

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 29, 2015  
Date

Honorable Dan Patrick  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 313 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Kel Seliger  
SELIGER

L. Taylor  
L. TAYLOR

Eltife  
ELTIFE

Estes  
ESTES

Royce West  
On the part of the Senate  
WEST

Stacy Rocco  
ROCK

Allen  
ALLEN

Myra Crowner  
CROWNER

Simmons  
SIMMONS

VanDeaver  
On the part of the House  
VANDEAVER

### Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

S.B. No. 313

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the essential knowledge and skills of the required  
3 public school curriculum, the administration of and reports  
4 relating to assessment instruments administered to public school  
5 students, the instructional materials allotment, and proclamations  
6 for the production of instructional materials.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Subchapter A, Chapter 28, Education Code, is  
9 amended by adding Section 28.0025 to read as follows:

10 Sec. 28.0025. REVIEW AND MODIFICATION OF ESSENTIAL  
11 KNOWLEDGE AND SKILLS. (a) The State Board of Education shall:

12 (1) conduct a review of the essential knowledge and  
13 skills of each foundation curriculum subject under Section  
14 28.002(a)(1) that were most recently revised by the board with an  
15 effective date before September 1, 2012; and

16 (2) modify the essential knowledge and skills of each  
17 foundation curriculum subject reviewed under Subdivision (1) to  
18 narrow the content and scope of standards and skills for the subject  
19 at each grade level in accordance with this section.

20 (b) In complying with this section, the State Board of  
21 Education shall consider:

22 (1) at each grade level for each subject reviewed  
23 under this section, the time:

24 (A) a teacher would require to provide

1 comprehensive instruction on a particular standard or skill; and

2 (B) a typical student would require to master a  
3 particular standard or skill;

4 (2) whether, in light of the consideration required by  
5 Subdivision (1), each essential knowledge and skill of a subject  
6 reviewed under this section can be comprehensively taught within  
7 the number of school days required under Section 25.081, not  
8 including the number of days required for testing;

9 (3) the college and career readiness standards, and  
10 whether inclusion of part of those standards in the essential  
11 knowledge and skills of a subject reviewed under this section is  
12 possible; and

13 (4) whether an assessment instrument administered  
14 under Section 39.023 adequately assesses a particular standard or  
15 skill.

16 (c) In establishing or following an established timeline  
17 for reviewing and modifying the essential knowledge and skills as  
18 required under this section, the State Board of Education shall  
19 ensure that the timeline reflects a priority to first review and  
20 modify a subject for which an end-of-course assessment instrument  
21 under Section 39.023(c) is administered before a subject for which  
22 an assessment instrument under Section 39.023(a) is administered.  
23 The board shall complete the review and modification of the  
24 essential knowledge and skills at each grade level for each  
25 applicable subject as required under this section not later than  
26 September 1, 2018.

27 (d) The review and modification of the essential knowledge

1 and skills for the foundation curriculum conducted by the State  
2 Board of Education under this section may not result in a need for  
3 the adoption of new instructional materials in any subject other  
4 than English language arts.

5 (e) Until the review and modification under this section is  
6 complete, the State Board of Education may not add to or modify the  
7 content and scope of standards and skills for any subject in the  
8 foundation curriculum under Section 28.002(a)(1) reviewed under  
9 this section unless modifications are made in accordance with this  
10 section.

11 (f) This section expires September 1, 2018.

12 SECTION 2. Section 28.008(d), Education Code, is amended to  
13 read as follows:

14 (d) The State Board of Education shall incorporate college  
15 readiness standards and expectations approved by the commissioner  
16 of education and the Texas Higher Education Coordinating Board  
17 under Subsection (b) into the essential knowledge and skills  
18 identified by the board under Section 28.002(c). The State Board of  
19 Education shall develop a chart that clearly indicates the  
20 alignment of the college readiness standards and expectations with  
21 the essential knowledge and skills identified by the board under  
22 Section 28.002(c).

23 SECTION 3. Section 31.002, Education Code, is amended by  
24 adding Subdivision (1-b) to read as follows:

25 (1-b) "Proclamation" means a request for production of  
26 instructional materials issued by the State Board of Education.

