

HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-FIRST DAY — SUNDAY, MAY 23, 1999

The house met at 1:30 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 443).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

Absent, Excused — Corte; Jones, D.

The invocation was offered by Jim Morris, former senate door keeper, Austin.

HCR 289 - ADOPTED (by West)

Representative West moved to suspend all necessary rules to take up and consider at this time **HCR 289**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 289, Commending Dan N. MacLemore III on his selection as moderator of the Presbytery of New Covenant.

HCR 289 was read and was adopted without objection.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before

the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

HR 982 - ADOPTED

(by Tillery)

Representative Tillery moved to suspend all necessary rules to take up and consider at this time **HR 982**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 982, Honoring Jonathon Alan Dobernecki on his First Holy Communion.

HR 982 was adopted without objection.

HR 1001 - ADOPTED

(by Chisum and Howard)

Representative Howard moved to suspend all necessary rules to take up and consider at this time **HR 1001**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1001, Congratulating the Honorable Charlie Howard on the birth of his second grandchild, Keaton Rivers Ashworth Drenner.

HR 1001 was read and was adopted without objection.

On motion of Representative Green, the names of all the members of the house were added to **HR 1001** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Howard, who introduced his grandchild, Keaton Rivers Ashworth Drenner, and his family.

RULES SUSPENDED

Representative Edwards moved to suspend all necessary rules to allow the house to consider all senate bills on third reading that appear on the General State Calendar before the senate bills on second reading that appear on the Major State Calendar on today's Supplemental House Calendar.

The motion prevailed without objection.

GENERAL STATE CALENDAR

SENATE BILLS

THIRD READING

The following bills were laid before the house and read third time:

SB 1718 ON THIRD READING

(Hilbert - House Sponsor)

SB 1718, A bill to be entitled An Act relating to alternative dispute resolution systems established by counties.

SB 1718 was passed.

SB 1851 ON THIRD READING
(S. Turner - House Sponsor)

SB 1851, A bill to be entitled An Act relating to public access to governmental information and decisions, including revisions to the public information law.

Amendment No. 1

Representative Hupp offered the following amendment to **SB 1851**:

Amend **SB 1851**, on third reading, by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.133 to read as follows:

Sec. 552.133. PROHIBITION ON DISCLOSURE OF CERTAIN PERSONAL INFORMATION. (a) Notwithstanding any other law and except as provided by Subsection (b) or (c), a person's physical address, mailing address, phone number, electronic or photographic image, or social security number may not be disclosed to a member of the public by a governmental body in response to a request for the information made under this chapter or Chapter 730, Transportation Code.

(b) Subsection (a) does not prohibit the disclosure of a person's zip code.

(c) Subsection (a) does not apply to:

(1) information requested about a person who is a current officer or employee of a governmental body;

(2) information in election records, including voter registration records; or

(3) information that a governmental body chooses to provide to the public for purposes of public safety.

Amendment No. 1 failed of adoption.

SB 1851 was passed.

SB 1603 ON THIRD READING
(Ramsay - House Sponsor)

SB 1603, A bill to be entitled An Act relating to the receipt and expenditure of revenue derived from the municipal hotel occupancy tax.

SB 1603 was passed.

SB 1321 ON THIRD READING
(Junell - House Sponsor)

SB 1321, A bill to be entitled An Act relating to the settlement and collection of taxes and penalties and interest on taxes, refunds, and credits.

SB 1321 was passed.

SB 956 ON THIRD READING
(Eiland and Seaman - House Sponsors)

SB 956, A bill to be entitled An Act relating to the regulation of certain

insurance agents and to the consolidation of insurance agent licenses; providing penalties.

SB 956 was passed.

SB 215 ON THIRD READING
(Averitt - House Sponsor)

SB 215, A bill to be entitled An Act relating to the liability of certain health care providers.

SB 215 was passed.

SB 590 ON THIRD READING
(Rangel, Luna, Seaman, Capelo, Capelo, and Salinas - House Sponsors)

SB 590, A bill to be entitled An Act relating to the establishment of The Texas A&M University System Coastal Bend Health Education Center.

A record vote was requested.

SB 590 was passed by (Record 444): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Cuellar; Culbertson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Jones, D.

Absent — Allen; Siebert; Tillery.

STATEMENT OF VOTE

When Record No. 444 was taken, my vote failed to register. I would have voted yes.

Allen

SB 707 ON THIRD READING**(Kuempel - House Sponsor)**

SB 707, A bill to be entitled An Act relating to an exemption from sand and gravel permit requirements.

SB 707 was passed.

SB 913 ON THIRD READING**(Oliveira and Flores - House Sponsors)**

SB 913, A bill to be entitled An Act relating to the establishment and maintenance of one-stop border inspection stations by the Texas Department of Transportation in Brownsville, Laredo, and El Paso.

SB 913 was passed.

SB 23 ON THIRD READING**(Naishtat - House Sponsor)**

SB 23, A bill to be entitled An Act relating to the duration of certain emergency protection orders issued by magistrates.

SB 23 was passed.

SB 260 ON THIRD READING**(Delisi - House Sponsor)**

SB 260, A bill to be entitled An Act relating to the expulsion of a public school student who assaults a school employee or volunteer.

SB 260 was passed.

SB 1578 ON THIRD READING**(Goodman - House Sponsor)**

SB 1578, A bill to be entitled An Act relating to the creation of a statewide law enforcement gang resource system.

SB 1578 was passed.

SB 1514 ON THIRD READING**(Averitt - House Sponsor)**

SB 1514, A bill to be entitled An Act relating to contracts for the use of inmate labor and the labor of persons placed on community supervision for state highway system improvement projects.

SB 1514 was passed.

SB 1074 ON THIRD READING**(Averitt and Driver - House Sponsors)**

SB 1074, A bill to be entitled An Act relating to the licensing of mortgage brokers; providing penalties.

SB 1074 was passed.

SB 957 ON THIRD READING
(Eiland and Seaman - House Sponsors)

SB 957, A bill to be entitled An Act relating to the licensing of certain persons who provide services related to the business of insurance.

SB 957 was passed.

MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING

The following bills were laid before the house and read second time:

CSSB 4 ON SECOND READING
(Sadler - House Sponsor)

CSSB 4, A bill to be entitled An Act relating to public school finance, property tax relief, and public education.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 60).

CSSB 4 - (consideration continued)

Amendment No. 1

Representative Sadler offered the following amendment to **CSSB 4**:

Floor Packet Page No. 22

Amend **CSSB 4** as follows:

(1) Between SECTIONS 1.11 and 1.12 of the bill (house committee report, page 7, between lines 12 and 13), insert the following new SECTION and renumber accordingly:

SECTION 1.12. Subsection (a), Section 42.251, Education Code, is amended to read as follows:

(a) The sum of the basic allotment under Subchapter B and the special allotments under Subchapter C, computed in accordance with this chapter, constitute the tier one allotments. The sum of the tier one allotments and the guaranteed yield allotments under Subchapter F, ~~[and assistance provided under the school facilities assistance program under Subchapter H.]~~ computed in accordance with this chapter, constitute the total cost of the Foundation School Program.

(2) In SECTION 1.13 of the bill, in added Section 42.158, Education Code (house committee report, page 9, between lines 1 and 2), insert the following:

(e) A school district that is required to take action under Chapter 41 to reduce its wealth per student to the equalized wealth level is entitled to a credit, in the amount of the allotments to which the district is entitled under this section, against the total amount required under Section 41.093 for the district to purchase attendance credits. A school district that is otherwise ineligible for state aid under this chapter is entitled to receive allotments under this section.

(3) In SECTION 1.13 of the bill, in added Section 42.158(e), Education Code (house committee report, page 9, line 2), strike "(e)" and substitute "(f)".

