

# Summary of the 83rd Legislature

POWER, PROFESSIONALISM, ADVOCACY



Prepared by the  
Texas State Teachers Association

# 83<sup>RD</sup> LEGISLATIVE SESSION REPORT

## BATTLES WON, BATTLES LOST: THE WAR HAS JUST BEGUN

What happens at the Capitol is shaped by the work we do before the legislative session. The work we did early in 2012 on Stop the Cuts campaigns set a tone for the last year's legislative elections, when more pro-education legislators were elected. Those efforts carried over into the 2013 session, and enabled us to win some important victories for educators and school children. Almost \$4 billion of the \$5.4 billion cut from public education two years ago was restored, private school vouchers were soundly defeated, high-stakes testing was reduced, the Teacher Retirement System was strengthened and many retirees were given a long overdue cost-of-living adjustment.

On the other hand, both charter schools and virtual online schools were expanded, victories for the well-funded efforts of school profiteers who masquerade as "reformers." The following is a summary of a session that was clearly better than the 2011 session, but one that presented a great challenge from a private education industry that is not going away anytime soon. The so-called "reform" movement is driven by money, and the war has just begun.

### BATTLES WON: KEY LEGISLATION PASSED

#### ***BUDGET: SB1 AND HB1025 RESTORE SIGNIFICANT EDUCATION FUNDING***

Restoring almost \$4 billion for public education was not easy, and it still fell short of fully restoring the 2011 cuts. The House and Senate initially planned to restore only \$1.9 billion and \$1.5 billion, respectively, so we consider this budget a step in the right direction, but we have more work to do to secure the resources our students need to succeed. With the passage of SB1, HB1025 and SJR1, the state budget package will "restore" \$3.93 billion for public education funding and fund enrollment growth for the next two years.

- \$3.4 billion to the Foundation School program (which was cut \$4 billion in 2011), leaving us \$600 million short of restoring formula funding. This budget provides an average increase in operating revenue of \$228 per WADA (per student) in the 2013-2014 school year and \$300 per WADA in 2014-2015.
- Another \$330 million was provided to local districts to cover the cost of the new 1.5% ISD contribution to the TRS Fund — meaning the districts' cost is covered.
- \$200 million of the \$1.4 billion cut in 2011 for TEA grant programs, including \$50.5 million for the Student Success Initiative and \$30 million for supplemental aid for Pre-K, both of which fall short of restoring the 2011 cuts to those programs.

#### ***HB5: TESTING CUT, CURRICULUM/GRADUATION REQUIREMENTS REVISED***

TSTA supported the final version of HB5, which will reduce standardized testing and provide more flexibility in curriculum and graduation plans with the goal of promoting both college and workforce readiness. The following are key changes in HB5:

### Testing provisions

- Reduces 15 end-of-course (EOC) exams to five — English I and II, Algebra I, biology and U.S. history — and allows districts to add Algebra II and English III exams for diagnostic purposes only.
- A school district may not administer to any student more than two benchmark assessment instruments to prepare the student for a corresponding state-administered assessment instrument.
- Repeals requirement that EOC scores count for 15% of a student's course grade and prohibits EOC scores from counting toward a student's class ranking for any purpose, including automatic admission to state universities. Universities, however, will be allowed to consider EOC scores in admissions decisions, provided other factors also are considered.
- Satisfactory performance on AP, SAT, ACT or International Baccalaureate exams can be used to satisfy graduation requirements.
- For the next two years, STAAR question and answer keys will be released to the public after the exams are administered.
- Requires districts to disclose to teachers the exam results for classes they taught during the school year in which the exams were administered.

