



## House Public Education Wednesday, April 22, 2009

This meeting of the House Public Education Committee began with a discussion of the major House Accountability bill (**HB 3 by Eissler**). Representative Eissler began with a discussion of the differences between the committee substitute and the original version of the bill. To address concerns with tracking students Eissler pointed out that they reverted back to the original names of degree plans in current law. The substitute also includes specific language that allows exemption from 15 percent of performance measures and provides an additional year of school improvement after reconstitution. A number of amendments were adopted. An amendment by **Eissler** would set up a separate system of financial accountability for charter schools and **Representative Patrick** put up an amendment that would ensure that the changed definition of dropouts would be applicable for the 2009 ratings. **Representative Olivo** expressed her desire to include the Higher Education Coordinating Board in setting college readiness standards and **Representative Hochberg** closed out the discussion stating that the goal of this bill should be alleviating achievement gaps in addition to moving toward college readiness. The bill passed favorably out of the committee with the only dissenting vote coming from **Representative Olivo**.

The following bills were also passed out of committee:

- HB 1313 Giddings - Relating to the assignment of a public school student to an inexperienced or uncertified teacher.
- HB 1410 by Ortiz – Relating to student information required to be provided at the time of enrollment in public schools.
- HB 1839 by Howard, Donna – Relating to a requirement that a school district develop and adopt a site selection policy before selecting a site for construction of a new school.
- HB 3700 by Jackson, Jim – Relating to the creation of the Texas Classroom Coaching Program.
- HB 3421 by Eissler – Relating to educator preparation programs and educator certification, performance, and recruitment.
- SB 552 by Averitt – Relating to the use of personal leave by a public school employee.

House Bill 2759 by Martinez-Fischer (relating to the transfer of a student of limited English proficiency out of a public school bilingual education or special language program) failed to pass out of the committee.

**HB 159 Deshotel** Relating to unstructured activity requirements for public elementary school students.

**Remarks:** In addition to the daily physical activity requirement, a school district shall require a student enrolled in elementary school to participate in unstructured and undirected play for at least 20 minutes each school day throughout the school year. In implementing this subsection, the district shall consider the recommendations provided by the local school health advisory council.

**Testimony: Representative Patrick** inquired as to whether Chairman Deshotel considered play time that occurs after lunch as an acceptable qualification for recess. He responded that he does not think that it is a common practice. Several Parents testified as to the importance of recess time for students. Their students were only given ten minutes of unstructured activity a day and taking away this time is often used as a punishment for students. **Julie Shields (TASB)** testified against the bill on the grounds of local control. Districts can currently give 20 minutes of recess but they may make the decision on what they think is best for students. In the past some schools have used recess to take the place of physical education. **Harley Eckhart (TEPSA)** testified neutrally on the bill stating that time for students becomes more and more critical as students progress in school in order to prepare them for tests. There is also a question as to who will supervise this unstructured time. **Representative Patrick** inquired as to whether it was allowable to have this unstructured time count towards the physical education requirement. **Mr. Eckhart** responded that this would be in addition to the PE requirement although if it were structured it could count toward the time requirement. Also testifying on the bill was **Casey McCreary (TASA)** because they also had concerns regarding supervision of students. Her organization suggested incorporating more flexibility in the amount of time per campus into the bill. Registered against the bill was **Martin Pena (STAS)**.

**HB 192 Alonzo** Relating to the absence of a student from school for activities in connection with obtaining United States citizenship.

**Remarks:** Adds appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship or taking part in a United States naturalization oath ceremony to list of excused absences.

**Testimony:** Registered for the bill were various teacher organizations and **Julie Shields (TASB)**.

**HB 905 Dutton** Relating to procedures for management of certain public school campuses and school districts identified as academically unacceptable.

**Remarks:** Requires that the TEA commissioner review the need for a conservator or management team at an academically unacceptable campus, on or before the 90th day of the conservator's appointment. The commissioner shall remove the conservator or management team and the monitor on or before the 180th day after the date of appointment. Every 90 days, the conservator, the monitor, and the board of managers shall file a status report and recommendations with the governor, the speaker of the house, the lieutenant governor, and each state representative and senator who represents any part of the area in which the district is located. The commissioner shall direct the board of managers to order an election of members of the district board of trustees no later than the 180th day after their appointment.

