

SENATE COMMITTEE ON EDUCATION



**Report to the 82nd Legislature
December 2010**

SENATE COMMITTEE ON EDUCATION

SENATOR FLORENCE SHAPIRO

Chair

SENATOR DAN PATRICK

Vice Chair



MEMBERS:

SENATOR WENDY DAVIS

SENATOR MARIO GALLEGOS

SENATOR STEVE OGDEN

SENATOR KEL SELIGER

SENATOR LETICIA VAN de PUTTE

SENATOR ROYCE WEST

SENATOR TOMMY WILLIAMS


December 2010

The Honorable David Dewhurst
Lieutenant Governor of the State of Texas
Members of the Texas Senate
P.O. Box 12068
Austin, Texas 78711


Dear Governor Dewhurst and Members of the Texas Senate:

The Senate Committee on Education is pleased to submit its final interim report with recommendations for consideration by the 82nd Legislature in preparation for the regular session.

Respectfully submitted,



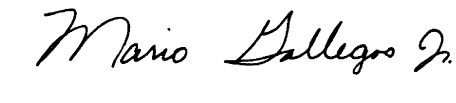
Senator Florence Shapiro, Chair




Senator Dan Patrick, Vice Chair



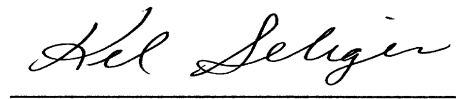
Senator Wendy Davis




Senator Mario Gallegos




Senator Steve Ogden



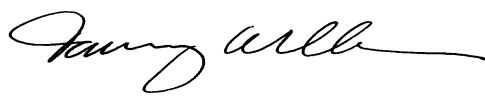
Senator Kel Seliger



Senator Leticia Van de Putte



Senator Royce West



Senator Tommy Williams

TABLE OF CONTENTS

CHARGES TO THE SENATE COMMITTEE ON EDUCATION	3
COMMITTEE REPORT	6
<i>Interim Charge 1 - Charter Schools</i>	6
<i>Interim Charge 2 - Middle Grades</i>	7
<i>Interim Charge 3 - Teacher Quality</i>	8
<i>Interim Charge 4 - Cost Drivers</i>	9
<i>Interim Charge 5 - English Language Learners</i>	10
<i>Interim Charge 6 - Special Education</i>	11
<i>Interim Charge 7 - Dual Credit</i>	13
<i>Interim Charge 8 - Implementation of Legislation</i>	13
LETTERS FROM MEMBERS	15
APPENDIX	i
House Bill 3	ii
Senate Bill 174	iii
House Bill 2488 & House Bill 4294	iv
Virtual Schools	v

CHARGES TO THE SENATE COMMITTEE ON EDUCATION



1. Review the performance and accountability of the state's charter schools. Specifically, study the following:
 - o Options for increasing the number of outstanding charter schools;
 - o Best practices employed by high performing charter schools and make recommendations for ways to implement these strategies in other charter and public schools;
 - o Feasibility of operating charter schools focused on providing high quality education for students with disabilities, such as autism;
 - o Charter school initiatives in other states, specifically including incentives for public education campuses to become charter schools;
 - o Options for development and funding of a charter schools facilities program.
2. Review the state's education policy and initiatives regarding middle grades. Make recommendations to ensure a comprehensive state strategy for preparing students at the middle grades for high school retention and success. This review should include an examination of school-based strategies and best practices that encourage at-risk youth to finish school and that deter delinquency, drug abuse and violence.
3. Review teacher compensation, evaluations, professional development, certification and training programs. Specifically, review the following:
 - o Teacher compensation including the Minimum Salary Schedule, incentive pay, merit pay, and stipends;
 - o How teacher evaluations can be effective mechanisms for increasing student achievement and improving instructional practices by including multiple measures, particularly student achievement data based on growth. Evaluate how teacher evaluations can direct district decisions on

- providing professional development, mentoring, intervention, and possible dismissal in response to underperforming teachers;
- o State sponsored professional development initiatives including the alignment of professional development with curriculum and real work experiences and the value of professional development for bilingual, ESL and special education teachers in increasing student achievement.
 - o Need to adopt statewide standards for teacher certification and in-service training programs for regular and special education teachers at both the pre-service and in-service levels to ensure all teachers are highly qualified to teach students with disabilities.
4. Examine cost drivers in education including state requirements that impact school district budgets. Recommend opportunities for achieving cost efficiencies.
 5. Study the efficacy of immersion versus dual-language instruction of English as a second language students. Make recommendations for improving programs and instituting best practices.
 6. Study the effectiveness of Texas school districts' special education programs. Review the range of needs of special education students, districts' ability to provide an appropriate education for these students, and assess the effectiveness of programs currently funded for special education. Make recommendations for improvement.
 7. Review dual credit courses including the cost of delivery, funding mechanisms, and possibility of a statewide dual credit system. This review should also include an examination of the rigor, quality and consistency of dual credit courses. (Joint charge with Senate Higher Education Committee)
 8. Monitor the implementation of legislation addressed by the Senate Committee on Education, 81st Legislature, Regular and Called Sessions, and make recommendations for any legislation needed to improve, enhance, and/or complete implementation. Review the implementation of legislation related to the state's accountability system including the revised dropout rate calculation, textbooks, and the virtual school network. Specifically, monitor the following:
 - o HB 3, relating to public school accountability;

- HB 2488, relating to open-source textbooks, and HB 4294, relating to textbooks and the use of technology;
- HB 3646, relating to public school finance and programs; and
- SB 174, relating to an accountability system for educator preparation programs.

COMMITTEE REPORT

PREAMBLE

The recommendations of the Senate Education Committee provide ideas to improve student achievement within the context of each charge. The committee remains mindful of the budgetary constraints facing the legislature in the next legislative session. While the recommendations include those with a fiscal impact, the committee does not recommend increasing the net cost of education funding to the state. Recommendations with costs should either replace less beneficial spending or be reserved for a future time when funding may be available.

Interim Charge 1 - Charter Schools

The Senate Education Committee held a hearing on March 22, 2010 and received both invited and public testimony on interim charge one. Digital recordings of the hearings along with submitted written materials are available via the Education Committee's website at:

<http://www.senate.state.tx.us/75r/senate/commit/c530/c530.htm>

Recommendations:

- 1) Ensure commissioner's authority, based on the best interests of the students, to take action regarding a charter application or holder due to a violation of the charter:
 - including failure to satisfy accountability provisions prescribed by the charter;
 - failure to satisfy generally accepted accounting standards of fiscal management; and
 - failure to protect the safety of the students enrolled at the school.
- 2) Ensure performance monitoring for special mission charter schools is appropriate for the population served.
- 3) Extend the Permanent School Fund bond guarantee to academically and financially sound charter schools.
- 4) Remove the cap on the number of charters able to be awarded.

- 5) Establish an alternative for turning over consistently poor performing campuses to high performing charter management organizations.
- 6) Allow for more new charter school campuses that primarily serve students with Autism Spectrum Disorder.
- 7) Exempt charter facilities leased by a private owner from property taxes for the duration of the lease agreement.
- 8) Provide charter schools with greater access to existing public school facilities with vacant or unused facilities.
- 9) Review the funding structures of per pupil allotments for children attending public charter schools and alter them to more accurately reflect per pupil allotments for children attending public district schools.

Interim Charge 2 - Middle Grades

The Senate Education Committee held hearings on April 20 and April 21, 2010 and received both invited and public testimony on interim charge two. Digital recordings of the hearings along with submitted written materials are available via the Education Committee's website at:

<http://www.senate.state.tx.us/75r/senate/commit/c530/c530.htm>

Recommendations:

- 1) Support individualized instruction in order to meet the needs of each student.
 - Create an advisory class which would address students' academic and socio-emotional needs.
- 2) Ensure a high-quality curriculum for core subjects in grades 6-8.
 - Expand and improve the writing component of the Texas Adolescent Literacy Academies across all content areas.
- 3) Redesign personnel practices in order to increase the quantity and effectiveness of middle grades teachers.

- Require that 6th, 7th, and 8th grade core content classes be taught by a certified teacher in that specific content area.
- 4) Identify practices and develop programs to ensure effective school leadership at every middle school.

Interim Charge 3 - Teacher Quality

The Senate Education Committee held a hearing on July 20, 2010 and received both invited and public testimony on interim charge three. Digital recordings of the hearings along with submitted written materials are available via the Education Committee's website at:

<http://www.senate.state.tx.us/75r/senate/commit/c530/c530.htm>

Recommendations:

- 1) More effectively align resources with achievement. Considerations should include:
- Establishing compensation that induces capable individuals to enter the profession, provides flexibility to school districts to meet local conditions, facilitates placement of effective individuals in instructional settings where most needed and provides a comprehensive and long term view of compensation.
 - Ensure data between different systems link so the state may explore how policies such as retirement packages affect educator decisions.
- 2) Develop standards to ensure the quality of content in courses for university-based teacher candidates in core subject areas as well as elementary reading instruction.
- 3) Include a student achievement component in teacher evaluations to measure individual educator's effectiveness.
- 4) Redesign the state's current mentoring and induction program to better focus on beginning teacher retention and effectiveness.

- 5) Develop an accountability system for professional development to monitor the quality of courses used for continuing education hours.
- 6) Create a statewide teacher leadership program by issuing specializations, endorsements, and/or mid-management certifications.

Interim Charge 4 - Cost Drivers

The Senate Education Committee held a hearing on February 22, 2010 and received both invited and public testimony on interim charge four. Digital recordings of the hearings along with submitted written materials are available via the Education Committee's website at:

<http://www.senate.state.tx.us/75r/senate/commit/c530/c530.htm>

Recommendations:

- 1) Provide greater local control to school districts in determining classroom operations. Options to explore include:
 - Modify class size limitations to allow more flexibility to school districts to meet the needs of their students.
 - Provide districts greater flexibility in educator contracting.
- 2) Consolidate grants and other funding that lie outside of the foundation school program, and where feasible or where the program proves ineffective, reallocate those funds to the foundation school program.
- 3) Ensure that resources serve the students on the campus from where the funding originates.
- 4) Ensure parents and taxpayers have access to information on how efficiently and productively school districts operate. Options include:
 - Require greater detailed reporting of funds categorized as 'auxiliary' spending by school districts.
 - Establish reporting requirements that provide a measure of classroom costs.
 - Establish a Center for Financial Accountability and Productivity.

- Create a compendium of cost savings measures and make available to all school districts.
- 5) Establish incentives for cost savings at the district and campus level.
- Provide an expiring match from the state for cost savings measures achieved by school districts.
 - Require school districts to implement programs whereby a campus may earn funding for operating more efficiently than their prorated share of costs in such areas as substitute teacher utilization, utilities, maintenance, food service, transportation, etc.
- 6) School districts should explore revenue generation options including leasing vacant facilities to charter schools.

