

## **BILL ANALYSIS**

Senate Research Center  
77R16217 CAS-D

C.S.H.B. 1144  
By: Grusendorf (Harris)  
Education  
5/11/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

In 1993, the Texas Legislature mandated the creation of the Texas public school accountability system to accredit school districts and rate schools. The Texas school accountability system has gained acclaim as one of the best in the nation, but the system can be improved. C.S.H.B. 1144 authorizes participation in multistate efforts to develop voluntary standardized assessment instruments and establishes new ratings for schools and districts.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 4 (Section 21.411, Education Code), SECTION 7 (Section 29.087, Education Code), SECTION 8 (Section 39.023, Education Code), and SECTION 9 (Section 39.0721, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 7A, Education Code, by adding Section 7.006, as follows:

Sec. 7.006. COORDINATION OF RECORDS. Requires the commissioner of education (commissioner) and the commissioner of higher education to ensure that records relating to student performance held by the Texas Education Agency and the Texas Higher Education Coordinating Board are coordinated and maintained in standardized, compatible formats that permit the exchange of information between the agencies and the matching of individual student records so that a student's academic performance may be assessed throughout the student's educational career.

SECTION 2. Amends Chapter 7C, Education Code, by adding Sections 7.058 and 7.059, as follows:

Sec. 7.058. RESEARCH ON MATHEMATICS SKILLS ACQUISITION AND PROGRAM EFFECTIVENESS. Requires the commissioner, from funds appropriated for the purpose, to award to one or more institutions that have demonstrated an ability to conduct science-based research on effective instructional strategies that improve student performance in mathematics a grant to be used to meet certain needs.

Sec. 7.059. MATHEMATICS HOMEWORK AND GRADING SERVICE. (a) Requires the commissioner, from funds appropriated for the purpose, to develop and make available a service that assists teachers in providing and grading mathematics homework assignments. Authorizes the service to also assist teachers in providing and grading student examinations.

(b) Requires the commissioner, in making the service described by Subsection (a) available, to consider all methods available through advanced technology, especially methods using the Internet, to distribute mathematics homework assignments and to provide immediate assessment of a student's work on the assignment.

(c) Sets forth provisions for each homework assignment developed for the service.

SECTION 3. Amends Chapter 21B, Education Code, by adding Section 21.0482, as follows:

Sec. 21.0482. MASTER MATHEMATICS TEACHER CERTIFICATION. (a) Requires the State Board of Educator Certification (board) to carry out certain duties to ensure that there are teachers with special training to work with other teachers and with students in order to improve student mathematics performance.

(b) Requires the board to issue the appropriate master mathematics teacher certificate to each eligible person.

(c) Require a person to meet certain requirements to be eligible for a master mathematics teacher certificate.

(d) Requires the course of instruction prescribed under Subsection (c)(3) to be developed by the board in consultation with mathematics and science faculty members at institutions of higher education.

SECTION 4. Amends Chapter 21I, Education Code, by adding Section 21.411, as follows:

Sec. 21.411. MASTER MATHEMATICS TEACHER GRANT PROGRAM. (a) Requires the commissioner to establish a master mathematics teacher grant program to encourage teachers to become certified as master mathematics teachers and work with other teachers and with students in order to improve student mathematics performance.

(b) Requires the commissioner, from funds appropriated for the purpose, to make grants to school districts as provided by this section to pay stipends to selected certified master mathematics teachers who teach at high-need campuses.

(c) Requires the commissioner to annually identify each high-need campus in a school district using criteria established by the commissioner by rule, including performance on the mathematics assessment instrument administered under Section 39.023. Requires the commissioner to also use the criteria to rank campuses in order of greatest need.

(d) Authorizes a school district to apply to the commissioner for grants for each high-need campus identified by the commissioner to be used to pay stipends to certified master mathematics teachers in accordance with this section. Provides that unless reduced under Subsection (g) or (i), each grant is in the amount of \$5,000. Requires the commissioner to approve the application if the district meets certain requirements.

(e) Provides that, unless reduced under Subsection (g) or (i), a stipend under Subsection (d)(2) is in the amount of \$5,000.

(f) Requires the commissioner to adopt rules for the distribution of grants to school districts following the year of the initial grant. Provides that a district that has been approved for a grant to pay a stipend to a certified master mathematics teacher is not required to reapply for a grant for two consecutive school years following the year of the initial grant if the district meets certain requirements.

