e) and make recommendations to the commissioner on the curriculum and textbooks to be adopted for the subject area under review.

(d) Requires the commissioner to make decisions on the adoption of curriculum and textbooks based on recommendations from the team appointed for the subject area under review.

(e) Requires that the schedule of reviews under this section follow the same review cycle as that provided for the TEKS.

SECTION 6. Amends Sections 28.008(d), (d-1), (e), and (f), Education Code, as follows:

(d) Requires the commissioner, rather than SBOE, to incorporate college readiness standards and expectations approved by the commissioner and the Texas Higher Education Coordinating Board under Subsection (b) (regarding the duties that vertical teams are expected to fulfill relating to preparing students for college level course work) into the TEKS identified by the commissioner under Section 28.002(c) (regarding the requirement that SBOE, along with other concerned persons, identify TEKS for each subject of the required curriculum). Makes conforming changes.

(d-1) Makes conforming changes.

(e) and (f) Makes conforming changes.

SECTION 7. Amends Section 28.009(d)(2), Education Code, to redefine "sequence of courses."

SECTION 8. Amends Section 28.011(e), Education Code, as follows:

(e) Requires the commissioner, rather than SBOE, before adopting rules identifying the essential knowledge and skills of a course offered under this section, to submit the proposed essential knowledge and skills to the attorney general. Requires the attorney general to review the proposed essential knowledge and skills to ensure that the course complies with the First Amendment to the United States Constitution, and prohibits the commissioner, rather than SBOE, from adopting rules identifying the essential knowledge and skills of a course offered under this section without the attorney general's approval under this subsection.

SECTION 9. Amends Sections 28.013(a) and (b), Education Code, as follows:

(a) Requires the commissioner, rather than SBOE, to assist in developing a nature science curriculum, in accordance with this section, the following entities, acting jointly:

(1) the Outdoor School at Texas Tech University Center at Junction;

(2) the Texas Science, Technology, Engineering, and Math (T-STEM) Center of Texas Tech University; and

(3) South Llano River State Park. Makes a conforming change.

(b) Makes a conforming change.

SECTION 10. Amends Sections 28.014(a), (c), (e), and (f), Education Code, as follows:

(a) Requires the commissioner and the commissioner of higher education to develop and recommend to the commissioner, rather than SBOE, for adoption under Section 28.002 the TEKS of courses in college preparatory mathematics, science, social studies, and English language arts. Makes a conforming change.

(c) Makes a conforming change.

(e) and (f) Makes conforming changes.

SECTION 11. Amends Section 28.023, Education Code, as follows:

Sec. 28.023. CREDIT BY EXAMINATION. (a) Requires a school district, using guidelines established by the commissioner, rather than SBOE, to develop or select for commissioner, rather than SBOE review, examinations for acceleration for each primary school grade level and for credit for secondary school academic subjects. Requires that the guidelines provide for the examinations to thoroughly test comprehension of the information presented in the applicable grade level or subject. Requires the commissioner, rather than SBOE, to approve the examinations that satisfy commissioner, rather than SBOE, guidelines. Makes conforming changes.

(b) Requires that a school district give a student in a primary grade level credit for a grade level and advance the student one grade level on the basis of a commissioner-approved, rather than board-approved, examination for acceleration if the student meets certain criteria.

(c) and (d) Makes conforming changes.

SECTION 12. Amends Sections 28.025(a), (b), (b-1), (b-2), (c), (d), and (e), Education Code, as follows:

(a) Requires the commissioner, rather than SBOE, by rule to determine curriculum requirements for the minimum, recommended, and advanced high school programs that are consistent with the required curriculum under Section 28.002.

(b) Makes a conforming change.

(b-1) Requires the commissioner, rather than SBOE, by rule to require that, except as provided by Subsection (b-2), the curriculum requirements for the recommended and advanced high school programs under Subsection (a) include a requirement that students successfully complete four courses in each subject of the foundation curriculum under Section 28.002(a)(1) (regarding certain core classes that constitute the required foundation curriculum for Texas public schools) and one or more courses offered in the required curriculum for the recommended and advanced high school programs include a research writing component.

(b-2) Makes conforming changes.