Interim Charge 5 - English Language Learners

The Senate Education Committee held a hearing on October 12, 2010 and received both invited and public testimony on interim charge five. Digital recordings of the hearings along with submitted written materials are available via the Education Committee's website at:

<http://www.senate.state.tx.us/75r/senate/commit/c530/c530.htm>.

Additionally, Senators Shapiro, Van de Putte, and Davis held an English Language Learner's forum on August 18, 2010, inviting five high performing schools and districts to present best practices for educating their students learning English. Written materials are available via the Texas Education Agency's Best Practices Clearinghouse at: <http://www.teabpc.org/FilteredBestPractices.aspx> and on the Region Service Center 20 website at:

<http://portal.esc20.net/portal/page/portal/esc20public/bilesl>.

Recommendations:

- 1) Some Texas districts do effective work in educating their English Language Learners. Other districts can learn from their peers. Texas schools and districts in search of effective bilingual programs should utilize the Best Practices Clearinghouse and learn from surrounding districts.

- 2) Regardless of program type, high quality teachers with in-depth content knowledge in their subject area and experience in research-based teaching methodologies are what make the most difference for children learning English and learning in English. Successful English Language Learner programs at districts have two common themes: effective teachers and effective leaders. Texas should raise the bar for teacher training across the state, including for bilingual teachers, as well as provide effective professional development.
- 3) The distribution of qualified and effective ELL teachers is not equitably distributed across the state. The state should explore ways to remedy the gap in demand and supply of these teachers.

Interim Charge 6 - Special Education

The Senate Education Committee held a hearing on June 16, 2010 and received both invited and public testimony on interim charge six. Digital recordings of the hearings along with submitted written materials are available via the Education Committee's website at:

<http://www.senate.state.tx.us/75r/senate/commit/c530/c530.htm>

Recommendations:

- 1) Require high quality teacher training for special education teachers.
 - Require teacher candidates for elementary special education to take courses in relevant academic subjects and take subject matter tests.
 - Require secondary special education teachers to earn the equivalent of one subject area minor and pass tests in those areas so they have content knowledge necessary to educate their students.
- 2) Offer students, with special learning needs, school choice options.
 - Incent universities specializing in a specific research area to open a charter school serving students affected by that specialization (for example, Autism Spectrum Disorder) by appropriating a planning grant.
 - Shift locus of decision making to families when school districts contract services with non-public schools.
- 3) Improve transition services and hold schools accountable for outcomes.
 - Change the transition age from 16 to 14.

- Increase number of indicators under PBMAS to include the following transition indicator changes:
 - i. What percent of youth 16 and above with an IEP that includes coordinated and measureable IEP goals for post secondary employment or post secondary education/training, and identified services that can reasonably be expected to enable the student to meet those goals.
 - ii. What percent of youth age 16 and older who have had a least one meeting in the past year with a representative from a state health and human services agency that provides employment and/or long time services and supports for adults with disabilities.
 - iii. What percent of youth who have within the last year exited secondary education and had an IEP in effect at the time they left school who:
 1. Held a competitive or supported employment position or was enrolled in post-secondary training/education program upon leaving school district services.
 2. Held a competitive or supported employment position for at least 6 months or, attended post-secondary education/training program for at least one semester, during the 12-month period immediately following their exit from the public school system.
 - iv. Had at least one meeting with a representative from a state health and human services agency that provides employment and/or long term services and supports for adults with disabilities, in the 12 months preceding their exit from public school system.
- 4) Require parents and taxpayers to have access to district's special education program statistics and direct TEA to gather the following information and publish in an online "consumer reports" format to improve transparency:
 - Track withdrawals, beginning at Preschool Programs for Children with Disabilities (PPCD), to include number of students served under IDEA who are parentally withdrawn from school.
 - Per student data should include:
 - i. qualifying disability/disabilities

- ii. grade level when withdrawn
- iii. reasons for withdrawal
 - a. moved out of district
 - b. attending private school
 - c. attending home school
 - d. attending charter school
- Dispute Resolution Activity
 - i. number of times mediation was requested
 - ii. number of TEA complaints filed
 - iii. number of due process requests filed
- Total dollars spent on special education dispute resolution each year.

Interim Charge 7 - Dual Credit

The Senate Education Committee held a joint hearing with the Senate Committee on Higher Education on May 24, 2010 and received both invited and public testimony on interim charge seven. Digital recordings of the hearings along with submitted written materials are available via the Education Committee's website at: <http://www.senate.state.tx.us/75r/senate/commit/c530/c530.htm>.

Recommendations may be found in the joint report.

Interim Charge 8 - Implementation of Legislation

The Senate Education Committee held a hearing on October 12, 2010 and received both invited and public testimony on interim charge eight. Digital recordings of the hearings along with submitted written materials are available via the Education Committee's website at: <http://www.senate.state.tx.us/75r/senate/commit/c530/c530.htm>.

Written materials covering the implementation of legislation identified in Charge 8 may be found in the appendix, and more extensively, on the Education Committee's webpage at the above website.

Recommendations:

- 1) Expand student access to coursework in a digital medium including expansion of the virtual school network, along with similar virtual school options, and removing barriers to access of virtual options.
- 2) Ensure there is no delay or modification in implementing the assessments and accountability provisions in HB 3 as postsecondary readiness remains the highest priority of Texas' education system
- 3) Review of HB 3646 was deferred to the Select Committee on Public School Finance, Weights, Adjustments and Allotments.
- 4) Expedite the implementation of the educator preparation program accountability system enacted by SB 174.

LETTERS FROM MEMBERS



The Senate of The State of Texas

COMMITTEES
Education
International Relations & Trade
Transportation & Homeland Security
Veteran Affairs & Military Installations

SENATOR WENDY R DAVIS
District 10

November 23, 2010

The Honorable Florence Shapiro
State Senator
Capitol Building
Room 1E.3
Austin, Texas 78701

Dear Chairwoman Shapiro,

I want to thank you for your leadership on this committee and the exhaustive work you and your staff have contributed to this process during the interim, including the report you have produced reflecting our work on the interim charges. Membership on the Senate Committee on Education has been an incredibly fulfilling experience, and I appreciate the work we have done and look forward to our future collaboration. As legislators, developing, funding, and improving public education is our most important duty. I agree with the overall work of the report and will gladly sign on to it; however, there are a few reservations that I would like to stress regarding certain recommendations.

While I have always supported successful charter schools and appreciate the unique role they play, I believe that our support of charter schools should not undermine our primary responsibility to traditional public schools. Charter schools play a crucial role in Texas's public education system. They can be geared toward specific populations. And several have had success in educating students that otherwise may have failed in the traditional education system. However, many more charter schools have failed to be successful and they currently have a higher percentage of "Academically Unacceptable" campuses compared with traditional public schools.

Many of the recommendations provided in the interim report suggest that funding should be increased for charter schools. However, some of these suggestions might be achieved at the expense of traditional public schools, might unduly stress the bond guarantees under the permanent school fund, and might add stress to our local governments if taxable property is removed from tax rolls. In a legislative session where there has already been some discussion that funds to public education will be cut, I am very concerned about how that might lead to greater stress on our ability to fund existing obligations to our traditional public schools.

Also, before removing the current cap on the number of charter schools in the state, I think that we should review all the possible options available to the legislature and TEA. For example, changing the cap would be unnecessary if we made sure that TEA could more easily shut down failing charter schools, and if TEA developed a more rigorous application process to guarantee that only the best charter schools are opened in Texas. Also, we could allow unlimited caps for

P.O. Box 12068
Austin, Texas 78711
(512) 463-0110
FAX: (512) 475-3745
Dial 711 For Relay Calls

2421 W. 7th, Suite 131, Building A
Fort Worth, Texas 76107
(817) 332-3338
FAX: (817) 332-1230

charter schools that are geared toward students with special needs. We could also repatriate several campuses to other existing charters run by the same charter organizations. With such severe budget cuts planned for our agencies, removing the current cap on charters could possibly create an overwhelming financial and staffing burden on TEA.

Additionally, I have questions regarding measures that would modify classroom sizes as a cost-saving measure. Reports have long supported smaller classroom sizes. Before addressing classroom size modification, we need to study this issue further to ensure that we are not "cutting costs" today that will cost us more in the future. Class size modification may have some effects that have not been discussed in enough detail, such as teacher retention, parental approval and disciplinary issues. And, I would suggest, we not accept this option as a cost-saving measure, but instead should address the current funding formulas to make them more efficient and beneficial to our school districts.

Also, I am reluctant for us to correlate teachers' evaluations with students' test results. First, I do not think there is adequate data to suggest a "value-added" measure would accurately evaluate a teacher's performance. Such measures might prevent teachers who excel at serving "at-risk" students from serving those students.

I would also like to see our committee focus on charter and traditional public school partnerships. During the summer, we heard just how successful these partnerships could be in serving students with various forms of autism. Looking at making available traditional public school space available to charter schools for lease is a good start; however, a partnership between these two types of schools may be a more productive step toward true innovations in education.

Again, I would like to thank you for your leadership and work on this report. I look forward to a productive session and a partnership that will provide Texas children with a world-class education that will prepare them for higher education and a competitive workforce.

Sincerely,

A handwritten signature in black ink that reads "Wendy R. Davis". The signature is written in a cursive, flowing style.

Wendy R. Davis
District 10

TEXAS SENATE

STATE CAPITOL, ROOM E1.804
P.O. Box 12068
AUSTIN, TEXAS 78711
(512) 463-0106
FAX (512) 463-0346
DIAL 711 FOR RELAY CALLS



2205 CLINTON DRIVE
P.O. Box 41
GALENA PARK, TEXAS 77547
(713) 678-8600
FAX (713) 678-7080

MARIO GALLEGOS, JR.

November 19, 2010

The Honorable Florence Shapiro
State Senator
Capitol Building, Room E1.3
Austin, Texas 78711

Dear Chairwoman Shapiro:

Thank you for your continued leadership as Chair of the Senate Education Committee. It has been an honor to serve alongside you and the members of the committee.

The Interim Report to the 82nd Legislature offers many positive recommendations that are sure to move Texas forward. I will be signing the interim report because of these measures. However, there are recommendations that I do not believe are the most effective ways to reach our goals.

The state will be entering the 82nd Legislative Session with a budget deficit that could possibly be up to \$28 billion. The funds will simply not be available to increase the charter school cap or increase funding for charter schools. We should focus our efforts on eliminating poor performing charter schools, to allow for more high performing charter schools.

Lastly, I do not believe that creating a teacher evaluation system based on a student's performance is the only way we can achieve an environment of highly effective teachers. When classrooms are handpicked by school administrators, it is unreasonable to evaluate every teacher the same way. This is an issue that we must continue to look at in the 82nd Legislative Session.

I would like to again thank you for all of your dedication to creating a high quality educational environment in Texas. You and your staff have done a tremendous amount of work during the interim. I am looking forward to making even more progress for Texans all across our state.