(4) In SECTION 1.13 of the bill, in added Section 42.158(f), Education Code (house committee report, page 9, line 4), strike "(f)" and substitute "(g)".

(5) In SECTION 1.15 of the bill, in added Section 42.2512(a), Education Code (house committee report, page 10, lines 13 and 14), strike "For the 1999-2000 and 2000-2001 school years, a" and substitute "A".

(6) In SECTION 1.15 of the bill, strike added Section 42.2512(a)(1), Education Code (house committee report, page 10, lines 18-21), and substitute the following:

"(1) an amount equal to the product of \$3,000 multiplied by the number of classroom teachers, full-time librarians, full-time counselors, and full-time nurses employed by the district and entitled to a minimum salary under Section 21.402; and".

(7) In SECTION 1.15 of the bill, strike added Section 42.2512(d), Education Code (house committee report, page 11, line 10).

(8) In SECTION 1.16 of the bill, in added Section 42.2514(a), Education Code (house committee report, page 12, lines 17 and 18), strike "the basic allotment under Section 42.101" and substitute "the equalized wealth level under Section 41.002, the basic allotment under Section 42.101,".

(9) In SECTION 1.16 of the bill, in added Section 42.2514(b), Education Code (house committee report, page 12, lines 25-26), strike "in Tiers 1 and 2 of the Foundation School Program" and substitute "under Chapter 41 to school districts required to take action under that chapter and available under Tiers 1 and 2 of the Foundation School Program to other school districts".

(10) In SECTION 1.17 of the bill, in added Section 42.2521(a), Education Code (house committee report, page 13, line 6), strike "Chapters 41, 46," and substitute "Chapters 41 and 46".

(11) In SECTION 1.18 of the bill, in the introductory language (house committee report, page 15, line 8), strike "Subsection (e-1)" and substitute "Subsections (e-1), (e-2), and (e-3)".

(12) In SECTION 1.18 of the bill, in added Section 42.253(e-1), Education Code (house committee report, page 16, lines 14-17) strike the last two sentences and substitute the following:

(e-2) For the 1999-2000 and 2000-2001 school years, the commissioner shall also determine the amount to which a district is entitled as a result of Section 42.303, which may not exceed the amount to which the district would be entitled based on the portion of the district's tax rate that meets the requirements of Sections 42.303(b)(1) and (2) after the commissioner has recomputed the limit under Subsection (e-1).

(e-3) A determination of the commissioner under Subsection (e-1) or (e-2) is final and may not be appealed. Subsections (e-1) and (e-2) and this subsection expire September 1, 2001.

(13) In SECTION 1.19 of the bill, in amended Section 42.302(a), Education Code (house committee report, page 17, line 10), strike "42.158 or 42.159," and substitute "42.158,".

(14) In SECTION 1.20 of the bill, in added Section 42.303(e), Education Code (house committee report, page 19, line 4), following "42.2521", insert a comma.

(15) In SECTION 1.22 of the bill, strike added Section 21.402(c-1), Education Code (house committee report, page 23, lines 15-25) and substitute the following:

(c-1) Notwithstanding Subsection (a), for the 1999-2000 and 2000-2001 school years, a classroom teacher, full-time librarian, full-time counselor, or full-time nurse is entitled to a monthly salary that is at least equal to the greater of:

(1) the sum of:

(A) the monthly salary the employee would have received for the 1999-2000 or 2000-2001 school year, as applicable under the district's salary schedule for the 1998-1999 school year, if that schedule had been in effect for the 1999-2000 or 2000-2001 school year, including any local supplement and any money representing a career ladder supplement the employee would have received in the 1999-2000 or 2000-2001 school year; and

(B) \$300; or

(2) the salary to which the employee is entitled under Subsection (a).

(16) In SECTION 1.22 of the bill, in added Section 21.402(c-2), Education Code (house committee report, page 23, line 27), strike "2000" and substitute "2001".

(17) In SECTION 1.22 of the bill, in amended Section 21.402(d), Education Code (house committee report, page 24), strike lines 1-13 and substitute the following:

(d) A classroom teacher, full-time librarian, full-time counselor, or full-time nurse employed by a school district in the 2000-2001 school year is, as long as the employee is employed by the same district, entitled to a salary that is at least equal to the salary the employee received for the 2000-2001 school year.

(18) In SECTION 1.22 of the bill, in amended Section 21.402, Education Code (house committee report, page 24, between lines 23 and 24), insert the following:

(g) The commissioner may adopt rules to govern the application of this section, including rules that:

(1) require the payment of a minimum salary under this section to a person employed in more than one capacity for which a minimum salary is provided and whose combined employment in those capacities constitutes full-time employment; and

(2) specify the credentials a person must hold to be considered a nurse under this section.

(19) In SECTION 1.22 of the bill, in amended Section 21.402(g), Education Code (house committee report, page 24, line 24), strike "(g)" and substitute "(h)".

(20) In SECTION 1.32 of the bill, strike added Section 26.08(k)(1)(B), Tax Code (house committee report, page 33, lines 14 and 15), and substitute the following:

"(B) the guaranteed level of state and local funds per weighted student per cent of tax effort under Section 42.302, Education Code, for the 1998-1999 school year, the basic allotment under Section 42.101,

Education Code, for the 1999-2000 school year, and the guaranteed level of state and local funds per weighted student per cent of tax effort under Section 42.303(e), Education Code, for the 1999-2000 school year."

(21) In SECTION 1.32 of the bill, strike the introductory language and Subdivision (1) of added Section 26.08(l), Tax Code (house committee report, page 33, lines 18-27, through page 34, lines 1-9), and substitute the following:

"(l) For purposes of this section, for the 1999 tax year, the rollback tax rate of a school district that is required to take action under Chapter 41, Education Code, to reduce its wealth per student to the equalized wealth level is the sum of:

(1) the tax rate that, applied to the current total value for the district, would impose an amount of maintenance and operations taxes per student in weighted average daily attendance for the 1999-2000 school year equal to the amount of maintenance and operations taxes per student in weighted average daily attendance available to the district under the funding elements under Chapter 41, Education Code, for the 1999-2000 school year, computed using the district's tax rate for the 1998-1999 school year for purposes of Chapter 41, Education Code;"

(22) In SECTION 1.32 of the bill, in added Section 26.08(m), Tax Code (house committee report, page 34, line 15), strike "41.100, 42.159(a), or".

(23) Following SECTION 1.34 of the bill (house committee report, page 35, between lines 14 and 15), insert the following new SECTION:

SECTION 1.35. (a) A portion of the amounts appropriated in Article III, H.B. No. 1, Acts of the 76th Legislature, Regular Session, 1999, to the Texas Education Agency is allocated as provided by this subsection, notwithstanding the provisions of H.B. No. 1:

(1) for the fiscal year ending August 31, 2000, \$1,700,500,000 is allocated to Strategy A.2.1.: Foundation School Program, and for the fiscal year ending August 31, 2001, \$1,797,900,000 is allocated to that strategy;

(2) for each fiscal year of the biennium ending August 31, 2001, \$100 million is allocated to Strategy B.1.1.: Instructional Excellence, for kindergarten and prekindergarten grant programs authorized by Section 29.155, Education Code, as added by this Act;

(3) for each fiscal year of the biennium ending August 31, 2001, \$7.5 million is allocated to Strategy B.1.1.: Instructional Excellence, for implementation of an educational component to Head Start, as authorized by Section 29.156, Education Code, as added by this Act; and

(4) for each fiscal year of the biennium ending August 31, 2001, \$42.5 million in each year of the biennium is allocated to Strategy B.1.1.: Instructional Excellence, for the Basic Skills Programs for High School Students, as authorized by Section 29.086, Education Code, as added by this Act.

