

TEXAS PTA FINAL LEGISLATIVE REPORT

2011 TEXAS LEGISLATIVE SESSIONS

FUNDING FOR PUBLIC EDUCATION (*Texas PTA Priority*)

The Legislature authorized the use of \$3.2 billion from the Economic Stabilization, or Rainy Day Fund to cover the shortfall for the current budget, but refused to authorize any future expenditure from the RDF for public education. Instead, we learned late in the session that most of the anticipated RDF would be used to fund the expected shortfall in Medicaid in 2013. In other words, the budget that was passed during the regular session underfunded Medicaid and other health and human services, planning to utilize the RDF when the state runs out of money for those services early in 2013. Besides the \$4 billion cut to the Foundation School Program, there are \$1.3 billion in cuts to grants and other public education programs. The existing school funding formulas have been replaced by a school funding plan that cuts all ISDs.

In year one, 2012, funding will be cut statewide by \$2 billion. All school districts' regular program funding will be equally cut by approximately 6%.

In year two, 2013, another \$500 million in funding will be cut statewide. All school districts' regular program funding will be cut equally by approximately 1.5 %.

Further, all districts that receive target revenue hold harmless dollars will see a reduction in that allotment. The statewide reduction for those districts will be \$1.5 billion.

An interim committee is expected to be established to create a permanent funding system for public schools.

HJR 109, by Orr/Ogden – In November, voters will consider a constitutional amendment to clarify references to the permanent school fund, to allow the General Land Office to distribute revenue derived from permanent school fund land or other properties to the available school fund, and to provide for an increase in the market value of the permanent school fund for the purpose of allowing increased distribution from the available school fund. The temporary provision, if approved, will be added to the Constitution to provide for an increase in the market value of the permanent school fund for the purpose of allowing increased distributions from the available school fund; expires December 1, 2015.

Pre-K – (*Texas PTA Priority*)- Texas School Ready! Project will receive funding at a reduced level. Texas Higher Education Partnership Project will receive funding at '10-'11 funding levels. The Pre-Kindergarten Early Start Grant Program was eliminated.

School District Mandate-Relief - The Texas Legislature passed a school district mandate-relief bill, SB 8, by Shapiro/Eissler, that made several important changes to teacher and other professional contracts, to rules regarding a reduction in force and financial exigency, and to salaries for professionals including administrators. Of note, any reduction of salaries for teachers requires a like percentage reduction for administrators and other professionals. Furloughs of teachers will now be allowed in certain circumstances. The law allows an ISD to charge for producing public documents.

Fine Arts – (*Texas PTA Priority*) Funding for the Texas Commission for the Arts was maintained, although funding was cut by 50% for the grants program and by 30% for staff.

CLASS SIZE K-4 (*Texas PTA Priority*)

Texas PTA worked diligently to maintain smaller class sizes and, in particular to protect the requirement that parents be notified of any waiver affecting the size of their child's class in grades K-4. The only change made to this statute is to allow an ISD to use the reduction in state funding for the next biennium as a qualifying reason for a waiver of class size limits. The notification system has been maintained.

SAFETY

Bullying - (Texas PTA Priority) HB 1942, by Diane Patrick, was passed as a consensus bill. The new law established a definition of bullying and requires boards of trustees to adopt a policy and necessary procedures to address bullying and harassment. The bill lists requirements for these policies, and allows training in preventing, identifying, responding to, and reporting incidents of bullying to be included in staff development. The bill allows the board of trustees of a school district to transfer students who are victims or who engaged in bullying to another classroom or campus, with special transfer requirements for students with disabilities who receive special education services. The State Board of Education is required to adopt (within the health curriculum) essential knowledge and skills that include practices which effectively address various aspects of bullying and harassment of students. Students who engage in cyberbullying will be disciplined if it takes place on school property, at a school-sponsored or school-related event, or in a vehicle operated by the district.

Cell Phone Use in School Zones - (Texas PTA Priority-related) HB 1899, by Pickett, requires all political subdivisions that don't entirely prohibit using wireless communication devices while driving in their jurisdictions to post no-talking signs in school crossing zones. If, however, the political subdivision has a uniform prohibition, it need only post a sign indicating such on major roads leading into its jurisdiction. Drivers can be charged fines for using wireless communication devices while driving in prohibited areas.