Sincerely,

A handwritten signature in cursive script that reads "Mario Gallegos Jr.".

Mario Gallegos
State Senator
District 6



COMMITTEES: CHAIR, SUBCOMMITTEE ON FLOODING & EVACUATIONS ★ VICE-CHAIR, JURISPRUDENCE ★ VICE-CHAIR, REDISTRICTING
INTERGOVERNMENTAL RELATIONS ★ EDUCATION ★ INTERNATIONAL RELATIONS & TRADE

DISTRICT 6



The Senate of The State of Texas

Senator Leticia Van de Putte, R. Ph.

District 26

November 24, 2008

The Honorable Florence Shapiro
State Senator
Capitol Building
Room 1E.3
Austin, Texas 78701

Dear Chairwoman Shapiro:

Thank you for your leadership as Chair of the Senate Education Committee and your work on the Senate Committee on Education's Report to the 82nd Legislature. I am honored to continue serving with you and truly value your inclusive leadership style.

Because this report provides many positive recommendations towards ensuring that every student in Texas receives a high quality education, I will gladly sign it. However, due to the upcoming budget shortfall and in anticipation of severe budget cuts to education, I feel strongly that I must weigh upcoming policy decisions more cautiously than ever before. Therefore, I do find it necessary to share the following concerns with certain recommendations contained in the report.

While I will continue to be supportive of effective charter schools, I do not believe it would be prudent of the legislature, especially during biennium's of severe revenue shortfalls, to support legislation that would provide new state financial support for charter school facilities or to remove the cap on the number of charters able to be awarded.

I know we would agree that the most important asset in ensuring that a student receives a quality education is a quality teacher. However, I do not believe that the data supports including student achievement in a teacher's evaluation would promote quality teaching but rather shows us that it could deter quality teachers from accepting positions at hard to staff campuses or for shortage subjects – a price we cannot afford.

Most importantly, I cannot support legislation attempting to address costs for our schools that would defeat the progress we have made in improving the classroom learning environment or undermine movement towards a more equitable public school funding system.

Again, thank you for you and your staff's work during the interim and in producing this legislative report. As always, I look forward to continuing to work with you in our shared goal to ensure that every student in Texas receives a high quality education.

Respectfully,

A handwritten signature in black ink, appearing to read "Leticia Van de Putte". The signature is fluid and cursive, with a prominent initial "L" and a long, sweeping underline.

Leticia Van de Putte, R.Ph.



The Senate of The State of Texas

SENATE COMMITTEES:

CHAIRMAN
Intergovernmental Relations

MEMBER
Education
Finance
Health and Human Services
Higher Education

Senator Royce West
District 23

President Pro Tempore
2006

DISTRICT OFFICE:
5787 South Hampton Road
Suite 385
Dallas, Texas 75232
214/467-0123
Fax: 214/467-0050

DISTRICT OFFICE:
2612 Main Street, Suite 100
Dallas, Texas 75226
214/741-0123
Fax: 214/749-7830

CAPITOL OFFICE:
P.O. Box 12068
Austin, Texas 78711
512/463-0123
Fax: 512/463-0299
Dial 711 for Relay Calls

November 19, 2010

The Honorable Florence Shapiro
State Senator
Senate Education Committee
P. O. Box 12068, Capitol Room E1.3
Austin, Texas 78711

Dear Chairwoman Shapiro:

It has indeed been a pleasure to serve with you on the Senate Education Committee. Your leadership has afforded me the opportunity to share my perspective on the myriad of education issues that we were charged with addressing, and for that I thank you.

The report provides many positive recommendations that will improve education in Texas and therefore, I'm happy to sign it. I'm very hopeful of the recommendations concerning the middle school educational initiatives. However, I do find it necessary to submit a letter outlining my concerns with the report.

Considering the budget deficit that we will encounter this next session, it is paramount that we make suggestions that spend limited funds in the most effective and efficient manner possible. It is for that reason, that I cannot fathom funds being available for the removal of the charter cap. With limited funds available, I would also bring attention to suggestions that might create unfunded mandates for our districts that are themselves experiencing budgetary limitations from the state and local funding streams.

And lastly, as a proponent of dropout initiatives, I would have liked to have seen some real discussion of the direction of these programs as directed by our review of the implementation of legislation created during the 81st Legislative Session.

As always, I appreciate your leadership of the Senate Education Committee and your dedication to public education in Texas.

Sincerely,

Royce West
State Senator
District 23

RW:lb



APPENDIX

House Bill 3

Status of Implementation of House Bill 3

(81st Texas Legislature, Regular Session)

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
Assessment, Grades 3-8		
<p>Assessment: Student Success Initiative</p> <p>The requirement that Grade 3 students pass the reading assessment to be eligible for promotion to Grade 4 is removed.</p> <p>TEC §28.0211 [HB 3, Sec. 29]</p>	<p>SBOE rules to update SSI requirements submitted for final adoption in November 2009.</p> <p>Proposed commissioner rules submitted to the Texas Register for public comment in January 2010.</p>	<p>None</p>
<p>Assessment: Spanish</p> <p>The requirement that Grade 6 reading and mathematics assessments be available in Spanish is removed.</p> <p>TEC §39.023(1) [HB 3, Sec. 50]</p>	<p>SBOE rules were adopted in fall 2009 to update requirements for assessments in Spanish.</p>	<p>None</p>
<p>Assessment: Grades 3-8</p> <p>TEA shall develop the Grade 3-8 assessment instruments in Section 39.023(a) in such a way that</p> <ul style="list-style-type: none"> • a student's score provides reliable information about the student's performance on each performance standard; and • an appropriate range of performance serves as a valid indication of growth in student achievement. <p>TEC §39.023(a-1) [HB 3, Sec. 50]</p>	<p>Item development and test design activities for the new grades 3-8 assessments began in the 2009-2010 school year. New test items will be field tested beginning in spring 2011 for use on the new assessments.</p> <p>Test construction guidelines are being developed such that test questions will be selected that:</p> <ul style="list-style-type: none"> o Assess skills at a greater depth and level of cognitive complexity; o Assess more than one student expectation in an item; o Assess fewer student expectations multiple times and in more complex ways; and o Allow growth to be measured at all performance levels. 	<p>Performance standards on the new assessments will be determined in fall 2012 after the first operational administration with scores being reported to districts after the start of the 2012-2013 school year. With this schedule, there could be implications with SSI requirements and the use of assessment data to make retention decisions at the district level.</p>

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
<p>Assessment: Special Education</p> <p>TEA shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to students in special education programs.</p> <p>TEC §39.023(b) [HB 3, Sec. 50]</p>	<p>Completed.</p>	<p>This provision in HB 3 applies to the new grades 3-8 assessments and the high school end-of-course assessments. No funding was appropriated to develop modified versions of the 12 EOC assessments. Additionally, many high school students with disabilities are currently enrolled in high school courses that may not prepare them to take a modified version of the EOCs.</p>
<p>Assessment: Performance Standards</p> <p>TEA conducts studies during 2009-2010 and 2010-2011 school years to substantiate the correlation between passing standards across grade levels (including Grades 3-8 and EOC) before September 2011. TEC §39.0242</p> <p>For the purpose of establishing performance across grade levels, the commissioner shall establish performance standards across Grades 3-8 and for EOC assessments that correlate with performance on the next higher assessment in the same content area. TEC §39.0241(a) and (a-2)(1)-(5)</p> <p>Every three years, TEA conducts studies to substantiate the correlation between passing standards across grade levels (including Grades 3-8 and EOC). TEC §39.0242(d)</p> <p>[HB 3, Sec. 53]</p>	<p>A schedule for conducting the required studies for grades 3-8 and EOC have been established, and the first of the studies began in fall 2009. Other studies will be conducted during the 2010-2011 and 2011-2012 school years.</p> <p>Plans are being developed for the process of setting performance standards on the new assessments. Performance standards for EOC are currently scheduled to be set in fall 2011. Performance standards for the grades 3-8 assessments are currently scheduled to be set in fall 2012.</p> <p>Rulemaking is currently scheduled to begin in fall 2011.</p>	<p>HB 3 currently calls for a series of linking studies to be completed on the grades 3-8 assessments before the beginning of the 2011-2012 school year. However, the grades 3-8 assessments will not be field tested until spring 2011 and standards will be set in fall 2012. Linking studies for grades 3-8 cannot be conducted until after students have tested under the new program for two consecutive years in order to correlate performance from one year to the next. Performance standards will be set after the linking studies are conducted.</p> <p>No studies are currently required or planned to link within the science, social studies, and writing content areas.</p> <p>It may be necessary to establish an annual phase-in approach for the performance standards (as was done for the TAKS program) based on impact data provided by the linking studies.</p>

<p style="text-align: center;">HB 3 Assessment and Accountability Provisions</p>	<p style="text-align: center;">Status</p>	<p style="text-align: center;">Comments/Issues</p>
<p>Assessment: Growth Measure</p> <p>TEA shall determine the necessary annual improvement required each year for a student to be prepared to perform satisfactorily on</p> <ul style="list-style-type: none"> • the Grade 5 assessments; • the Grade 8 assessments; and • the EOC assessments required for graduation. <p>TEC §39.034(d) [HB 3, Sec.58]</p>	<p>TEA received approval from USDE in January 2008 for use of a growth measure in state and federal accountability. The Texas Projection Measure (TPM) was reported for the first time in spring 2009. TPM for TAKS-M (in grades and subjects for which enough data are available) will be reported for the first time in spring 2010. Additionally, a growth measure for TAKS-Alt will be reported beginning in spring 2010. Studies are planned to determine how a growth measure will be implemented for the EOC assessments.</p>	<p>Identifying an appropriate method for determining growth across EOC assessments within some of the content areas (such as social studies and science) could be challenging because there is no specified course sequence, and all 12 assessments will be required for graduation for most students.</p>

