

82nd Legislative Session

Post-Legislative Conference

Governmental Relations

Texas Association of School Boards

June 2011



Texas Association of School Boards

Overview of the Session

150 House Members: 101 (Rs) to 49 (Ds)
 31 Senators: 19 (Rs) to 12 (Ds)

	2009	2011	+/-
Bills filed	8,074	6,154	-1,920
TASB-tracked bills	3,227	1,783	-1,444
Bills passed	1,726 21% of bills filed	1,410 23% of bills filed	-316
TASB-tracked bills that passed	449 14% of tracked bills	251 14% of tracked bills	-198



The 82nd Legislature's Budget Challenge

- Total GR and GR dedicated revenue in the **2011-12** state budget was **\$88.5 billion**.
- Comptroller estimated available GR for the **2012-13** budget at **\$72.2 billion**. This figure was:
 - \$16 billion short to get to the same budget as 2011-12
 - \$27 billion short to maintain current service levels
- Legislature's goal: "Balanced Budget" with No New Taxes or use of the Rainy Day Fund.
- 2012-13 state GR and GR dedicated budget is **\$86.9 billion**.



Options Available to the 82nd Legislature

- ✓ Cut funding (below 2011-12 service levels)
- ✓ Use State's \$9.7 billion Rainy Day Fund (RDF) (used \$3.2billion to close current budget deficit)
- ✓ Delay state payments until next biennium (i.e., accounting gimmicks)
- New taxes and/or close tax loopholes (in fact, created new tax exemptions)



Did Legislators Make Education a Priority?

- Funding for public education made up **38.2%** of the state's 2011-12 GR and GR dedicated budget (\$33.8 B).
- Funding for public education makes up **42.4%** of the state's 2012-13 GR and GR dedicated budget (\$36.8 B).
- TEA estimated **\$41 B** needed to fund Foundation School Program at current levels for 2012-13; 2012-13 state budget appropriates **\$37 B** for FSP.



Did Legislators Make Education a Priority? All State Funds (Excludes Federal Funds)

	% of Budget (2011-12)	% of Budget (2012-13)	% Change
General Government	3.1	3.1	0
Health & Human Svcs.	20.2	20.2	0
Education	54.3	54.8	0.5
Public Education	35.1	36.7	1.6
Higher Education	19.2	18.1	-1.1
Judiciary (courts system)	.6	.5	- 0.1
Pub. Safety and Crim. Justice	8.9	8.3	- 0.6
Natural Resources	2.1	1.7	- 0.4
Business and Eco. Dev.	9.7	12.9	3.2
Regulatory	.7	.6	- 0.1



Did The Leg Make Education a Priority?

State GR and GR Dedicated

	% of Budget (2011-12)	% of Budget (2012-13)	% Change
General Government	3.5	3.2	- 0.3
Health & Human Svcs.	25.6	26.9	1.3
Education	55.8	58.9	- 3.1
Public Education	38.2	42.4	4.2
Higher Education	17.6	16.5	-1.1
Judiciary (courts system)	.6	.5	- 0.1
Pub. Safety and Crim. Justice	9.8	9.6	- 0.2
Natural Resources	2.5	1.9	- 0.6
Business and Eco. Dev.	1.1	1.1	0
Regulatory	.8	.8	0



News of the Weird

- **HR 1419** (Sheffield) – Recognizing Oct. 26, 2011, as Texas Chicken Fried Steak Day.
- **HCR 24** (Darby) – Designating “Nymphaea Texas Dawn” as the official State Water Lily of Texas.
- **HCR 84** (Cain) – Designating “Texas 42” as the official State Domino Game of Texas.
- **HCR 86** (Chisum) – Designating the “Texas State Bison Herd at Caprock Canyons State Park” as the official State Bison Herd of Texas.
- **HCR 159** (Hughes) – Designates Marshall as official birthplace of “Boogie Woogie.”



News of the Weird

- **SCR 35** (Wentworth) – Designates “Western Swing“ as official state music of Texas.
- **HB 716** (Miller, Sid) – Relating to the taking of certain feral hogs using a helicopter.
- **HB 2189** (Deuell) – Legalizes “Noodling.”
- **HB 1202** (Riddle) – Makes it illegal to hire an illegal alien, unless the immigrant works in a person’s home.
- **HB 1455** (Kolkhorst) – Directs police to drop off a detained illegal immigrant at the office of a U.S. Senator or Congress member.
- **HB 3135** (Shelton) – “Breast Milk Expression.”