(g) Requires the commissioner to reduce payments to a school district proportionately to the extent a teacher does not meet the requirements under Subsection (d)(2) for the entire school year. Requires a district that employs more certified master mathematics teachers than the number of grants available under this section to select the certified master mathematics teachers to whom to pay stipends based on a policy adopted by the board of trustees of the district, except that a district is required to pay a stipend for

two additional consecutive school years to a teacher the district has selected for and paid a stipend for a school year, who remains eligible for a stipend under Subsection (d)(2), and for whom the district receives a grant under this section for those years. Provides that a decision of the district under this subsection is final and may not be appealed. Prohibits the district from apportioning among teachers a stipend paid for with a grant the district receives under this section. Authorizes the district to use local money to pay additional stipends in amounts determined by the district.

(h) Provides that a grant a school district receives under this section is in addition to any funding the district receives under Chapter 42. Requires the commissioner to distribute funds under this section with the Foundation School Program payment to which the district is entitled as soon as practicable after the end of the school year as determined by the commissioner. Entitles a district to which Chapter 41 applies to the grants paid under this section. Requires the commissioner to determine the timing of the distribution of grants to a district that does not receive Foundation School Program payments.

(i) Provides that this section does not create a property right to a grant or stipend. Entitles a school district to a grant to carry out the purposes of this section only to the extent the commissioner makes the grant in accordance with this section and only to the extent sufficient state funds are appropriated for those purposes. Requires that if state funds are appropriated but are insufficient to fully fund a grant, the commissioner reduce the grant paid to each district and the district shall reduce the stipend the district pays to each teacher under this section proportionately so that each selected teacher receives the same amount of money.

(j) Provides that a decision of the commissioner concerning the amount of money to which a school district is entitled under this section is final and may not be appealed. Requires each district to, in the manner and at the time prescribed by the commissioner, provide to the commissioner proof acceptable to the commissioner of the master mathematics teacher certification of a teacher to whom the district is paying a stipend under this section.

(k) Authorizes the commissioner to audit the expenditure of money appropriated for purposes of this section. Requires a district's use of the money appropriated for purposes of this section to be verified as part of the district audit under Section 44.008.

(l) Provides that a stipend a teacher receives under this section is not considered in determining whether the district is paying the teacher the minimum monthly salary under Section 21.402.

(m) Authorizes the commissioner to adopt other rules as necessary to implement this section.

SECTION 5. Amends Chapter 21J, Education Code, by adding Sections 21.454 and 21.455, as follows:

Sec. 21.454. MATHEMATICS TRAINING. (a) Requires the commissioner to develop training materials and other teacher training resources for a school district to use in assisting mathematics teachers in developing expertise in the appropriate mathematics curriculum and comprehension of the instructional approaches that, through scientific testing, have been proven effective in improving student mathematics skills.

(b) Requires the commissioner to develop materials and resources under this section in consultation with appropriate faculty members at institutions of higher education.

(c) Requires the commissioner to make the training materials and other teacher training resources required under Subsection (a) available to mathematics teachers through a variety of mechanisms, including distance learning, mentoring programs, small group inquiries, computer-assisted training, and mechanisms based on trainer-of-trainer models.

(d) Requires the commissioner to use funds appropriated for the purpose to administer this section.

Sec. 21.455. PROFESSIONAL DEVELOPMENT INSTITUTES IN MATHEMATICS.

(a) Requires the commissioner to develop and make available professional development institutes for teachers who provide instruction in mathematics to students at the fifth through eighth grade levels.

(b) Requires a professional development institute developed under this section to address certain issues.

(c) Requires the commissioner to develop professional development institutes under this section in consultation with mathematics and science faculty members at institutions of higher education.

(d) Requires the commissioner to adopt criteria for selection of teachers authorized to attend a professional development institute developed under this section.

(e) Requires the commissioner, from funds appropriated for the purpose, to pay a stipend to each teacher who completes a professional development institute developed under this section. Requires the commissioner to determine the amount of the stipend paid under this subsection.