(b) As provided by Section 42.2511, Education Code, as amended by this Act, the commissioner of education shall allocate transition aid for total revenue declines associated with the increase in the homestead exemption under Section 1-b(d), Article VIII, Texas Constitution, as proposed by H.J.R. No. 4, 75th Legislature, Regular Session, 1997, in amounts estimated to be \$45 million for each fiscal year of the biennium ending August 31, 2001.

(c) For the biennium ending August 31, 2001, the commissioner of education shall distribute amounts appropriated in Article III, H.B. No. 1, Acts of the 76th Legislature, Regular Session, 1999, to the Texas Education Agency, in Article III of that Act, for purposes of the Instructional Facilities Allotment under Chapter 46, Education Code, as follows:

(1) for the fiscal year ending August 31, 2000, the commissioner shall use \$50 million of the funds appropriated in Strategy A.2.3.: Maximizing School Facilities, to assist school districts under the provisions of Chapter 46, Education Code, to issue new debt for public school facilities, and for the fiscal year ending August 31, 2001, the commissioner shall use \$100 million for that purpose; and

(2) the commissioner shall use the remaining appropriation in Strategy A.2.3.: Maximizing School Facilities, to meet the financial obligation incurred by the state under Chapter 46, Education Code, in the biennium ending August 31, 1999.

(d) The amount appropriated under Rider 10 following the appropriation to the Texas Education Agency in Article III, H.B. No. 1, Acts of the 76th Legislature, Regular Session, 1999, is reduced from \$160 million to \$133 million, and that amount shall be distributed by the commissioner of education in a manner consistent with the changes made by this Act in amending Section 41.002(b), Education Code, repealing Section 41.002(c), Education Code, and adding Section 42.2521, Education Code, relating to the compensation of school districts for property value decline.

(e) The amount specified in Rider 50 following the appropriation to the Texas Education Agency in Article III, H.B. No. 1, Acts of the 76th Legislature, Regular Session, 1999, as the guaranteed level per weighted student per cent of tax effort is adjusted to conform with Subchapter F, Chapter 42, Education Code, as amended by this Act.

(f) For the fiscal year ending August 31, 2001, from amounts appropriated in Article III, H.B. No. 1, Acts of the 76th Legislature, Regular Session, 1999, to the Texas Education Agency, the commissioner of education may expend an amount not to exceed \$40 million in payment of the allotment provided by Section 42.158, Education Code, as added by this Act, for new instructional facilities.

(g) The commissioner of education shall adjust the amounts specified in Rider 2 following the appropriation to the Texas Education Agency in Article III, H.B. No. 1, Acts of the 76th Legislature, Regular Session, 1999, in compliance with the changes specified by this section.

(h) The comptroller shall adjust the amount specified as attendance credit revenues in the method of finance for amounts appropriated in Article III, H.B. No. 1, Acts of the 76th Legislature, Regular Session, 1999, to the Texas Education Agency to account for applicable provisions of this Act and for updated projections of those revenues.

(i) The Legislative Budget Board shall adjust performance measure targets in the appropriations in Article III, H.B. No. 1, Acts of the 76th Legislature, Regular Session, 1999, to the Texas Education Agency to reflect the provisions of this Act.

(j) Strategy A.2.2.: Public Education, as provided in the appropriations

in Article III, H.B. No. 1, Acts of the 76th Legislature, Regular Session, 1999, to the Texas Education Agency, is repealed.

(24) In SECTION 3.01(c) of the bill (house committee report, page 52, line 22), between "(c)" and "Subsection (i)", insert "Effective August 31, 1999,".

(25) Renumber the SECTIONS of the bill accordingly.

Amendment No. 2

Representative Sadler offered the following amendment to Amendment No. 1:

Amend the Sadler Amendment to **CSSB 4** (on page 22 of the packet) on page 7 by striking lines 19 and 20 and substituting the following:

year ending August 31, 2001, the commissioner shall use \$50 million to assist school districts to issue new debt for public school facilities and \$50 million to assist school districts to make debt service payments on debt issued in the fiscal year ending August 31, 2000; and

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

Amendment No. 3

Representative Sadler offered the following amendment to **CSSB 4**:
Floor Packet Page No. 62

Amend **CSSB 4** in Section 1.20 of the bill, in added Section 42.303 (b), Education Code (house committee report, page 18, lines 7-8), by striking "1997-1998 school year" and substitute "1999-2000 school year".

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Garcia offered the following amendment to **CSSB 4**:
Floor Packet Page No. 50

Amend **CSSB 4** as follows:

(1) In SECTION 1.18 of the bill, strike the introductory language (house committee report, page 15, lines 7-9) and substitute "Subsection (e), Section 42.253, Education Code, is amended to read as follows:".

(2) In SECTION 1.18 of the bill, strike added Section 42.253(e-1), Education Code (house committee report, page 16, lines 2-17).

(3) In SECTION 1.19 of the bill, in amended Section 42.302(a), Education Code (house committee report, page 17, line 4), strike "\$24.75" and substitute "\$24".

(4) Strike SECTION 1.20 of the bill, amending Section 42.303, Education Code (house committee report, page 17, line 24, through page 19, line 17).

(5) In SECTION 1.32 of the bill, strike the introductory language (house committee report, page 32, lines 1-3) and substitute "Subsection (i), Section 26.08, Tax Code, is amended to read as follows:".

(6) In SECTION 1.32 of the bill, strike added Sections 26.08(j)-(n), Tax Code (house committee report, page 32, line 19, through page 34, line 18).

(7) Following SECTION 1.34 of the bill (house committee report, page 35, between lines 14 and 15), insert the following new SECTIONS, appropriately numbered:

SECTION 1.____. (a) A portion of the amounts appropriated in Article III, H.B. No. 1, Acts of the 76th Legislature, Regular Session, 1999, to the Texas Education Agency is allocated as provided by this subsection, notwithstanding the provisions of H.B. No. 1:

(1) for each fiscal year of the biennium ending August 31, 2001, in addition to amounts allocated in H.B. No. 1 to Strategy A.2.1.: Foundation School Program, \$200 million is allocated to that strategy and for the fiscal year ending August 31, 2001;

(2) for each fiscal year of the biennium ending August 31, 2001, \$200 million is allocated to Strategy B.1.1.: Instructional Excellence, for kindergarten and prekindergarten grant programs authorized by Section 29.155, Education Code, as added by this Act;

(3) for each fiscal year of the biennium ending August 31, 2001, \$20 million is allocated to Strategy B.1.1.: Instructional Excellence, for implementation of an educational component to Head Start, as authorized by Section 29.156, Education Code, as added by this Act;

(4) for each fiscal year of the biennium ending August 31, 2001, \$42.5 million in each year of the biennium is allocated to Strategy B.1.1.: Instructional Excellence, for the Basic Skills Programs for High School Students, as authorized by Section 29.086, Education Code, as added by this Act; and

(4) for each fiscal year of the biennium ending August 31, 2001, \$50 million in each year of the biennium is allocated to Strategy B.1.1.: Instructional Excellence, for the Alternative Schools for Certain Students in Grade Nine, as authorized by Section 29.087, Education Code, as added by this Act.

(c) For the biennium ending August 31, 2001, the commissioner of education shall distribute amounts appropriated in Article III, H.B. No. 1, Acts of the 76th Legislature, Regular Session, 1999, to the Texas Education Agency, in Article III of that Act, for purposes of the Instructional Facilities Allotment under Chapter 46, Education Code, as follows:

(1) for the fiscal year ending August 31, 2000, the commissioner shall use \$100 million of the funds appropriated in Strategy A.2.3.: Maximizing School Facilities, to assist school districts under the provisions of Chapter 46, Education Code, to issue new debt for public school facilities, and for the fiscal year ending August 31, 2001, the commissioner shall use \$200 million for that purpose; and

(2) the commissioner shall use the remaining appropriation in Strategy A.2.3.: Maximizing School Facilities, to meet the financial obligation incurred by the state under Chapter 46, Education Code, in the biennium ending August 31, 1999.