27 SECTION 4. Sections 31.0211(a) and (d), Education Code, are

1 amended to read as follows:

2 (a) A school district is entitled to an [~~annual~~] allotment  
3 each biennium from the state instructional materials fund for each  
4 student enrolled in the district on a date during the last year of  
5 the preceding biennium [~~school year~~] specified by the  
6 commissioner. The commissioner shall determine the amount of the  
7 allotment per student each biennium [~~year~~] on the basis of the  
8 amount of money available in the state instructional materials fund  
9 to fund the allotment. An allotment under this section shall be  
10 transferred from the state instructional materials fund to the  
11 credit of the district's instructional materials account as  
12 provided by Section 31.0212.

13 (d) Each biennium [~~year~~] a school district shall use the  
14 district's allotment under this section to purchase, in the  
15 following order:

16 (1) instructional materials necessary to permit the  
17 district to certify that the district has instructional materials  
18 that cover all elements of the essential knowledge and skills of the  
19 required curriculum, other than physical education, for each grade  
20 level as required by Section 28.002; and

21 (2) any other instructional materials or  
22 technological equipment as determined by the district.

23 SECTION 5. Section 31.0212(a), Education Code, is amended  
24 to read as follows:

25 (a) The commissioner shall maintain an instructional  
26 materials account for each school district. In the first year of  
27 each biennium [~~Each school year~~], the commissioner shall deposit in

1 the account for each district the amount of the district's  
2 instructional materials allotment under Section 31.0211.

3 SECTION 6. Sections 31.0215(a) and (b), Education Code, are  
4 amended to read as follows:

5 (a) The commissioner shall, as early as practicable during  
6 each biennium [~~fiscal year~~], notify each school district and  
7 open-enrollment charter school of the estimated amount to which the  
8 district or charter school will be entitled under Section 31.0211  
9 during the next fiscal biennium [~~year~~].

10 (b) The commissioner may allow a school district or  
11 open-enrollment charter school to place an order for instructional  
12 materials before the beginning of a fiscal biennium [~~year~~] and to  
13 receive instructional materials before payment. The commissioner  
14 shall limit the cost of an order placed under this section to 80  
15 percent of the estimated amount to which a school district or  
16 open-enrollment charter school is estimated to be entitled as  
17 provided by Subsection (a) and shall first credit any balance in a  
18 district or charter school instructional materials account to pay  
19 for an order placed under this section.

20 SECTION 7. Section 31.022, Education Code, is amended by  
21 adding Subsections (b-1), (b-2), and (b-3) and amending Subsection  
22 (f) to read as follows:

23 (b-1) For any state fiscal biennium, the board may only  
24 issue proclamations for instructional materials in which the total  
25 projected cost of instructional materials under the proclamations  
26 does not exceed 75 percent of the total amount used to fund the  
27 instructional materials allotment under Section 31.0211 for that

1 biennium.

2 (b-2) Following the adoption of revised essential knowledge  
3 and skills for any subject, the board shall determine whether  
4 issuance of a proclamation is necessary based on the significance  
5 of the changes to the essential knowledge and skills. If the board  
6 determines a proclamation is necessary, the board shall issue:

7 (1) a full call for instructional materials aligned to  
8 all of the essential knowledge and skills for the subject and grade  
9 level;

10 (2) a supplemental call for instructional materials  
11 aligned to new or expanded essential knowledge and skills for the  
12 subject and grade level;

13 (3) a call for new information demonstrating alignment  
14 of current instructional materials to the revised essential  
15 knowledge and skills; or

16 (4) any combination of the calls described by  
17 Subdivisions (1), (2), and (3).

18 (b-3) In determining the disbursement of money to the  
19 available school fund and the amount of that disbursement that will  
20 be used, in accordance with Section 43.001(d), to fund the  
21 instructional materials allotment under Section 31.0211, the board  
22 must consider the cost of all instructional materials and  
23 technology requirements for that state fiscal biennium.