SECTION 6. Amends Chapter 28A, Education Code, by adding Section 28.007, as follows:

Sec. 28.007. MATHEMATICS DIAGNOSIS. (a) Requires the commissioner, using funds appropriated for the purpose, to develop and make available or contract for the development and dissemination of assessment instruments that a school district may use to diagnose student mathematics skills. Requires that in developing the assessment instruments, all assessment methods available through advanced technology, including methods using the Internet or other computer resources to provide immediate assessment of a student's skills be considered.

(b) Prohibits the results of assessment instruments developed under Subsection (a) from being used for purposes of appraisals and incentives under Chapter 21 or accountability under Chapter 39.

SECTION 7. Amends Chapter 29C, Education Code, by adding Section 29.087, as follows:

Sec. 29.087. AFTER-SCHOOL AND SUMMER INTENSIVE MATHEMATICS INSTRUCTION PROGRAMS. (a) Authorizes a school district to provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics instruction to certain students.

(b) Requires that before providing a program under this section, the board of trustees of a school district adopt a specified policy.

(c) Requires the commissioner by rule to perform certain duties.

(d) Requires a program provided under this section to be paid for with funds appropriated for that purpose.

SECTION 8. Amends Section 39.023, Education Code, by amending Subsections (e) and (i) and adding Subsections (d), (j), and (m), as follows:

(d) Authorizes the commissioner to participate in multistate efforts to develop voluntary standardized end-of-course assessment instruments. Authorizes the commissioner by rule to require a school district to administer an end-of-course assessment instrument developed through the multistate efforts. Requires the admission, review, and dismissal committee of a student in a special education program under Chapter 29A, to determine whether any allowable modification is necessary in administering to the student an end-of-course assessment instrument or whether the student should be exempted under Section 39.027(a)(2).

(e) Makes a conforming change.

(i) Makes conforming changes.

(j) Requires the commissioner to develop a standardized end-of-course assessment instrument for Algebra I. Authorizes the commissioner by rule to require a school district to administer an end-of-course assessment instrument in Algebra I. Requires the admission, review, and dismissal committee of a student in a special education program under Chapter 29A, to determine whether any allowable modification is necessary in administering to the student an end-of-course assessment instrument or whether the student should be exempted under Section 39.027(a)(2).

(m) Provides that this subsection applies only to a student who is determined to have dyslexia or a related disorder and who is an individual with a disability under 29 U.S.C. Section 705(20) and its subsequent amendments. Requires the Texas Education Agency (agency) to adopt or develop appropriate criterion-referenced assessment instruments designed to assess the ability of and to be administered to each student to whom this subsection applies for whom the assessment instruments adopted under Subsection (a), even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the committee established by the board of trustees of the district to determine the placement of students with dyslexia or related disorders. Requires the committee to determine whether any allowable modification is necessary in administering to a student an assessment instrument required under this subsection. Requires the assessment instruments required under this subsection to be administered on the same schedule as the assessment instruments administered under Subsection (a).

SECTION 9. Reenacts and amends Section 39.051 (b), Education Code, as amended by Chapters 396, 397, and 1422, Acts of the 76th Legislature, Regular Session, 1999, to add language specifying that dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, are required to be included in the indicators adopted under this section.

SECTION 10. Reenacts and amends Section 39.053(a), Education Code, as amended by Chapters 510 and 1417, Acts of the 76th Legislature, Regular Session, 1999, to provide that information received under Section 51.403(e) for each high school campus in the district be included in the annual report published by the board of trustees of each school district, presented in a form determined by the commissioner of education.

SECTION 11. Amends Chapter 39C, Education Code, by adding Section 39.055, as follows:

Sec. 39.055. ANNUAL AUDIT OF DROPOUT RECORDS; REPORT. (a) Requires the board of trustees of each school district to have the district's dropout record audited annually at

district expense by a public accountant or certified public account who meets certain requirements.

(b) Requires the audit of dropout records (audit) to be completed following the end of each school year.

(c) Requires the audit to meet at least the minimum requirements and be in the format prescribed by the commissioner of education (commissioner), subject to review and comment by the state auditor.

(d) Requires a copy of the report of the audit, approved by the district's board of trustees, to be filed by the district with the Texas Education Agency (agency) not later than the 90th day after the last day permissible for resubmission of information required under Section 42.006. Requires the board of trustees to file with the agency a copy of the report with the board's statement giving detailed reasons for not approving the report, if the board declines or refuses to approve the report.

