



House Public Education Committee April 18, 2017

The House Public Education Committee met on Tuesday, April 18 to hear testimony on twenty bills on a variety of topics, and to take action on pending business. **Eighteen bills that were heard were left pending in committee. Two bills (HB 1138 and HB 1857) were postponed.** Summaries of each bill and respective testimony are provided below.

Bills Voted Out of Committee

The committee voted out the following legislation previously left pending before the committee and will now go the full House for consideration.

1. **HB 61 Rep. Guillen** allows a districts to earn a distinction designation in the accountability system for providing excellent special education programs.
2. **CSHB 156 by Rep. Raymond** establishes a pilot program in designated high schools in certain municipalities for placement of students in Junior Reserve Officer Training Corps (JROTC) programs as an alternative to placement in disciplinary or juvenile justice alternative education programs.
3. **CSHB 209 by Rep. Canales** amends the Election Code to require the secretary of state to provide voter registration application forms to high schools and that high schools always make available the forms to students and employees.
4. **CSHB 441 by Rep. Martinez** would prohibit school districts, though not Districts of Innovation, from providing student instruction on Memorial Day.
5. **CSHB 1057 by Rep. Thompson** adds the following indicators to the fourth domain of the accountability system: the percentage of students who have completed an international baccalaureate course; received credit by examination; been promoted to higher grade levels than the grade levels to which the students would ordinarily be assigned; and earned a diploma after not more than three years of high school attendance.
6. **HB 1114 by Rep. Burkett** permits a district to reduce the number of service days required of teachers if the district anticipates providing less than 180 days of instruction in a school year.
7. **HB 1174 by Rep. Hinojosa** includes the percentage of students who successfully complete an OnRamps dual enrollment course as an indicator in the fourth domain of the accountability system.
8. **HB 1336 by Rep. Leach** requires a description of a district's total expenses related to administering a required state assessment in the annual financial management report. The intent is to provide more financial transparency related to the substantial costs that districts must pay related to standardized testing.
9. **HB 1500 by Rep. Giddings** would add the percentage of students who earn an associate degrees as an indicator in the fourth domain of the accountability system.
10. **HB 1540 by Rep. Rodriguez** requires high schools to provide information to a student during the first year of high school about the importance of selecting a major or field of study before, or as soon as possible after, enrollment at a postsecondary educational institution and the potential consequences of delaying that decision, particularly if the student intends to transfer between postsecondary educational institutions.
11. **HB 1583 by Rep. Cortez** would add private schools to state law relating to the maintenance, administration, and disposal of epinephrine auto-injectors (EpiPens).

12. **HB 1638 by Rep. Guillen** requires TEA and the Texas Higher Education Coordinating Board to jointly develop statewide goals for dual credit programs and to provide uniform standards for evaluating those programs.
13. **HB 2614 by Rep. Huberty** allows school districts discretion (rather than require them) to administer college preparation assessment instruments to students at state cost.
14. **CSHB 2623 by Rep. Allen** requires school districts to assist students in making the transition back to school after placements outside of school in a DAEP, JJAPE, residential program or facility operated by the Texas Juvenile Justice Department, residential treatment center, or a public or private hospital for a period equivalent to 30 instructional days or more during the school year. The bill requires each school district to develop and implement a personalized transition service plan for each applicable student.
15. **HB 3145 by Rep. Deshotel** would require a school board to review and, if necessary, revise the district recess policy at least every five years.
16. **HB 3318 by Rep. Gooden** requires Districts of Innovation to ensure that a copy of the district's current local innovation plan is available to the public by posting and maintaining it in a prominent location on the district's website.
17. **HB 3369 by Rep. Huberty** requires regional ESCs to maintain as a core service for purchase by school districts and campuses assistance specifically designed for districts considered in need of intervention or substantial intervention based on TEA's most recent determination regarding the district's special education programs.
18. **HB 3381 by Rep. Huberty** requires the governor to designate a day to be known as Texas Military Heroes Day.

HB 306

Minjarez, Ina

As filed: The bill defines bullying to now include an act or acts by one or more students that exploits an imbalance of power. It also adds that bullying has the effect of causing a student to experience substantial negative mental health effects, disrupts the educational process, and infringes on the rights of the victim at school. The bill also defines cyberbullying that occurs on and off school property and requires schools to include this in their bullying policies in all handbooks. It allows for bullies to be removed from class, placed in DAEP or expelled. The school district will be required to report the bullying incident to law enforcement. The bill mandates that the supreme court adopt rules of civil procedure providing for the issuance of a pre-suit subpoena to investigate a potential claim involving the injury or death of a minor or obtain evidence or testimony. Sec. 1008.003 of the bill spells out the liability to a claimant that shows that the defendant engaged in bullying directed toward the claimant.