24 (f) The board shall amend any proclamation [~~request for~~  
25 ~~production~~] issued for the purchase of instructional materials to  
26 conform to the instructional materials funding levels provided by  
27 the General Appropriations Act for the year of implementation and

1 to comply with Subsection (b-1).

2 SECTION 8. Subchapter B, Chapter 39, Education Code, is  
3 amended by adding Section 39.0239 to read as follows:

4 Sec. 39.0239. REQUIRED REPORT FOR CERTAIN ASSESSMENTS.

5 (a) Following the administration of an assessment instrument  
6 adopted or developed under Section 39.023(a), the agency shall  
7 provide a detailed report of a student's performance on the  
8 assessment instrument to:

9 (1) the student;

10 (2) the student's parent or other person standing in  
11 parental relationship; and

12 (3) the student's teachers.

13 (b) The report provided under Subsection (a) must include an  
14 analysis of a student's performance on each assessed standard or  
15 skill in the essential knowledge and skills of the subject for which  
16 the assessment instrument was administered. The analysis must  
17 indicate whether the student mastered each standard or skill  
18 assessed in the assessment instrument.

19 (c) The analysis under Subsection (b) must demonstrate both  
20 individual assessment results and assessment results aggregated  
21 across classes, campuses, and districts.

22 (d) If the commissioner contracts with a third party for the  
23 development or adoption of an assessment instrument under Section  
24 39.023(a), the contract must require the third party to fulfill the  
25 requirements of this section.

26 SECTION 9. Section 43.001(d), Education Code, is amended to  
27 read as follows:

1 (d) Each biennium [~~year~~] the State Board of Education shall  
2 set aside an amount equal to 50 percent of the [~~annual~~] distribution  
3 for that biennium [~~year~~] from the permanent school fund to the  
4 available school fund as provided by Section 5(a), Article VII,  
5 Texas Constitution, to be placed, subject to the General  
6 Appropriations Act, in the state instructional materials fund  
7 established under Section 31.021.

8 SECTION 10. Section 403.093(d), Government Code, is amended  
9 to read as follows:

10 (d) The comptroller shall transfer from the general revenue  
11 fund to the foundation school fund an amount of money necessary to  
12 fund the foundation school program as provided by Chapter 42,  
13 Education Code. The comptroller shall make the transfers in  
14 installments as necessary to comply with Section 42.259, Education  
15 Code, and permit the Texas Education Agency, to the extent  
16 authorized by the General Appropriations Act, to make temporary  
17 transfers from the foundation school fund for payment of the  
18 instructional materials allotment under Section 31.0211, Education  
19 Code. Unless an earlier date is necessary for purposes of temporary  
20 transfers for payment of the instructional materials allotment, an  
21 [An] installment must be made not earlier than two days before the  
22 date an installment to school districts is required by Section  
23 42.259, Education Code, and must not exceed the amount necessary  
24 for that payment and any temporary transfers for payment of the  
25 instructional materials allotment.

26 SECTION 11. Sections 31.101(d) and (e), Education Code, are  
27 repealed.

1           SECTION 12. Not later than January 1, 2016, the State Board  
2 of Education shall develop a chart as prescribed by Section  
3 28.008(d), Education Code, as amended by this Act.

4           SECTION 13. The change in law made by Section 39.0239(d),  
5 Education Code, as added by this Act, applies only to a contract  
6 entered into, amended, or renewed on or after the effective date of  
7 this Act. A contract entered into, amended, or renewed before the  
8 effective date of this Act is governed by the law as it existed  
9 immediately before the effective date of this Act, and that law is  
10 continued in effect for that purpose.

11          SECTION 14. This Act applies beginning with the 2015-2016  
12 school year.

13          SECTION 15. This Act takes effect immediately if it  
14 receives a vote of two-thirds of all the members elected to each  
15 house, as provided by Section 39, Article III, Texas Constitution.  
16 If this Act does not receive the vote necessary for immediate  
17 effect, this Act takes effect September 1, 2015.

