
OVERVIEW OF THE 84th LEGISLATURE

PRESENTED BY
COLBY NICHOLS
POWELL & LEON, L.L.P.

Can You Spell That?



STATISTICS OF BILL PASSAGE RATES

- During the 84th Session, 6,276 bills were filed and 1,322 were passed (21.06%)
 - 4,207 bills filed in the House (818 passed)
 - 2,069 bills filed in the Senate (504 passed)
- During the 83rd Session, 5,868 bills were filed and 1,437 were passed (24.5%)
 - 3,950 bills filed in the House (732 passed)
 - 1,918 bills filed in the Senate (705 passed)

STATE BUDGET FOR PUBLIC EDUCATION

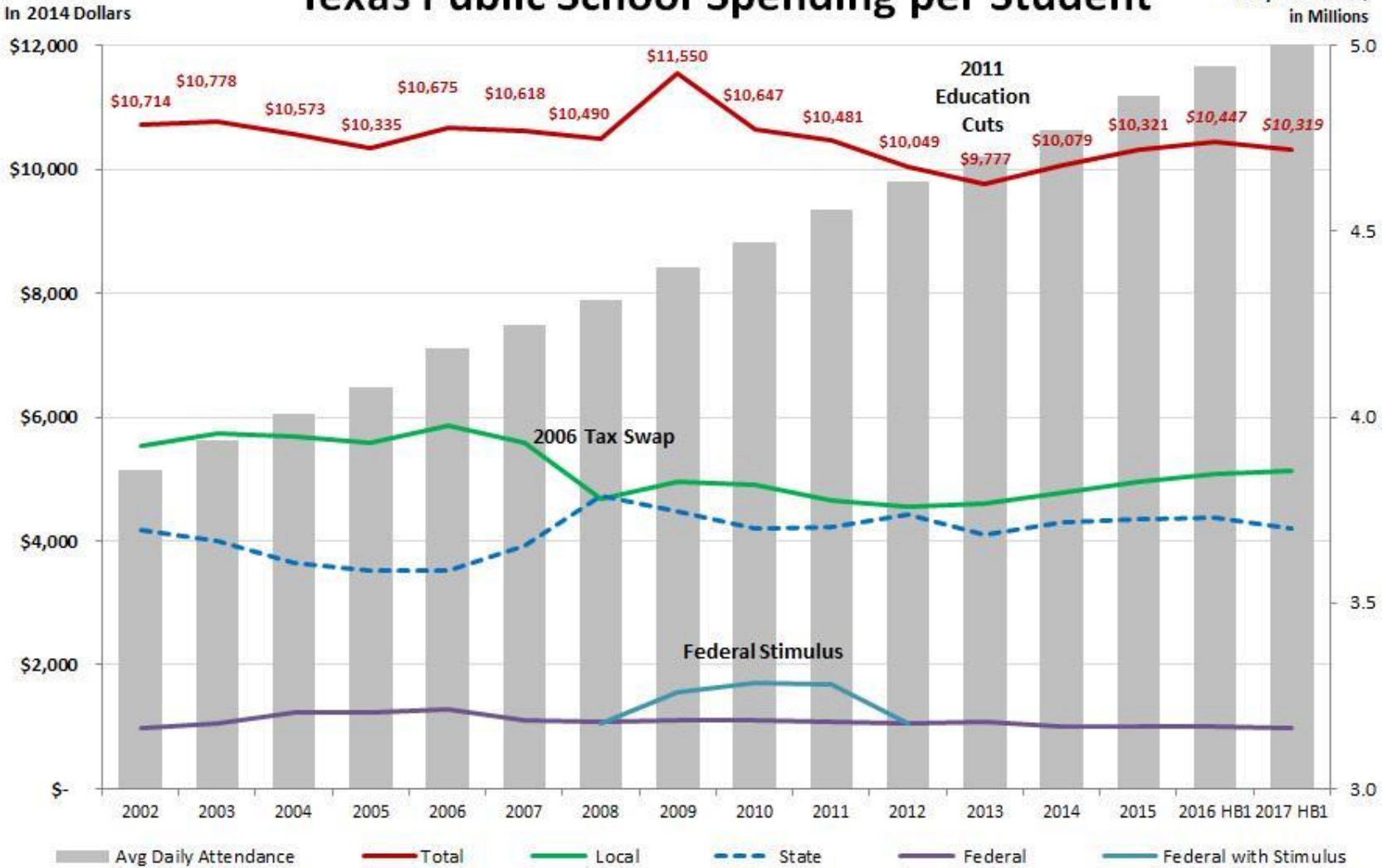
- \$4.5 billion in State savings from school property value growth
- \$1.1 billion in State savings from increase in recapture costs
- **\$5.6 billion** in total savings for 2016-17 biennium

- \$2.5 billion in new costs for student enrollment growth
- \$1.4 billion in new costs for formula increases in Austin yield & basic allotment
- **\$3.9 billion** in total new costs prior to any funding above current law for 2016-17

SCHOOL FUNDING

- \$1.5 billion dollars above enrollment growth
- 1.2 billion for the basic allotment per ADA
- \$200 million for fractionally funded districts
- Guaranteed yield increases to \$74.28 (2016) and \$77.53 (2017)
- \$55.5 million for IFA (FY 2017)
- \$47.5 million for NIFA

Texas Public School Spending per Student



Source: CPPP analysis of H.B. 1 proposal for Texas Education Agency and Legislative Budget Board estimates of local Foundation School Program revenue; chart design from Rep. Gene Wu. Inflation is CPI in Comptroller's January 2015 forecast: 0.3% in 2015, 1.7% in 2016, and 2.1% in 2017.