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
<p>End-of-Course (EOC) Assessments</p> <p>EOC: Special Purpose Questions</p> <p>Special purpose questions to measure college readiness and advanced coursework readiness may not be administered in a separate section of the EOC assessment instrument.</p> <p>TEC §39.0233(d) [HB 3, Sec. 51]</p>	<p>The Algebra II EOC assessment will be field tested in spring 2010. Items will be included that are linked to the critical skills for college readiness identified during external meetings conducted by Curriculum and the Southern Regional Education Board (SREB) in summer and fall of 2009. English III assessment items will be field tested in spring 2011.</p> <p>COE rulemaking to establish performance levels on assessment instruments to indicate college readiness is currently scheduled to begin in November 2011, with an effective date of May 2012.</p> <p>Commissioner of Education rulemaking related to reporting performance levels on assessments to indicate college readiness and advanced course readiness is currently scheduled to begin in June 2012, with an effective date of September 2012.</p>	<p>Incongruities in current statute need to be addressed. TEC §39.0233(c) states that the State Board of Education will set the performance level required on the special purpose questions that indicates college readiness although TEC §39.024(e) and TEC §39.0241(a-1) grants authority for setting college readiness performance standards on the Algebra II and English III end-of-course assessments to the commissioner of education and the commissioner of higher education.</p> <p>The special purpose questions in the EOC assessments may not be administered in a separate section. However, TEC §39.0233(c) states that performance on the special purpose questions cannot be used to determine performance on the assessment for graduation purposes.</p>
<p>EOC: Test Development</p> <p>TEA and THECB shall ensure that the Algebra II and English III EOC assessments required under Section 39.023(c) are capable of measuring college readiness beginning with the 2011-2012 school year.</p> <p>TEC §39.024(b) [HB 3, Sec. 53]</p>	<p>The Algebra II EOC assessment will be field tested in spring 2010. Items will be included that are linked to the critical skills for college readiness identified during external meetings conducted by Curriculum and the Southern Regional Education Board (SREB) in summer and fall of 2009. English III assessments will be field tested in spring 2011.</p>	<p>Algebra II and English III will be operational in the 2011-2012 school year and standards will be set on both assessments in fall 2011. However, the English III standards will be set based on field test data only, and it will be necessary to review these standards after the spring 2013 administration and adjust them if necessary.</p>

<p align="center">HB 3 Assessment and Accountability Provisions</p>	<p align="center">Status</p>	<p align="center">Comments/Issues</p>
<p>EOC: College-Ready Standards for Algebra II and English III</p> <p>The commissioner of education and the commissioner of higher education shall determine the level of performance necessary to indicate college readiness. TEC §39.0241(a-1)</p> <p>Before the beginning of the 2011-2012 school year, TEA and THECB conduct studies to substantiate the correlation between student performance on Algebra II and English III EOC assessments and college readiness.</p> <p>Based on the results of the studies, TEA and THECB will establish student performance standards for Algebra II and English III that will indicate college readiness.</p> <p>TEC §39.024(c) and (e) [HB 3, Sec. 53]</p>	<p>A series of studies are planned for this purpose. Some studies involve correlating performance on an EOC assessment with other assessments of college readiness. Other studies will involve administering EOC assessments to college freshmen.</p> <p>Currently scheduled to begin rulemaking in November 2011 with an anticipated effective date of May 2012.</p>	<p>Because the Algebra II EOC assessment will be operational for the first time in spring 2011 and the English III EOC assessment will first be operational in spring 2012, it will not be possible to substantiate the link between performance on these two assessments and college readiness prior to the beginning of the 2011-2012 school year. Any studies that may be conducted will not be as meaningful if they are conducted before the assessments are operational and before Texas high school students have had an opportunity to take the assessments under high-stakes conditions. Studies conducted after the 2011-2012 administration will be used to revisit the standards initially set on the Algebra II and English II EOC assessments.</p>

<p style="text-align: center;">HB 3 Assessment and Accountability Provisions</p>	<p style="text-align: center;">Status</p>	<p style="text-align: center;">Comments/Issues</p>
<p>EOC: College-Ready Standards for Science and Social Studies</p> <p>TEA and THECB shall study the correlation between performance on the science and social studies EOC assessments with college readiness.</p> <p>By December 1, 2012, TEA and THECB shall deliver a report to the legislature that includes an analysis of the feasibility of establishing college readiness standards for science and social studies EOC assessments and a summary of any implementation procedures adopted for each standard.</p> <p>TEC §39.024(f) and (f-1) [HB 3, Sec. 53]</p>	<p>A plan for conducting studies is being developed whereby performance on a science or social studies EOC assessment is correlated with performance on other assessments of college readiness.</p> <p>Scheduled to begin rulemaking in January 2013, effective date July 2013.</p>	<p>Published research about the relationship between science and social studies assessments and success in college is scarce. Furthermore, studies that are conducted in Texas will not be as meaningful if they are conducted before the assessments are operational and before Texas high school students have had an opportunity to take the assessments under high-stakes conditions.</p>
<p>EOC: College-Ready Standards Review</p> <p>TEA and THECB are to conduct correlation studies at least once every three years to substantiate the correlation between:</p> <ul style="list-style-type: none"> • performance on Algebra II and English III EOC assessments with college readiness; and • performance on science and social studies EOC assessments and college readiness. <p>TEA and THECB shall periodically review the college readiness performance standards and compare the performance standards to those established for comparable national and international assessment instruments. After each review, the TEA and THECB shall deliver a report to legislative leaders.</p> <p>If TEA and THECB determine that the college readiness standards are not sufficiently rigorous, the agencies shall recommend changes to the college readiness standards.</p> <p>TEC § 39.024(g) and (h) [HB 3, Sec. 53]</p>	<p>Studies are planned for relating performance on the EOC assessments with college readiness.</p> <p>Some studies will be conducted for the initial standard setting and data may be gathered again for the purpose of standards review. These studies include correlating performance on the EOC assessments with other assessments of college readiness and administering EOC assessments to college freshmen.</p> <p>Other studies, such as following students from high school into college, will take longer to complete and will only be part of the standards review process.</p>	<p>None</p>

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
<p>EOC: Performance Standards</p> <p>TEA will gather data and conduct research studies to substantiate any correlation between EOC performance and success in military service; or in workforce training, certification, or other credential program at an institution of higher education that primarily offers associate degrees or certificates or credentials.</p> <p>TEC §39.024(i) [HB 3, Sec. 53]</p>	<p>TEA is drafting a schedule for conducting these studies.</p>	<p>Close coordination with THECB will be essential to ensure that necessary data can be gathered from IHEs. In addition, clarification will be necessary on how success in military service should be determined, and which credentialing programs are most critical for inclusion in the studies.</p>
<p>EOC: Retesting</p> <p>Each time an end-of-course assessment is administered, a student failed to achieve a minimum score under subsection (a) shall retake the assessment instrument. A student who fails to perform satisfactorily on an Algebra II or English III end-of-course assessment instrument under the college readiness performance standard, as provided under section 39.024(b), may retake the assessment instrument. Any other student may retake an end-of-course assessment for any reason. A student is not required to retake a course as a condition of retaking an end-of-course instrument. TEC §39.025(b)</p> <p>A school district shall provide each student who fails to perform satisfactorily as determined by the commissioner under section 39.0241(a) on an end-of-course assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. TEC §39.025(b-1)</p> <p>[HB 3, Sec. 54]</p>	<p>TEA is evaluating implications for implementation of this provision, including the number of retests that will be offered annually and the months in which the retests will occur.</p>	<p>This provision allows students to retake an EOC assessment for any reason, including retesting to raise test scores. Issues that must be addressed include:</p> <ul style="list-style-type: none"> • the impact of retesting 12 EOC assessments on the overall costs of the assessment program • the difficulty of anticipating and providing sufficient test materials to districts administering paper assessments • the increased test administration burden for school districts for both paper and online assessments • recalculation of cumulative scores after each retest and tracking of multiple cumulative scores for each student by content area; and • the increased challenge of meeting remediation needs of students.

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
<p>Graduation Requirements</p> <p>Graduation: Cumulative Score</p> <p>The commissioner shall adopt rules requiring participation in EOC assessments as a high school graduation requirement and that students achieve a cumulative score in each foundation subject (English, mathematics, science, social studies) under the advanced, recommended, and minimum graduation plans. The commissioner shall determine the minimum score a student must achieve for an EOC score to be included in the cumulative score.</p> <p>TEC §39.025(a) [HB 3, Sec. 54]</p>	<p>Commissioner of Education rulemaking regarding the cumulative score requirements will begin after performance standards activities have begun, with the anticipated effective date to be spring 2012. Rules can be submitted for public comments no later than November 2011.</p>	<p>Given the increase in the potential number of assessments that students must perform satisfactorily on in order to graduate and the increased rigor of the new assessment program over the current TAKS requirements, graduation rates will likely initially decline. The transition from TAAS to TAKS as a graduation requirement caused graduation rates to decline for three years before increases were seen in the fourth year.</p> <p>Calculating a cumulative score is complicated by the current requirement that students can retake an EOC assessment at any time for any reason.</p> <p>Because the cumulative score requirements are dependent on the graduation plan a student selects and the specific courses a student takes, it will be more of a challenge at the local level to keep track of which students have met all assessment graduation requirements.</p>
<p>Graduation: Other Tests in Cumulative Score</p> <p>The commissioner <u>must</u> by rule determine a method by which a student's satisfactory performance on an advanced placement, international baccalaureate, or SAT subject test or other test equal in rigor to an EOC test may be used to meet the EOC graduation requirement.</p> <p>The commissioner <u>may</u> determine a method by which a student's satisfactory performance on a PSAT or preliminary American College Test (ACT) may be used to meet the EOC graduation requirement.</p> <p>TEC §39.025(a-1) [HB 3, Sec. 54]</p>	<p>Commissioner of Education rulemaking is currently scheduled to begin in November 2011, with an effective date of February 2012.</p>	<p>Studies will be conducted to determine that the alternative assessment instruments are "at least as rigorous as" the companion EOC assessments and to determine score conversions for use in calculating the cumulative score.</p>

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
<p>Graduation: Algebra II and English III Scores for RHSP and AHSP</p> <p>The commissioner must determine the score required on the Algebra II and English III EOC assessments for a student to graduate under the recommended high school program (RHSP) and advanced high school program (AHSP).</p> <p>TEC §39.025(a-2) and (a-3) [HB 3, Sec. 54]</p>	<p>The scores will be determined as part of the standard-setting process for the EOC program.</p> <p>Rules must be submitted no later than November 2011.</p>	<p>None.</p>

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
Other		
Assessment: Data Portal TEA shall establish and maintain a student assessment data portal for use by school districts, teachers, parents, students, and public institutions of higher education. TEC §32.258 [HB 3, Sec. 49]	The data portal was included as part of the Assessment Services RFP. The current plan is for the data portal to be available in fall 2010 with limited capabilities; full implementation is planned for fall 2011.	The capability of the data portal to meet all provisions of HB 3 is contingent on establishing a teacher-student link in PEIMS and providing this information to the assessment contractor for incorporation in the portal.
Assessment: Release of Test Information Assessments administered for retesting purposes are excluded from the three-year release schedule for assessment instruments. TEC §39.023(e) [HB 3, Sec. 50]	SBOE rules were adopted in fall 2009 to update the test release schedule.	
Assessment: Online Administration TEA shall ensure that assessments required under 39.023 can be administered by computer. However, the commissioner may not require a school district or open-enrollment charter to administer an assessment by computer. TEC §39.0234(a) [HB 3, Sec. 52]	Requirements met.	If assessments are made available in both paper and online formats, it is necessary to conduct comparability studies so that student results reported from a paper-administered and online-administered test have the same interpretations.
Assessment: Study Guides TEA may [no longer shall] develop study guides for students who fail the Grade 3-8 and EOC assessments. TEC §39.0241(c) [HB 3, Sec. 53]	No further distribution of paper copies of the TAKS study guides is planned. Personalized study guides are no longer provided. No development activities are currently planned for study guides to accompany the EOC assessments.	Study guides could be used in the provision of required accelerated instruction for the new assessment program. However, no resources are currently available for development and/or updating of these study guides.