**Senate Bill 313**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0025 to read as follows:

Sec. 28.0025. REVIEW AND MODIFICATION OF ESSENTIAL KNOWLEDGE AND SKILLS. (a) The State Board of Education shall:

(1) conduct a review of the essential knowledge and skills of *the foundation curriculum subjects under Section 28.002(a)(1)*; and

(2) modify the essential knowledge and skills of *the foundation curriculum subjects* to narrow the content and scope of standards and skills for *each subject and grade level* in accordance with this section.

(b) In complying with this section, the State Board of Education shall consider:

(1) *for each subject and grade level*, the time:

(A) a teacher would require to provide comprehensive instruction on a particular standard or skill; and

(B) a typical student would require to master a particular standard or skill;

(2) whether, in light of the consideration required by Subdivision (1), each essential knowledge and skill of a subject can be comprehensively taught within the number of school days required under Section 25.081, not including the number of days required for testing;

(3) the college and career readiness standards, and whether inclusion of part of those standards in the essential knowledge and skills of a subject is possible; and

HOUSE VERSION (IE)

SECTION 1. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0025 to read as follows:

Sec. 28.0025. REVIEW AND MODIFICATION OF ESSENTIAL KNOWLEDGE AND SKILLS. (a) The State Board of Education shall:

(1) conduct a review of the essential knowledge and skills of *each foundation curriculum subject under Section 28.002(a)(1) that were most recently revised by the board with an effective date before September 1, 2012*; and

(2) modify the essential knowledge and skills of *each foundation curriculum subject reviewed under Subdivision (1)* to narrow the content and scope of standards and skills for *the subject at each grade level* in accordance with this section.

(b) In complying with this section, the State Board of Education shall consider:

(1) *at each grade level for each subject reviewed under this section*, the time:

(A) a teacher would require to provide comprehensive instruction on a particular standard or skill; and

(B) a typical student would require to master a particular standard or skill;

(2) whether, in light of the consideration required by Subdivision (1), each essential knowledge and skill of a subject *reviewed under this section* can be comprehensively taught within the number of school days required under Section 25.081, not including the number of days required for testing;

(3) the college and career readiness standards, and whether inclusion of part of those standards in the essential knowledge and skills of a subject *reviewed under this section* is possible; and

CONFERENCE

SECTION 1. Substantially the same as House version.

**Senate Bill 313**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

(4) whether an assessment instrument administered under Section 39.023 adequately assesses a particular standard or skill.

(c) In establishing or following an established timeline for reviewing and modifying the essential knowledge and skills as required under this section, the State Board of Education shall ensure that the timeline reflects a priority to first review and modify a subject for which an end-of-course assessment instrument under Section 39.023(c) is administered before a subject for which an assessment instrument under Section 39.023(a) is administered. The board shall complete the review and modification of the essential knowledge and skills ***for each applicable subject and grade level*** as required under this section not later than September 1, 2018.

(d) Until the review and modification under this section is complete, the State Board of Education may not add to or modify the content and scope of standards and skills for any subject in the foundation curriculum under Section 28.002(a)(1) unless modifications are made in accordance with this section.

***(e) The State Board of Education may not modify the essential knowledge and skills of the foundation curriculum subjects in a manner that requires:***

***(1) the revision of professional development training for teachers on essential knowledge and skills;***

***(2) the purchase of additional instructional materials; or***

HOUSE VERSION (IE)

(4) whether an assessment instrument administered under Section 39.023 adequately assesses a particular standard or skill.

(c) In establishing or following an established timeline for reviewing and modifying the essential knowledge and skills as required under this section, the State Board of Education shall ensure that the timeline reflects a priority to first review and modify a subject for which an end-of-course assessment instrument under Section 39.023(c) is administered before a subject for which an assessment instrument under Section 39.023(a) is administered. The board shall complete the review and modification of the essential knowledge and skills ***at each grade level for each applicable subject*** as required under this section not later than September 1, 2018.

***(c-1) The review and modification of the essential knowledge and skills for the foundation curriculum conducted by the State Board of Education under this section may not result in a need for the adoption of new instructional materials in any subject other than English language arts.*** [FA2]

(d) Until the review and modification under this section is complete, the State Board of Education may not add to or modify the content and scope of standards and skills for any subject in the foundation curriculum under Section 28.002(a)(1) ***reviewed under this section*** unless modifications are made in accordance with this section.