FUTURE OF LEGISLATIVE FUNDING

LITIGATION

- Potential overhaul of current school finance system

TAX RELIEF

- \$4.5 billion less in available revenue

TRS-CARE

- \$768 million shortfall



ACCOUNTABILITY – HOUSE BILL 2804

- 55% of system will be based on testing
- A-F
- District cannot receive an A if any campus receives a D or F.
- How will trustees guide the community and student engagement process?
 - What are the early implications of the A-F designations?

SCHOOL ACCOUNTABILITY REFORM – CSHB 2804

Student Assessment: 55%

Academic
Attainment:
35%

Student and
Community
Engagement:
10%

Domain 1
Student
Achievement

STAAR &
EOC
Achievement

Domain 2
Student
Progress

STAAR
Progress

Domain 3
Closing the
Gaps

Measures of
reducing
disparities in
student
achievement
among
students from
different racial
and ethnic and
socioeconomic
backgrounds.

Domain 4
Academic
Attainment

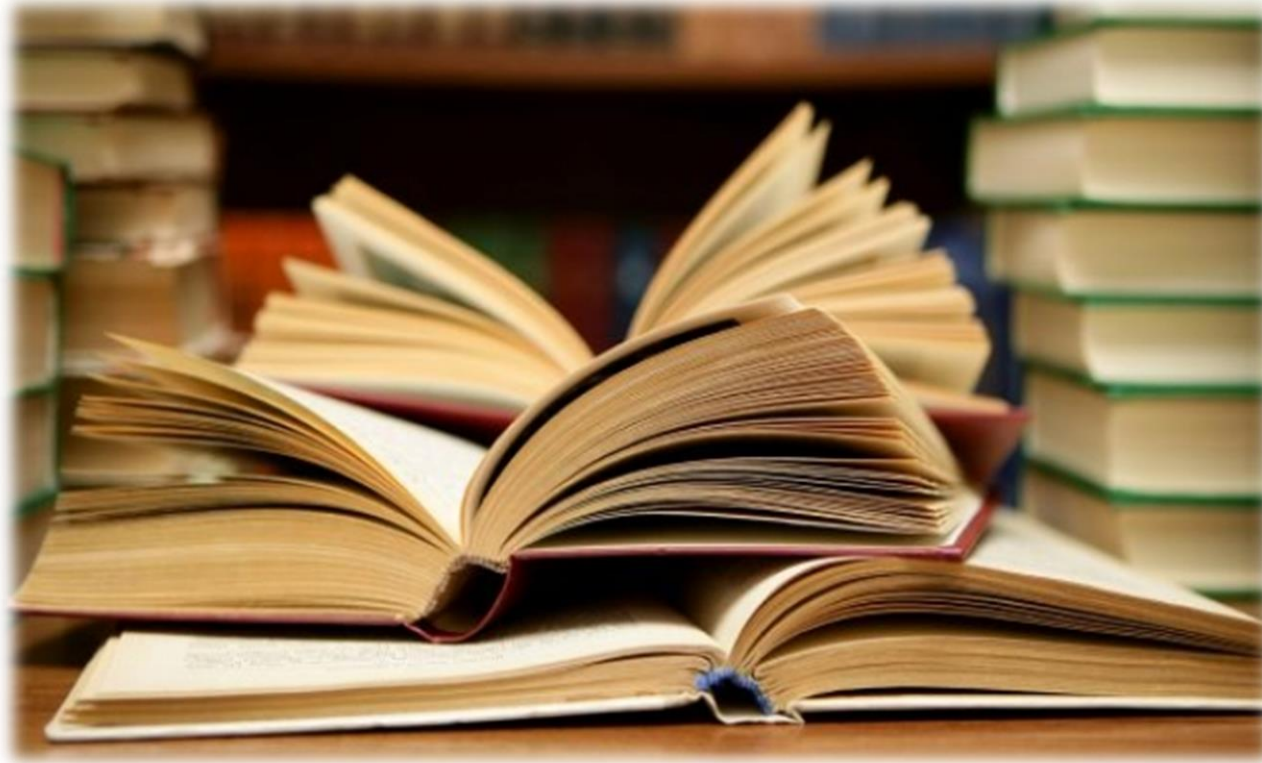
High School
Completion Rates
Dropout Rates
Endorsements
CTE Completion
TSI
Dual Credit
AP/IB
Military Enlistment
Certifications
Elementary/Middle
Attendance
Dropout Rate

Domain 5
Student &
Community
Engagement

Districts and
campuses select
three programs in
the student and
community to be
evaluated locally to
reflect community
values.