Bills that Didn't Pass...

(during the Regular Session)

- Charter school bills
- Voucher bills
- “Parent trigger” for failing schools
- *Prescriptive* anti-bullying bills
- Prekindergarten accountability/certification as a condition for state funding
- Private school participation in UIL



Bills that Didn't Pass (during the Regular Session)

- Further regulation of DAEPs
- Superintendent finalists
- Ch. 313 changes putting comptroller in control
- Requiring 2/3 approval (by each chamber) for tax increases
- Elimination of the May uniform election date
- **\$10 billion cut to the FSP**



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Appropriations, School Finance, Taxes & Personnel

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State Budget

- HB 1 (Pitts/Ogden) – 2012-13 state budget
 - Appropriates \$172.3 billion from state and federal sources
 - Dedicates \$49.6 billion to the Texas Education Agency and the public school system and \$3.8 billion for the Teachers Retirement System



State Budget

- HB 1 eliminates funding for:
 - Technology Allotment (\$271 million)
 - Pre-Kindergarten Grant Program (\$223.3 million)
 - Science Lab Grants (\$35 million)
 - New Instructional Facilities Allotment (\$25 million)
 - Middle School PE Grants (\$20 million)



State Budget

- HB 1 eliminates funding for:
 - Optional Extended Year (\$14.1 million)
 - School Bus Seat Belt Program (\$10 million)
 - New Round of Instructional Facilities Allotment
 - Allotment for Property Value Decline
 - Allotment for Average Daily Attendance Decline



State Budget

- HB 1 reduces funding for a host of programs

Program	2010-11 (in millions)	2012-13 (in millions)	Percent Reduction
Student Success Initiatives	\$293.2	\$23.5	92.0%
District Awards for Teacher Excellence	\$385.1	\$40.0	89.6%
Early College High School/T-STEM	\$20+	\$6.0	70.0%
Virtual Schools	\$20.3	\$8.0	60.6%
Texas School Ready	\$15.0	\$7	53.3%



State Budget

- HB 1 reduces funding for a host of programs

Program	2010-11 (in millions)	2012-13 (in millions)	Percent Reduction
Amachi	\$5.0	\$2.5	50.0%
Regional Service Centers	\$40.7	\$25.0	38.6%
Steroid Testing	\$2.0	\$1.3	35.0%
Communities in Schools	\$32.0	\$20.0	37.5%
Texas AP Incentives	\$19.7	\$13.8	29.9%
JJAEP's	\$22.9	\$17.0	25.8%



State Budget

- HB 1 includes funding for:
 - Foundation School Program (Equalized Facilities)
 - Teach for America (\$8 million)
 - Online College Prep (\$4 million)



State Budget

- HB 1 includes funding for:
 - Texas Academic Innovation and Mentoring (\$3 million)
 - MATHCOUNTS, Academic Competitions (\$1.4 million)
 - Campus Intervention and Campus Turnaround Teams (\$3.5 million) but up to \$1.5 million set aside for the commissioner to develop financial/ productivity tools



Textbooks

- HB 1 includes \$608.1 million:
“for textbooks and instructional materials, limited to continuing contracts and materials under Proclamation 2011, excluding Prekindergarten systems.”



Textbooks

- HB 4 (Pitts/Ogden), the State's Supplemental Appropriations Bill, includes \$184 million for the following purposes:
 - \$85 million for 2011-12 continuing contracts
 - \$60 million for supplemental science instructional materials
 - \$39 million for Proclamation 2011 Prekindergarten systems



HB 1 – Other Notable Items

- Prohibitions on Vouchers language as exists during the current biennium has been deleted.
- HB 2 (Pitts), 1st called session, contains provisions that, contingent upon the passage of a constitutional amendment, will reduce general revenue support for schools and replace it with an equal amount of revenue from the Available School Fund.