Seat Belts on Buses - SB 1610 by Lucio, ISDs are required to utilize school buses that are equipped with a three-point seat belt for each passenger, only to the extent that the legislature has appropriated money for the purpose of reimbursing districts for expenses.

Hardship Drivers' Licenses - (Texas PTA Priority-related) HB 90, by Cook, requires suspension of a hardship drivers' license if the holder of the license is convicted of two or more moving violations within a 12 month period. Previously Dept. of Public Safety had discretion to suspend the license after one moving violation.

Helmet Safety - HB 675, by Lucio, prohibits an ISD from using a football helmet that is 16 years old or older; mandates an ISD ensure each football helmet that is 10 years old or older is reconditioned at least once every two years. An ISD shall maintain documentation of each football helmet used in program and dates on which each helmet is reconditioned, to be made available to parents.

Food Allergies - HB 742, by Hunter, defines "severe food allergy," and requires ISDs to request disclosure of children's food allergies upon enrollment in public school. Confidentiality must be maintained.

Suicide Prevention - HB 1386, by Coleman, requires TEA to provide to each school a list of early intervention and suicide prevention programs.

Concussions - HB 2038, by Price/Deuell, Natasha's Law, in honor of Natasha Helmick, requires schools to provide information on concussions to students and parents prior to participation in athletics, and requires ISDs to form a concussion oversight team to develop a return to play protocol. Student may not participate in athletics until both student and student's parent have signed and received information regarding concussion prevention. Student shall be removed from practice or competition immediately if student is determined to have suffered a concussion. In order to be readmitted to practice student must have been evaluated, completed return-to-play protocol, and have a written consent form from both physician and parent. Requires UIL to provide training courses in concussions.

Teen Dating Violence - HB 2496, by N. Gonzalez, creates a teen dating violence court program, designed to educate children and encourage them to refrain from engaging in dating violence. 12-week program assigns one judge and attorney to monitor. The court may defer adjudication proceedings for no more than 180 days if the child is a first offender who is alleged to have engaged in dating violence. Program must be approved by the court and the commissioners' court of county.

Anaphylaxis - SB 27, by Zaffirini, mandates ISDs and open-enrollment charter schools to create and administer a policy for care of students at risk for anaphylaxis no later than August of 2012.

HEALTHY LIFESTYLES

K-2 Ban – (Texas PTA Priority) SB 331, Shapiro/Madden - Texas PTA President Sharon Goldblatt participated on a task force to develop the bill. The law makes illegal the possession of K-2. Also known as Spice, this synthetic cannabinoid is quite potent and legally sold as incense. Law makes it an offense to possess this substance.

Statewide Smoke-free Workplaces – (Texas PTA Priority) Legislation to ban smoking in bars and restaurants statewide was stripped from legislation in the final hours of the Regular Session. The bill was filed again during the Special Session. It passed from both House and Senate committees, but was not considered by either chamber.

Fitnessgram – (Texas PTA Priority to preserve) The Fitnessgram program was weakened. Beginning this school year only students in grades 3 through 12 who are enrolled in a physical education class will be assessed. Another new law requires schools to provide the results of individual student performance on physical fitness assessments (as opposed to summary results aggregated by grade level) to the Texas Education Agency for each student. The report may not include the individual students' or teachers' names, social security numbers, or dates of birth.

School Health Advisory Committees – (Texas PTA Priority to preserve) SB 736, by Hinojosa, allows boards of trustees of ISDs to appoint one or more persons from local domestic violence programs to local SHACs.

P.E. at the High School Level – (Texas PTA Priority) Efforts to reinstate the high school P.E. credit lost last legislative session were unsuccessful.

Ag Ed - SB 199, by West, allows nonprofit organizations that collaborate with a school for the furthering of agricultural education to be awarded grants for agricultural projects.

Summer Nutrition Programs – SB 89, by Lucio, requires ISDs with 50% or more students who are eligible for national free or reduced lunch program to provide or arrange for a summer nutrition program for at least 30 days during which there is no school.