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
<p>Assessment: Eliminate TAAS</p> <p>The Texas Assessment of Academic Skills (TAAS) is eliminated and the commissioner must approve a list of alternative assessments for exit-level testers graduating under TAAS.</p> <p>TEC §39.025(c-1) [HB 3, Sec. 54]</p>	<p>TAAS tests are no longer being administered as of October 2009. The commissioner has established cut scores on exit level TAKS to be used with students for whom TAAS or TEAMS are the graduation requirements.</p>	<p>None.</p>
<p>Assessment: LEP Exemption</p> <p>A student may be administered an accommodated or alternative assessment or may be granted an exemption from or postponement of the administration for</p> <ul style="list-style-type: none"> • a period of one year after their initial enrollment in a U.S. school if the student is of limited English proficiency • an additional period of up to four years if the student initially enrolled in a U.S. school as an unschooled asylee or refugee. <p>TEC §39.027(a)(3) [HB 3, Sec. 56]</p>	<p>Proposed rules were filed, public comments have been received and COE rules will be submitted for final adoption in January 2010, to be effective by February 2010.</p>	<p>Current statute addresses the needs of one specific group of unschooled recent immigrants, setting up inequities for similar students who only lack the required documentation to qualify for these special provisions.</p>
<p>Assessment: Information on the Website</p> <p>On or before September 1, the following information must be made available on TEA's website</p> <ul style="list-style-type: none"> • number of questions on the assessment instrument • number of questions needed to answer correctly to meet satisfactory performance (including college readiness) • the corresponding scale scores <p>TEC §39.023(p) [HB 3, Sec. 50]</p>	<p>The number of questions on the assessment instrument and the scale scores associated with each performance standard are published on the website each year.</p>	<p>The number of questions that must be answered correctly to meet each performance standard is dependent on the equating process, which is not determined until after the test has been constructed and administered to students.</p>

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
Accountability - General		
Accountability: Accountability System Develop new accountability system based on new assessments and college-ready performance. TEC §§ 39.053 and 39.054 [HB 3, Sec. 59]	An accountability development calendar and process will be outlined in the December 10, 2010, transition plan.	
Accountability: Campus Improvement Plan (CIP) If a campus receives an acceptable performance rating but does not meet performance standards to be used for the following school year, the commissioner may request a campus improvement plan relevant for the areas in which the campus would not satisfy performance standards. TEC §39.105(a) [HB 3, Sec. 59]	Identifying Campus Improvement Plan (CIP) campuses (formerly Technical Assistance Team campuses) will continue to be done in the 2009-10 and 2010-11 school years. The CIP campuses will not be identified for the 2011-12 school year because the criteria are linked to performance ratings, which are suspended this school year. The CIP criteria for the 2012-13 school year are yet to be determined. The transition to the new accountability system will be outlined in the December 1, 2010 transition plan.	
Accountability: Campus Report Card TEA shall prepare and distribute to each school district a report card for each campus. TEC §39.305 [HB 3, Sec. 59]	School Report Cards (SRCs) will continue to be prepared and distributed to each school district in the 2009-10 and 2010-11 school years. The SRC requirements for the 2011-12 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010 transition plan.	

<p style="text-align: center;">HB 3 Assessment and Accountability Provisions</p>	<p style="text-align: center;">Status</p>	<p style="text-align: center;">Comments/Issues</p>
<p>Accountability: Performance Reports [AEIS]</p> <p>TEA will provide:</p> <ul style="list-style-type: none"> • district and campus performance on the performance and reporting indicators and • descriptive information required in the district annual report. <p>TEC §39.306 [HB 3, Sec. 59]</p>	<p>The Academic Excellence Indicator System (AEIS) data will continue to be reported under the current accountability system in 2009-10 and 2010-11.</p> <p>The AEIS requirements for the 2011-12 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010 transition plan.</p>	

<p align="center">HB 3 Assessment and Accountability Provisions</p>	<p align="center">Status</p>	<p align="center">Comments/Issues</p>
<p>Accountability: Calendar and Transition Timeline</p> <p>2011-2012: Performance ratings suspended; district and campus proficiency and college-ready performance reported</p> <p>2012-2013: Performance ratings based on percent proficient and growth to proficiency; district and campus college-ready performance reported</p> <p>2013-2014: Performance ratings based on percent proficient and growth to proficiency, and college-ready performance and growth to college readiness</p> <p>TEC §39.116 [HB 3, Sec. 59]</p> <p>June 15: Ratings for Unacceptable in prior year</p> <p>August 8: Ratings for all districts and campuses TEC §39.054(a) [HB 3, Subchapter C]</p> <p>August 8: Distinction designations TEC §39.201 [HB 3, Subchapter G]</p>	<p>December 1, 2010: Transition Plan submitted</p> <p>August 1, 2011: 2011 ratings are the last ratings issued under the current accountability system</p> <p>2011-2012: Assignment of performance ratings suspended for this school year. Development of new accreditation and academic accountability system continues with the timelines established by the adopted transition plan.</p> <p>August 8, 2013: District accreditation statuses and district and campus performance ratings are issued for the first time under the new system. Ratings will be based on percent proficient indicator. The percent college-ready indicator will be a report only.</p> <p>Distinction designations will be issued to districts and campuses with acceptable performance concurrent with the release of performance ratings.</p> <p>August 8, 2014: District accreditation statuses and district and campus performance ratings are issued for the second time under the new system.</p> <p>Ratings will be based on both percent proficient and percent college-ready indicators.</p>	<p>March 2011: Advisory Committee meets to discuss 2011 accountability and future accountability under HB 3.</p> <p>October 2011: Initial HB 3 advisory meeting members will receive a HB 3 orientation and review guidance for framework of new system. There will be multiple advisory meetings from 2011-2013 to plan and implement the new accountability system.</p> <p>February 2012: Advisory meeting topics include analysis of 2011 EOC data and review of framework and options for assessment, completion/ graduation, and dropout indicators.</p> <p>May/June 2012: Advisory meeting topics include review of additional features, final recommendations on indicators, and further analyses of 2011 EOC results.</p> <p>October 2012: Advisory meeting topics include review of distinction designation indicators, analysis of various accountability standards based on modeling of 2012 EOC and grades 3-8 results (prior to standard setting).</p> <p>February 2013: Final meeting topics include final recommendations on 2013 accountability standards based on modeling of 2012 EOC and grades 3-8 results (with standards), recommendations on final 2013 system features; and review of 2014 system.</p> <p>April 2013: Commissioner releases final decisions on 2013 system.</p>

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
<p>Performance and Reporting Indicators</p> <p>Indicators: Assessment Performance</p> <p>The commissioner shall adopt Indicators of student achievement that include the results of criterion-referenced assessments; EOC assessments; and assessments retaken for graduation; and assessments administered in Spanish.</p> <p>For the performance standards and college readiness performance standards, results must be aggregated across grade levels by subject and include the percentages of students who performed satisfactorily or, for students not performing satisfactorily, the percentage of students who met the standard for annual improvement.</p> <p>The commissioner shall determine the period within which a student must retake an assessment for that assessment to be considered in determining the performance rating of the district.</p> <p>TEC §39.053(c)(1) and (d) [HB 3, Sec. 59]</p>	<p>Assessment indicators based on the current assessment program will continue to be reported on the AEIS reports in 2009-10 and 2010-11.</p> <p>The assessment indicators that will be available to the meet the reporting requirements for the 2011-12 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010 transition plan.</p>	

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
<p>Indicators: Completion and Dropout</p> <p>The commissioner shall adopt indicators of</p> <ul style="list-style-type: none"> • dropout rates and district completion rates, computed in accordance with National Center for Education Statistics (NCES) standards and definitions; and TEC §39.053(c)(2) • high school graduation rates, computed in accordance with the standards and definitions adopted for the No Child Left Behind Act of 2001. TEC §39.053(c)(3) <p>In computing dropout and completion rates under TEC §39.053(c)(2), the commissioner shall exclude:</p> <ul style="list-style-type: none"> • TEC §39.053(g-1)(1) Students who are under a court order to attend a high school equivalency certificate program, but who have not yet earned the high school equivalency certificate; • TEC §39.053(g-1)(2) Students who were previously reported as dropouts; • TEC §39.053(g-1)(3) Students in attendance who are not in membership for the purpose of determining average daily attendance; • TEC §39.053(g-1)(4) Students who initially enrolled in a U.S. school in Grades 7-12 as an unschooled refugee or asylee; • TEC §39.053(g-1)(5) Students who are in a district only because they are held at county detention facility in the district; and • TEC §39.053(g-1)(6) Students who are incarcerated in state jails and federal penitentiaries either as adults or certified to stand trial as adults. <p>[HB 3, Sec. 59]</p>	<p>The Texas Education Agency (TEA) implemented TEC §§39.053(c)(2) – 39.0539(c)(3) beginning with the 2005-06 school year.</p> <p>TEC §39.053(g-1) is effective beginning with the 2011-12 school year for students enrolled in 2010-11.</p> <p>For TEC §§39.053(g-1)(1), (4) and (6), language has been published in the July version of the PEIMS Data Standards to collect these data in 2010-11 and report in 2011-12.</p> <p>For TEC §§39.053(g-1)(2) and (3), the agency has the data necessary to implement as required by the effective date of 2011-12.</p> <p>TEC §39.053(g-1)(5) duplicates TEC §39.053(f) and §39.055, which was implemented beginning with the 2003-04 school year.</p>	

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
<p>Indicators: Graduates by Program</p> <p>The commissioner shall adopt indicators of the percentage of students who graduate under the</p> <ul style="list-style-type: none"> • Minimum high school program; • Recommended high school program; and • Advanced high school program. <p>TEC §39.301(c)(1) [HB 3, Sec. 59]</p>	<p>This indicator will continue to be reported on the AEIS reports in 2009-10 and 2010-11.</p> <p>The indicators that will be available to the meet the reporting requirements for the 2011-12 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010 transition plan.</p>	
<p>Indicators: Postsecondary Readiness</p> <p>The commissioner shall adopt indicators of the results of the SAT, ACT, articulated postsecondary degree programs and certified workforce training programs.</p> <p>TEC §39.301(c)(2) [HB 3, Sec. 59]</p>	<p>This indicator will continue to be reported on the AEIS reports in 2009-10 and 2010-11.</p> <p>The indicators that will be available to the meet the reporting requirements for the 2011-12 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010 transition plan.</p>	
<p>Indicators: Progress of Prior Year Failers</p> <p>The commissioner shall adopt indicators of the subsequent performance of students who failed to pass a Grade 3-8 or EOC assessment.</p> <p>TEC §39.301(c)(3) [HB 3, Sec. 59]</p>	<p>This indicator will continue to be reported on the AEIS reports in 2009-10 and 2010-11.</p> <p>The indicators that will be available to the meet the reporting requirements for the 2011-12 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010 transition plan.</p>	