(c)-(e) Makes conforming changes.

SECTION 13. Amends, Section 28.051(2), Education Code, to redefine "college advanced placement course."

SECTION 14. Amends Section 28.054, Education Code, as follows:

Sec. 28.054. SUBSIDIES FOR COLLEGE ADVANCED PLACEMENT TEST OR INTERNATIONAL BACCALAUREATE EXAMINATION. (a) Entitles a student to a subsidy for a fee paid by the student to take a college advanced placement test or an international baccalaureate examination if the student demonstrates financial need. Requires the commissioner, rather than SBOE, to adopt guidelines for determining financial need consistent with the definition of financial need adopted by the college board or the International Baccalaureate Organization. Makes a conforming change.

(b) and (c) Makes conforming changes.

SECTION 15. Amends Section 28.055(b), Education Code, to make a conforming change.

SECTION 16. Amends Section 28.056, Education Code, to make a conforming change.

SECTION 17. Amends Section 31.003, Education Code, to require the commissioner, rather than SBOE, to adopt rules, consistent with this chapter, for the adoption, requisition, distribution, care, use, and disposal of textbooks.

SECTION 18. Amends Section 31.022, Education Code, as follows:

Sec. 31.022. TEXTBOOK REVIEW AND ADOPTION. (a) Requires the commissioner, rather than SBOE, to adopt a review and adoption cycle for textbooks for elementary grade levels, including prekindergarten, and secondary grade levels, for each subject in the required curriculum under Section 28.002 (Required Curriculum). Makes a conforming change.

(b) Makes a conforming change. Requires the commissioner, rather than SBOE, to adopt rules to provide for a full and complete investigation of textbooks for each subject in the foundation curriculum at least every six years.

(c) Requires the commissioner, rather than SBOE, to adopt rules to provide for a full and complete investigation of textbooks for each subject in the enrichment curriculum on a cycle the commissioner, rather than SBOE, considers appropriate.

(d) and (e) Makes conforming changes.

SECTION 19. Amends Section 31.0221(a), Education Code, to require the commissioner, rather than SBOE, to adopt rules for the midcycle review and adoption of a textbook for a subject for which textbooks are not currently under review by the commissioner, rather than SBOE, under Section 31.022.

SECTION 20. Amends Section 31.0222, Education Code, to make a conforming change.

SECTION 21. Amends Section 31.023(a), Education Code, to make conforming changes.

SECTION 22. Amends Section 31.024, Education Code, as follows:

Sec. 31.024. New heading: ADOPTION BY COMMISSIONER. (a) Requires the commissioner, rather than SBOE, by majority vote, to place each submitted textbook on a conforming or nonconforming list, or reject a textbook submitted for placement on a conforming or nonconforming list. Makes a conforming change.

(b) Makes a conforming change.

SECTION 23. Amends Section 31.025(a), Education Code, to make conforming changes.

SECTION 24. Amends Sections 31.026(a) and (b), Education Code, as follows:

(a) Makes a conforming change.

(b) Requires that a contract require the publisher to provide the number of textbooks required by school districts in this state for the term of the contract, which must coincide with the commissioner's, rather than board's, adoption cycle.

SECTION 25. Amends Sections 31.028(a), (b), and (c), Education Code, as follows:

(a)-(c) Makes conforming changes.

SECTION 26. Amends Section 31.029, Education Code, to make a conforming change.

SECTION 27. Amends Section 31.030, Education Code, to make a conforming change.

SECTION 28. Amends Sections 31.035(a), (b), and (f), Education Code, as follows:

(a) and (b) Makes conforming changes.

(f) Makes a conforming change.

SECTION 29. Repealer: Section 28.051(1) (defining "board"), Education Code.

SECTION 30. Provides that a rule adopted by SBOE that relates to the adoption of a curriculum under Chapter 28, Education Code, as amended by this Act, or the adoption of a textbook under Subchapter B, Chapter 31, Education Code, as amended by this Act, is a rule of the commissioner and remains in effect until the rule is changed by the commissioner.

SECTION 31. Provides that the changes in law made by this Act apply beginning with the 2009-2010 school year.

SECTION 32. Effective date: upon passage or September 1, 2009.