Several efforts were made to improve nutritious offerings at school by limiting the **sale of sugar sweetened beverages** in schools and **reducing or eliminating the use of trans fats** in school meals. These efforts failed.

STUDENTS WITH SPECIAL NEEDS

HB 1335, by Allen/VanDePutte, requires ISDs to ensure that teachers who instruct a student with a disability in a regular classroom setting have a process for requesting and receiving access to the student's IEP. The parents must be notified of the request and response as well.

HB 692, by Farias/VanDePutte, directs the State Board of Education to allow a student who is unable to participate in physical activity due to disability or illness to substitute credits in certain courses for the physical education credit required for high school graduation.

HB 861, by Diane Patrick/W Davis, requires at least one member of the Continuing Advisory Committee for Special Education Services be a director of special education programs for a school district or for a shared services arrangement of multiple school districts.

SB 35, by Zaffirini/Rodriguez, requires procedures relating to transition services for students enrolled in special education programs; transition planning must begin not later than when students turn 14; requires each school district or shared services arrangement to designate an employee as the school transition and employment services coordinator, and lists some duties of the coordinator; requires TEA to develop a performance-based monitoring analysis system indicator for the preparation of students enrolled in special education program transition planning services.

PARENTAL INVOLVEMENT

SB 738 by Shapiro, changes current law concerning reconstituting unacceptable schools such that the commissioner must order the specific action (from among 3 choices - re-purpose the campus, select alternative management, or close the campus) requested by a written petition signed by the parents of a majority of the students. If the School Board presents to the commissioner a written request that the commissioner order certain action that is different from that requested in the parents' petition, and submits a written explanation of the reason for the alternate request, the commissioner may order the action requested by the School Board.

HB 824, by Villarreal, requires the Attorney General to develop and periodically update a publication that describes the importance and long-term positive effects on children of a father's involvement during a mother's pregnancy and provides guidance to prospective fathers. The publication must be made available for the public to download from the attorney general's internet website. The publication must include steps that unmarried parents must take in order to establish legal paternity, information regarding fathers' personal risk behaviors and how this may affect the unborn child, and information on prenatal health care visits.

SB 49, by Guillen, requires ISDs to provide parents of students removed to disciplinary programs with written notice of the districts' obligations to allow the student to complete coursework, and that there is no cost to the student.

STATE BOARD OF EDUCATION

The districts of SBOE members have been re-drawn. Elections will be required so that current members and interested candidates may run in the new districts.

DISCIPLINE

Computer Infractions - HB 1224, by Reynolds, allows for expulsion of a student who commits a criminal act of breach of an ISD's computer system.

CURRICULUM

Personal Financial Education - HB 34, by Branch/Shapiro, requires each school district and open-enrollment charter school to offer a personal financial education in courses that qualify for economics credit, including instruction on completing the application for federal student aid by the US Department of Ed. Financial education must also include instruction on methods of paying for post-secondary education.

Personal Financial Literacy - SB 290, by Watson, adds a personal financial literacy component to mathematics education in grades K - 8.

STEM Courses - SB 1620 by Duncan, defines an "applied STEM course" and details requirements for obtaining a certificate to teach an applied STEM course. Requires the SBOE to establish a process for reviewing and approving STEM courses as substitutions for math and science curriculum requirements under the recommended high school program during students' fourth year of math or science course work; details standards that applied STEM course must meet to be eligible for substitution. Students enrolled in such courses as substitutions for courses that had end-of-course assessments shall be assessed using an assessment instrument developed for the applied STEM course by a recognized national or international business and industry group that created the applied STEM course curriculum. SBOE may only approve a course to substitute for a math course taken after successfully completing Algebra I and geometry and Algebra II; and may only approve a course to substitute for a science taken after successfully completing biology, chemistry, and physics.

Textbook Allotments – The allotment is now called the Instructional Materials Allotment (IMA). TEA Commissioner must maintain an IMA account for each ISD, and to deposit in the account, an annual allotment from the IMA for each enrolled student; requires commissioner to annually adjust IMA allotment of districts that are experiencing high enrollment growth; allows IMA funds to be used for technological equipment, training of educators, and salary of employees who provide tech support, to support instructional materials; allows ISDs to carry forward unused IMA balances.