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
<p>Indicators: Minimum High School Program</p> <p>The commissioner shall adopt indicators of the number of students who agree to take courses under the minimum high school program.</p> <p>TEC §39.301(c)(4) [HB 3, Sec. 59]</p>	<p>This indicator will continue to be reported on the AEIS reports in 2009-10 and 2010-11.</p> <p>The indicators that will be available to the meet the reporting requirements for the 2011-12 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010 transition plan.</p>	
<p>Indicators: Student Success Initiative</p> <p>The commissioner shall adopt indicators, aggregated by grade level and subject, of the</p> <ul style="list-style-type: none"> • percentage of students provided accelerated instruction after failing an assessment in Grades 3-8, • percentage promoted by a grade placement committee after failing a mathematics or reading test in Grade 5 or 8, and • promoted students' performance on assessments during the following school year. <p>TEC §39.301(c)(5) [HB 3, Sec. 59]</p>	<p>This indicator will continue to be reported on the AEIS reports in 2009-10 and 2010-11.</p> <p>The indicators that will be available to the meet the reporting requirements for the 2011-12 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010 transition plan.</p>	
<p>Indicators: LEP Exemptions</p> <p>The commissioner shall adopt indicators of the percentage of LEP students who were exempted from taking an assessment.</p> <p>TEC §39.301(c)(6) [HB 3, Sec. 59]</p>	<p>This indicator will continue to be reported on the AEIS reports in 2009-10 and 2010-11.</p> <p>The indicators that will be available to the meet the reporting requirements for the 2011-12 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010 transition plan.</p>	

<p align="center">HB 3 Assessment and Accountability Provisions</p>	<p align="center">Status</p>	<p align="center">Comments/Issues</p>
<p>Indicators: Alternative Assessment Participation</p> <p>The commissioner shall adopt indicators of the percentage of students in a special education program assessed through alternative assessments.</p> <p>TEC §39.301(c)(7) [HB 3, Sec. 59]</p>	<p>This indicator will continue to be reported on the AEIS reports in 2009-10 and 2010-11.</p> <p>The indicators that will be available to the meet the reporting requirements for the 2011-12 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010 transition plan.</p>	
<p>Indicators: College Readiness</p> <p>The commissioner shall adopt indicators of the percentage of students who satisfy the college readiness measure.</p> <p>TEC §39.301(c)(8) [HB 3, Sec. 59]</p>	<p>This indicator will continue to be reported on the AEIS reports in 2009-10 and 2010-11.</p> <p>The indicators that will be available to the meet the reporting requirements for the 2011-12 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010 transition plan.</p>	
<p>Indicators: Dual Language Proficiency</p> <p>The commissioner shall adopt indicators of the measure of progress toward dual language proficiency for LEP students.</p> <p>TEC §39.301(c)(9) [HB 3, Sec. 59]</p>	<p>The indicators that will be available to the meet the reporting requirements for the 2011-12 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010 transition plan.</p>	

<p align="center">HB 3 Assessment and Accountability Provisions</p>	<p align="center">Status</p>	<p align="center">Comments/Issues</p>
<p>Indicators: Non-Educationally Disadvantaged</p> <p>The commissioner shall adopt indicators of the percentage of students who are not educationally disadvantaged.</p> <p>TEC §39.301(c)(10) [HB 3, Sec. 59]</p>	<p>This indicator will continue to be reported on the AEIS reports in 2009-10 and 2010-11.</p> <p>The indicators that will be available to the meet the reporting requirements for the 2011-12 school year are yet to be determined. The transition to the new reporting requirements will be outlined in the December 1, 2010 transition plan.</p>	
<p>Indicators: Higher Education Enrollment</p> <p>The commissioner shall adopt indicators of the percentage of students who enroll and begin instruction at an institution of higher education in the year following their high school graduation.</p> <p>TEC §39.301(c)(11) [HB 3, Sec. 59]</p>	<p>The Texas Higher Education Coordinating Board (THECB) currently collects information about Texas students who enroll in Texas public and private institutions of higher education following graduation from public high school. THECB has published an annual report that displays the enrollment counts by Texas school district and campus since the 2001-02 school year.</p> <p>These data are provided to TEA per an MOU that facilitates data sharing between the two agencies. TEA links the THECB report to the Texas P-16 Public Education Information Resource (TPEIR) website. Out-of-state college enrollment data will be provided per an agreement between TEA and the National Student Clearinghouse, funded by the State Fiscal Stabilization Fund (SFSF) grant to be submitted by TEA in January 2010. The data is expected to be loaded in the TPEIR data warehouse in 2011.</p>	

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
<p>Indicators: Higher Education First Year Completion</p> <p>The commissioner shall adopt indicators of the percentage of students who successfully complete their first year at an institution of higher education without needing to take a developmental education course.</p> <p>TEC §39.301(c)(12) [HB 3, Sec. 59]</p>	<p>The Texas Higher Education Coordinating Board (THECB) will be collecting higher education student course data as funded by the 2009 Statewide Longitudinal Data Systems (SLDS) grant. This classroom data will be loaded in the TPEIR data warehouse in January 2012.</p>	
<p>Indicators: TELPAS</p> <p>Performance on the Texas English Language Proficiency Assessment System (TELPAS), including performance of refugee/asylee students, is included in the indicator systems under Sections 39.301 (Performance Indicators: Reporting), performance report [AEIS] under 39.306, and comprehensive annual report under 39.332.</p> <p>TEC §39.027(e) [HB 3, Sec. 56]</p>	<p>The English Language Learners (ELL) Progress Measure was added to the 2008-09 AEIS reports and will continue to be reported in the 2009-10 and 2010-11 schools years.</p> <p>Reporting requirements for these indicators in the 2011-12 school year have yet to be determined.</p>	<p>Beginning with the 2011 accountability ratings, the ELL Progress Indicator will be incorporated into the rating system as an additional indicator.</p> <p>At least 60% of ELL students tested must meet the performance standard or the progress criteria on their assessment in order for the campus or district to be rated Recognized or Exemplary.</p>
<p>Indicators: Special Language Program</p> <p>Performance and reporting indicators must be based on longitudinal student data that is disaggregated by any bilingual or special education program in which any limited English proficient (LEP) student is (or was) enrolled. If a LEP student was not enrolled in specialized language instruction, the number and percentage of those students shall be provided.</p> <p>TEC §39.301(d) [HB 3, Sec. 59]</p>	<p>These performance and reporting indicators were reported in the new Section III of the AEIS reports for the first time in 2008-09 school year. These indicators will continue to be reported in the 2009-10 and 2010-11 school years.</p> <p>Reporting requirements for these indicators in the 2011-12 school year have yet to be determined.</p>	

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
<p>Distinction Designations</p>		
<p>Distinction Designations: Recognized and Exemplary Districts and Campuses</p> <p>The commissioner shall award a Recognized or Exemplary distinction designation for academic excellence to a district or campus for the number of students who met the standard for college readiness, annual improvement, or postsecondary readiness.</p> <p>TEC §39.202 [HB 3, Sec. 59]</p>	<p>The Academic Excellence Distinction Designation will have two rating levels—Recognized and Exemplary. These distinctions will be based on the percent of students achieving college-ready standards or demonstrating improvement toward those standards that will be reported for the first time in 2012-13 and fully implemented in the 2013-14 school year.</p> <p>Plans for defining, collecting, evaluating, and integrating new indicators will be outlined in the 2010 transition plan.</p>	
<p>Distinction Designations: Top 25% Campuses</p> <p>The commissioner shall award a distinction designation to a campus if the campus is ranked in the top 25% of campuses in the state in annual improvement in student achievement</p> <p>TEC §39.202(a) [HB 3, Sec. 59]</p>	<p>Plans for defining, collecting, evaluating, and integrating new indicators will be outlined in the 2010 transition plan.</p>	
<p>Distinction Designations: Campus Performance Gaps</p> <p>The commissioner shall award a distinction designation to a campus if it is able to significantly decrease or eliminate performance differences between student groups and is ranked in the top 25 percent of campuses in the state.</p> <p>TEC §39.202(b) [HB 3, Sec. 59]</p>	<p>Plans for defining, collecting, evaluating, and integrating new indicators will be outlined in the 2010 transition plan.</p>	

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
<p>Distinction Designations: Campus Academic Achievement</p> <p>The commissioner shall award a distinction designation to a campus for academic achievement in English language arts, mathematics, science, or social studies. The commissioner will establish a committee to develop criteria for these distinction designations.</p> <p>TEC §39.202(c)(1) [HB 3, Sec. 59]</p>	<p>Plans for defining, collecting, evaluating, and integrating new indicators will be determined by the committees that will be convened, as outlined in the 2010 transition plan.</p>	

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
<p>Distinction Designations: Committees</p> <p>In adopting rules under this section, the commissioner shall establish a separate committee to develop criteria for each distinction designation.</p> <p>Each committee established under this section must include:</p> <ol style="list-style-type: none"> (1) individuals who practice as professionals in the content area relevant to the distinction designation, as applicable; (2) individuals with subject matter expertise in the content area relevant to the distinction designation; (3) educators with subject matter expertise in the content area relevant to the distinction designation; and (4) community leaders, including leaders from the business community. <p>For each committee, the governor, lieutenant governor, and speaker of the house of representatives may each appoint a person described by each subdivision of Subsection (c).</p> <p>In developing criteria for distinction designations under this section, each committee shall:</p> <ol style="list-style-type: none"> (1) identify a variety of indicators for measuring excellence; and (2) consider categories for distinction designations, with criteria relevant to each category, based on: <ol style="list-style-type: none"> (A) the level of a program, whether elementary school, middle or junior high school, or high school; and (B) the student enrollment of a campus. <p>TEC §39.204(b)-(e). [HB 3]</p>	<p>Fall 2010</p> <p>Committee selection begins. Separate committees will be formed for the five additional distinction designations.</p> <ul style="list-style-type: none"> ▪ Academic achievement in ELA, mathematics, science, or social studies ▪ Fine arts ▪ Physical education ▪ 21st Century Workforce Development program ▪ Second language acquisition program <p>December 2010</p> <p>Selection of distinction committee members finalized</p> <p>2011 - 2012</p> <p>Four separate meetings of each distinction committee will occur. Internal and external reviews of distinction designation committee recommendations will also occur.</p> <p>May 2012</p> <p>Release of Commissioner's Final Decisions on Distinction Designations</p> <p>2012-2013</p> <p>Collection of data</p> <p>June 2013</p> <p>Determination of list of campuses that earned distinction designations.</p> <p>August 2013</p> <p>Release of distinction designations.</p>	<p>The Division of Performance Reporting will oversee the committee selection, guidelines, criteria development, data collection, data standards, and distinction recommendations for the Academic Achievement Distinction Designation Committee.</p> <p>The Division of Curriculum will oversee the committee selection, guidelines, criteria development, data collection, data standards, and distinction recommendations for the Fine Arts, Physical Education, 21st Century Workforce Development, and Second Language Acquisition Distinction Designation Committees.</p>