HB 1 – Other Notable Items

- TEA is shrinking from 1,038 full-time equivalents in current biennium to 795 for the upcoming biennium.
- State contribution to TRS will be 6.0% of payroll in FY 2012 and 6.4% in FY 2013 down from 6.644% over both years of the current biennium.
- State contribution to the retiree's group insurance program will be 1.0% and 0.5% for fiscal years 2012 and 2013 respectively, down from 1.0% for both years.



School Finance

- HB1/SB1 (First Called Session)
 - On 138th day of Regular Session, the House approved a school finance bill 84 to 63 with the Speaker present but not voting.
 - On 139th day, Senator Wendy Davis successfully filibustered school finance legislation.
 - On 140th and last day of Session, Lt. Governor Dewhurst admitted the votes weren't there to take a last shot at passing school finance legislation.
 - Special Session.



School Finance

- HB1/SB1 (First Called Session)
 - Delays the August 2013 Foundation School Program payment.
 - Uses a reconfigured “Proration” to distribute funding/funding cuts in the 2011-12 school year.
 - Uses the mechanics of SB 22 to distribute funding/funding cuts in the 2012-13 school year.



School Finance – Proration

- Prorates district entitlements through an across the board cut of \$2 billion. Each district must take the same percentage cut of approximately 6 percent.
- Available district runs show Ed-Jobs funds as an offset to proration cuts, thus most districts' losses are in the range of 2.7% to 4.6% of their revenue/WADA compared to current law.
- Unlike current proration law, the state is no longer required to make up amounts lost in the subsequent fiscal year.



School Finance – SB 22 (Shapiro)

- SB 22, as incorporated into new school finance formulas:
 - Takes \$1.5 billion from Target Revenue Hold Harmless
 - Takes 2% of funding from regular program funding
- Districts with low revenue targets will lose about 2-3% of current law revenue/WADA.
- Districts with high revenue targets lose about 8-9%.



Personnel

- HB 398 (Jackson/Hegar) – Contractors and subcontractors cannot provide services to schools if employees have certain felony or misdemeanor convictions.
- HB 1334 (Allen/Davis) – Protects educators whose certifications have not been renewed because SBEC has yet to meet and act.
- SB 54 (Zaffirini/Eissler) – Certification requirements for teaching students who are blind or visually impaired.



Property Taxes

- SB516 (Patrick/Fletcher) – Extends the 100% disabled veteran tax exemption to the unmarried surviving spouse.
- HB 843 (Geren/Davis) – Appraisal districts authorized to deliver tax bills in electronic format.
- HB 896 (Howard/Patrick) – Appraisal districts may appoint auxiliary appraisal review board members to hear tax protests.



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Accountability, Governance & Liability

Jackie Lain
Associate Executive Director
TASB Governmental Relations



Accountability

- SB 738 (Shapiro/Villarreal) – Beginning 2011-12 school year, if a campus is rated unacceptable for 5 consecutive years:
 - Majority of parents on a campus can petition for a preferred sanction
 - Commissioner must implement that sanction *unless*
 - School board presents counter-petition and written justification for alternate sanction
 - Commissioner may implement board's requested sanction



Liability

- HB 345 (Kleinschmidt/Wentworth) – “Interest” can be awarded in breach of contract case against a district.
- HB 350 (Walle/Van de Putte) – Judges can allow students to “work off” a school district citation by doing community service or attending tutoring.
- HB 1666 (Castro/Watson) – Crime of “online harassment” includes online impersonation on *any* website.
- HB 1899 (Pickett/Rodriguez) – Notice of cell phone ban no longer required in each school zone.



School Start

- Uniform school start date is currently the *fourth* Monday in August, unless year-round school.
- HB 1555 (Thompson/Ellis) – Houston ISD's Apollo schools may begin on or after the *first* Monday in August.



Person First Respectful Language

- HB 1481 (Truitt/Zaffirini) – Requires laws, regulations to replace certain disability-related phrases with the following:
 - Persons with disabilities
 - Persons with developmental disorders
 - Persons with mental illness
 - Persons with intellectual disabilities



Special Education

- SB 866 (Deuell/Jackson, Jim) – Teacher candidates and certain teachers (through continuing ed) must be trained in the detection and education of students with dyslexia; TEA must develop plan to help teachers use technology to help students with dyslexia.
- HB 1335 (Allen/Van de Putte) – State special ed plan must allow regular ed teachers to request review of student's IEP and require parental notification of district's response.



