

## **MINUTES**

### **SENATE COMMITTEE ON EDUCATION**

Tuesday, April 16, 2013

8:30 AM

Capitol Extension, Room E1.028

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Pursuant to a notice posted in accordance with Senate Rule 11.10 and 11.18, a public hearing of the Senate Committee on Education was held on Tuesday, April 16, 2013, in the Capitol Extension, Room E1.028, at Austin, Texas.

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#### **MEMBERS PRESENT:**

Senator Dan Patrick, Chair  
Senator Eddie Lucio, Jr., Vice Chair  
Senator Donna Campbell  
Senator Robert Duncan  
Senator Ken Paxton  
Senator Kel Seliger  
Senator Larry Taylor  
Senator Leticia Van de Putte  
Senator Royce West

#### **MEMBERS ABSENT:**

None

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The chair called the meeting to order at 8:34 AM. The following business was transacted:

Other Senators attending: Senator Wendy Davis.

The chair laid out SB 377 and recognized the author, Senator Lucio, to explain the bill. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Patrick moved that SB 377 be left pending; without objection, it was so ordered.

The chair laid out SB 1557 and recognized the author, Senator Lucio, Jr. to explain the bill. Senator Lucio, Jr. sent up a committee substitute; the chair recognized Senator Lucio, Jr. to

explain the difference between the committee substitute and the senate bill as filed. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Patrick moved that SB 1557 be left pending; without objection, it was so ordered.

The chair laid out SB 1310 and recognized the author, Senator Davis, to explain the bill. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Patrick moved that SB 1310 be left pending; without objection, it was so ordered.

At 9:02 AM the roll was called, and a quorum was present.

The chair laid out SB 1309 and recognized the author, Senator Davis, to explain the bill. Senator Lucio, Jr. sent up a committee substitute; the chair recognized Senator Davis to explain the difference between the committee substitute and the senate bill as filed. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Patrick moved that SB 1309 be left pending; without objection, it was so ordered.

The chair laid out SB 1223 and recognized the author, Senator Taylor, to explain the bill. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Patrick moved that SB 1223 be left pending; without objection, it was so ordered.

At 9:25 AM Senator Lucio, Jr. assumed the chair.

The chair laid out HB 5 and recognized the Senate sponsor, Senator Patrick, to explain the bill. Senator Patrick sent up a committee substitute; the chair recognized Senator Patrick to explain the difference between the committee substitute and the house bill as engrossed. Senator Van de Putte sent up Committee Amendment 1 and explained the amendment. Senator Patrick sent up Committee Amendment 2 and explained the amendment. Senator Patrick sent up Committee Amendment 3 and explained the amendment. Senator Seliger sent up Committee Amendment 4 and explained the amendment. Senator Seliger sent up Committee Amendment 5 and explained the amendment. Witnesses testifying and registering on the bill are shown on the attached list.

At 10:04 AM Senator Seliger assumed the chair.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Seliger moved that HB 5 be left pending; without objection, it was so ordered.

At 10:57 AM Senator Patrick resumed the chair.

There being no further business, at 10:57 AM Senator Dan Patrick moved that the Committee stand recessed until 15 minutes after the adjournment of the Senate; without objection, it was so ordered.

Senator Van de Putte reconvened the meeting at 1:57 PM.

As a matter of pending business, the chair resumed public testimony on HB 5. Witnesses testifying and registering on the bill are shown on the attached list.

At 2:09 PM Senator Lucio, Jr. assumed the chair.

At 4:38 PM Senator Duncan assumed the chair.

The chair moved that the public testimony be closed; without objection, it was so ordered. Senator Duncan moved that the witness cards for those registering not testifying on HB 5 be reduced to entry on the witness list; there being no objection, it was so ordered.

At 4:42 PM Senator Lucio, Jr. assumed the chair.

Senator Patrick explained Committee Amendment 2 that was sent up previously and moved adoption of the amendment to the proposed Committee Substitute; without objection, the amendment was adopted.

Senator Van de Putte moved to withdraw from consideration Committee Amendment 1 to the proposed Committee Substitute that was sent up previously; without objection, it was so ordered.

Senator Patrick explained Committee Amendment 3 that was sent up previously and moved adoption of the amendment to the proposed Committee Substitute; without objection, the amendment was adopted.

Senator Seliger explained Committee Amendment 4 that was sent up previously and moved adoption of the amendment to the proposed Committee Substitute; without objection, the amendment was adopted.

Senator Seliger explained Committee Amendment 5 that was sent up previously and moved adoption of the amendment to the proposed Committee Substitute; without objection, the amendment was adopted.

Senator West sent up Committee Amendment 6 to the proposed Committee Substitute and moved adoption; without objection, the amendment was adopted.

Senator West sent up Committee Amendment 7 to the proposed Committee Substitute and moved adoption; without objection, the amendment was adopted.

Senator West sent up Committee Amendment 8 to the proposed Committee Substitute and explained the amendment. Senator West moved to withdraw from consideration Committee Amendment 8; without objection, it was so ordered.

