

BILL ANALYSIS

Senate Research Center

H.B. 2811
By: King, Ken (To Be Filed)
Education
5/17/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2811 amends current law relating to a revision of the essential knowledge and skills of the public school foundation curriculum, the instructional materials allotment, and proclamations for the production of instructional materials.

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 Subchapter A, Chapter 28, Education Code, by adding Section 28.0025, as follows:

Sec. 28.0025. REVIEW AND REVISION OF ESSENTIAL KNOWLEDGE AND SKILLS. (a) Requires the State Board of Education (SBOE) to:

- (1) conduct a review of the essential knowledge and skills for the foundation curriculum adopted under Section 28.002(a)(1); and
- (2) revise the essential knowledge and skills for that curriculum to narrow the number and scope of student expectations for each subject and grade level in accordance with this section.

(b) Requires the scope of the essential knowledge and skills for each subject and grade level of the foundation curriculum to:

- (1) be more narrow than the scope of the essential knowledge and skills adopted as of January 1, 2015; and
- (2) require less time for a demonstration of mastery than required for the essential knowledge and skills adopted as of January 1, 2015.

(c) Requires SBOE in complying with this section, to:

- (1) ensure that a revision of the essential knowledge and skills for the foundation curriculum does not result in a need for the adoption of new instructional materials;
- (2) consider for each subject and grade level, the time:
 - (A) a teacher would require to provide comprehensive instruction on a particular student expectation; and
 - (B) a typical student would require to master a particular student expectation;

(3) determine whether, in light of the consideration required by Subdivision (2), each essential knowledge and skill of a subject can be comprehensively taught within the shorter of the following periods:

(A) the number of school days available for instruction before the date a state assessment instrument is administered for the subject; or

(B) the number of school days required under Section 25.081, not including the number of days required for testing;

(4) determine whether the college and career readiness standards have been appropriately integrated in the essential knowledge and skills for each subject and grade level; and

(5) consider whether an assessment instrument administered under Section 39.023 adequately assesses a particular student expectation.

(d) Requires SBOE, not later than September 1, 2018, to complete the review and revision of the essential knowledge and skills for each subject and grade level of the foundation curriculum that was last revised before September 1, 2012.

(e) Provides that this section expires September 1, 2019.

SECTION 2. Amends Section 31.002, Education Code, by adding Subdivision (1-b) to define "proclamation" to mean SBOE.

SECTION 3. Amends Sections 31.0211(a) and (d), Education Code, as follows:

(a) Entitles a school district to an allotment each biennium, rather than entitles a school district to 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, rather than school year, specified by the commissioner of education (commissioner). Requires the commissioner to determine the amount of the allotment per student each biennium, rather than year, on the basis of the amount of money available in the state instructional materials fund to fund the allotment. Requires an allotment under this section to be transferred from the state instructional materials fund to the credit of the district's instructional materials account as provided by Section 31.0212.

(d) Requires a school district, each biennium, rather than year, to use the district's allotment under this section to purchase, in the following order:

(1) instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level as required by Section 28.002; and

(2) any other instructional materials or technological equipment as determined by the district.

SECTION 4. Amends Section 31.0212(a), Education Code, as follows:

(a) Requires the commissioner to maintain an instructional materials account for each school district. Requires the commissioner, in the first year of each biennium, rather than each school year, to deposit in the account for each district the amount of the district's instructional materials allotment under Section 31.0211.

SECTION 5. Amends Sections 31.0215(a) and (b), Education Code, as follows:

(a) Requires the commissioner to, as early as practicable during each biennium, rather than fiscal year, to notify each school district and open-enrollment charter school of the

estimated amount to which the district or charter school will be entitled under Section 31.0211 during the next fiscal biennium, rather than fiscal year.

(b) Authorizes the commissioner to allow a school district or open-enrollment charter school to place an order for instructional materials before the beginning of a fiscal biennium, rather than fiscal year, and to receive instructional materials before payment. Requires the commissioner to limit the cost of an order placed under this section to 80 percent of the estimated amount to which a school district or open-enrollment charter school is estimated to be entitled as provided by Subsection (a) and to first credit any balance in a district or charter school instructional materials account to pay for an order placed under this section.

SECTION 6. Amends Section 31.022, Education Code, by adding Subsections (b-1), (b-2), and (b-3) and amending Subsection (f), as follows:

(b-1) Authorizes SBOE, for any state fiscal biennium, to only issue proclamations for instructional materials in which the total projected cost of instructional materials under the proclamations does not exceed 75 percent of the total amount used to fund the instructional materials allotment under Section 31.0211 for that biennium.

(b-2) Requires SBOE, following the adoption of revised essential knowledge and skills for any subject, to determine whether issuance of a proclamation is necessary based on the significance of the changes to the essential knowledge and skills. Requires SBOE, if SBOE determines a proclamation is necessary, to issue:

- (1) a full call for instructional materials aligned to all of the essential knowledge and skills for the subject and grade level;
- (2) a supplemental call for instructional materials aligned to new or expanded essential knowledge and skills for the subject and grade level;
- (3) a call for new information demonstrating alignment of current instructional materials to the revised essential knowledge and skills; or
- (4) any combination of the calls described by Subdivisions (1), (2), and (3).

(b-3) Requires SBOE, in determining the disbursement of money to the available school fund and the amount of that disbursement that will be used, in accordance with Section 43.001(d), to consider the cost of all instructional materials and technology requirements for that state fiscal biennium.

(f) Requires SBOE to amend any proclamation, rather than amend any request for production, issued for the purchase of instructional materials to conform to the instructional materials funding levels provided by the General Appropriations Act for the year of implementation and to comply with Subsection (b-1).

SECTION 7. Amends Section 43.001(d), Education Code, as follows:

(d) Requires SBOE, each biennium, to set aside an amount equal to 50 percent of the distribution for that biennium, rather than to set aside an amount equal to 50 percent of the annual distribution for that year, from the permanent school fund to the available school fund as provided by Section 5(a), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state instructional materials fund established under Section 31.021. Makes conforming changes.

SECTION 8. Amends Section 403.093(d), Government Code, as follows:

(d) Requires the comptroller to transfer from the general revenue fund to the foundation school fund an amount of money necessary to fund the foundation school program as provided by Chapter 42, Education Code. Requires the comptroller to make the transfers

in installments as necessary to comply with Section 42.259, Education Code, and permit the Texas Education Agency, to the extent authorized by the General Appropriations Act, to make temporary transfers from the foundation school fund for payment of the instructional materials allotment under Section 31.0211, Education Code. Requires an installment to be made not earlier than two days before the date an installment to school districts is required by Section 42.259, Education Code, and must not exceed the amount necessary for that payment and any temporary transfers for payment of the instructional materials allotment, unless an earlier date is necessary for purposes of temporary transfers for payment of the instructional materials allotment. Makes a nonsubstantive change.

SECTION 9. Repealers: Sections 31.101(d) (requiring a school district or open-enrollment charter school to use the instructional material for the period of the review and adoption cycle the State Board of Education has established for the subject and grade level for which the instructional material is used) and (e) (relating to the cancellation of the subscription of instructional material), Education Code.

SECTION 10. Effective date: September 1, 2015.