(c) In using the funds allocated under Subsection (b)(1) of this section, the commissioner of education shall give priority to school districts to build classrooms and other instructional facilities necessary to comply with Section 25.112, Education Code, as amended by this Act.

SECTION 1.____. It is the intent of the legislature that not later than September 1, 2005, each school district in this state be able to enroll not more than 11 students in a kindergarten, first, second, third, or fourth grade class.

(8) In SECTION 2.02 of the bill, in the introductory language (house committee report, page 37, line 1), strike "Section 29.086" and substitute "Sections 29.086 and 29.087".

(9) In SECTION 2.02 of the bill, immediately following added Section 29.086, Education Code, insert the following:

Sec. 29.087. ALTERNATIVE SCHOOLS FOR CERTAIN STUDENTS IN GRADE NINE. (a) A school district may apply to the commissioner for funding of an alternative school for students in grade nine who demonstrate learning difficulties and who are at risk of dropping out of school, as defined by Section 29.081. A program under this section may not exceed 210 instructional days.

(b) An alternative school under this section must emphasize basic skills in areas of the required curriculum under Section 28.002 and must have a student/teacher ratio of not less than one teacher for each 15 students in average daily attendance. An alternative school under this section may be operated by a school district or a nonprofit entity contracting with a school district to operate the school.

(c) The commissioner shall award funds to districts in accordance with a competitive grant process developed by the commissioner. A grant may be made to a consortium of school districts. The criteria by which the commissioner awards a grant must include the quality of the proposed alternative school and the school district's demonstrated need for the school. An approved alternative school must include criteria that permit measurement of student progress, and the district shall:

(1) annually evaluate the progress of students in the school; and

(2) submit the results of the evaluation to the commissioner at the end of the school year.

(d) The commissioner shall establish minimum levels of student enrollment and standards of student progress required for continued funding of an alternative school under this section. The commissioner may eliminate funding for an alternative school in a subsequent school year if the program fails to achieve sufficient levels of student progress.

(e) The amount of a grant under this section must take into account funds distributed to the school district under Chapter 42.

(10) In SECTION 2.04 of the bill, in the introductory language (house committee report, page 39, line 15, strike "Subsection (d)" and substitute "Subsections (b)-(d)".

(11) In SECTION 2.04 of the bill, preceding amended Section 25.085(d), Education Code, insert the following:

(b) Unless specifically exempted by Section 25.086, a child who is at least five [six] years of age, or who is younger than five [six] years of age but [and] has previously been enrolled in prekindergarten [first grade], and who has not yet reached the child's 18th birthday shall attend school.

(c) On enrollment in prekindergarten [or kindergarten], a child shall attend school.

(12) Between SECTIONS 2.04 and 2.05 of the bill (house committee report, page 40, between lines 1 and 2), insert the following new SECTIONS, appropriately numbered:

SECTION 2.____. Effective September 1, 2000, Section 25.112(a), Education Code, is amended to read as follows:

(a) Except as otherwise authorized by this section, a school district may not enroll more than 20 [22] students in a kindergarten, first, second, third, or fourth grade class. That limitation does not apply during:

(1) any 12-week period of the school year selected by the district, in the case of a district whose average daily attendance is adjusted under Section 42.005(c); or

(2) the last 12 weeks of any school year in the case of any other district.

SECTION 2.____. Effective September 1, 2001, Section 25.112(a), Education Code, is amended to read as follows:

(a) Except as otherwise authorized by this section, a school district may not enroll more than 18 [22] students in a kindergarten, first, second, third, or fourth grade class. That limitation does not apply during:

(1) any 12-week period of the school year selected by the district, in the case of a district whose average daily attendance is adjusted under Section 42.005(c); or

(2) the last 12 weeks of any school year in the case of any other district.

(13) Immediately following SECTION 2.14 of the bill (house committee report, page 52, between lines 15 and 16), insert the following new SECTION, appropriately numbered:

SECTION 2.____. Section 42.003(c), Education Code, is amended to read as follows:

(c) A child may be enrolled in the first grade only if the child is at least six years of age at the beginning of the school year of the district and [or has been enrolled in the first grade or] has successfully completed kindergarten [in the public schools in another state before transferring to a public school in this state]. This subsection does not affect a student's advancement under Section 28.023.

(14) Renumber the SECTIONS of the bill accordingly.

Representative Sadler moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 445): 130 Yeas, 13 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Cuellar; Culbertson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Flores; Gallego; George; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison;

Mowery; Naishtat; Najera; Nixon; Oliveira; Olivo; Palmer; Pickett; Pitts; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Truitt; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Bailey; Chavez; Farrar; Garcia; Lewis, G.; Noriega; Puente; Solis, J.; Thompson; Tillery; Turner, S.; Uresti; Wilson.

Present, not voting — Mr. Speaker(C); Howard.

Absent, Excused — Corte; Jones, D.

Absent — Edwards; Giddings; Hartnett.

STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 445. I intended to vote yes.

Howard

Amendment No. 5

Representative Grusendorf offered the following amendment to **CSSB 4**:
Floor Packet Page No. 6

Amend **CSSB 4** as follows:

(1) In SECTION 1.10 of the bill, in amended Section 42.101, Education Code (house committee report, page 6, line 21), strike "\$2,537" and substitute "\$2,407".

(2) Between SECTIONS 1.13 and 1.14 of the bill (house committee report, page 9, between lines 5 and 6), insert the following new SECTIONS:

SECTION 1.13. Subchapter C, Chapter 42, Education Code, is amended by adding Section 42.159 to read as follows:

Sec. 42.159. PROFESSIONAL STAFF ALLOTMENT. (a) A school district is entitled to an allotment of \$3,000 for each classroom teacher, full-time librarian, full-time counselor, or full-time nurse the district employs.

(b) An allotment under this section may be used only for purposes of salaries for professional staff described by this section.

(c) The commissioner may adopt rules to administer this section, including rules that:

(1) provide for payment of the allotment under this section for a person employed in more than one capacity for which an allotment is provided and whose combined employment in those capacities constitutes full-time employment; and

(2) specify the credentials a person must hold to be considered a school nurse.

SECTION 1.14. Subsection (a), Section 42.251, Education Code, is amended to read as follows:

(a) The sum of the basic allotment under Subchapter B and the special allotments under Subchapter C, computed in accordance with this chapter, constitute the tier one allotments. The sum of the tier one allotments, the guaranteed yield allotments under Subchapter F, and assistance provided

under the school facilities tier [~~assistance program~~] under Subchapter I [H], computed in accordance with this chapter, constitute the total cost of the Foundation School Program.

(3) In SECTION 1.15 of the bill, strike added Section 42.2512, Education Code (house committee report, page 10, line 13, through page 11, line 10), and substitute the following:

Sec. 42.2512. SALARY TRANSITION AID. (a) For the 1999-2000, 2000-2001, 2001-2002, and 2002-2003 school years, a school district that is required to take action under Chapter 41 to reduce its wealth per student to the equalized wealth level is entitled to state aid in an amount equal to the amount, if any, by which the total allotment to which the district is entitled under Section 42.159 exceeds the amount of additional funds to which the district is entitled due to the increases made by S.B. No. 4, Acts of the 76th Legislature, Regular Session, 1999, to the equalized wealth level under Section 41.002.

(b) The commissioner shall determine the amount of additional state aid under this section to which each school district is entitled. A decision of the commissioner under this section is final and may not be appealed.