Senator Seliger sent up Committee Amendment 9 to the proposed Committee Substitute and explained the amendment.

Senator Seliger sent up an amendment to amendment 9, and was recognized to explain the amendment to amendment 9. Senator Seliger moved the adoption of the amendment to amendment 9; without objection, it was so ordered. Senator Seliger moved adoption of Amendment 9 as amended; without objection, it was so ordered.

Senator Seliger sent up Committee Amendment 10 to the proposed Committee Substitute and explained the amendment. Senator Seliger moved to withdraw from consideration Committee Amendment 10; without objection, it was so ordered.

Senator Patrick sent up Committee Amendment 11 to the proposed Committee Substitute and moved adoption; without objection, the amendment was adopted.

Senator Patrick sent up Committee Amendment 12 to the proposed Committee Substitute and moved adoption; without objection, the amendment was adopted.

Senator Patrick sent up Committee Amendment 13 to the proposed Committee Substitute and moved adoption; without objection, the amendment was adopted.

Senator Dan Patrick requested unanimous consent to incorporate adopted amendments 2, 3, 4, 5, 6, 7, 9 as amended, 11, 12, and 13 into the proposed substitute to HB 5 to create a new substitute; without objection, it was so ordered. Senator Dan Patrick then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Dan Patrick moved that HB 5 do not pass but that CSHB 5 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 2 present not voting, and 0 absent.

Senator Patrick resumed the chair.

The chair laid out as a matter of pending business SB 377 and recognized the author, Senator Lucio. Senator Lucio, Jr. sent up a committee substitute; the chair recognized Senator Lucio, Jr. to explain the difference between the committee substitute and the senate bill as filed. Senator Lucio, Jr. moved adoption of the committee substitute; without objection, it was so ordered.

Senator Patrick moved that SB 377 be left pending; without objection, it was so ordered.

The chair laid out as a matter of pending business SB 1309 by Senator Davis. Senator Lucio, Jr. moved adoption of the committee substitute sent up previously; without objection, it was so ordered. Senator Lucio, Jr. moved that SB 1309 do not pass but that CSSB 1309 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Lucio, Jr. moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered. Senator Lucio, Jr. moved to reconsider the vote by which CSSB 1309 was recommended for the local and uncontested calendar; without objection, it was so ordered.

The chair laid out as a matter of pending business SB 1557 and the proposed committee substitute and recognized the author, Senator Lucio, to explain the bill. Senator Lucio, Jr. moved adoption of the committee substitute sent up previously; without objection, it was so ordered. Senator Lucio, Jr. moved that SB 1557 do not pass but that CSSB 1557 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Lucio, Jr. moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out as a matter of pending business SB 376 and recognized the author, Senator Lucio, Jr. to explain the bill. Senator Lucio, Jr. moved to reconsider the vote by which the substitute for SB 376 was adopted previously on Thursday, April 4, 2013; without objection, it was so ordered. Senator Lucio, Jr. moved to withdraw from consideration the substitute for SB 376 was adopted previously on Thursday, April 4, 2013; without objection, it was so ordered. Senator Lucio, Jr. sent up a new committee substitute; the chair recognized Senator Lucio, Jr. to explain the difference between the committee substitute and the senate bill as filed. Senator Lucio, Jr. moved adoption of the committee substitute; without objection, it was so ordered. Senator Lucio, Jr. moved that SB 376 do not pass but that CSSB 376 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent.

At 5:38 PM Senator Lucio, Jr. assumed the chair.

The chair laid out as a matter of pending business SB 1243 and recognized Senator Patrick, in the absence of the author, to explain the bill. Senator Patrick moved to withdraw from consideration the substitute for SB 1243 was sent up previously on Thursday, April 11, 2013; without objection, it was so ordered. Senator Patrick sent up a new committee substitute; the chair recognized Senator Patrick to explain the difference between the committee substitute and the senate bill as filed. Senator Patrick moved adoption of the committee substitute; without objection, it was so ordered. Senator Patrick moved that SB 1243 do not pass but that CSSB 1243 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Patrick moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

At 5:42 PM Senator Patrick resumed the chair.

The chair laid out as a matter of pending business SB 1718 and recognized the author, Senator West, to explain the bill. Senator West moved to withdraw from consideration the substitute for SB 1718 that was sent up previously on Tuesday, April 2, 2013; without objection, it was so ordered. Senator West sent up a new committee substitute; the chair recognized Senator West to explain the difference between the committee substitute and the senate bill as filed. Senator West sent up Committee Amendment 1 to the proposed substitute and moved adoption; without objection, the amendment was adopted. Senator West sent up Committee Amendment 2 to the

proposed substitute and moved adoption; without objection, the amendment was adopted. Senator West sent up Committee Amendment 3 to the proposed substitute and moved adoption; without objection, the amendment was adopted. Senator West requested unanimous consent to incorporate the adopted amendments into the proposed committee substitute to create a new committee substitute; without objection, it was so ordered. Senator West then moved that the new committee substitute be adopted; without objection, it was so ordered. Senator West moved that SB 1718 do not pass but that CSSB 1718 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 8 ayes, 0 nays, 0 present not voting, and 1 absent.

