

1-1 By: King of Hemphill (Senate Sponsor - Seliger) H.B. No. 2811  
 1-2 (In the Senate - Received from the House May 12, 2015;  
 1-3 May 13, 2015, read first time and referred to Committee on  
 1-4 Education; May 22, 2015, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 10, Nays 0;  
 1-6 May 22, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor of Galveston	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Garcia	X			
1-13 Huffines	X			
1-14 Kolkhorst			X	
1-15 Rodríguez	X			
1-16 Seliger	X			
1-17 Taylor of Collin	X			
1-18 West	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 2811 By: Seliger

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to the essential knowledge and skills of the required  
 1-24 public school curriculum, the administration of and reports  
 1-25 relating to assessment instruments administered to public school  
 1-26 students, the instructional materials allotment, and proclamations  
 1-27 for the production of instructional materials.

1-28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-29 SECTION 1. Subchapter A, Chapter 28, Education Code, is  
 1-30 amended by adding Section 28.0025 to read as follows:

1-31 Sec. 28.0025. REVIEW AND MODIFICATION OF ESSENTIAL  
 1-32 KNOWLEDGE AND SKILLS. (a) The State Board of Education shall:

1-33 (1) conduct a review of the essential knowledge and  
 1-34 skills of each foundation curriculum subject under Section  
 1-35 28.002(a)(1) that were most recently revised by the board with an  
 1-36 effective date before September 1, 2012; and

1-37 (2) modify the essential knowledge and skills of each  
 1-38 foundation curriculum subject reviewed under Subdivision (1) to  
 1-39 narrow the content and scope of standards and skills for the subject  
 1-40 at each grade level in accordance with this section.

1-41 (b) In complying with this section, the State Board of  
 1-42 Education shall consider:

1-43 (1) at each grade level for each subject reviewed  
 1-44 under this section, the time:

1-45 (A) a teacher would require to provide  
 1-46 comprehensive instruction on a particular standard or skill; and

1-47 (B) a typical student would require to master a  
 1-48 particular standard or skill;

1-49 (2) whether, in light of the consideration required by  
 1-50 Subdivision (1), each essential knowledge and skill of a subject  
 1-51 reviewed under this section can be comprehensively taught within  
 1-52 the number of school days required under Section 25.081, not  
 1-53 including the number of days required for testing;

1-54 (3) the college and career readiness standards, and  
 1-55 whether inclusion of part of those standards in the essential  
 1-56 knowledge and skills of a subject reviewed under this section is  
 1-57 possible; and

1-58 (4) whether an assessment instrument administered  
 1-59 under Section 39.023 adequately assesses a particular standard or  
 1-60 skill.

1-61 (c) In establishing or following an established timeline  
 1-62 for reviewing and modifying the essential knowledge and skills as  
 1-63 required under this section, the State Board of Education shall

2-1 ensure that the timeline reflects a priority to first review and  
 2-2 modify a subject for which an end-of-course assessment instrument  
 2-3 under Section 39.023(c) is administered before a subject for which  
 2-4 an assessment instrument under Section 39.023(a) is administered.  
 2-5 The board shall complete the review and modification of the  
 2-6 essential knowledge and skills at each grade level for each  
 2-7 applicable subject as required under this section not later than  
 2-8 September 1, 2018.

2-9 (d) Until the review and modification under this section is  
 2-10 complete, the State Board of Education may not add to or modify the  
 2-11 content and scope of standards and skills for any subject in the  
 2-12 foundation curriculum under Section 28.002(a)(1) reviewed under  
 2-13 this section unless modifications are made in accordance with this  
 2-14 section.

2-15 (e) This section expires September 1, 2018.

2-16 SECTION 2. Section 28.008(d), Education Code, is amended to  
 2-17 read as follows:

2-18 (d) The State Board of Education shall incorporate college  
 2-19 readiness standards and expectations approved by the commissioner  
 2-20 of education and the Texas Higher Education Coordinating Board  
 2-21 under Subsection (b) into the essential knowledge and skills  
 2-22 identified by the board under Section 28.002(c). The State Board of  
 2-23 Education shall develop a chart that clearly indicates the  
 2-24 alignment of the college readiness standards and expectations with  
 2-25 the essential knowledge and skills identified by the board under  
 2-26 Section 28.002(c).

2-27 SECTION 3. Subchapter A, Chapter 28, Education Code, is  
 2-28 amended by adding Section 28.0081 to read as follows:

2-29 Sec. 28.0081. ADMINISTRATION OF ASSESSMENT INSTRUMENT FOR  
 2-30 DIAGNOSTIC PURPOSES. (a) Not later than April 1 of each school  
 2-31 year, a school district, using funds appropriated to the agency and  
 2-32 distributed by the commissioner to the district for that purpose,  
 2-33 shall administer an assessment instrument designated by the Texas  
 2-34 Higher Education Coordinating Board under Section 51.3062(c) to  
 2-35 each student in the district enrolled in the 10th grade. A  
 2-36 student's performance on the assessment instrument may only be used  
 2-37 for diagnostic purposes, including a determination as to whether a  
 2-38 student should be enrolled in developmental education courses. If  
 2-39 a student is in a special education program under Subchapter A,  
 2-40 Chapter 29, the student's admission, review, and dismissal  
 2-41 committee shall determine if it is appropriate for the student to be  
 2-42 administered the assessment instrument required under this  
 2-43 section.