### **Curriculum and graduation plans**

- Creates a foundation plan for high school graduation that includes 22 credits — four in English Language Arts, three in math, three in science, three in social studies, two in a foreign language, one in fine arts, one in PE and five electives.
- Allows students to earn an additional endorsement in one of five areas:
  - *Science, technology, engineering, and mathematics (STEM)*. This includes courses directly related to science, including environmental science, technology, computer science, engineering and advanced mathematics.
  - *Business and industry*, which includes preparatory courses for entering the workforce. Courses include database management, information technology, communications, accounting, finance, marketing, graphic design, architecture, construction, welding, logistics, automotive technology, agricultural science and heating, ventilation and air conditioning.
  - *Public services*, including courses in health sciences and occupations, education and training, law enforcement and culinary arts and hospitality.
  - *Arts and humanities*, including political science, world languages, cultural studies, English literature, history and fine arts.
  - *Multidisciplinary studies*. This option will allow students to select courses from the curriculum of each of the other endorsement areas and earn credits in a variety of advanced courses. If a district can offer only one endorsement, it must be the multidisciplinary studies endorsement.
- Each endorsement will require students to earn 26 credits, including an additional flexible math credit, a flexible science credit and two additional electives.
- Students and parents will be required to sign off on each student's personal graduation plan. *All students must select an endorsement but may choose to complete only the foundation plan after 10<sup>th</sup> grade with parental consent.*
- Students can choose a distinguished level of performance, which will include completing the foundation program, an endorsement and an Algebra II credit. *Students who complete the distinguished level will be eligible for automatic admission to state universities under the top 10 percent law.*
- All high school graduates will be eligible to apply to a state university and apply for a TEXAS grant.

- Students can comply with curriculum requirements for two foreign language credits by substituting two credits in computer programming languages.

### **HB866, TESTING REFORM FOR GRADES 3-8**

HB866, by Rep. Huberty, will make state tests optional for students in grades 4, 6 and 7 who performed satisfactorily on the same tests in grades 3, 5 and 6. The state education commissioner will be required to seek waivers from federal law, if necessary, to carry out this change. *The bill does not go into effect until September, 2015.*

### **SB1458, TRS BILL, APPROVED**

The TRS Bill should help secure the defined benefit plan for TRS members. Thanks to a determined effort by TSTA, key legislators and only a few stakeholders, the bill was improved in both the Senate and the House to include the following provisions:

#### **Contribution rates**

- State employee contributions will increase gradually over four years — from 6.4% in 2014 to 7.7% in 2017 — to protect employees from facing sudden increases.
- The state contribution will increase to 6.8% for 2014-2017. Local ISDs will make a 1.5% contribution starting in fiscal 2015, and the state budget will pay for that in fiscal 2015.
- If there is a decrease in the state rate, the active member rate and the ISD rates would be reduced by an equivalent percentage, keeping the active member rate below that of the combined state and local contribution.

Contributions	2012-13	2013-14	2014-15	2015-16	2016-17
State	6.4%	6.8%	6.8%	6.8%	6.8%
School District	--	--	1.5%	1.5%	1.5%
Member	6.4%	6.4%	6.7%	7.2%	7.7%

#### **Retirement benefits**

- Provides a 3% cost-of-living adjustment (COLA) for all who retired before on or before August 31, 2004 — about two-thirds of retirees.
- Grandfathers full pension eligibility for all vested active members with five years in system on September 1, 2014. Active members now in their third year in the system — or less — will not receive full benefits until they reach the age of 62, a change TSTA opposed.

#### **TRS-Care**

- The same grandfathering provision will be in place for members who wish to participate in TRS-Care — you must have five years in the system as of September 1, 2014, to be grandfathered, otherwise a member cannot access TRS-Care until age 62.

### **BATTLES WON: VOUCHER BILLS, PARENT TRIGGER DEFEATED**

Just before the session began, Senate Education Committee Chair Dan Patrick and Lt. Governor David Dewhurst held a press conference at a private school near the Capitol, to trumpet their support for “school choice” and a new form of private school vouchers as a major priority for the session. TSTA, working as leading member of the Coalition for Public Schools, was successful in defeating all the voucher bills introduced this session. That said, the privatization forces made progress on other, and perhaps more lucrative, fronts.