Requires ISDs, for the biennium beginning 9.1.2011, to use their IMA to purchase materials that will help students meet the performance standards on state assessments (STAAR); requires ISDs, after the biennium beginning 9.1.2011, to use their IMA to purchase in the following order: 1) instructional materials that permit ISD to certify that students have materials that cover the TEKS for the required curriculum; and 2) any other material or technological equipment as determined by the district.

Moves the high school economics course from the enrichment curriculum to the foundation curriculum so that the course would be available as an option for social studies graduation credit.

Removes ownership of instructional materials from the state, and give property rights to the purchasing district or school.

Makes changes to the adoption cycles.

SALES TAX HOLIDAY (*Texas PTA Priority*)

The annual Sales Tax Holiday has been preserved, thanks in large part to the efforts of members of Texas PTA across the state who called their legislators and asked them to maintain the holiday. The date of the holiday has been moved. It must now take place the weekend before the eighth day preceding the earliest date on which any school district, other than a district operating a year-round system, may begin instruction for the school year.

MISCELLANEOUS LEGISLATION

Clean School Bus Program – (*Texas PTA Priority*) Funding for the CSB was not renewed for the upcoming two years as it was determined that funds remained at the end of this biennium that ISDs had not accessed.

Sexting - SB 407, by Watson/Craddick, amends criminal law to allow for a tiered approach to dealing with sexting if it is done by a minor, so that minors are not automatically charged under adult pornography laws. The law creates a graduated penalty structure for minors, under 18, who engage in sexting.

CHARTER SCHOOLS

HB 2366, Truitt, allows a charter school that is operated by a municipality (considered a work-site open-enrollment charter school) to admit children of employees of the municipality to the school before conducting a

lottery to fill remaining available positions, provided the number of children admitted constitute a small percentage of the school's total enrollment, as may be further specified by federal regulations.

Charter Schools will be provided funds for Campus Intervention and Turnaround Assistance and Technical Assistance, including financial and productivity tools.

SB 1 extends the state's Permanent School Fund (PSF) bond guarantee to financially sound charter schools to help them construct public school buildings.

HB 1550, by Aycock, allows employees of charter schools to use TEA's state travel services for school business with the same requirements as traditional public schools for payment of services.

ASSESSMENT

GEDs - SB 1094, by Rodriguez/Strama, requires the SBOE to develop and provide high school equivalency exams online.

HB 2135, by Hochberg/Dan Patrick - 5th or 8th grade assessment instruments are not required to be administered to students enrolled in those grades for certain courses if those students are enrolled in courses of the same subject and above the students' grade level, and under which they will be administered an end-of-course assessment anyway that is aligned with the curriculum normally required. Additionally students are not required to be assessed in a subject otherwise assessed in their grade levels if they are enrolled in said courses. Students can't be denied promotion for failure to perform satisfactorily on an assessment instrument not required to be administered; allows the Commissioner of Education to award a distinction designation to campuses with a significant number of students below 9th grade who perform satisfactorily on end-of-course assessments.

HB 3468 by Diane Patrick/Shapiro, Texas Education Agency (TEA) and the Texas Higher Education Coordinating Board will review best practices and existing programs for assessing college readiness and addressing deficiencies before high school graduation. Also, the boards must review the standardized assessment mechanism for assessing all adult education program participants and recommend any changes necessary to align it with the assessments which allow for proper placement in an adult basic education courses or provision of developmental or English as a Second Language coursework. To allow students to complete any necessary developmental coursework, the Board must encourage institutions of higher education to offer various types of developmental coursework that address various levels of deficiency in readiness. The Board will analyze current assessment instruments and develop a statewide diagnostic standard assessment instrument relating to students' need for developmental education.

Advanced Placement Tests - As a requirement for a public school student to be eligible to have advanced placement examinations paid for by the College Board and Educational Testing Service and the International Baccalaureate Organization, student must demonstrate financial need as determined in accordance with guidelines adopted by the State Board of Education that are consistent with the definition of financial need adopted by the college board or the organization.

Transportation - HB 3506 by Villarreal, allows ISDs to provide bus passes or cards for other transportation systems to students who are eligible for the regular transportation system but are not able to feasibly use the regular system.