

BILL ANALYSIS

Senate Research Center

H.B. 742
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Administration
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Within the education system, there remain three persistent, critical deficiencies that contribute to the suppression of student achievement. First, the amount of learning loss experienced by economically disadvantaged students during the summer recess increases the achievement gap between these students and their peers who are not economically disadvantaged. Second, a lack of real-world, classroom-based training and development for new teachers impedes growth and increases new teacher attrition. Finally, the education system fails to compensate the best teachers for taking on meaningful additional responsibility while remaining classroom teachers.

H.B. 742 seeks to address these concerns by creating a grant program under which additional summer educational opportunities will be provided for certain students.

H.B. 742 amends current law relating to measures to evaluate and improve student participation and performance in public schools and open-enrollment charter schools, including a grant program for certain school districts to provide summer instruction primarily for students who are educationally disadvantaged.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 2 (Section 11.179, Education Code) and SECTION 4 (Section 29.091, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 7, Education Code, by adding Section 7.064, as follows:

Sec. 7.064. ANNUAL REPORT CONCERNING STUDENT HOURS. (a) Requires the commissioner of education (commissioner), for each school year, to prepare a report that compiles the information submitted to the commissioner by school districts and open-enrollment charter schools under Sections 11.179 and 12.104(b-1), respectively.

(b) Requires the commissioner, not later than August 1 of each year, to submit the report prepared under Subsection (a) to certain persons.

SECTION 2. Amends Subchapter D, Chapter 11, Education Code, by adding Section 11.179, as follows:

Sec. 11.179. STUDENT HOURS REPORTING REQUIREMENT. (a) Requires the board of trustees of an independent school district, not later than July 1 of each year, to prepare and submit to the commissioner a report for the school year that ended during the preceding calendar year that, for each class and for each grade level at each district campus, indicates the average and total number of hours students spent on campus receiving classroom instruction, receiving special instruction, disaggregated by the type of instruction, and participating in school-sponsored or school-related activities, disaggregated by the type of activity in which the students engaged.

(b) Authorizes the commissioner to adopt rules as necessary for purposes of this section.

SECTION 3. Amends Section 12.104, Education Code, by adding Subsection (b-1), to require the governing body of an open-enrollment charter school to comply with the student hours reporting requirement as provided by Section 11.179 as though the open-enrollment charter school were an independent school district, and an open-enrollment charter school campus were a school district campus.

SECTION 4. Amends Subchapter C, Chapter 29, Education Code, by adding Section 29.091, as follows:

Sec. 29.091. GRANT PROGRAM FOR DISTRICTS THAT HAVE HIGH ENROLLMENT OF EDUCATIONALLY DISADVANTAGED STUDENTS AND THAT PROVIDE SUMMER INSTRUCTION. (a) Defines "new teacher" and "program" in this section.

(b) Requires the commissioner to establish and administer a competitive program to provide grants to not more than 10 school districts to use in providing instructional programs to students in prekindergarten through eighth grade during the period in which school is recessed for the summer. Requires that the program be designed to:

(1) encourage participation in the program by a district's most educationally disadvantaged students;

(2) close the academic achievement gap between students who are educationally disadvantaged and students who are not educationally disadvantaged;

(3) ensure that during the period in which school is recessed for the summer, students participating in the program retain knowledge and skills learned during the school year and continue learning;

(4) provide apprenticeship, mentorship, and other professional development opportunities for new teachers and student teachers; and

(5) add to the compensation of a district's highest performing teachers by providing those teachers with summer employment teaching students, new teachers, and student teachers.

(c) Requires a school district, to be eligible to participate in the program, to:

(1) have an enrollment of students who are educationally disadvantaged that is greater than 50 percent of total district enrollment;

(2) apply to the commissioner in the manner and within the time prescribed by commissioner rule; and

(3) provide as part of the application materials a plan that is designed to achieve the purposes described by Subsections (b)(1) through (5).

(d) Requires the commissioner, in selecting from among eligible school districts to participate in the program, to select those districts that provide plans under Subsection (c)(3) that are the most innovative and represent a variety of approaches so that the effectiveness of various plans can be compared and evaluated.