### ***HOUSE SENDS ANTI-VOUCHER MESSAGE ON SB1 AMENDMENT VOTE***

During debate on Senate Bill 1, the state budget bill, the House approved an amendment by Rep. Abel Herrero, by a vote of 103-43, which would prevent state funds from being spent on private education. Although the amendment did not survive the SB1 conference committee, it sent a powerful message that the House was not inclined to pass voucher legislation of any kind.

### ***VOUCHER BILLS LACKED VOTES NEEDED FOR FLOOR DEBATE***

Several voucher bills were filed in the House and the Senate, but none of the bills secured enough votes to be considered in either chamber.

- SB23 by Sen. Patrick was a “tax credit scholarship” bill that would have allowed any business required to pay taxes to the state that are then used for public purposes, including money that would be spent on the public education system, to avoid paying a portion of that tax by giving that money to a non-profit fund that would be used to award scholarships to private and parochial schools. The bill would have pulled money away from public education and unconstitutionally gifted it to private and religious schools.
- SB115 by Sen. Williams was a special education voucher bill that threatened to enrich private schools at the expense of public schools. This bill aimed to help those wealthier, higher functioning students get into private schools while leaving public schools with special education students with the greatest needs.
- SB1015 by Sen. Paxton was a tax credit/voucher bill that would have allowed those paying the franchise and certain premium taxes to avoid paying taxes if they fund education scholarships that benefit students attending private and parochial schools.
- SB1575 by Sen. Campbell would have set up a more traditional voucher scheme by entitling a parent to a certain amount of money needed to pay for a student in a public school to be used instead to pay partial tuition at a private or parochial school.
- HB300 by Rep. Isaac was an omnibus reform “home rule” bill with provisions for parent trigger, vouchers and private vendors running public schools.
- HB1175 by Rep. Capriglione would have created a special education voucher system.
- HB1850 by Rep. Dale would have created an online virtual voucher.
- HB3497 by Scott Turner would have created a taxpayer savings grant voucher.

### ***PARENT TRIGGER RESET DIES IN HOUSE PUBLIC EDUCATION COMMITTEE***

- SB1263 by Sen. Taylor would have allowed parents to petition for the repurposing, alternative management, or closure of a campus that is assigned an unacceptable performance rating for two consecutive school years, instead of the current provision, which sets the “trigger” at unacceptable three out of the previous five years. This bill provided no safeguards regarding the petition process, and gave parents no voice in what would happen to the campus after the trigger is pulled.

### ***STATEWIDE CHARTER DISTRICT — THE ACHIEVEMENT SCHOOL DISTRICT — DIES IN HOUSE***

- SB1718, by Sen. West (and HB1957 by Rep. Dutton) was approved in the Senate and appeared to have the votes to pass the House, but it died on a point of order on the House floor. *There is concern that this bill could resurface, either this year or next, in a special session.* The Achievement School District (ASD) would have operated as an open enrollment charter overseen by a superintendent appointed by the appointed Commissioner. The Commissioner could have required any campus rated

academically unacceptable for two consecutive years to be transferred to the jurisdiction of the ASD. When the next academic rankings are released, hundreds of campuses could have been eligible for ASD takeover, operating in a “charter district” without local control or state standards for class sizes, discipline proceedings and employee contract protections.

### ***DOMESTIC PARTNER BENEFITS PROHIBITION DIES IN HOUSE***

- HB1568 by Rep. Springer was filed in response to the Pflugerville ISD extending insurance benefits to domestic partners, in a similar manner to the provision of such benefits by certain cities and counties. The bill would have prohibited cities, counties and school districts from extending benefits to domestic partners, eliminating local control over such decisions.

### **BATTLES LOST: CHARTER, VIRTUAL SCHOOL EXPANSIONS**

#### ***SB2 CHARTER EXPANSION APPROVED***

SB2 will allow a major charter expansion. TSTA opposed SB2, but the so-called “Texans for Education Reform” poured a mountain of lobbying dollars, plus TV and newspaper ads, to secure passage of SB2 and other bills that were part of their agenda. The emphasis on charter expansion and virtual school expansion this session clearly indicates our greatest challenge: educational profiteers can make more money via charters and online education than they might make through vouchers.