Schools will be assigned a rating for each domain and an overall rating.

Creates safeguards in the system to ensure poor performance in one domain cannot be masked by strong performance in another.



INSTRUCTIONAL MATERIALS

FUNDING

- \$1.054 billion for the biennium
- \$838 million last biennium
- Senate Bill 6 (2011)



SENATE BILL 313

- Narrow the content and scope of the TEKS
- SBOE may not add to or modify the content and scope of standards and skill for any subject in the foundation curriculum until they have been reviewed.
- Total projected cost of a proclamation must not exceed 75% of the total amount used to fund the IMA.
- SBOE must determine if proclamation is necessary based on the changes in TEKS.
- SBOE must consider the cost of technology when issuing a proclamation.

IMCAT Bills

- HB 1474 (VanDeaver)
 - “Front loads” money into the first year
 - 2015 proclamation
 - Passed the Senate 30-0
- HB 1163 (VanDeaver)
 - Moves the PSF payout percentage from 50% to 60%
- HB 1713/SB 1140 (HB=Howard, SB=Watson)
 - Establishing a technology allotment of \$15 for each student

Other IMA Bills

- HB 1013 (Canales)
 - Would ensure any electronic material is also provided in print for free.
- SB 1711 (Campbell)
 - Would have given SBOE rulemaking authority to set minimum standards for local procedures selecting non-state adopted instructional materials.
- SB 1211 (Kolkhorst)
 - Would have required local review and selection of materials.



keyetv ✓
@keyetv



+ Follow

Texas Attorney General says state board cannot dictate textbooks to local school districts keyetv.com/news/local/tx-...



Tx Board of Education cannot tell schools what textbook...

AUSTIN, Texas AP -- The state attorney general says Texas' often-controversial Board of Education can't tell local school districts what textbooks to adopt for their classrooms. Republica...

keyetv.com

RETWEETS

3



6:50 PM - 5 Dec 2015



Texas Attorney General Op. KP-0043

- Former Chair Cargill asked seven questions re: the Board's rulemaking authority.
- AG addressed each question, but main theme was that the Board is limited in its rulemaking process for local procedures.
- The need for SB 1211 and SB 1711 would be severely limited, if needed at all.

Texas Attorney General Opinion KP-0043

- Question 1: “Whether the SBOE by rule may require public schools to follow a process in the local adoption of instructional materials that allows for public input and participation during the local review and process?”
 - No statute specifically delegates this authority to the SBOE.
- Question 2: “Whether the SBOE by rule may require public schools to adopt procedures ensuring prior local approval of changes in content made by a publisher to instructional materials that are not purchased from the approved list?”
 - A school district could adopt its own policy or a contract term, but SBOE cannot require it.
- Question 3: “Whether the SBOE may by rule require public schools to specify which TEKS are covered by each locally-adopted instructional material and make this information publically available and whether the SBOE may impose a requirement on public schools to identify which passage(s) in each of those instructional materials cover(s) which specific elements of the TEKS?”
 - Nothing specifically delegates this authority to the SBOE, requiring this rule would appear to exceed the SBOE’s rulemaking authority.

Texas Attorney General Opinion KP-0043

- Question 4: “Whether SBOE may by rule establish and administrative penalty for a publisher who fails to correct a factual error identified by a public school contained in an instructional material that was not on the approved list?”
 - Texas Education Code 31.151 is broad enough to allow an administrative penalty.
- Question 5: “Whether SBOE may by rule require a public schools to develop conflicts of interest policies and require public schools and publishers to keep contact registers between school officials and publishers?”
 - Nothing in statute to support this rulemaking authority.
- Question 6: “Whether the SBOE may by rule require a public school to adopt only instructional materials that provide an end-of-section review exercise, and end-of-chapter activity, a unit test, or its electronic equivalent, documenting TEKS coverage in the student version when purchasing instructional materials that are not on the approved list.”
 - Chapter 31 does not address end-of-section review exercises or testing, and a rule would likely exceed the SBOE’s authority.
- Question 7: “Whether SBOE may by rule require a public school to ensure that all locally-adopted instructional materials that are not on the approved list comply with Texas Education Code section 28.002(h) and, in the alternative, whether section 28.002(h) impose(s) a mandate on public schools to ensure that locally-adopted instructional materials meet that requirement?”
 - Schools are required to offer instruction in the U.S. and Texas history and the free enterprise system and must adopt instructional materials accordingly. Nothing in statute to support SBOE rulemaking authority.

19 TAC Chapter 66

- Comment period will likely begin December 19th
- Proposed Amendments
 - Any ancillary material may be part of a bundled package of materials, but each component of that package must be available for purchase individually.
 - SBOE will investigate whether the adoption of revised TEKS necessitates new instructional materials.
 - The employee responsible for ordering instructional materials must complete a TEA-developed training in the use of the instructional materials allotment and the use of EMAT. Training must be completed prior to ordering materials for the first time and each time the Agency updates the training.

QUESTIONS?

COLBY NICHOLS

Powell & Leon, L.L.P.
115 Wild Basin Road, Suite 106
Austin, Texas 78746
(512)494-1177

THANK YOU!