**Testimony:** Registered for the bill were several teacher organizations.

**HB 999 Dutton** Relating to the closure of a school campus by the board of trustees of a school district.

**Remarks:** This bill would require local boards of trustees to provide notice of and conduct a public hearing before being able to vote on closure of a campus. Following the hearing and vote, the local board would need to submit the vote to the Commissioner of Education for approval before being able to order the closure of the school campus.

**Testimony: Julie Shields (TASB)** testified against stating that while they support transparency, including the commissioner in the process is adding an extra hurdle because he or she has to sign off on a vote taken by an elected body. **Representative Dutton** claimed that it bothered him that you have to ask the same people who close the school to undo this decision without the possibility that someone else could be included in the process. Registered for the bill were several teacher organizations. Registered against the bill was **David Thompson (TASA and Houston ISD)**.

**HB 1041 Parker** Relating to school district policies addressing sexual abuse of children.

**Remarks:** Requires that public school districts implement policy to address the sexual abuse of children. The policy must address increasing teacher, student and parent awareness regarding sexual abuse, preventative measures, the actions that a child victim should take to obtain assistance, and available counseling options for students affected by sexual abuse.

**Testimony:** A young woman who was the victim of sexual and verbal abuse testified to the state of the psyche of an abuse victim. She testified to the importance of this education to both students and parents. The young woman's mother also testified to the experiences of a parent who did not know the signs of abuse or how to handle the experience. **Joy Rauls (Children's Advocacy Centers Inc)** testified as a resource on the bill.

**HB 1800 Bohac** Relating to an agreement regarding the respective responsibilities of a parent, student, and classroom teacher in certain school districts.

**Remarks:** Adds a section to Chapter 26 of the Education Code requiring the creation of written responsibility agreements between a student, the parents, and the classroom teacher. This bill is specifically intended for districts having no more than 35,000 students that are located within a county having a population of at least 3.4 million. The district must also border one or more school districts that have at least 40,000 students enrolled. Responsibility agreements shall be tailored for each grade level and specify responsibilities of the classroom teacher, the student, and the parents. Agreements shall be signed at the beginning of each school year. Pre-kindergarten through grade three are not required to complete such agreements. School districts shall determine the manner in which to enforce such agreements.

**Testimony:** Provides legislative authority for Spring Branch ISD. This contract educates parents and students as to what their role is. **Representative Bohac** laid this out as an incubator or best practices test for the district to later roll out statewide. Registered against the bill was **Martin Pena (STAS)**.

**HB 2452 Eiland** Relating to size limitations for certain physical education classes in public schools.

**Remarks:** Includes PE classes in the 22:1 class requirement for grades K-4. These PE classes are not up for exemption from this requirement by the Commissioner.

**Testimony: Julie Shields (TASB)** testified against the bill because class size limits are problematic for schools due to teacher strains, limited funding and limited facilities. **Casey McCreary (TASA)** also noted the costs associated with the class size limit and the lack of a waiver provision in the bill. **David Anderson (TEA)** clarified for **Representative Dutton** that school districts are not ignoring the rules but rather special classes (PE, art and music) are not included in the class size limits. The importance of lower student to teacher ratios was addressed by **Harley Eckhard (TEPSA)**. He noted that the hiring of paraprofessionals to assist in helping in these classrooms is relief that can be provided. A P.E. teacher testified for the bill but

acknowledged the issues with additional costs while a parent from Galveston, Texas testified that her son was in a P.E. class of 66 students. **Robert Floyd** (Texas Coalition for Quality Arts Coalition) testified that they would love to ride the coat tails of this bill but worry about where costs cuts will occur if it passes. Registered against the bill was **Martin Pena (STAS)**.

**HB 2618 Olivo** Relating to school district reporting of students placed in disciplinary alternative education programs or expelled from school.

**Remarks:** Adds to the education code that the district shall report, for each expulsion and placement in a DAEP information indicating whether the student was enrolled in a special education program at the time of the placement. In each circumstance in which a student engages in conduct for which the student is subject to expulsion but in which the district does not expel the student because the student's incarceration or other circumstance prevents the district from taking that action, the district shall report information identifying the student, indicate whether the student was enrolled in a special education program at the time of the conduct; describe the conduct in which the student engaged; and specify the incarceration or other disposition that resulted from the student's conduct.