2-44 (b) This section applies only until the State Board of  
 2-45 Education has completed the review and modification of essential  
 2-46 knowledge and skills of the foundation curriculum subjects required  
 2-47 by Section 28.0025. This section expires September 1, 2018.

2-48 SECTION 4. Section 31.002, Education Code, is amended by  
 2-49 adding Subdivision (1-b) to read as follows:

2-50 (1-b) "Proclamation" means a request for production of  
 2-51 instructional materials issued by the State Board of Education.

2-52 SECTION 5. Sections 31.0211(a) and (d), Education Code, are  
 2-53 amended to read as follows:

2-54 (a) A school district is entitled to an ~~annual~~ allotment  
 2-55 each biennium from the state instructional materials fund for each  
 2-56 student enrolled in the district on a date during the last year of  
 2-57 the preceding biennium ~~[school year]~~ specified by the  
 2-58 commissioner. The commissioner shall determine the amount of the  
 2-59 allotment per student each biennium ~~[year]~~ on the basis of the  
 2-60 amount of money available in the state instructional materials fund  
 2-61 to fund the allotment. An allotment under this section shall be  
 2-62 transferred from the state instructional materials fund to the  
 2-63 credit of the district's instructional materials account as  
 2-64 provided by Section 31.0212.

2-65 (d) Each biennium ~~[year]~~ a school district shall use the  
 2-66 district's allotment under this section to purchase, in the  
 2-67 following order:

2-68 (1) instructional materials necessary to permit the  
 2-69 district to certify that the district has instructional materials  
 2-70 that cover all elements of the essential knowledge and skills of the  
 2-71 required curriculum, other than physical education, for each grade

3-1 level as required by Section 28.002; and  
3-2 (2) any other instructional materials or  
3-3 technological equipment as determined by the district.

3-4 SECTION 6. Section 31.0212(a), Education Code, is amended  
3-5 to read as follows:

3-6 (a) The commissioner shall maintain an instructional  
3-7 materials account for each school district. In the first year of  
3-8 each biennium [~~Each school year~~], the commissioner shall deposit in  
3-9 the account for each district the amount of the district's  
3-10 instructional materials allotment under Section 31.0211.

3-11 SECTION 7. Sections 31.0215(a) and (b), Education Code, are  
3-12 amended to read as follows:

3-13 (a) The commissioner shall, as early as practicable during  
3-14 each biennium [~~fiscal year~~], notify each school district and  
3-15 open-enrollment charter school of the estimated amount to which the  
3-16 district or charter school will be entitled under Section 31.0211  
3-17 during the next fiscal biennium [~~year~~].

3-18 (b) The commissioner may allow a school district or  
3-19 open-enrollment charter school to place an order for instructional  
3-20 materials before the beginning of a fiscal biennium [~~year~~] and to  
3-21 receive instructional materials before payment. The commissioner  
3-22 shall limit the cost of an order placed under this section to 80  
3-23 percent of the estimated amount to which a school district or  
3-24 open-enrollment charter school is estimated to be entitled as  
3-25 provided by Subsection (a) and shall first credit any balance in a  
3-26 district or charter school instructional materials account to pay  
3-27 for an order placed under this section.

3-28 SECTION 8. Section 31.022, Education Code, is amended by  
3-29 adding Subsections (b-1), (b-2), and (b-3) and amending Subsection  
3-30 (f) to read as follows:

3-31 (b-1) For any state fiscal biennium, the board may only  
3-32 issue proclamations for instructional materials in which the total  
3-33 projected cost of instructional materials under the proclamations  
3-34 does not exceed 75 percent of the total amount used to fund the  
3-35 instructional materials allotment under Section 31.0211 for that  
3-36 biennium.

3-37 (b-2) Following the adoption of revised essential knowledge  
3-38 and skills for any subject, the board shall determine whether  
3-39 issuance of a proclamation is necessary based on the significance  
3-40 of the changes to the essential knowledge and skills. If the board  
3-41 determines a proclamation is necessary, the board shall issue:

3-42 (1) a full call for instructional materials aligned to  
3-43 all of the essential knowledge and skills for the subject and grade  
3-44 level;

3-45 (2) a supplemental call for instructional materials  
3-46 aligned to new or expanded essential knowledge and skills for the  
3-47 subject and grade level;

3-48 (3) a call for new information demonstrating alignment  
3-49 of current instructional materials to the revised essential  
3-50 knowledge and skills; or

3-51 (4) any combination of the calls described by  
3-52 Subdivisions (1), (2), and (3).

