

- SUBJECT:** Requiring evidence of committee review of school waiver applications
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 7 ayes — Sadler, Dutton, Dunnam, Hochberg, Lengefeld, Oliveira, Olivo
2 nays — Grusendorf, Smith
- WITNESSES:** For — Holly Eaton, Texas Classroom Teachers Association
Against — None
- BACKGROUND:** Under section 7.056 of the Education Code, any campus or district may apply to the commissioner of education for a waiver of a requirement, restriction or prohibition imposed by law or rule. The rules or laws that may not be waived are listed in that section and include federal laws, foundation curriculum requirements, school accountability, health and safety laws, safe schools requirements, and other provisions.
- In order to apply for a waiver, the district or campus must include a written plan approved by the board of trustees that states the inhibition imposed by the rule or law it seeks to be waived and written comments from the campus or district-level committee. Campus and district-level committees are established under section 11.251 of the Education Code to provide site-based decision making. Committees include members of the professional staff, parents of students enrolled in the district, and community members. Numerous committees may be established for each campus or district.
- DIGEST:** HB 617 would require that, for each waiver submitted by a district or campus, the chair of the appropriate district- or campus-level committee comment on the application and also sign the application, evidencing that a majority of the members of the committee had reviewed the application. For district level waivers, signatures would be required of the chair of the district-level committee and the chair of each campus-level committee at each campus that would be affected by the waiver.

HB 617 would take effect September 1, 1999.

**SUPPORTERS
SAY:**

District and campus level planning committees were instituted to give members of the groups that have an interest in the operation of the school a say in the operation of the school. Allowing waiver applications, which can substantially affect the operation of the school district or campus, to be submitted without being reviewed by a majority of members on these site-based committees would undermine the purpose of having such committees.

This legislation would not require that the committees formally approve the waiver application, but only that a majority of the members on the committee review the application and that the chair of the committee comment on it. The committees could use the information in crafting the policies adopted by the committee that might affect other school operations.

Rather than adding mandates on districts, this bill would enhance local control for districts and campuses by allowing the site-based decision making committees to have additional information about district and school operations. There would be no additional state regulation or mandate imposed by this legislation not already included in the spirit of the law that established the site-based decision making committees, which involve parents, staff, and community representatives directly affected by district and school policies.

**OPPONENTS
SAY:**

When the Legislature recodified the Education Code through SB 1 by Ratliff in 1995, it sought to remove as many state mandates from school districts as possible. HB 617 would add a mandate for districts by micromanaging how they choose to operate their campus- and district-based committees. Waiver applications already must include written comments from the campus- and district-level committees, so there is no need for an additional state-imposed paperwork requirement showing that a majority of the committee members reviewed the waiver request and that the committee chairs include their comments.

NOTES:

An identical bill, HB 816 by Ehrhardt, was reported favorably reported by the House Public Education in 1997, but died in the House Calendars Committee. The same changes also were included in another bill, HB 583 by Maxey, which passed the House and the Senate, but was vetoed by the governor.