CONFERENCE

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HOUSE VERSION (IE)

CONFERENCE

(3) the revision of assessment instruments adopted or developed under Section 39.023.

(f) This section expires September 1, 2018.

SECTION 2. Section 28.008(d), Education Code, is amended to read as follows:

(d) The State Board of Education shall incorporate college readiness standards and expectations approved by the commissioner of education and the Texas Higher Education Coordinating Board under Subsection (b) into the essential knowledge and skills identified by the board under Section 28.002(c). The State Board of Education shall develop *and by rule adopt* a chart that clearly indicates the alignment of the college readiness standards and expectations with the essential knowledge and skills identified by the board under Section 28.002(c).

SECTION 3. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0081 to read as follows:

Sec. 28.0081. ADMINISTRATION OF ASSESSMENT INSTRUMENT FOR DIAGNOSTIC PURPOSES. (a) Not later than April 1 of each school year, a school district, using funds appropriated to the agency and distributed by the commissioner to the district for that purpose, shall administer an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.3062(c) to each student in the district enrolled in the 10th grade. A student's performance on the assessment instrument may only be used for diagnostic purposes, including a determination as to whether a student should be enrolled in developmental

(e) This section expires September 1, 2018.

SECTION 2. Section 28.008(d), Education Code, is amended to read as follows:

(d) The State Board of Education shall incorporate college readiness standards and expectations approved by the commissioner of education and the Texas Higher Education Coordinating Board under Subsection (b) into the essential knowledge and skills identified by the board under Section 28.002(c). The State Board of Education shall develop a chart that clearly indicates the alignment of the college readiness standards and expectations with the essential knowledge and skills identified by the board under Section 28.002(c).

*No equivalent provision.* [Deleted by FA1]

SECTION 2. Same as House version.

Same as House version.

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Conference Committee Report  
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HOUSE VERSION (IE)

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education courses. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine if it is appropriate for the student to be administered the assessment instrument required under this section.

(b) This section applies only until the State Board of Education has completed the review and modification of essential knowledge and skills of the foundation curriculum subjects required by Section 28.0025. This section expires September 1, 2018.

*No equivalent provision.*

*No equivalent provision.*

SECTION 4. Section 31.002, Education Code, is amended by adding Subdivision (1-b) to read as follows:

(1-b) "Proclamation" means a request for production of instructional materials issued by the State Board of Education.

SECTION 5. Sections 31.0211(a) and (d), Education Code, are amended to read as follows:

(a) A school district is entitled to an ~~[annual]~~ allotment each biennium from the state instructional materials fund for each student enrolled in the district on a date during the last year of the preceding biennium ~~[school year]~~ specified by the commissioner. The commissioner shall determine the amount of the allotment per student each biennium ~~[year]~~ on the basis of the amount of money available in the state instructional materials fund to fund the allotment. An allotment under this section shall be transferred from the state instructional materials fund to the credit of the district's instructional materials account as provided by Section 31.0212.

(d) Each biennium ~~[year]~~ a school district shall use the

SECTION 3. Same as House version.

SECTION 4. Same as House version.

**Senate Bill 313**  
Conference Committee Report  
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HOUSE VERSION (IE)

CONFERENCE

district's allotment under this section to purchase, in the following order:

- (1) instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level as required by Section 28.002; and
- (2) any other instructional materials or technological equipment as determined by the district.

*No equivalent provision.*

SECTION 6. Section 31.0212(a), Education Code, is amended to read as follows:

- (a) The commissioner shall maintain an instructional materials account for each school district. In the first year of each biennium [~~Each school year~~], the commissioner shall deposit in the account for each district the amount of the district's instructional materials allotment under Section 31.0211.

SECTION 5. Same as House version.