- SB2 would allow a rapid expansion charter schools in Texas — authorizing up to 305 charters by 2019 — more than TEA can regulate. Several charters close each year and existing charters can operate multiple campuses, so this kind of expansion was not needed.
- SB2 is not about educational quality — on average, charter campuses do not perform as well as traditional neighborhood school campuses in state ratings.
- Charters can operate without important state standards, such as class size limits and regulations that protect the rights of students, teachers and parents.
- The final version of SB2 allows a school district to convert every campus in a high school feeder zone — from elementary schools to high school, or campuses that serve up to 15% of the ISD’s students — into a “district charter” that would not have to follow important state standards like class size limits and important protections for employees, students and parents. The House removed this provision but it was put back in the bill in a conference committee.

#### ***HB1926, VIRTUAL SCHOOLS EXPANSION, APPROVED***

TSTA recognizes the value of online learning, but the final version of HB1926 went too far by paving the way for a massive expansion of the Virtual School Network to for-profit operators. However, we were successful in preventing the bill from opening the virtual network up to a statewide “virtual voucher” for anyone who wanted to start a full time, for-profit online school.

- HB1926 allows state education dollars to be used by private, online vendors to educate students while demanding little, if any, accountability from those private vendors.
- HB1926 would limit students to three on-line courses per year, but it allows a for-profit, online virtual program that is already in operation to receive tax dollars to educate students full time — with money that would otherwise go into the classroom.

## **MAKING BAD BILLS BETTER**

### ***SALARY SCHEDULE PRESERVED AND TEACHER EVALUATION NOT LINKED TO STAAR TESTS***

SB1403 by Sen. Patrick, as originally filed, would have:

- eliminated the minimum salary schedule, with no guarantee of step increases and allowed for salary reductions for any teacher who made more than the minimum;
- required multiple measures for evaluations, but would have required STAAR results to account for 25-50% of the overall evaluation; and
- implemented incentive pay for teachers, tied to STAAR results.

TSTA worked vigorously to get the objectionable parts of the bill removed, and we were able to keep the minimum salary schedule on the books and delete the appraisal/employment language tied to the STAAR exam. In its final form, the bill addressed educator preparation and mentoring programs, professional development, and certification examinations.

### ***TEACHER EVALUATION***

HB1751 by Rep. Patrick will change the Educator Excellence Awards Program to the Educator Excellence Innovation Program. The program will include mentoring during the first three years of teaching, a teacher evaluation system using multiple measures and teacher self-evaluation. It also allows for an alternative teacher compensation or retention system.

## **OTHER NOTABLE SENATE BILLS THAT PASSED**

- SB17 by Sen. Patrick requires the Department of Public Safety to establish and maintain a training program in school safety for employees who hold a license to carry a concealed handgun and who are authorized to carry a concealed handgun and who are selected by a school district or an open-enrollment charter school to participate in the program. Each school year, the Department of Public Safety shall provide the training program at no charge for two employees at a school campus that does not have security personnel or a commissioned peace officer assigned full-time to the school campus.
- SB376 by Sen. Lucio requires a school district campus or an open-enrollment charter school to offer a free breakfast to each student if the campus or charter participates in the national school breakfast program and 80 percent or more of the students qualify for a free or reduced-price breakfast.
- SB1365 by Sen. Duncan allows students to receive credit by examination on certain instruments and allows them to bypass EOC instruments. This was a reform bill TSTA did not oppose.
- SB1406 by Sen. Patrick — the “CSCOPE bill” — requires that instructional lessons developed as part of a curriculum management system by a regional education service center, acting alone or in collaboration with one or more other regional education service centers, be subject to a review and adoption process (in response to the CSCOPE debate). Before the bill was signed into law, the Executive Director who oversees regional service centers suspended CSCOPE.
- SB1474 by Sen. Duncan states that before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that: (1) includes teacher input; (2) provides district employees with the opportunity to express opinions regarding the

initiative; and (3) includes a meeting of the board of trustees of the district at which: (A) information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and (B) members of the public and district employees are given the opportunity to comment regarding the initiative.