Rep. Minjarz explained the intent of this bill (also known as "David's Law") is to counteract cyberbullying. It makes significant changes in the way schools, districts, law enforcement and the supreme court investigate, report, and prosecute student harassment, bullying, and cyberbullying. 23 witnesses publicly testified and almost all were in support of the bill. The bill was left pending.

HB 310

Johnson, Jarvis

As filed: If passed, beginning Sept. 1, 2017, school districts are authorized to use compensatory education funds to fund their school counseling and guidance programs.

HB 310 would allow a district to use compensatory education funds for school district counseling and guidance programs. The bill was left pending.

HB 413

Bernal, Diego

As filed: The bill would allow school districts to use Instructional Materials Allotment (IMA) funds to cover the salary and expenses of staff involved in student learning and staff involved in addressing the social-emotional health of students.

As Rep. Bernal laid out a substitute bill, he explained the intent of HB 413 is to expand the permitted use of IMA funds to hire employees “directly involved with student learning” and “staff involved in addressing the social-emotional health of students” if there are any remaining funds after purchasing the required instructional materials. The bill was left pending.

HB 884

King, Ken

As filed: The State Board of Education (SBOE) shall conduct a review of the essential knowledge and skills for the foundation curriculum and revise the essential knowledge and skills for that curriculum to narrow the number and scope of student expectations for each subject and grade level. The scope of the essential knowledge and skills must be more narrow than the scope adopted as of January 1, 2017 and require less time for a demonstration of mastery.

HB 884 requires that the SBOE review and revise the essential knowledge and skills for each subject by September 1, 2020, and narrow the scope of student expectations for each subject and grade level, ensure that the new scope requires less time for mastery, and that the revisions do not require new instructional material. The bill was left pending.

HB 933

Longoria, Oscar

As filed: This bill would require UIL to adopt rules to prohibit the use of rolled or shaved baseball bats at games sponsored by the league.

HB 933 seeks to ensure that baseball bats that have been “altered” or “doctored” can not be used during any UIL event. The bill was left pending.

HB 1010

Alonzo, Roberto

As filed: Rules, bylaws and any other written policies adopted by local school boards have the force of law in relation to the respective school districts. Trustees and district employees shall comply with adopted rules, bylaws and policies.

Rep. Alonzo told committee members that a district is currently **not** required to abide by policies that are adopted by the local school boards; and the intent of this bill is to require the board of trustees (collectively and individually) and each district employee to comply with the rules, bylaws and policies that are adopted. The bill was left pending.

HB 1075

Thompson, Ed

As filed: This bill would require sports officials for the UIL to submit to a criminal background check every three years.

Rep. Thompson explained the intent of HB 1075 is to remove permissive language regarding background checks for sports officials. UIL resource witness, Jaime Harrison, testified there would not be a cost charged to the schools or districts for this change. The bill was left pending.

HB 1138

Davis, Yvonne

As filed: The bill authorizes any school board trustee to visit any campus in the school district for observation without requesting or obtaining permission from any administrator or employee beforehand. Effective date: If the bill receives a two-thirds vote in each chamber, it would be effective immediately; otherwise, September 1, 2017.

HB 1138 hearing was postponed.

HB 1451

Guillen, Ryan

As filed: This bill would allow a student to comply with the curriculum requirement for one credit of a language other than English by successfully completing a dual language immersion program at an elementary school.

Rep. Guillen's intent is to support dual language immersion in elementary schools by awarding high school credit to students who have completed a dual language program. Texas Association for Bilingual Educators testified in support of the bill. The bill was left pending.

HB 1569 Ashby, Trenton

As filed: This bill requires residential placement facilities to share school records, behavioral history, and arrest records or indictments with school districts or open-enrollment charter schools.

HB 1569 creates a requirement that all pertinent records be disclosed to school districts that serve students in residential placement facilities. The bill was left pending.

HB 1857 King, Ken

As filed: This bill states that each instructional material on the list adopted by the State Board of Education (SBOE) be suitable for the subject and grade level for which the instructional material was submitted. The SBOE may adopt supplemental instructional material only if it is suitable for the subject and grade level. Effective date: This bill would take effect September 1, 2017.

HB 1857 hearing was postponed.