*No equivalent provision.*

SECTION 7. Sections 31.0215(a) and (b), Education Code, are amended to read as follows:

- (a) The commissioner shall, as early as practicable during each biennium [~~fiscal year~~], notify each school district and open-enrollment charter school of the estimated amount to which the district or charter school will be entitled under Section 31.0211 during the next fiscal biennium [~~year~~].
- (b) The commissioner may allow a school district or open-enrollment charter school to place an order for instructional materials before the beginning of a fiscal biennium [~~year~~] and to receive instructional materials before payment. The

SECTION 6. Same as House version.

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commissioner shall limit the cost of an order placed under this section to 80 percent of the estimated amount to which a school district or open-enrollment charter school is estimated to be entitled as provided by Subsection (a) and shall first credit any balance in a district or charter school instructional materials account to pay for an order placed under this section.

*No equivalent provision.*

SECTION 8. Section 31.022, Education Code, is amended by adding Subsections (b-1), (b-2), and (b-3) and amending Subsection (f) to read as follows:

(b-1) For any state fiscal biennium, the board may only issue proclamations for instructional materials in which the total projected cost of instructional materials under the proclamations does not exceed 75 percent of the total amount used to fund the instructional materials allotment under Section 31.0211 for that biennium.

(b-2) Following the adoption of revised essential knowledge and skills for any subject, the board shall determine whether issuance of a proclamation is necessary based on the significance of the changes to the essential knowledge and skills. If the board determines a proclamation is necessary, the board shall issue:

(1) a full call for instructional materials aligned to all of the essential knowledge and skills for the subject and grade level;

(2) a supplemental call for instructional materials aligned to new or expanded essential knowledge and skills for the subject and grade level;

(3) a call for new information demonstrating alignment of current instructional materials to the revised essential knowledge and skills; or

SECTION 7. Same as House version.

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(4) any combination of the calls described by Subdivisions (1), (2), and (3).

(b-3) In determining the disbursement of money to the available school fund and the amount of that disbursement that will be used, in accordance with Section 43.001(d), to fund the instructional materials allotment under Section 31.0211, the board must consider the cost of all instructional materials and technology requirements for that state fiscal biennium.

(f) The board shall amend any proclamation [~~request for production~~] issued for the purchase of instructional materials to conform to the instructional materials funding levels provided by the General Appropriations Act for the year of implementation and to comply with Subsection (b-1).

*No equivalent provision.*

SECTION \_\_. Section 39.023, Education Code, is amended by adding Subsection (b-2). [FA1,3rd]

Same as Senate version.

SECTION 4. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0239.

SECTION 9. Same as Senate version.

SECTION 8. Same as Senate version.

*No equivalent provision.*

SECTION 10. Section 43.001(d), Education Code, is amended to read as follows:

(d) Each biennium [~~year~~] the State Board of Education shall set aside an amount equal to 50 percent of the [~~annual~~] distribution for that biennium [~~year~~] from the permanent school fund to the available school fund as provided by Section 5(a), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state

SECTION 9. Same as House version.

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instructional materials fund established under Section 31.021.

*No equivalent provision.*

SECTION 11. Section 403.093(d), Government Code, is amended to read as follows:

(d) The comptroller shall transfer from the general revenue fund to the foundation school fund an amount of money necessary to fund the foundation school program as provided by Chapter 42, Education Code. The comptroller shall make the transfers in installments as necessary to comply with Section 42.259, Education Code, and permit the Texas Education Agency, to the extent authorized by the General Appropriations Act, to make temporary transfers from the foundation school fund for payment of the instructional materials allotment under Section 31.0211, Education Code. Unless an earlier date is necessary for purposes of temporary transfers for payment of the instructional materials allotment, an [An] installment must be made not earlier than two days before the date an installment to school districts is required by Section 42.259, Education Code, and must not exceed the amount necessary for that payment and any temporary transfers for payment of the instructional materials allotment.

SECTION 10. Same as House version.

*No equivalent provision.*

SECTION 12. Sections 31.101(d) and (e), Education Code, are repealed.

SECTION 11. Same as House version.

SECTION 5. Not later than January 1, 2016, the State Board of Education shall *adopt* a chart as prescribed by Section 28.008(d), Education Code, as amended by this Act.