**Testimony: Representative Olivo** laid out the bill noting that she had changed the bill to delete a portion of the bill that repeated what was already in statute. **Jeff Miller (Advocacy Inc.)** and **Rona Staten** both testified briefly because their issue with the bill was taken care of with the changes that had been made to the bill. Registered for the bill were various teacher organizations.

**HB 3307 Eissler** Relating to the discipline of public school students.

**Remarks:** A person at each campus must be designated to serve as the campus discipline officer. The person designated may be the principal of the campus or any other campus administrator selected by the principal. The campus discipline officer is primarily responsible for maintaining student discipline. The specific duties of the campus discipline officer may be established by campus or district policy.

**Testimony: Ted Molina-Raab (Texas AFT)** testified on the bill and suggested that the bill require an amount of training to the officer and maybe even require training for other administrators.

**HB 3741 Eissler** Relating to physical education curriculum and instruction in public schools.

**Remarks:** Requires that each public school district employ at least one person certified in physical education through the State Board for Educator Certification. The bill also requires establishment of physical education curriculum that will do the following:

1. Create knowledge and abilities among students to encourage a lifetime of physical activity;
2. Is consistent with national physical education curriculum in order to establish a lifetime of physical activity;
3. Allows for a majority of physical education classes to involve physical activity;
4. Responds to gender and cultural differences;
5. Provides instruction in self-management and movement skills;
6. Provides instruction in cooperation and fair play; and
7. Promotes physical activity participation outside of school.

**Testimony: Representative Patrick** noted that this is an administrative job and clarified that this does not change what occurs at the local campus level. **Joel Romo (American Heart Association)** testified to the importance of physical education programs and stated that they believe that qualified individuals will have a positive impact on students.

**HB 3771 Farias** Relating to authorization for school districts to provide mentors for teachers assigned to a new subject or grade level.

**Remarks:** Adds that a mentor teacher can be assigned to a classroom teacher with less than two years experience in the subject or grade level to which the mentor teacher is assigned.

**Testimony:** The committee substitute will allow retired teachers and teachers who are on a leave of absence to serve as mentors. **Monty Exter (ATPE)** testified for the bill stating that it makes sense to for new teachers to have someone there to assist them in the teaching process. Registered for the bill were other teacher organizations, and **Casey McCreary (TASA)**.

**HB 3918 Darby** Relating to testing liquefied petroleum gas systems in certain school facilities.

**Remarks:** Requires each school district to perform leakage (formerly pressure) tests for leakage on the LP-gas piping system in each school district facility biennially. The test must be conducted in accordance with commission rules.

**Testimony:** There was some discussion as to why this bill was reported to the Education Committee. A witness explained the differences in leakage tests and pressure tests. Registered for the bill were **Julie Shields (TASB)**, and **Casey McCreary (TASA)**.

**HB 3532 Davis, Yvonne** Relating to the abolition of existing school districts in certain counties and the creation of new school districts.

**Remarks:** If a district is located in a county with a population of more than 2 million that is adjacent to a county with a population of more than 1 million, and has a student enrollment of more than 150,000, the school district shall be abolished and two or more districts shall be created. An election is not required for abolition or creation of school districts.

**Testimony: Julie Shields (TASB)** testified against the bill because it divides the district without a vote from the school board or members of the community. **Robby Collins (Dallas ISD)** testified against the bill and noted that this bill raises issues with voting rights, it would divide the tax base and would also divide communities. Registered against the bill were **Lynn Moak**, and **Casey McCreary (TASA)**.

**HB 4008 Hancock** Relating to minimum voter turnout requirements for adoption or amendment of a home-rule school district charter.

**Remarks:** Changes the minimum voter turnout required for the adoption of a proposed amendment to a home-rule school district from 20 percent to five percent.

**Testimony: Portia Bosse (TSTA)** testified against the bill because it was drafted to have a high threshold and it should be kept the way it is in current law. **Lindsay Gustafson** claimed that this bill is one of the most important bills to her organization (**TCTA**) because it exempts a handful of bills and amending a

home-rule school charter needs to be something that is very difficult to overturn and five percent is too low. **Ted Molina-Raab (Texas AFT)** and **Monty Exter (ATPE)** also testified against the bill stating that individual charters would be a more appropriate way to go to find innovation in the system. **Brooke Terry (TPPF)** testified for this bill stating that it would make it easier for districts to get rid of unfunded mandates and other factors that limit innovation and success at the local level.

Registered for the bill were **Julie Shields (TASB)**, and **Casey McCreary (TASA)**.