(e) Requires the agency to review reports of audits of dropout records. Requires the commissioner to notify the board of trustees of a school district of any objections the commissioner has to the report, violations of sound accounting practices or law and rule requirements revealed by the report. Requires the commissioner, if the report reflects that penal laws have been violated, to notify the county attorney, district attorney, or criminal district attorney, as appropriate, and the attorney general. Entitles the commissioner to access all district records the commissioner considers necessary and appropriate for review, analysis, and approval of the reports.

SECTION 12. (a) Amends Chapter 39D, Education Code, by adding Section 39.071, as follows:

Sec. 39.0721. VOLUNTARY GOLD PERFORMANCE RATING PROGRAM. (a) Requires the commissioner, in addition to district and campus performance ratings reported under Section 39.072 and in consultation with an advisory committee appointed under this section, to develop a voluntary gold performance rating program based on enhanced performance. Requires the agency to administer the program.

(b) Authorizes a district or campus rated exemplary under Section 39.072, under the voluntary gold performance rating program, to apply to the agency for an exemplary gold rating, a district or campus rated recognized may apply for a recognized gold rating, and a district or campus rated academically acceptable may apply for an academically acceptable gold rating.

(c) Provides that the performance standards on which a voluntary gold performance rating is based should include certain factors.

(d) Sets forth the composition of the advisory committee assisting the commissioner in developing the voluntary gold performance rating program .

(e) Authorizes the commissioner to adopt rules as necessary to implement and administer this section, including rules establishing a procedure and form a district or campus must use in applying to the agency for a voluntary rating.

(b) Requires that not later than March 1, 2002, the commissioner of education appoint members to the advisory committee for the voluntary gold performance rating program as provided by Section 39.0721(d), Education Code, as added by Subsection (a) of this section.

(c) Requires that not later than March 30, 2006, the commissioner of education complete

development of the voluntary gold performance rating program as provided by Section 39.0721, Education Code, as added by Subsection (a) of this section, and adopt any rules necessary for implementation and administration of Section 39.0721, Education Code.

(d) Requires that beginning with the 2006-2007 school year or an earlier school year, the Texas Education Agency implement the voluntary gold performance rating program under Section 39.0721, Education Code, as added by Subsection (a) of this section.

SECTION 13. Amends Section 39.131, Education Code, by adding Subsection (a-1), as follows:

(a-1) Provides that this subsection applies regardless of whether a district has satisfied the accreditation criteria. Authorizes the commissioner, if for a period of one year or more a district has had a master or management team assigned, to appoint a board of managers composed of residents of the district to exercise the powers and duties of the board of trustees.

SECTION 14. Amends Section 39.182 (a), Education Code, to add language regarding a statement of the completion rates of students for grade levels 9 through 12 to be included in the report covering the preceding two school years including certain information.

SECTION 15. Amends Section 822.201(b), Government Code, to redefine "salary and wages."

SECTION 16. (a) Requires the State Board for Educator Certification to propose rules establishing requirements and prescribing an examination for master mathematics teacher certification as required by Section 21.0482, Education Code, as added by this Act, not later than January 1, 2003.

(b) Provides that beginning with the 2003-2004 school year:

(1) the commissioner of education shall pay grants under Section 21.411, Education Code, as added by this Act; and

(2) school districts receiving grants shall pay stipends to certified master mathematics teachers under Section 21.411, Education Code, as added by this Act.

SECTION 17. Requires that before the 2005-2006 school year, the Texas Education Agency field-test assessment instruments required to be adopted or developed under Section 39.023(m), Education Code, as added by this Act. Requires that not later than the 2005-2006 school year, the Texas Education Agency adopt or develop and the State Board of Education administer those assessment instruments.

SECTION 18. Requires each school district to have its dropout records audited as required by Section 39.055, Education Code, as added by this Act, beginning with dropout records for the 2001-2002 school year.

SECTION 19. Requires that not later than February 1, 2002, the Texas Education Agency develop a training program for public accountants and certified public accountants in auditing public school dropout records under Section 39.055, Education Code, as added by this Act, and make the training program readily available to public accountants and certified public accountants throughout this state.

SECTION 20. (a) Effective date: upon passage or September 1, 2001, except as provided by Subsection (b) of this section.

(b) Provides that SECTIONS 9, 10, and 14 of this Act take effect September 1, 2001.