(c) This section expires September 1, 2003.

(4) In SECTION 1.18 of the bill, in the introductory language (house committee report, page 15, line 8), strike "Subsection (e)" and substitute "Subsections (a), (c), and (e)".

(5) In SECTION 1.18 of the bill, preceding amended Section 42.253(e), Education Code (house committee report, page 15, between lines 9 and 10), insert the following:

(a) For each school year the commissioner shall determine:

(1) the amount of money to which a school district is entitled under Subchapters B and C;

(2) the amount of money to which a school district is entitled under Subchapter F;

(3) the amount of money to which a school district is entitled under Subchapter I;

(4) the amount of money allocated to the district from the available school fund;

(5) [~~(4)~~] the amount of each district's tier one local share under Section 42.252; and

(6) [~~(5)~~] the amount of each district's tier two local share under Section 42.302.

(c) Each school district is entitled to an amount equal to the difference for that district between the sum of Subsections (a)(1), [~~and~~] (a)(2), and (a)(3) and the sum of Subsections [~~(a)(3);~~] (a)(4), [~~and~~] (a)(5), and (a)(6).

(6) In SECTION 1.19 of the bill, in the introductory language (house committee report, page 16, line 18), strike "Subsection (a)".

(7) In SECTION 1.19 of the bill, in amended Section 42.302(a), Education Code (house committee report, page 16, line 20), strike "(a)" and substitute "Sec. 42.302. ALLOTMENT. (a)".

(8) In SECTION 1.19 of the bill, in amended Section 42.302(a), Education Code (house committee report, page 17, line 4), strike "\$24.75" and substitute "\$23.10".

(9) In SECTION 1.19 of the bill, following amended Section 42.302(a), Education Code (house committee report, page 17, between lines 23 and 24), insert the following:

(b) In computing the district enrichment and facilities tax rate of a school district, the total amount of taxes collected by the school district does not include the amount of:

(1) the district's local fund assignment under Section 42.252;

(2) taxes collected to pay the local share of debt service for which the district receives state aid under Subchapter I;

(3) taxes collected to pay the local share of the cost of an instructional facility for which the district receives state assistance under Chapter 46; or

(4) ~~(3)~~ taxes paid into a tax increment fund under Chapter 311, Tax Code.

(10) Strike SECTION 1.20 of the bill, amending Section 42.303, Education Code (house committee report, page 17, line 24, through page 19, line 17), and substitute the following:

SECTION 1.20. Chapter 42, Education Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. SCHOOL FACILITIES TIER

Sec. 42.501. ALLOTMENT. (a) Each school district is guaranteed a specified amount per student in state and local funds for each cent of tax effort to pay the principal of and interest on eligible bonds. The amount of state support is determined by the formula:

$$FTA = (FGL \times ADA \times FTR \times 100) - (FTR \times (DPV/100))$$

where:

"FTA" is the amount of state funds to be allocated to the district as a facilities tier allotment;

"FGL" is the dollar amount guaranteed level of state and local funds per student per cent of tax effort, which is \$35 or a greater amount for any year provided by appropriation;

"ADA" is the number of students in average daily attendance in the district;

"FTR" is the district facilities tax rate of the school district, which is determined by dividing the amount of taxes budgeted to be collected by the district for payment of eligible bonds by the quotient of the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521, divided by 100; and

"DPV" is the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521.

(b) The district facilities tax rate under Subsection (a) may not exceed the rate that would be necessary for the current year, using state funds under Subsection (a), to make payments of principal and interest on the bonds for which the tax is pledged.

Sec. 42.502. ELIGIBLE BONDS. Bonds are eligible to be paid with state and local funds under this subchapter if:

(1) taxes levied to pay the principal of and interest on the bonds were included in the district's audited debt service collections for the 1998-1999 school year; and

(2) the district does not receive state assistance under Chapter 46 for payment of the principal and interest on the bonds.

Sec. 42.503. LIMIT ON ASSISTANCE. If the amount required to pay the principal of and interest on eligible bonds in a school year is less than the district's audited debt service collections for the 1998-1999 school year, the district may not receive aid in excess of the amount that, when added to the district's local revenue for the school year, equals the amount required to pay the principal of and interest on the bonds.

Sec. 42.504. PAYMENT OF ASSISTANCE. Notwithstanding Section 42.259, as soon as practicable after September 1 of each year, the commissioner shall distribute to each school district the amount of state assistance under this subchapter to which the commissioner has determined the district is entitled for the school year. The district shall deposit the money in the interest and sinking fund for the bonds for which the assistance is received and shall adopt a tax rate for purposes of debt service that takes into account the balance of the interest and sinking fund.

(11) In SECTION 1.22 of the bill, strike added Section 21.402(c-1), Education Code (house committee report, page 23, lines 15-25) and substitute the following:

(c-1) Notwithstanding Subsection (a), for the 1999-2000 and 2000-2001 school years, a classroom teacher, full-time librarian, full-time counselor, or full-time nurse is entitled to a monthly salary that is at least equal to the greater of:

(1) the sum of:

(A) the monthly salary the employee would have received for the 1999-2000 or 2000-2001 school year, as applicable under the district's salary schedule for the 1998-1999 school year, if that schedule had been in effect for the 1999-2000 or 2000-2001 school year, including any local supplement and any money representing a career ladder supplement the employee would have received in the 1999-2000 or 2000-2001 school year; and

(B) \$300; or

(2) the salary to which the employee is entitled under Subsection (a).

(12) In SECTION 1.22 of the bill, in added Section 21.402(c-2), Education Code (house committee report, page 23, line 27), strike "2000" and substitute "2001".

(13) In SECTION 1.22 of the bill, strike added Section 21.402(d), Education Code (house committee report, page 24, lines 1-13), and substitute the following:

(d) A classroom teacher, full-time librarian, full-time counselor, or full-time nurse employed by a school district in the 2000-2001 school year is, as long as the employee is employed by the same district, entitled to a salary that is at least equal to the salary the employee received for the 2000-2001 school year.

(14) In SECTION 1.22 of the bill, between new Sections 21.402(f) and

(g), Education Code (house committee report, page 24, between lines 23 and 24), insert the following:

(g) This section applies only to:

(1) a classroom teacher, full-time librarian, full-time counselor, or full-time school nurse for whom the school district is entitled to an allotment under Section 42.159; or

(2) a person employed in more than one capacity for which an allotment under Section 42.159 is provided and whose combined employment in those capacities constitutes full-time employment and for whom the district is entitled to an allotment under that section.

(15) In SECTION 1.22 of the bill, in new Section 21.402(g), Education Code (house committee report, page 24, line 24), strike "(g)" and substitute "(h)."

(16) Strike SECTION 2.01 of the bill, adding Sections 29.155 and 29.156, Education Code (house committee report, page 35, line 16, through page 36, line 26).

(17) Renumber the SECTIONS of the bill accordingly.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representatives Denny, Solomons, Crownover, Craddick, Seaman, and Isett offered the following amendment to **CSSB 4**:

Floor Packet Page No. 20

Amend **CSSB 4** (House committee printing) between SECTIONS 1.10 and 1.11 of the bill (page 6, between lines 22 and 23) by adding a new SECTION 1.11 to the bill to read as follows and appropriately renumbering subsequent SECTIONS of the bill:

SECTION 1.11. Subsection (b), Section 42.102, Education Code, is amended to read as follows:

(b) The cost of education adjustment is the cost of education index adjustment adopted by the foundation school fund budget committee and contained in Chapter 203, Title 19, Texas Administrative Code, as that chapter existed on March 26, 1997, except that the commissioner may increase that adjustment for a district that has, as determined by the commissioner, a percentage of students who are eligible for special education services under Subchapter A, Chapter 29, including students residing in state schools or residential facilities located in the district and students placed in hospital classes, that is significantly greater than the statewide average percentage of students eligible for special education.