Special Education

- SB 778 (Williams/Huberty) – A special ed teacher must be included on each district and campus decision making committee, if possible.
- HB 861 (Patrick, Diane/Davis, Wendy) – The statewide special ed advisory committee must include a special ed director.
- HB 826 (Farias/Zaffirini) – School districts must appoint an employee liaison to help students in foster care.



Flexibilities – Special Session

- SB 8 (Shapiro) permits:
 - salary reductions
 - furloughs for 6 non-instructional days (temporary)
 - Removal of “reverse order of seniority” for continuing contract “RIP” terminations
 - changes to nonrenewal deadline to 10 days
 - termination of employment if certification is void
 - limiting of fitness gram



Flexibilities – Special Session

- HB 18 (Eissler) – Modifies 22:1 waiver process.
- HB 19 (Aycocock) – Modifies RIF Process by:
 - Allowing board to conduct RIF hearing or choose the TEA IHE process
 - Allowing a board *designee* to conduct non-renewal hearings
 - Defining duration of a financial exigency



Flexibilities – Special Session

- HB 20 (Huberty) – Changes 45-day deadline for nonrenewal notice to 15 days before last day of school.
- HB 21 (Shelton) – Eliminates “reverse order of seniority” requirement in continuing contract “Reduction in Personnel” terminations.



Flexibilities – Special Session

- HB 17 (Callegari) – Beginning with the 2011-12 school year:
 - Allows salary reductions
 - Allows furloughs (over 180 days of instruction)
 - Replaces state salary schedule with a minimum starting salary (\$27,320)
 - Requires equivalent salary reductions for all certified district employees



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Students, Curriculum & School Choice

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Welcome to the Real World!

- SB 290 (Watson/Hernandez Luna) – Financial literacy in grades K-8
- HB 34 (Branch/Shapiro) – Financing postsecondary education
 - How do you pay for a post-secondary education?
 - How do you fill out a federal financial aid form?



Graduation Requirements

- HB 692 (Farias/Van de Putte) – Allows certain students to substitute PE courses.
 - Problem arose after passage of the accountability bill last session
 - Applies to students with disabilities or an illness who can't participate in physical activity
 - Those students participating in the Recommended & Advanced High School Program



Assessment

- HB 2135 (Hochberg/Patrick, Dan) – Eliminates double testing for certain students.
 - “Common sense” bill
 - Applies to students in grades 5 or 8 enrolled in a course above grade level
 - Example: 8th grade student enrolled in Algebra I
 - Assessment instrument is aligned to curriculum
 - That score figured into statewide assessment



Student Fitness Assessment

- SB 226 (Nelson/Smith, Todd) – Changes computation of fitness data.
 - Fitnessgram assessment data collection
 - School districts provide individual student results
 - Mask student identity



ADA for College Credit

- SB 1619 (Duncan/Aycocock) – Applies time student spends in college courses toward average daily attendance.
 - In 2006, the legislature required school districts to offer 12 hours of college credit.
 - Extends provision saying school districts are not required to pay a student's tuition.



CTE Courses

- SB 1620 (Duncan/Aycock) – Streamlines process for applying CTE courses toward 4x4 requirements.
 - SBOE establishes a review and approval process that allows certain CTE courses to be eligible for math and science credit on the Recommended High School Program
 - SBOE may approve a substitution course:
 - After the successful completion or concurrent enrollment of Algebra II
 - After the successful completion of biology and chemistry or concurrent enrollment with physics



Instructional Materials

- HB 6/SB 6 (Eissler/Shapiro) – 1st Called Session
 - Establishes Instructional Materials Allotment
 - Provides for instructional materials for 2011-12 school year
 - Provides districts with flexibility
 - Allows balance to roll-over
 - Logistics?