HB 3 Assessment and Accountability Provisions	Status	Comments/Issues
<p>Transition</p> <p>HB 3 Transition Plan</p> <p>No later than December 1, 2010, TEA shall prepare and deliver to the governor, lieutenant governor, and leaders of the Texas legislature a transition plan to implement provisions of HB 3.</p> <p>[HB 3, Sec. 68]</p>	<p>The transition plan development schedule will include time for public comment before the transition plan is finalized.</p> <p>This plan will contain a detailed description of the process the COE will use to develop and implement HB 3, including timelines, provisions for educator and public input, resources required for implementation, scope and sequence of tasks to be performed, and rulemaking to implement provisions.</p>	

Senate Bill 174

Timeline for the Implementation of Senate Bill (SB) 174, 19 TAC Chapter 229, Accountability System for Educator Preparation Programs (ASEP)

Proposed Completion Date	Activity	Completion Date
2009 – 2010: Pilot Year for Data Collection		
5/27/09	SB 174 passed by legislature	✓ 5/27/09
6/18/09	SB 174 signed by Governor	✓ 6/18/09
9/1/09	SB 174 effective implementation date	✓ 9/1/09
9/1/09	Educator Standards staff collaborated with Information Technology (IT) staff to develop business case to collect and fund required data elements	✓ 9/1/09 (ongoing)
9/3/09	USDE staff to show educator preparation programs how to report data to USDE for the Title II Higher Education Act	✓ 9/3/09
2/5/10	TAC Ch. 229 approved by SBEC (included requirements of SB 174 and the federally required Higher Education Act)	✓ 2/5/10
2/17/10	To meet Standard #2 , TEA staff collaborated with partners including SEDL, WestEd, and the National Comprehensive Center for Teacher Quality to develop surveys to obtain principal feedback of beginning teachers and the exit surveys from program candidates that will be placed on the Consumer Information website	✓ 2/17/10
3/24/10	Training via webinar to instruct educator preparation programs how to report data to USDE that will also overlap with required data elements of TAC Ch. 229 for the Consumer Information website; training conducted by USDE staff	✓ 3/24/10
4/30/10	Educator preparation programs submitted required USDE Title II data	✓ 4/30/10
5/6-7/10	Training for principals and school districts was provided via webinars for completion of the principal surveys	✓ 5/6 & 5/7/10
5/1-6/15/10	Pilot principal surveys distributed and returned for beginning teachers during 2009-2010 to collect performance data for pilot year	✓ 6/15/10
6/2-3/10	Training was provided for educator preparation programs via five webinars regarding TAC Ch. 229/SB 174 regarding the data collection	✓ 6/2 & 6/3/10
6/27/10	Training was provided for educator preparation programs regarding data collection and the ASEP online revisions	✓ 6/28 & 6/29/10
6/16-7/1/10	Preliminary results of surveys reviewed by TEA and WestEd; item analysis being conducted by West Ed	✓ 7/1/10
7/2/10	USDE Title II staff agreed to submit data overlap to TEA	✓ Rec'd 7/21/10
7/31/10	Final results of surveys available to TEA	✓ 7/16/10

Timeline for the Implementation of Senate Bill (SB) 174, 19 TAC Chapter 229, Accountability System for Educator Preparation Programs (ASEP)

Proposed Completion Date	Activity	Completion Date
8/1/10	TEA Consumer Information website http://www.tea.state.tx.us/index2.aspx?id=906&menu_id=2147483671&menu_id_2=794 will include the Annual Performance Report data, the 2008-09 educator preparation program accountability ratings, and a link to the federal Title II Report https://title2.ed.gov/default.asp	✓ 8/1/10
8/13/10	Aggregate principal survey results reported to SBEC and education preparation programs (since it is a pilot year results will not be posted on the TEA Consumer Information website)	✓ 8/13/10
8/15/10	Recommendations for survey revisions submitted to TEA by principal committee	✓ 8/15/10
8/31/10	Standard #1 Pass rates of certification exams recalculated to meet the 70% requirement for the 2009-2010 academic year; eliminated <i>initial</i> and <i>final</i> pass rates	✓ 9/27/10
2010-2011:		
9/1/10	TEA IT modifications of ASEP system to comply with federal guidelines of ethnicity and race requirements	✓ 9/1/10 (ongoing)
9/1/10	Pass rates of certification exams recalculated to meet the 75% requirement for the 2010-2011 academic year	✓ 9/27/10
9/1-15/10	Program participant surveys distributed and returned from program participants during 2009-2010 to collect data for pilot year	✓ 9/15/10
9/15/10 Changed to 10/1 due to tech.	Standard #4 Due date for educator preparation programs to collect observation data for 2009-2010 from field supervisors including the duration, frequency and quality of field supervisions and enter into ASEP Online; TEA will report % of compliance to SBEC and program; information is not reported to Consumer Information website since it is a pilot year	✓ 10/4/10
9/15/10 Changed to 10/1 due to tech.	ASEP Lockdown for the 2009-10 academic year (certification test scores, annual performance report, field supervision observations, survey data results)	✓ 10/4/10
10/1/10	Email individual educator preparation program principal survey results to each program (not posted due to pilot year)	✓ 10/5/10
10/1/10 Rescheduled to 10/26- 27/10	Committee of educators will participate in standard setting for determining the weighted distribution and overall standard for accountability of the surveys for standard #2.	
10/15/10	Preliminary results of program participant surveys reviewed by TEA and WestEd; item analysis conducted by WestEd	
10/15/10	Committee of educators will participate in standard setting to determine the quality indicators of field supervision	

**Timeline for the Implementation of Senate Bill (SB) 174, 19 TAC Chapter 229,
Accountability System for Educator Preparation Programs (ASEP)**

Proposed Completion Date	Activity	Completion Date
2/4/11	SBEC will receive a preliminary data report for the accountability of educator preparation programs for the 2009-10 academic year for three of the four standards required: (1) pass rates of certification exams, (2) survey results showing the performance of beginning teachers and (3) field supervision data. Aggregate program participant survey results for the consumer information will also be shared with SBEC	
5/1-6/15/11	Standard #2 Survey distribution and collection	
8/12/11	Survey results reported to SBEC for 2010-11 accountability	
2011-1012:		
9/1/11	Pass rates of certification exams recalculated to meet the 80% requirement for the 2011-2012 academic year	
9/15/11	Standard #4 Due date for educator preparation programs to collect observation data for 2010-2011 from field supervisors including the duration, frequency and quality of field supervisions and enter into ASEP Online; TEA will report % of compliance to SBEC and program	
9/15/11	ASEP Lockdown for the 2010-11 academic year (certification test scores, annual performance report, field supervision observations, survey data results)	
9/15/11	Consumer Information website reports from programs due including GPA, GRE, SAT, ACT, THEA/TASP, data regarding the preparation of teachers to teach students with disabilities, limited English proficiency and the integration of technology into the classroom, and the preparation of teachers to analyze data using technology	
10/7/11	Pass rates of certification exams reported to SBEC for approval and posted on Consumer Information website	
10/15/11	Consumer Information posted on TEA website that includes reports from programs including GPA, GRE, SAT, ACT, THEA/TASP, data regarding the preparation of teachers to teach students with disabilities, limited English proficiency and the integration of technology into the classroom, and the preparation of teachers to analyze data using technology	
2/12	SBEC will receive the accountability report of educator preparation programs for the 2010-11 academic year to approve the accountability status of each program including three of the four required standards: certification exam pass rates, principal survey results of beginning teachers, and the field supervisor observations	
5/1-6/15/12	Standard #2 Survey distribution and collection	
7/31/12	Standard #3 IT State Longitudinal Data System (SLDS) pilot year (preliminary data) that links student achievement to the beginning teacher to the educator preparation program; data collection and standard setting to be determined	
8/12/12	Survey results reported to SBEC for 2011-12 accountability	

Timeline for the Implementation of Senate Bill (SB) 174, 19 TAC Chapter 229, Accountability System for Educator Preparation Programs (ASEP)

9/15/12 Consumer Information website reports from programs due including GPA, GRE, SAT, ACT, THEA/TASP, data regarding the preparation of teachers to teach students with disabilities, limited English proficiency and the integration of technology into the classroom, and the preparation of teachers to analyze data using technology

2012-2013:

7/31/13 Full implementation of Standard #3 and all standards delineated in SB 174 and TAC Ch. 229

House Bill 2488
&
House Bill 4294

House Bill 2488 Provisions

Definition of an electronic textbook was expanded to include an open-source textbook.

“Open-source textbook” means an electronic textbook that is available for downloading from the Internet at no charge to a student and without requiring the purchase of an unlock code, membership, or other access or use charge, except for a charge to order an optional printed copy of all or part of the textbook

Commissioner may purchase state-developed open-source textbooks through a competitive process

- May purchase more than one state-developed open-source textbook for a subject or grade level
- A state-developed open source textbook will be reviewed by teachers or other experts as determined by the commissioner
- Costs shall be paid from the state textbook fund
- A state-developed open-source textbook must be irrevocably owned by or licensed by the state for use in the applicable subject or grade level
- The state must have unlimited authority to modify, delete, combine or add content to the textbook after purchase
- The commissioner shall provide a license to each public school in the state, including a school district, an open-enrollment charter school, and a state or local agency educating students in any grade from prekindergarten through high school to use and reproduce a state-developed open-source textbook
- Districts and charter schools must annually certify to the SBOE and the commissioner that each subject area selected will cover all elements of the essential knowledge and skills
- The commissioner shall determine the cost to a district or charter school of the state-developed open-source textbook to cover state expenses associated with the textbook

Current Status

- Request for Offer (RFO) for open-source textbooks was released in January 2010 for Literature I-IV and English as a Second Language I and II. The content would be reviewed for alignment with the Texas Essential Knowledge and Skills
- Proposers' conference January 2010
- Responses due March 2010
- One response was received indicating the proposer would develop the content over an 18-month period. The proposal did not meet the requirements of the RFO and was disqualified
- The agency is currently developing a new RFO to incorporate the needed timelines for development of open-source content to meet the specific needs of the state. The content areas to be addressed and the timeline for the release of the RFO have not been determined
- Proposed commissioner rules address state-owned open source textbooks

House Bill 2488

- A textbook credit can be generated if a school district or open-enrollment charter school selects a state-developed open-source textbook instead of another textbook adopted by the SBOE. The difference between the cost determined by the commissioner and the maximum cost for a textbook in the same subject area as determined by the SBOE shall be allocated as 50% credited to the state textbook fund and 50% credited to the school district or open-enrollment charter school

University developed open-source textbooks submitted would have to:

- be written, compiled, or edited primarily by faculty of the institution specializing in the subject area of the textbook;
 - identify each contributing author;
 - be certified for accuracy by the appropriate department in the institution; and
 - have been determined by the institution to qualify for placement on the conforming or nonconforming list.
- SBOE updated Chapter 66 rules to address university developed open-source textbooks

The institution certifies that a textbook for a senior-level course would prepare a student, without remediation, for that institution's freshman-level course in that subject and that a textbook for a junior-level course would prepare a student for the senior-level course in that subject.