Representative Hochberg moved to table Amendment No. 6.

The motion to table prevailed.

Amendment No. 7

Representative Krusee offered the following amendment to **CSSB 4**:

Floor Packet Page No. 38

Amend **CSSB 4** as follows:

(1) In SECTION 1.13 of the bill, in proposed Section 42.158, Education Code (House committee report, page 9, between lines 3 and 4), insert the following:

(f) From the total amount of funds appropriated for allotments under this section for a fiscal year, the commissioner may withhold an amount not to exceed five percent of the total to be used to provide grants to open-enrollment charter schools for new facilities used in educating students. The commissioner may adopt rules governing the award of grants under this subsection. The receipt of a grant by an open-enrollment charter school under this subsection creates a lien in the amount of the grant in favor of the state against the facility for which the grant was awarded. The state may foreclose on the lien if the charter for the open-enrollment charter school is revoked or the school otherwise ceases to operate or if the facility otherwise ceases to be used in educating students under the charter.

(2) In SECTION 1.13 of the bill, in proposed Section 42.158(f), Education Code (House committee report, page 9, line 4), strike "(f)" and substitute "(g)".

Amendment No. 8

Representative Krusee offered the following amendment to Amendment No. 7:

Amend the Krusee amendment on page 38 of the packet to **CSSB 4** as follows:

(1) On page 1, beginning on line 7, strike "to be used to provide grants to", and insert "for".

(2) On page 1, beginning on line 8, strike "for new facilities used in educating students", and insert "for operational expenses associated with opening a new instructional facility."

(3) On page 1, line 10, strike "governing the award of grants under", and insert "necessary to implement".

(4) On page 1, line 11, strike "a grant", and insert "state funds".

(5) On page 1, line 12, strike "grant", and insert "state funds received".

(6) On page 1, line 13, strike "grant was", and insert "funds were".

(7) On page 1, line 14, between "the" and "lien", insert "privileged".

Amendment No. 8 was adopted without objection.

Representative Sadler moved to table Amendment No. 7, as amended.

The motion to table prevailed.

Amendment No. 9

Representative Ehrhardt offered the following amendment to **CSSB 4**:

Floor Packet Page No. 43

Amend **CSSB 4** as follows:

(1) In SECTION 1.18 of the bill, strike the introductory language (house committee report, page 15, lines 7-9) and substitute "Subsection (e), Section 42.253, Education Code, is amended to read as follows:".

(2) In SECTION 1.18 of the bill, strike added Section 42.253(e-1), Education Code (house committee report, page 16, lines 2-17).

(3) In SECTION 1.19 of the bill, in amended Section 42.302(a), Education Code (house committee report, page 17, line 4), strike "\$24.75" and substitute "\$24".

(4) In SECTION 1.32 of the bill, strike the introductory language (house committee report, page 32, lines 1-3) and substitute "Subsection (i), Section 26.08, Tax Code, is amended to read as follows:".

(5) In SECTION 1.32 of the bill, strike added Sections 26.08(j)-(n) (house committee report, page 32, line 19, through page 34, line 18).

(6) Add the following new appropriately numbered article to the bill and renumber existing articles accordingly:

ARTICLE __. EMPLOYEE BENEFITS

SECTION _____. Subchapter E, Chapter 3, Insurance Code, is amended by adding Article 3.50-7 to read as follows:

Art. 3.50-7. TEXAS SCHOOL EMPLOYEES UNIFORM GROUP HEALTH INSURANCE BENEFITS ACT

Sec. 1. SHORT TITLE. This article may be cited as the Texas School Employees Uniform Group Health Insurance Benefits Act.

Sec. 2. DEFINITIONS. In this article:

(1) "Administering firm" means any firm designated by the trustee to administer any coverages, services, benefits, or requirements under this article and the trustee's rules adopted under this article.

(2) "Basic coverage" means the program of group coverages determined by the trustee in which every full-time employee and every retiree participates automatically unless participation is specifically waived.

(3) "Cafeteria plan" means a plan as defined and authorized by Section 125, Internal Revenue Code of 1986.

(4) "Employee" means a participating member of the Teacher Retirement System of Texas who is employed by a participating school district and who is not covered by a group insurance program under the Texas Employees Uniform Group Insurance Benefits Act (Article 3.50-2, Vernon's Texas Insurance Code) or the Texas State College and University Employees Uniform Insurance Benefits Act (Article 3.50-3, Vernon's Texas Insurance Code). The term does not include a person performing personal services for a school district as an independent contractor.

(5) "Health benefits plan" means any group policy or contract, medical, dental, or hospital service agreement, membership or subscription contract, salary continuation plan, health maintenance organization agreement, preferred provider arrangement, or any similar group arrangement or any combination of those policies, plans, contracts, agreements, or arrangements provided for the purpose of providing, paying for, or reimbursing expenses for health care services, including comparable health care services for employees and retirees who rely solely on spiritual means through prayer for healing in accordance with the teaching of a recognized church or denomination.

(6) "Participating school district" means a public school district that is not exempt under Section 4 of this article from participation in the program provided under this article.

(7) "Retiree" means a person who:

(A) has retired under the Teacher Retirement System of Texas with at least 10 years of credit for service in public schools of this state or has retired under the Teacher Retirement System of Texas for

disability and is entitled to receive an annuity from the system based on the person's service; and

(B) is not eligible to participate in the group insurance program provided under the Texas Employees Uniform Group Insurance Benefits Act (Article 3.50-2, Vernon's Texas Insurance Code) or the Texas State College and University Employees Uniform Insurance Benefits Act (Article 3.50-3, Vernon's Texas Insurance Code).

(8) "Trustee" means the Employees Retirement System of Texas.

Sec. 3. ADMINISTRATION. (a) The Employees Retirement System of Texas, as trustee, shall implement and administer the statewide uniform group insurance program described by this article.

(b) The trustee may hire and compensate employees.

(c) The trustee may, on a competitive bid basis, contract with a qualified, experienced firm of group insurance specialists or an administering firm who will act for the trustee in the capacity of independent administrators and managers of the programs authorized under this article. The independent administrator selected by the trustee shall assist the trustee to ensure the proper administration of this article and the coverages, services, and benefits provided for or authorized by this article and shall be paid by the trustee.

(d) The trustee may enter into interagency contracts with any agency of the state, including the Teacher Retirement System of Texas, for the purpose of assistance in implementing the program provided by this article.

(e) The trustee has the powers with regard to the program described by this article that the trustee has in administering the Texas Employees Uniform Group Insurance Benefits Act (Article 3.50-2, Vernon's Texas Insurance Code), including the power to adjudicate claims, expel participants from the program for cause, and adopt rules to administer this article.

Sec. 4. PARTICIPATION IN PROGRAM. (a) Beginning September 1, 2004, a public school district is required to participate in the program provided by this article unless the executive director of the trustee determines under Section 22.004(h), Education Code, that the district's coverage is comparable to the coverage provided under this article.

(b) Each full-time employee or retiree of a participating school district is automatically covered by the basic plan for employees or retirees, as applicable, unless the employee or retiree specifically waives coverage or unless the employee or retiree is expelled from the program.

(c) Each part-time employee of a participating school district is eligible to participate in the program provided by this article on application in the manner provided by the trustee, unless the employee has been expelled from the program. A participating school district shall notify each of its part-time employees of their eligibility for participation in the program.