Concussion Management

- HB 2038 (Price/Deuell) – Sets guidelines for managing student concussions.
 - NFL's bill
 - Student and parent sign form acknowledging prevention, treatment and management
 - Board establishes a concussion management team
 - Some district flexibility
 - Location and access taken into consideration



Kids At-Risk for Anaphylaxis (Diagnosed with a Severe Food Allergy)

- SB 27 (Zaffirini/Branch) – Requires district policies regarding students at-risk for anaphylaxis due to a diagnosed food allergy.
 - School boards must adopt policy based on guidelines
 - Ad-hoc committee comprised of school district leadership and personnel
 - Guidelines can have no negative fiscal impact on districts



Student Health & Safety

- SB 736 (Hinojosa/Dukes) – School Health Advisory Councils
- SB 89 (Lucio/Rodriguez) – Summer Nutrition Program
- SB 471 (West/Parker) – Sexual Abuse Policy
- HB 1386 (Coleman/Ellis) – Suicide Prevention Program



Bullying

- HB 1942 (Patrick, Diane/Van de Putte) – Expands definition of bullying and establishes procedures for districts.
 - Most high profile student discipline issue of the session
 - More than two dozen bills filed
 - Board adopts policy
 - Expands board's role
 - Curriculum



Corporal Punishment

- HB 359 (Allen/Lucio) – Allows parents to opt-out of corporal punishment for students.
 - Board of trustees may adopt policy regarding corporal punishment
 - Tickets to students under the age of 12?
 - Reporting the restraint of special education students by school district police



Sexting

- SB 407 (Watson/Craddick) – Attempts to reduce sexting among students.
 - Raises awareness about the implications and consequences of sexting
 - Changes punishment
 - Districts provide information at district's discretion
 - What does a district deem appropriate?
 - Administrator protections



Student Discipline

- SB 1489 (Whitmire/Madden) – Truancy
- HB 1224 (Reynolds/Huffman) – Computer hacking
- HB 968 (Strama/Watson) – Expulsion and DAEP placements
- HB 1907 (Madden/Whitmire) – Notification of dangerous students
- SB 1106 (Harris/Madden) – Exchanging student info
- SB 49 (Zaffirini/Guillen) – DAEP Notification



Charter Schools

- SB 1484 (Shapiro/Strama) – Academic distinction designations
- **FAILED:** unlimited expansion of charter schools, PSF backing (during regular session), and use of district facilities



State Board of Education

- HB 600 (Solomons/Seliger) – Redraws State Board of Education districts.
 - Ideal SBOE district 1.7 million people
 - All seats up for re-election in 2012
- Hear from SBOE members during panel discussion at SLI.



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June 8, 2011



Texas Association of School Boards

Elections, District Operations & Higher Education

Joy Baskin
Director
TASB Legal Services



Elections

- SB 14 (Fraser) – Voter ID bill
- SB 100 (Van de Putte/Taylor, Van) – Electronic ballot for military personnel
- HB 2477 (Harless/Ellis) – Bilingual election materials
- SB 729 (Seliger/Price) – Joint elections with junior college districts



Eminent Domain

- SB 18 (Estes/Geren) – Effective Sept. 1, 2011
 - School districts may utilize eminent domain for public use
 - Establishes the “Truth in Condemnation Procedures Act”
 - Bona fide offer required
 - Right of repurchase and notice provisions
 - All entities must submit letter to comptroller to continue to exercise eminent domain authority



Campaign Finance Disclosure

- HB 336 (Marquez/Rodriguez)
 - Requires internet posting of campaign contributions
 - Only required in large districts, as defined by statute
 - District may remove some address information of contributor



Contracts and Use of District Resources

- HB 628 (Callegari/Jackson, Mike)
 - Recodification of governmental construction purchasing laws
 - Requires consideration of vendor's principal place of business
 - Places limits on job order contracts



Other Operations Bills

- HB 1064 (Pitts/Eltife) – Exemption of school districts from ratchet charges
- SB 1610 (Lucio/Hamilton) – Seat belt requirements on buses



Higher Education Overview

- HB 9 (Branch) – Success-based funding
- HB 1206 (Guillen/Zaffirini) – Required higher education trustee training
- SB 36 (Zaffirini/Castro) – Assessing the quality of advising services
- SB 975 (Hinojosa/Munoz) – Dropout recovery programs offered by community colleges



Thank You

TASB Governmental Relations

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Texas Association of School Boards

Continuing Education Credit Numbers

- Tier 1 – Required Education Code update following a legislative session (experienced trustees only):
- Tier 3 – General training (first-year and experienced trustees):