3-53 (b-3) In determining the disbursement of money to the  
3-54 available school fund and the amount of that disbursement that will  
3-55 be used, in accordance with Section 43.001(d), to fund the  
3-56 instructional materials allotment under Section 31.0211, the board  
3-57 must consider the cost of all instructional materials and  
3-58 technology requirements for that state fiscal biennium.

3-59 (f) The board shall amend any proclamation [~~request for~~  
3-60 ~~production~~] issued for the purchase of instructional materials to  
3-61 conform to the instructional materials funding levels provided by  
3-62 the General Appropriations Act for the year of implementation and  
3-63 to comply with Subsection (b-1).

3-64 SECTION 9. Subchapter B, Chapter 39, Education Code, is  
3-65 amended by adding Section 39.0239 to read as follows:

3-66 Sec. 39.0239. REQUIRED REPORT FOR CERTAIN ASSESSMENTS.

3-67 (a) Following the administration of an assessment instrument  
3-68 adopted or developed under Section 39.023(a), the agency shall  
3-69 provide a detailed report of a student's performance on the  
3-70 assessment instrument to:

3-71 (1) the student;

4-1 (2) the student's parent or other person standing in  
4-2 parental relationship; and

4-3 (3) the student's teachers.

4-4 (b) The report provided under Subsection (a) must include an  
4-5 analysis of a student's performance on each assessed standard or  
4-6 skill in the essential knowledge and skills of the subject for which  
4-7 the assessment instrument was administered. The analysis must  
4-8 indicate whether the student mastered each standard or skill  
4-9 assessed in the assessment instrument.

4-10 (c) The analysis under Subsection (b) must demonstrate both  
4-11 individual assessment results and assessment results aggregated  
4-12 across classes, campuses, and districts.

4-13 (d) If the commissioner contracts with a third party for the  
4-14 development or adoption of an assessment instrument under Section  
4-15 39.023(a), the contract must require the third party to fulfill the  
4-16 requirements of this section.

4-17 SECTION 10. Section 43.001(d), Education Code, is amended  
4-18 to read as follows:

4-19 (d) Each biennium [~~year~~] the State Board of Education shall  
4-20 set aside an amount equal to 50 percent of the [~~annual~~] distribution  
4-21 for that biennium [~~year~~] from the permanent school fund to the  
4-22 available school fund as provided by Section 5(a), Article VII,  
4-23 Texas Constitution, to be placed, subject to the General  
4-24 Appropriations Act, in the state instructional materials fund  
4-25 established under Section 31.021.

4-26 SECTION 11. Section 403.093(d), Government Code, is amended  
4-27 to read as follows:

4-28 (d) The comptroller shall transfer from the general revenue  
4-29 fund to the foundation school fund an amount of money necessary to  
4-30 fund the foundation school program as provided by Chapter 42,  
4-31 Education Code. The comptroller shall make the transfers in  
4-32 installments as necessary to comply with Section 42.259, Education  
4-33 Code, and permit the Texas Education Agency, to the extent  
4-34 authorized by the General Appropriations Act, to make temporary  
4-35 transfers from the foundation school fund for payment of the  
4-36 instructional materials allotment under Section 31.0211, Education  
4-37 Code. Unless an earlier date is necessary for purposes of temporary  
4-38 transfers for payment of the instructional materials allotment, an  
4-39 [An] installment must be made not earlier than two days before the  
4-40 date an installment to school districts is required by Section  
4-41 42.259, Education Code, and must not exceed the amount necessary  
4-42 for that payment and any temporary transfers for payment of the  
4-43 instructional materials allotment.

4-44 SECTION 12. Sections 31.101(d) and (e), Education Code, are  
4-45 repealed.

4-46 SECTION 13. Not later than January 1, 2016, the State Board  
4-47 of Education shall adopt a chart as prescribed by Section  
4-48 28.008(d), Education Code, as amended by this Act.

4-49 SECTION 14. The change in law made by Section 39.0239(d),  
4-50 Education Code, as added by this Act, applies only to a contract  
4-51 entered into, amended, or renewed on or after the effective date of  
4-52 this Act. A contract entered into, amended, or renewed before the  
4-53 effective date of this Act is governed by the law as it existed  
4-54 immediately before the effective date of this Act, and that law is  
4-55 continued in effect for that purpose.

4-56 SECTION 15. This Act applies beginning with the 2015-2016  
4-57 school year.

4-58 SECTION 16. This Act takes effect immediately if it  
4-59 receives a vote of two-thirds of all the members elected to each  
4-60 house, as provided by Section 39, Article III, Texas Constitution.  
4-61 If this Act does not receive the vote necessary for immediate  
4-62 effect, this Act takes effect September 1, 2015.

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