Sec. 5. GROUP COVERAGES. (a) The trustee shall establish plans of group coverages for employees and retirees of participating school districts and their dependents. The coverages shall be comparable in scope and, to the greatest extent possible, in cost to the coverages provided under the Texas Employees Uniform Group Insurance Benefits Act (Article 3.50-2, Vernon's Texas Insurance Code) and may include group life coverages, health benefit plans, accidental death and dismemberment coverages, coverages

against short-term or long-term loss of salary, and other coverages considered advisable by the trustee. Comparable plans of each type of coverage established must be offered to employees and retirees of all participating school districts.

(b) The trustee by rule may define the basic coverage in which each full-time employee or retiree participates unless specifically waived. Basic coverage must include a health benefits plan. The trustee also by rule may define optional coverage, which must include coverage for dependents, and voluntary coverage.

(c) The trustee may provide a cafeteria plan for employees of participating school districts.

(d) The trustee may determine that plans of coverages be provided directly from the fund rather than through the purchase of insurance. Any self-funded plan of coverages is exempt from any other insurance law unless the law specifically applies to the plan or this article.

Sec. 6. PAYMENT OF CONTRIBUTIONS. (a) Contributions shall be made for basic coverage for each employee participating in the program according to the following schedule:

(1) for the fiscal year beginning September 1, 2000, the state shall pay 60 percent and the employing school district shall pay 40 percent of the cost of the coverage;

(2) for the fiscal year beginning September 1, 2001, the state shall pay 65 percent and the employing school district shall pay 35 percent of the cost of the coverage;

(3) for the fiscal year beginning September 1, 2002, the state shall pay 75 percent and the employing school district shall pay 25 percent of the cost of the coverage;

(4) for the fiscal year beginning September 1, 2003, the state shall pay 85 percent and the employing school district shall pay 15 percent of the cost of the coverage; and

(5) for each fiscal year beginning on or after September 1, 2004, the state shall pay 100 percent of the cost of the coverage.

(b) The state shall pay 100 percent of the cost of basic coverage for each retiree participating in the program.

(c) The state shall pay 50 percent of the cost of optional dependent coverage for each employee and retiree participating in the program. Each employee and retiree participating in the program shall pay 50 percent of the premium for optional dependent coverage and 100 percent of the premium for any voluntary coverage selected.

Sec. 7. FUND. (a) Contributions collected under Section 6 of this article and any amounts appropriated by the legislature for contingency reserves or administrative expenses shall be deposited in the Texas school employees uniform group insurance trust fund. The fund is created with the comptroller. The trustee may use amounts in the fund only to provide group coverages under this article and to pay the expenses of administering the program.

(b) The trustee may invest assets of the fund in the manner provided by Section 67(a)(3), Article XVI, Texas Constitution.

SECTION ____. Article 3.50-4, Insurance Code, is amended by adding Section 3A to read as follows:

Sec. 3A. TERMINATION OF PROGRAM AND TRANSFER OF PROPERTY. The trustee shall transfer to the Employees Retirement System of Texas all assets and liabilities of the program, all coverages provided under the program, and all records pertaining to the program on September 1, 2000. On the transfer of property described by this section, the program provided by this article is terminated.

SECTION _____. Section 22.004, Education Code, is amended by adding Subsection (h) to read as follows:

(h) Notwithstanding Subsections (a), (b), and (d), group health coverage provided by a district must be comparable to the basic coverage provided under Article 3.50-7, Insurance Code, if that program of coverages has been implemented, rather than to the basic coverage provided under the Texas Employees Uniform Group Insurance Benefits Act (Article 3.50-2, Vernon's Texas Insurance Code). If the program of coverages has been implemented under Article 3.50-7, Insurance Code, the board of trustees and the executive director of the Employees Retirement System of Texas have the powers and duties granted by this section to the board of trustees and the executive director, as applicable, of the Teacher Retirement System of Texas, except that the executive director may not certify a district's coverage as comparable unless the executive director determines that the district's coverage results in a lower average cost to participants than the basic coverage provided under Article 3.50-7, Insurance Code. If the executive director determines that a district's coverage is not comparable, the district is required to begin participating in the program provided under Article 3.50-7, Insurance Code, on the latest of September 1, 2004, the date the next state fiscal year begins, or the date the district's contract for group health insurance coverage expires.

SECTION _____. The Employees Retirement System of Texas shall begin enrollment in the program provided under Article 3.50-7, Insurance Code, as added by this article, to be effective beginning September 1, 2000.

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Tillery offered the following amendment to **CSSB 4**:
Floor Packet Page No. 61

Amend the **CSSB 4** by substituting the following for "or Section 42.2512" on page 17, line 18, on page 34, line 15:

"Section 42.2512, or Section 42.2513"

Amendment No. 10 was adopted without objection.

Amendment No. 11

Representative Eiland offered the following amendment to **CSSB 4**:
Floor Packet Page No. 73

Amend **CSSB 4** between SECTIONS 1.20 and 1.21 of the bill (house committee report, page 19, between lines 17 and 18), by inserting the following new SECTION and renumbering the subsequent SECTIONS accordingly:

SECTION 1.21. Section 45.006, Education Code, is amended by adding Subsection (h) to read as follows:

(h) For purposes of Chapters 41 and 42, the commissioner shall reduce the taxable value of property, as determined under Subchapter M, Chapter 403, Government Code, of a district that issues bonds under Subsection (e) by the quotient of the total amount of payments made on those bonds by the district during the preceding tax year divided by the district's maintenance tax rate for that year.

Amendment No. 12

Representative Eiland offered the following amendment to Amendment No. 11:

Amend the Eiland Amendment to **CSSB 4** (on page 73 of the packet) as follows:

- (1) On line 1, strike "between SECTIONS 1.20 and 1.21 of the".
- (2) Strike lines 2-13 and substitute the following:

On page 18 of the bill, line 18, between "taxes" and the period, insert "other than taxes levied for the payment of bonds issued under Section 45.006".

Amendment No. 12 was adopted without objection.

Amendment No. 11, as amended, was adopted without objection.

Amendment No. 13

Representative Chisum offered the following amendment to **CSSB 4**:
Floor Packet Page No. 84

Amend **CSSB 4** as follows:

Strike Section 21.402 as amended from line 17, page 21 through line 14, page 23 and substitute the following:

Sec. 21.402. MINIMUM SALARY SCHEDULE FOR CERTAIN PROFESSIONAL STAFF [~~CLASSROOM TEACHERS AND FULL-TIME LIBRARIANS~~].

(a) Except as provided by Subsection (c) or (d), [~~or (e)~~], a school district must pay each classroom teacher, [~~or~~] full-time librarian, full-time counselor, or full-time school nurse not less than the minimum annual [~~monthly~~] salary, based on the employee's level of experience, specified in subsection (b) [~~determined by the following formula:~~

[~~MS-SF X FS [(FSP/ADA)]~~]

[~~where:~~

[~~"MS" is the minimum monthly salary;~~

[~~"SF" is the applicable salary factor specified by Subsection (e);~~

[~~"FSP" is the amount appropriated in the General Appropriations Act for the fiscal year for the Foundation School Program, as determined by the commissioner as provided by Subsection (b); and]~~

[~~"ADA" is the total estimated average daily attendance, as defined by Section 42.005, used for purposes of the General Appropriations Act for the fiscal year].~~

~~[(a 1)Notwithstanding Subsection (a), for the 1997, 1998, and 1998-1999 school years, "FSP" for purposes of subsection (a):~~

~~[(1) includes amounts appropriated in HB 4, Acts of the 75th Legislature, Regular Session, 1997; and~~

~~[(2) does not include the following amounts appropriated in HB 1, Act of the 75th Legislature, Regular Session, 1997:~~

~~[(A) amounts appropriated under Rider 73 following appropriations to the Texas Education Agency in Article III of that Act; or~~