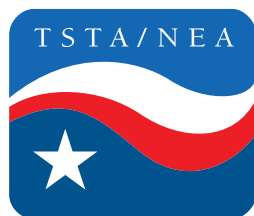
- SB1541, by Sen. Van de Putte allows school bus drivers to discipline disruptive students by sending them to their school principal.
- SB1857 by Sen. Estes requires DPS to establish a process to enable qualified handgun instructors to obtain an additional certification in school safety. The process must include a school safety certification course that provides training in the following: (1) the protection of students; (2) interaction of license holders with first responders; (3) tactics for denying an intruder entry into a classroom or school facility; and (4) methods for increasing a license holder's accuracy with a handgun while under duress. The bill also allows a qualified handgun instructor certified in school safety to provide school safety training to employees of a school district or an open-enrollment charter school who hold a license to carry a concealed handgun.

## **OTHER HOUSE BILLS THAT PASSED**

- HB217 by Rep. Alvarado prohibits the sale of sugary, high-fat beverages to students on elementary, junior high and middle school campuses and require more healthful drink options.
- HB308 by Rep. Bohac allows the use of greetings such as Merry Christmas, Happy Hanukkah and Happy Holidays for educational purposes in public schools. It also will allow displays for winter celebrations as long as more than one religion is displayed or one religion and at least one secular scene or symbol is displayed.
- HB343 by Rep. Marquez requires school board trustees in El Paso to file financial disclosure statements with the board of trustees and the Texas Ethics Commission. Failure to file will be a Class B misdemeanor.
- HB347 by Rep. Pitts prohibits the use of a wireless device in a motor vehicle on school property unless the vehicle is stopped or the device is hands free.
- HB455 by Rep. Dukes allows a student to miss school for medical appointments for the student or the student's child.
- HB462 by Rep. Huberty prohibits the State Board of Education or a school district from using common core state standards.
- HB480 by Rep. Alvarado grants school employees as much as eight hours paid leave to attend their own children's educational activities.
- HB525 by Rep. Aycock directs the Texas Education Agency to collect data each year from school districts and charters through PEIMS on the enrollment of military connected students. The data may not be used to determine performance ratings.
- HB590 by Rep. Naishtat addresses requirements for assessing a child's eligibility for special education on the basis of a visual impairment.
- HB617 by Rep. Eddie Rodriguez requires that parents of special education students be provided information about transition and employment services for their children.
- HB628 by Rep. Dale requires school districts to provide their trustees with district records without requiring open records requests.
- HB642 by Rep. Patrick deals with requirements for educator continuing education.