SECTION 13. Not later than January 1, 2016, the State Board of Education shall *develop* a chart as prescribed by Section 28.008(d), Education Code, as amended by this Act.

SECTION 12. Same as House version.

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SECTION 6. Saving provision.

SECTION 14. Same as Senate version.

SECTION 13. Same as Senate version.

SECTION 7. This Act applies beginning with the 2015-2016 school year.

SECTION 15. Same as Senate version.

SECTION 14. Same as Senate version.

SECTION 8. Effective date.

SECTION 16. Same as Senate version.

SECTION 15. Same as Senate version.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 30, 2015**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
 Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB313** by Seliger (Relating to the essential knowledge and skills of the required public school curriculum, the administration of and reports relating to assessment instruments administered to public school students, the instructional materials allotment, and proclamations for the production of instructional materials.), **Conference Committee Report**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB313, Conference Committee Report: a negative impact of (\$9,163,128) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$5,663,128)
2017	(\$3,500,000)
2018	(\$4,200,000)
2019	\$0
2020	(\$4,200,000)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>Foundation School Fund</i> 193
2016	(\$1,463,128)	(\$4,200,000)
2017	(\$3,500,000)	\$0
2018	\$0	(\$4,200,000)
2019	\$0	\$0
2020	\$0	(\$4,200,000)

## **Fiscal Analysis**

The bill would require the State Board of Education (SBOE) to conduct a review of the Texas Essential Knowledge and Skills (TEKS) in the foundation curriculum subjects and modify those TEKS to narrow the content and scope for each subject and grade level.

The bill would require the SBOE to consider the time a teacher would require to provide comprehensive instruction and the time a student would require to master a particular standard or skill for each subject and grade level; whether the TEKS can be comprehensively taught within the required number of school days; possible inclusion of the college and career readiness standards; and whether an assessment instrument adequately assesses a particular standard or skill.

The bill would require the SBOE to ensure priority in reviewing subjects for which an end-of-course (EOC) assessment is administered. By September 1, 2018, the bill would require the SBOE to complete the review and revision process of the TEKS for each subject and grade level in the foundation curriculum subjects last revised before September 1, 2012.

The bill would require that the TEKS review and modification not result in a need for the adoption of new instructional materials in any subject other than English language arts.

The bill would require TEA to provide a detailed report of a student's performance on each TEKS standard for which an assessment instrument is administered and to provide assessment results aggregated across classes, campuses, and districts to the students, the student's parent or guardian, and the student's teachers. The bill would allow the Commissioner to contract with a third party to provide the detailed report.

The bill would require the SBOE to develop and adopt a chart indicating the alignment of the college readiness standards and expectations with the TEKS.

The bill would entitle school districts to the instructional materials allotment (IMA) on a biennial basis instead of an annual basis and require IMA funding to be available in the first year of each biennium.

The bill would require the State Board of Education (SBOE) to only issue proclamations, defined as a request for production of new instructional materials, in which the total projected cost of instructional materials does not exceed 75 percent of the total IMA for any biennium. The bill would require the SBOE to determine whether issuance of a proclamation was necessary following the adoption of revised TEKS for any subject. If necessary, the bill would require the SBOE to issue 1) a full call for instructional materials aligned to all TEKS for the subject and grade level; 2) a supplemental call aligned to new or expanded TEKS for the subject and grade level; 3) a call for new information demonstrating alignment of current instructional materials to revised TEKS; or 4) any combination of the above. The bill requires the SBOE to consider the cost of all instructional materials and technology requirements in determining the disbursement of money to the available school fund to fund the IMA.

The bill would require the State Board of Education (SBOE) to set aside 50 percent of the distribution from the permanent school fund (PSF) to the available school fund (ASF) to be placed in the instructional materials fund (IMF) on a biennial basis instead of an annual basis. The bill would require the Comptroller of Public Accounts, to the extent authorized by the General Appropriations Act, to allow the Texas Education Agency (TEA) to make temporary transfers from the foundation school fund (FSF) to pay for the instructional materials allotment as needed.

The bill would take effect on September 1, 2015, or immediately if passed within the necessary voting margins.

