

## **BILL ANALYSIS**

C.S.H.B. 3638  
By: Patterson  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted that various statutory provisions relating to public education have been identified by the K-12 Improvement, Innovation, and Mandate Relief Workgroup as no longer useful or necessary. C.S.H.B. 3638 seeks to update the applicable statutes by repealing and revising certain statutory provisions.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTIONS 2.02 and 2.03 of this bill and to the commissioner of education in SECTION 3.02 of this bill.

### **ANALYSIS**

C.S.H.B. 3638 amends the Education Code to remove from the general powers and duties of the State Board for Educator Certification (SBEC) requirements for the SBEC to approve an operating budget and make an appropriations request and to execute interagency contracts to perform routine administrative functions.

C.S.H.B. 3638 repeals provisions requiring a copy of a contract between a public school district and a bank selected as the district depository and a copy of the depository's bond to be filed with the Texas Education Agency, authorizing the State Board of Education to grant an open-enrollment charter or approve a revision of such a charter, authorizing joint operation arrangements for district special education programs, relating to the High School Completion and Success Initiative Council, and relating to the use of energy-efficient light bulbs in an instructional facility.

C.S.H.B. 3638 changes the name of the master reading teacher grant program to the master teacher grant program and extends the applicability of the program to include master teachers in mathematics, technology, and science. The bill removes a specification of the amount of each program grant and repeals provisions relating to the separate master mathematics teacher, master technology teacher, and master science teacher grant programs. The bill requires the commissioner of education to adopt rules to administer the program as amended.

C.S.H.B. 3638 transfers from the commissioner of education to the University Interscholastic League (UIL) the requirement to develop and adopt an extracurricular activity safety training program and transfers from a district to the UIL the requirement to provide certain training to students participating in an extracurricular athletic activity. The bill requires the safety training

program and the training relating to an extracurricular athletic activity to be conducted by the UIL or by the American Red Cross, the American Heart Association, or a similar organization as determined by the UIL. The bill repeals provisions relating to the development, distribution to districts, and provision to students of certain information about the use of steroids.

C.S.H.B. 3638 repeals Health and Safety Code provisions relating to the interagency obesity council.

C.S.H.B. 3638 amends the Health and Safety Code to revise provisions requiring certain governmental entities to establish a program for the separation and collection of all recyclable materials generated by the entity's operations and provisions requiring certain governmental entities to give preference in purchasing to products made of recycled materials if the products meet applicable specifications as to quantity and quality. The bill requires the Texas Commission on Environmental Quality (TCEQ), by order, to exempt the following entities:

- a municipality with a population of less than 5,000 if TCEQ finds that compliance would work a hardship on the municipality;
- a school district with a student enrollment of fewer than 10,000 students; and
- certain governmental entities that petition TCEQ for an exemption and TCEQ finds that compliance would work a hardship on the entity.

TCEQ is required to adopt administrative rules in these amended provisions.

C.S.H.B. 3638 applies beginning with the 2019-2020 school year.

C.S.H.B. 3638 repeals the following provisions of the Education Code:

- Section 7.102(c)(9)
- Sections 21.411, 21.412, and 21.413
- Section 29.007
- Sections 29.095(a)(1), 29.096(a), and 29.097(a)(1)
- Section 38.0081
- Sections 39.401, 39.402, 39.403, 39.404, 39.405, 39.406, 39.407, 39.409, 39.410, 39.411, 39.412, 39.413, 39.414, 39.415, and 39.416
- Section 44.903
- Section 45.208(e)

The bill repeals Chapter 114, Health and Safety Code.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3638 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include the repeal of statutory provisions relating to a required annual assessment of physical fitness for students enrolled in grade three or higher in a physical education course.