- HB647 by Rep. Patrick requires charter schools to hire only teachers who could be employed, with the appropriate certificate, by a school district as a classroom teacher.
- HB742 by Rep. Strama creates a pilot summer school program for districts with high enrollments of educationally disadvantaged students. It will be limited to 10 school districts, focus on pre-K through eighth grades and provide additional compensation for teachers working during the summer.
- HB753 by Rep. Villarreal requires school districts to provide parents with information about supplemental education services, such as tutoring, which can help improve students' academic performances.
- HB773 by Rep. Farney requires students at charter schools to recite the pledges of allegiance to the U.S. and Texas flags and observe the daily moments of silence, as already observed at traditional public schools.
- HB809 by Rep. John Davis requires the Texas Education Agency to provide projected, area employment opportunities to school districts at least once a quarter. TEA can use information provided by the Texas Workforce Commission. Districts are to use the information to carry out career and technical education and training programs.
- HB842 by Rep. Cecil Bell requires school programs that will help career and technical students earn industry recognized credentials or associate degrees concurrently with their high school diplomas.
- HB897 by Rep. Zerwas requires instruction in cardiopulmonary resuscitation for students in grades 7 through 12 at least once before graduation.
- HB1009 by Rep. Villalba allows school districts to designate some employees with concealed handgun licenses as school marshals. These employees will receive special training in how to protect against armed intrusions on school campuses and will be allowed to bring their guns to school.
- HB1016 by Rep. Sarah Davis allows a peace officer, firefighter or emergency medical services employee to request representation from a school district if sued.
- HB1018 by Rep. Patrick requires campus improvement plans to include goals to increase physical activity and improve fitness among students. It also will require local school health advisory councils to do the same.
- HB1122 by Rep. Eric Johnson allows Dallas ISD to offer a pilot program for students to obtain a high school diploma in three instead of four years. The district will establish a curriculum for the program, subject to review by the State Board of Education and approval by the state education commissioner.
- HB1174 by Rep. Fallon increases the fine for passing a stopped school bus to \$500 and add a fine range of \$1,000 to \$2,000 for a second offense within five years.
- HB1264 by Rep. Huberty requires school districts and open-enrollment charter schools to report through PEIMS information about the number of enrolled students with dyslexia.
- HB1479 by Rep. Villarreal requires school districts in Bexar County to establish a committee to develop a uniform truancy policy.
- HB1501 by Rep. Raymond requires a minute of silence in public schools every September 11.
- HB1752 by Rep. Patrick requires the state commissioner of higher education to establish a Texas Teacher Residency Program at an institution that has developed a commitment to investing in teacher education. The institution will form a partnership with an area school district or charter school to provide employment to residents in the program.
- HB1781 by Rep. Ken King exempts food sold at approved school fund-raisers from meeting nutritional requirements covering food served in school cafeterias.
- HB1952 by Rep. Senfronia Thompson requires principals and other administrators overseeing student discipline to attend professional development training at least once every three years.

- HB2012 by Rep. Villarreal requires the Texas Education Agency to collect school salary information by district, subject area and grade level. TEA will use the information to conduct a cost of living salary comparability analysis of similar professions in each region of the state. TEA also will develop an online survey for school professionals to assess working conditions, retention, and school leadership.
- HB2137 by Rep. Fletcher allows students eligible to enroll in a district to attend summer school.
- HB2201 by Rep. Farney requires the State Board of Education to double the number of available career and technology courses.
- HB2318 by Rep. Aycock establishes requirements for educator preparation programs. Each program will include: (1) skills and responsibilities required of teachers; (2) expectations for student performance based on state standards; (3) the current supply of and demand for teachers in the state; (4) the importance of developing classroom management skills; and (5) the state's framework for appraisal of teachers and principals. The bill also requires periodic review of educator preparation and alternative certification programs.
- HB2483 by Rep. Alvarado adds oral diseases to the list of coordinated health programs from the Texas Education Agency.
- HB2549 by Rep. Patrick directs Texas Education Agency vertical teams to periodically review college readiness standards for student performance in college entry level courses and to review high school requirements and curriculum.
- HB2607 by Rep. Huberty allows for telephone conference calls by attorneys in grievance proceedings.
- HB2662 by Rep. Farney requires the curriculum to include at least half a credit in personal financial literacy.
- HB2694 by Rep. Villarreal requires the state education commissioner to establish a program for secondary students to receive credit by examination for any course required or offered by a public high school.
- HB2824 by Rep. Ratliff allows additional campuses to be added to the Texas High Performance Schools Consortium by participating districts with Texas Education Agency approval. It also will require districts to hold public hearings at least once a year to discuss goals and provide for parental and community input.
- HB2836 by Rep. Ratliff addresses independent evaluations and designs of standardized testing instruments.
- HB2952 by Rep. Justin Rodriguez requires the state education commissioner to decide a grievance appeal from the district level within 240 days.
- HB2961 by Rep. Huberty protects Social Security numbers of current and former school employees.
- HB3028 by Rep. John Davis allows money from the Skills Development Fund to be used for career and technical training and for programs leading to industry licensing.
- HB3573 by Rep. Aycock adds certification for a health science technology education course.
- HB3677 by Rep. Farney creates the Foundation School Program License Plates for funding public education.
- HCR68 by Rep. Farney designated the first full week of May as Texas Teacher Appreciation Week.



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