## **Methodology**

Reviewing and modifying the Texas Essential Knowledge and Skills (TEKS) standards would cost \$663,128 in fiscal year 2016 and \$3.7 million in fiscal year 2017. This estimate assumes that the Texas Education Agency (TEA) would incur all costs associated with the review and modification of the TEKS standards in the 2016-17 biennium due to the September 1, 2018 implementation date.

This estimate assumes TEA would convene committees to review and modify the TEKS in fiscal year 2016. Based on information provided by TEA, this analysis assumes the TEKS review would be limited to science and social studies, and would not include mathematics since those TEKS were recently reviewed, or English language arts since those TEKS are currently scheduled for review in fiscal year 2015. Under these assumptions, two committees would meet for four days to review the TEKS standards for science and social studies. Each committee would include 101 members, totaling 202 committee members for the two committees. The estimated cost of travel reimbursement, including lodging, meals and incidentals, and mileage, would be \$791 per committee member, totaling \$639,128 in fiscal year 2016 (\$791 per person x 202 committee members x four days). TEA estimates an additional 2016 cumulative cost of approximately \$6,000 per meeting for audio/visual equipment, meeting room rental, and materials.

In addition to the costs related to review and modification, this estimate assumes a total cost of \$3.5 million in fiscal year 2017 to provide professional development to support implementation of the revised standards in science and social studies. Based on information provided by TEA, the estimated cost of providing professional development is \$1.75 million per subject area for science and social studies for teachers in kindergarten to grade 12.

Changes to state curriculum review and assessment processes are subject to review by the U.S. Department of Education as a part of the No Child Left Behind Title I, Part A program. To the extent that changes resulting from the bill are not federally approved, the bill may result in the loss of significant federal funds.

Regarding the bill's provisions relating to IMA funding, this estimate assumes TEA will make a temporary transfer from the FSF to the IMF in the amount of approximately \$1.1 billion at the beginning of fiscal year 2016 and that approximately \$1.1 billion from the IMF will be sent to school districts in a biennial IMA in September 2015.

Based on information provided by the Comptroller of Public Accounts, there would be a \$4.2 million loss of expected interest earnings to the FSF in the first year of each biennium based on a 0.8 percent projected rate of return on the FSF. This estimate assumes that the temporary transfer would be totally repaid to the FSF early in the second year of each biennium and there would be no loss of interest earnings in the second year of the biennium. The estimate further assumes the temporary transfer amount and repayment pattern would be the same in future biennia.

## **Technology**

Although districts and campuses currently have the ability to create teacher or classroom specific reports for test results through TEA's student assessment data portal, the bill requires TEA to provide a detailed report of a student's performance at the classroom level.

According to TEA, the agency does have the necessary systems in place to report at the classroom level through its assessment data portal. For school year 2015-16, districts and campuses would be required to make the appropriate classroom assignments by subject for each assessed student within the agency system to allow for accurate state-level reporting. However, district and campus capability to participate is unknown since many of the state's largest districts have reporting systems independent of the state's assessment data portal.

According to the TEA, beginning in school year 2016-17, the agency would need to collect student classroom assignments by subject through its Public Education Information Management System (PEIMS) to accurately report at the classroom level. Although TEA indicates this requirement would not have a fiscal impact because PEIMS can handle multiple uploads a year and new data elements are not required, this estimate assumes the new data collection would cost an estimated \$800,000 in fiscal year 2016. This estimate is based on the cost of previous similar PEIMS upgrades and does not include full-time equivalents since TEA currently has dedicated technology staff to make enhancements and modifications.

### **Local Government Impact**

The bill would make funding available earlier in the school year to school districts and open-enrollment charter schools to purchase instructional materials and may prevent districts from borrowing from local funds to pay for these materials.

**Source Agencies:** 701 Central Education Agency, 304 Comptroller of Public Accounts

**LBB Staff:** UP, AW, JBi, AM

**Certification of Compliance with  
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order under Rule 13.

I certify that a copy of the conference committee report on SB 313 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

Rob Dan Gera  
(name)

5-30-15  
(date)