HB 2014 Parker, Tan

As filed: This bill would allow districts or charters to designate a campus of the district as a mathematics innovation zone. The commissioner may use funds appropriated or donated for purposes of these zones to award grants to support the implementation of innovative mathematics instruction at the campus. A campus designated as a mathematics innovation zone must implement with fidelity an innovative mathematics instructional program approved by the commissioner that address the essential knowledge and skills of the mathematics curriculum, comply with objectives, metrics, and other math innovation zone requirements imposed by the commissioner, and provide all data relating to the innovation zone requested by the agency. A campus designated as a mathematics innovation zone is not subject to interventions under the state accountability system for the first two years of the designation as long as the campus implements the program with fidelity and complies with each math innovation zone requirement to the satisfaction of the commissioner. This period of exemption from interventions is not included in calculating consecutive years of required improvement or considered a break in consecutive school years of unacceptable ratings. The commissioner may revoke an innovation zone designation of a campus and suspend associated grant funding if the commissioner determines that the campus has failed to implement the program with fidelity. A district may use a pay for success program to pay costs associated with the designation of a campus as an innovation zone, and the commissioner may accept grants, gifts, or donations for innovation zones.

Mike Morath, TEA Commissioner, testified as a resource witness for this bill. He explained that HB 2014 is designed to lead to algebra readiness and the funding mechanism concept is an RFP process for blended learning system providers. The commissioner stated that in order to respond to the RFP, the provider must: 1) demonstrate the ability to measure fidelity of implementation (such as number of online hours, teacher efficacy, etc.) and 2) be able to measure high levels of achievement. TEA would establish a "pay-for-success" program to be funded by outside investors. This bill is targeted toward social impact investing. The bill was left pending.

HB 2683 Hinojosa, Gina

As filed: A toll project entity may not require a school bus exempt for registration fees to pay a toll for use of toll project.

A committee substitute by Rep. Hinojosa to make public school buses exempt from highway tolls would apply only to the Regional Mobility Authority tollways. The bill was left pending.

HB 2767 Gervin-Hawkins, Barbara

As filed: This bill would require that any changes to the accountability system may not be implemented before the second school year after the rule is adopted unless the commissioner or the agency is required by law to adopt and implement such a rule.

Rep. Gervin-Hawkins explained the intent of this bill is to give districts time to understand new accountability system rules and plan for any changes that might be needed. She provided a committee substitute that allows TEA up to one year to implement rules that impact the accountability system. The bill was left pending.

HB 3209 Gonzales, Larry

As filed: TEA and the five regional day schools for the deaf are to enter into an MOU by Sept. 1, 2018, that establishes: development of indicators of quality of learning; the process by which TEA will annually evaluate and report on performance of the schools; how the programs will discuss, publish and disseminate an annual report of educational effectiveness; the process by which TEA will conduct monitoring reviews; and the PEIMS data reporting requirements necessary to implement the annual evaluations.

The intent of HB 3209 is to create consistency in standards for schools that serve hearing impaired students. Currently, TEA applies different standards to the Texas School for the Deaf than regional day school programs which also serve hearing impaired students. The bill was left pending.

HB 3434 Koop, Linda

As filed: This bill would allow school districts to be subject to different uniform general conditions in building and construction contracts. TEA would review any newly adopted uniform general conditions and modify any of these uniform general conditions to suit school district contracts.

HB 3434 was filed to provide predictability, consistency, create efficiency, and lower costs to districts by providing uniform general conditions in building and construction contracts. The bill was left pending.

HB 3548 Parker, Tan

As filed: This bill would release the nonprofit corporation established by the Texas Public Finance Authority from liability for issuing bonds to open enrollment charter facilities.

The bill was left pending.

HB 3706 Lucio III, Eddie

As filed: This bill would enable districts to offer alternative education programs designed to address workforce development needs for at risk students.

Rep. Lucio emphasized that HB 3706 makes incremental, but important changes in the current online learning programs, by allowing districts to use online dropout recovery programs for workforce preparation. This bill would expand the definition to allow a district to use a private or public community-based, full-time online learning program for at-risk students that leads to a high school diploma and prepares students to enter the workforce. The bill was left pending.

HB 3887 Coleman, Garnet

As filed: This bill adds recognition of physical and emotional trauma in students to the list of mental health related best practice areas to be listed by the department of state health services for training in school districts.

Rep. Coleman quickly laid out HB 3887 by stating that the purpose of the bill is to provide training teachers and staff to recognize physical and emotional trauma. The bill was left pending.

HB 4064 Bohac, Dwayne

As filed: This bill would require any school staff person that is required to have a bachelor's degree to qualify for the position to also receive training in digital learning (including a digital literacy evaluation).

This bill would additionally require that continuing education for teachers include sessions on digital learning and teaching.

Rep. Bohac provided a committee substitute for HB 4064 and explained that the intent of the bill is to facilitate the integration of digital teaching and learning into best practices into Texas schools. The bill was left pending.

The committee hearing ended at 6:35pm.

See the [archived video](#) of the hearing.