At 6:11 PM Senator Lucio, Jr. assumed the chair.

The chair laid out as a matter of pending business SB 218 and the proposed committee substitute by Senator Patrick.

Senator Patrick sent up Committee Amendment 40 and explained the amendment. Senator Patrick withdrew Amendment 40; without objection, it was so ordered.

Senator Patrick sent up Committee Amendment 41 and explained the amendment. Senator Patrick withdrew Amendment 41; without objection, it was so ordered.

Senator Patrick sent up Committee Amendment 42 and explained the amendment. Senator Patrick withdrew Amendment 42; without objection, it was so ordered.

Senator Patrick sent up Committee Amendment 43 and explained the amendment. Senator Patrick withdrew Amendment 43; without objection, it was so ordered.

Senator West sent up Committee Amendment 44 and explained the amendment. Senator West withdrew Amendment 44; without objection, it was so ordered.

Senator West sent up Committee Amendment 45 and explained the amendment. Senator West withdrew Amendment 45; without objection, it was so ordered.

Senator West sent up Committee Amendment 46 and explained the amendment. Senator West withdrew Amendment 46; without objection, it was so ordered.

Senator West sent up Committee Amendment 47 and explained the amendment. Senator West withdrew Amendment 47; without objection, it was so ordered.

Senator West sent up Committee Amendment 48 and explained the amendment. Senator West withdrew Amendment 48; without objection, it was so ordered.

Senator West sent up Committee Amendment 49 and explained the amendment. Senator West withdrew Amendment 49; without objection, it was so ordered.

Senator West sent up Committee Amendment 50 and explained the amendment. Senator West withdrew Amendment 50; without objection, it was so ordered.

Senator West sent up Committee Amendment 51 and explained the amendment. Senator West withdrew Amendment 51; without objection, it was so ordered.

Senator West sent up Committee Amendment 52 and explained the amendment. Senator West withdrew Amendment 52; without objection, it was so ordered.

Senator West sent up Committee Amendment 53 and explained the amendment. Senator West withdrew Amendment 53; without objection, it was so ordered.

Senator West sent up Committee Amendment 54 and explained the amendment. Senator West withdrew Amendment 54; without objection, it was so ordered.

Senator Duncan sent up Committee Amendment 55 and explained the amendment. Senator Duncan withdrew Amendment 55; without objection, it was so ordered.

Senator Duncan sent up Committee Amendment 56 and explained the amendment. Senator Duncan withdrew Amendment 56; without objection, it was so ordered.

Senator West sent up Committee Amendment 57 and explained the amendment. Senator West withdrew Amendment 57; without objection, it was so ordered.

Senator West sent up Committee Amendment 58 and explained the amendment. Senator West withdrew Amendment 58; without objection, it was so ordered.

Senator Van de Putte sent up Committee Amendment 59 and explained the amendment. Senator Van de Putte withdrew Amendment 59; without objection, it was so ordered.



Senator Van de Putte sent up Committee Amendment 60 and explained the amendment. Senator Van de Putte withdrew Amendment 60; without objection, it was so ordered.

Senator Van de Putte sent up Committee Amendment 61 and explained the amendment. Senator Van de Putte withdrew Amendment 61; without objection, it was so ordered.

Senator Van de Putte sent up Committee Amendment 62 and explained the amendment. Senator Van de Putte withdrew Amendment 62; without objection, it was so ordered.

At 6:26 PM Senator Duncan assumed the chair.

Senator Lucio, Jr. sent up Committee Amendment 63 and explained the amendment. Senator Lucio, Jr. withdrew Amendment 63; without objection, it was so ordered.

Senator Lucio, Jr. sent up Committee Amendment 64 and explained the amendment. Senator Lucio, Jr. withdrew Amendment 64; without objection, it was so ordered.

At 6:28 PM Senator Lucio, Jr. assumed the chair.

Senator Patrick moved adoption of the committee substitute; without objection, it was so ordered. Senator Patrick moved that SB 218 do not pass but that CSSB 218 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent.

At 6:29 PM Senator Patrick resumed the chair.

Senator Campbell requested unanimous consent to be shown voting aye on SB 218 and SB 1718; there being no objection, it was so ordered.

Senator Seliger requested unanimous consent to be shown voting aye on SB 218; there being no objection, it was so ordered.

Senator Taylor requested unanimous consent to be shown voting aye on SB 218 and SB 1718; there being no objection, it was so ordered.

Senator Van de Putte requested unanimous consent to be shown voting aye on SB 1718; there being no objection, it was so ordered.

There was no action taken for the following bill(s): SB 1575.

There being no further business, at 6:30 PM Senator Patrick moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

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Senator Dan Patrick, Chair

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Holly Mabry McCoy, Clerk