Eligible institutions include a public institution of higher education that is designated as a research university or a private university that is a member of the Association of American Universities.

House Bill 4294

House Bill 4294 Provisions

Requires the commissioner of education to adopt a list of

- (1) electronic textbooks; and
- (2) instructional material that conveys information to the student or otherwise contributes to the learning process, including tools, models, and investigative materials designed for use as part of the foundation curriculum for science in kindergarten through grade five.

Electronic textbooks or instructional materials on the list would:

- be reviewed and recommended by a panel of experts in the subject area of the textbook or materials and experts in educational technology;
- be aligned with current research in the subject area of the textbook or materials;
- include coverage of the Texas essential knowledge and skills and indicate the percentage of each essential knowledge and skill covered;
- include appropriate training for teachers;
- satisfy criteria adopted for the purpose by the commissioner; and
- meet the National Instructional Materials Accessibility Standard to the extent practicable as determined by the commissioner.

After notice to the commissioner explaining in detail the changes, the provider of an electronic textbook or instructional material may:

- Update the navigational features or management system
- Update the content if needed to accurately reflect current knowledge or information.

Before the commissioner removes an electronic textbook or instructional material from the updated list, the removal must be recommended by a panel of recognized experts in the subject area of the electronic textbook or instructional material and experts in education technology.

Current Status

Request for Qualifications (RFQ) for electronic textbooks released in January that includes subjects and grade levels from Proclamation 2010 and Proclamation 2011.
Proposers' conference January 27, 2010
Responses due March 2, 2010
Discussion item May and July 2010 SBOE meetings
Approved list available Fall 2010

- Proposed commissioner rules outline the process for submission and review of electronic textbooks
- Agency issued a request for volunteers with subject area and/or educational technology expertise to review submissions.
- Training provided via webinars
- Review took longer than anticipated, additional training and Q&A
- Review complete Fall 2010
- Contracts sent to publishers
- EMAT updated
- Letter to Administrators
- Information shared via email to various groups
- Training for textbook coordinators

Addressed in proposed commissioner rules.

Addressed in proposed commissioner rules

House Bill 4294

House Bill 4294 Provisions

Before the commissioner places an electronic textbook or instructional material on the list adopted under Subsection (a), the State Board of Education must be given an opportunity to comment on the electronic textbook or instructional material.

Commissioner rules that must

- Be consistent with Section 31.151 regarding the duties of publishers and manufacturers as appropriate, and the imposition of a reasonable administrative penalty
- Require public notice of an opportunity for the submission of an electronic textbook or instructional material

A school district may select an electronic textbook or instructional material on the list adopted under Subsection (a) to be funded by the state textbook fund under Section 31.021.

A school district or open-enrollment charter school that selects a subscription-based electronic textbook or instructional material on the conforming list under Section 31.023 or the list adopted under Section 31.0231 may cancel the subscription and subscribe to a new electronic textbook or instructional material on the conforming list under Section 31.023 or the list adopted under Section 31.0231 before the end of the state contract period under Section 31.026 if:

- the district or school has used the electronic textbook or instructional material for at least one school year; and
- the agency approves the change based on a written request to the agency by the district or school that specifies the reasons for changing the electronic textbook or instructional material used by the district or school.

The state textbook fund may be used to purchase technological equipment necessary to support the use of electronic textbooks or instructional materials included on the list adopted by the commissioner or any textbook or material approved by the State Board of Education.

Current Status

Addressed in proposed commissioner rules
Discussion item May and July 2010 SBOE meetings
Access information provided to SBOE members

Proposed rules posted in the *Texas Register* in May.

A draft of the proposed rules is posted on the textbook webpage.
Comments discussed with focus group on Commissioner's Rule Review Process

Final rules to be posted in the *Texas Register* in November

Credits will be handled via the EMAT system when districts make selections. Training will be provided to textbook coordinators.

Addressed in proposed commissioner rules

Credits will be handled via the EMAT system when districts make selections. Training will be provided to textbook coordinators.

House Bill 4294

House Bill 4294 Provisions

School districts and open-enrollment charter schools would be required to obtain a classroom set of textbooks for each subject and grade level in the foundation and enrichment curriculum.

SBOE rules adopted January 2010.

- §66.104. Selection of Instructional Materials by School Districts.
- (r) A school district or open-enrollment charter school that selects from the commissioner's list as specified in TEC, §31.0231, must purchase a classroom set of textbooks adopted by the SBOE under TEC, §31.023 or §31.035, for each subject and grade level in the foundation and enrichment curriculum.
 - (s) A classroom set shall be defined as the total count of SBOE adopted textbooks on the conforming or nonconforming list necessary to provide one copy to each student during the class period. A classroom kit that includes materials for every student in the classroom is considered to be a classroom set.
 - (t) The classroom set requirement shall be implemented as new textbook adoptions become available and are funded. The classroom set requirement will begin with Proclamation 2010.

School districts and open-enrollment charter schools are required to certify annually to the SBOE and the commissioner that the district or charter school provides each student with textbooks, electronic textbooks, or instructional materials that cover the essential knowledge and skills adopted by the SBOE for that subject and grade level.

Included in Local Board of Trustees Certification that is required in the EMAT system.

Textbook credits may be used for electronic textbooks or instructional materials on the list adopted under Section 31.0231 or technological equipment under Section 31.021(f).

Use of textbook credits for electronic textbooks or instructional materials or technological equipment will be handled via the EMAT system as outlined in the proposed commissioner rules.

House Bill 4294

House Bill 4294 Provisions

Requires the SBOE to amend proclamations issued for the purchase of textbooks to conform to the textbook funding levels provided by the General Appropriations Act for the year of implementation.

Current Status

The SBOE amended Proclamation 2010 to reduce the maximum cost by 15%.

The SBOE amended Proclamation 2011 to reduce the maximum cost by 15%

The SBOE also amended Proclamation 2011 as follows:

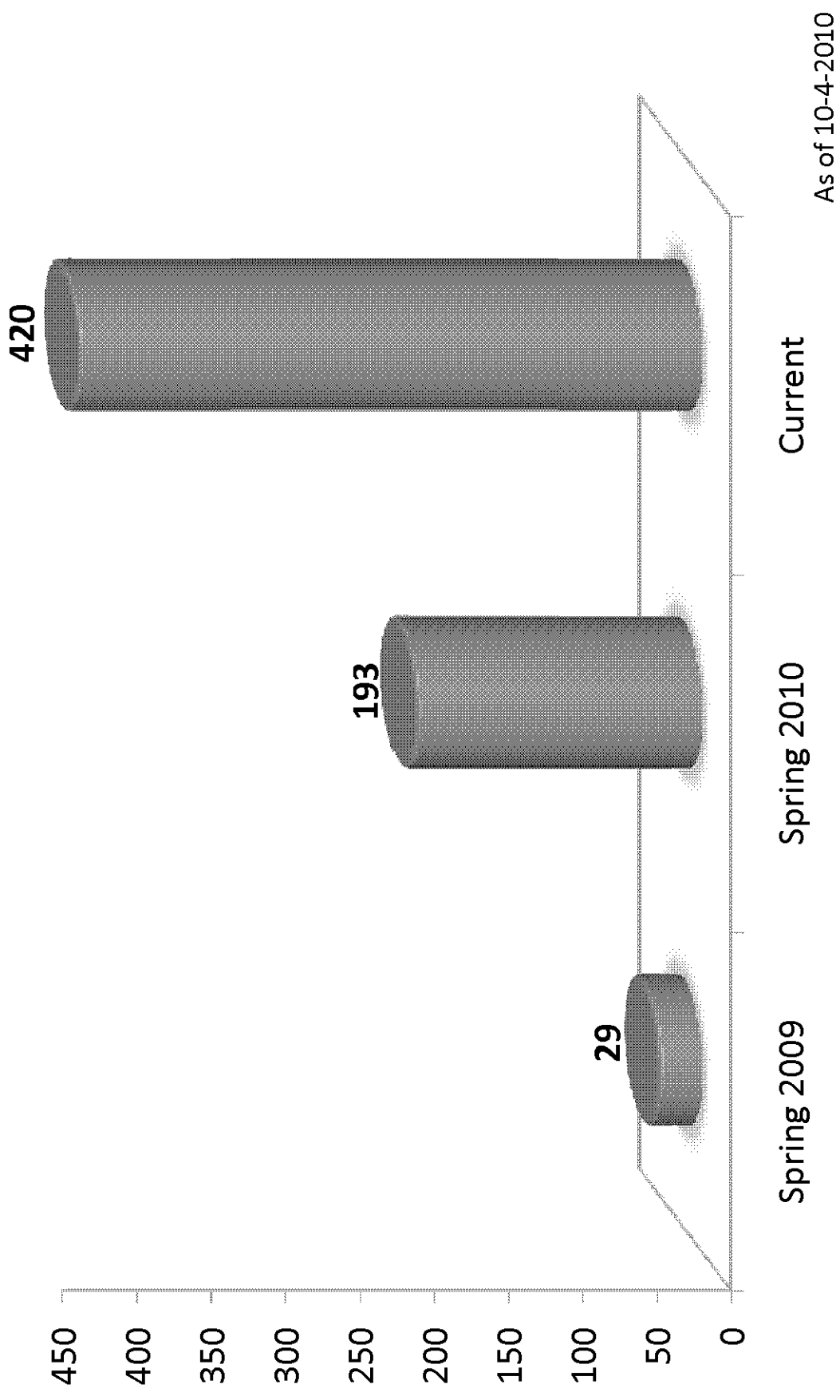
- A publisher that offers digital versions of a print program must bid the versions separately. This requirement is not intended to forbid the inclusion of digital components in a print submission
- All digital programs must be platform-neutral – available for PCs and Macs
- Publishers of electronic programs are to offer a price for a statewide license
- Publishers are to provide a digital version of all teacher materials
- Publishers are to provide ancillaries electronically

Proclamation 2011 materials scheduled for adoption by the SBOE November 2010

Funding for Proclamation 2011 was not included in the agency's August 30, 2010 Legislative Appropriations Request. A supplemental request is anticipated after SBOE action on the PSF in November 2010.

Virtual Schools

TxVSN Registered Districts



TxVSN Enrollments by Semester