(e) Authorizes a grant awarded under this section to be funded only with money appropriated for the program and any gifts, grants, or donations made to the Texas

Education Agency (TEA) that are authorized to be used for and that the commissioner applies to funding the program. Requires the commissioner, in accordance with commissioner rule and based on the amount available for the program, to determine the amount of each grant awarded under this section. Authorizes a school district awarded a grant under this section to use the grant only for implementing and administering a plan as described by Subsection (c)(3), including providing compensation to teachers in accordance with Subsection (b)(5) and commissioner rule.

(f) Requires each school district participating in the program to, in the manner and within the time prescribed by commissioner rule, provide to TEA an annual written report that includes:

- (1) a detailed description of the district's plan, as implemented;
- (2) the number and grade levels of participating students;
- (3) demographic information for participating students, including the percentage of students of each applicable race and ethnicity, the percentage of educationally disadvantaged students, the percentage of students of limited English proficiency as defined by Section 29.052 (Definitions), the percentage of students enrolled in a school district special education program under Subchapter A (Special Education Program), and the percentage of students enrolled in a district bilingual education program under Subchapter B (Bilingual Education and Special Language Programs);
- (4) school attendance rates for participating students, before, during, and after program participation, as applicable;
- (5) specific information that demonstrates whether the purposes described by Subsections (b)(2) and (3) have been achieved, including the results of assessment instruments administered under Section 39.023 (Adoption and Administration of Assessment Instruments) for participating students, before, during, and after program participation, as applicable;
- (6) aggregate results of assessment instruments administered under Section 39.023 for students of participating classroom teachers, new teachers, and student teachers, before, during, and after program participation by the students, as applicable;
- (7) information regarding the manner in which teachers are selected for participation in the program and the manner in which teachers are compensated for their participation;
- (8) statistical information for participating classroom teachers, new teachers, and student teachers, including the number of years employed in the teaching profession, the number of years teaching in the district in which the program is provided, the category and class of educator certification held, the highest level of academic degree earned, race, ethnicity, and gender;
- (9) information regarding whether:
 - (A) the program is provided on a full-day or half-day basis;
 - (B) the program is voluntary or mandatory for educationally disadvantaged students;

(C) the district has partnered with an outside provider to provide any supplemental service;

(D) the district provides transportation to participating students; and

(E) the district offers the program to students who are not educationally disadvantaged and, if so, under what circumstances;

(10) information on retention in the teaching profession of the participating teachers, including new teachers and student teachers; and

(11) any other information required by commissioner rule.

(g) Requires TEA to contract with an experienced and recognized third-party program evaluator to determine and prepare a report regarding the effectiveness of the program. Requires that the evaluator's report include the evaluator's best effort to project the cost and academic effects of implementing the best practices of the program in school districts throughout this state and describe the effectiveness of the program in:

(1) improving academic performance among participating students;

(2) improving the professional development and performance of new teachers; and

(3) rewarding and retaining the highest performing teachers.

(h) Requires TEA, using information reported under Section 11.179 and the report under Subsection (g), to conduct a study that compares the academic performance of students in each school district that participates in the program with the academic performance of students in at least 10 districts that do not participate in the program to determine the type and amount of instruction and student participation in school-sponsored or school-related activities that most contribute to improved academic performance.

(i) Requires TEA, not later than November 1 of each even-numbered year, to submit to each member of the legislature a report specifically describing the results of the program. Authorizes the report to be in the form of a summary of the information required under Subsections (f), (g), and (h).

(j) Requires the commissioner to adopt rules as necessary to administer this section.

SECTION 5. (a) Requires the commissioner, not later than August 1, 2014, to submit a report concerning the 2012-2013 school year, as required by Section 7.064, Education Code, as added by this Act.

(b) Requires the board of trustees of a school district, not later than July 1, 2014, to submit to the commissioner a report concerning the 2012-2013 school year, as required by Section 11.179, Education Code, as added by this Act.

(c) Requires the governing body of an open-enrollment charter school, not later than July 1, 2014, to submit to the commissioner a report concerning the 2012-2013 school year, as required under Section 12.104(b-1), Education Code, as added by this Act.

SECTION 6. Requires the commissioner to establish the grant program under Section 29.091, Education Code, as added by this Act, beginning with the 2013-2014 school year.

SECTION 7. Effective date: upon passage or September 1, 2013.