~~[(B) amounts appropriated under Section 198 of Article IX of that Act.~~

~~[(a 2) Subsection (a 1) and this subsection expire September 1, 1999].~~

~~(b) [Not later than June 1 of each year, the commissioner shall determine the amount appropriated for purposes of Chapter 42 for the state fiscal year beginning September 1. The commissioner shall exclude from the determination:]~~

~~[(1) amounts designated solely for use in connection with school facilities or for payment of principal of and interest on bonds; and~~

~~[(2) local funds received under Subchapter D, Chapter 41].~~

~~[(c)] The minimum annual salaries [salary factors] per step are as follows:~~

~~Years Experience 0 1 2 3 4~~

~~Salary [Factor] 24,249 24,810 25,390 25,960 27,170.~~

~~[-8470] [-8699] [-8928] [-9156] [-9639]~~

~~Years Experience 5 6 7 8 9~~

~~Salary [Factor] 28,380 29,590 30,720 31,780 32,790.~~

~~[1.0122] [1.0605] [1.1054] [1.1477] [1.1879]~~

~~Years Experience 10 11 12 13 14~~

~~Salary [Factor] 33,730 34,640 35,490 36,280 37,050.~~

~~[1.2256] [1.2616] [1.2955] [1.3273] [1.3578]~~

~~Years Experience 15 16 17 18 19~~

~~Salary [Factor] 37,760 38,440 39,080 39,680 40,260.~~

~~[1.3862] [1.4133] [1.4387] [1.4628] [1.4857]~~

~~Years Experience 20 and over~~

~~Salary [Factor] 40,800~~

~~[1.5073]~~

Representative Sadler moved to table Amendment No. 13.

The motion to table prevailed.

Amendment No. 14

Representative Gutierrez offered the following amendment to **CSSB 4**:

Floor Packet Page No. 82

Amend **CSSB 4** (House Committee Printing), in SECTION 1.22 of the bill, in amended Section 21.402, Education Code, as follows:

(1) In Section 21.402(a) (page 21, line 19), strike "or (f).", and substitute "(f), or (h).".

(2) In Section 21.402, immediately after amended Subsection (g) (page 24, after line 27), add the following:

(h) The minimum monthly salary of a classroom teacher, full-time librarian, full-time counselor, or full-time school nurse in a school district that requires more than the minimum number of days of service required under Section 21.401 is an amount equal to the minimum monthly salary determined under this section multiplied by a fraction, the numerator of which is the number of days of service required under Section 21.401 plus the number of additional days required by the district and the denominator of which is the minimum number of days of service required under Section 21.401.

(Brimer in the chair)

Representative Sadler moved to table Amendment No. 14.

The motion to table prevailed.

Amendment No. 15

Representative Wohlgemuth offered the following amendment to **CSSB 4**:
Floor Packet Page No. 83

Amend **CSSB 4** as follows:

(1) In SECTION 1.22 of the bill, in amended Section 21.402, Education Code (committee printing, page 23, line 25), between "\$300" and ".", insert "except as provided by Subsection (h)."

(2) In SECTION 1.22 of the bill in amended Section 21.402, Education Code, add Subsection (h) to read as follows:

(h) For a classroom teacher, if fewer than 70% of a classroom teacher's students pass the TAAS, the funds provided for in Subsection (c-1) (2) will revert to the district to be used to fund a program aimed at improving the classroom teacher's ability to prepare students academically.

Amendment No. 16

Representative Wohlgemuth offered the following amendment to Amendment No. 15:

Amend the Wohlgemuth amendment to **CSSB 4** (on page 83 of the packet) on page 1 by striking lines 8 and 9 and substituting the following:

teacher's students achieve one year of progress on an assessment instrument under Section 39.023, as determined by the agency, the teacher is not entitled to an amount equal to \$300 per month of the salary to which the teacher would otherwise be entitled to under Subsection (a), and that money reverts to the district to fund

Amendment No. 16 was adopted without objection.

Amendment No. 17

Representative Swinford offered the following amendment to Amendment No. 15:

Amend the Wohlgemuth Amendment to **CSSB 4** (on page 83 of the packet) following line 11 by inserting the following:

(3) In SECTION 2.10 of the bill, in amended Section 39.052(b),

Education Code (house committee report, page 50, line 5), strike "and" and substitute "[and]".

(4) In SECTION 2.10 of the bill, in amended Section 39.052(b), Education Code (house committee report, page 50, line 7), strike "student." and substitute "student;".

(5) In SECTION 2.10 of the bill, in amended Section 39.052(b), Education Code (house committee report, page 50, between lines 7 and 8, insert the following:

(4) that more than 25% of the teachers at the campus forfeited a portion of their salaries to the district under Section 21.402 because of poor student performance on assessment instruments administered under Section 39.023".

Amendment No. 17 was adopted without objection.

Representative Gallego moved to table Amendment No. 15, as amended.

A record vote was requested.

The motion to table prevailed by (Record 446): 101 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Bosse; Brown, F.; Burnam; Capelo; Chavez; Clark; Coleman; Cook; Counts; Crabb; Cuellar; Danburg; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Hamric; Hawley; Hilbert; Hilderbran; Hinojosa; Hochberg; Hodge; Homer; Hope; Hunter; Jones, J.; Junell; Keel; King, T.; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Shields; Smith; Solis, J.; Solis, J. F.; Staples; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Berman; Bonnen; Brown, B.; Carter; Chisum; Christian; Craddick; Crownover; Davis, J.; Denny; Elkins; George; Green; Haggerty; Hardcastle; Hartnett; Heflin; Hill; Howard; Hupp; Isett; Janek; Jones, C.; Keffer; King, P.; Madden; Marchant; Morrison; Mowery; Palmer; Seaman; Siebert; Smithee; Solomons; Swinford; Talton; Truitt; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker; Brimer(C).

Absent, Excused — Corte; Jones, D.

Absent — Culberson; Krusee; Naishtat; Ramsay.

STATEMENTS OF VOTE

I was shown voting no on Record No. 446. I intended to vote yes.

Janek

When Record No. 446 was taken, I was in the house but away from my desk. I would have voted no.

Krusee

When Record No. 446 was taken, I would have voted yes.

Naishtat

Amendment No. 18

Representative Coleman offered the following amendment to **CSSB 4**:
Floor Packet Page No. 109

Amend **CSSB 4** as follows:

- (1) On page 27, line 24, strike "for a term of less than one year".
- (2) On page 27, line 27, strike "for a term of less than".
- (3) On page 28, line 1, strike "one year".

Amendment No. 18 was adopted without objection.

Amendment No. 19

Representative Hill offered the following amendment to **CSSB 4**:
Floor Packet Page No. 110

Amend **CSSB 4** by adding the following appropriately numbered SECTION and renumbering the remaining SECTIONS of the bill accordingly:
SECTION 1. Section 271.005, Local Government Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) The aggregate ad valorem tax rate of a school district levied for maintenance and operations purposes and pledged to the payment of contracts that have terms longer than one year, up to a maximum of \$0.05 per \$100 of valuation, is considered debt for purposes of Section 26.012 (7), Tax Code, if, before adopting a tax rate that includes a portion of the tax rate levied for maintenance and operations purposes as a tax levied for debt purposes, the board of trustees of the district publishes a notice of the board's intention to consider a portion of the tax rate levied for maintenance and operations purposes as a tax levied for debt purposes.

(f) The notice required by Subsection (e) must:

(1) be published in a newspaper of general circulation in the district not later than the 15th day before the date set for the board meeting at which the tax rate is to be adopted; and

(2) contain a statement in the following form:

**"NOTICE OF INTENTION TO TREAT SCHOOL DISTRICT
MAINTENANCE AND OPERATIONS TAXES AS DEBT TAXES**

"The board of trustees of (name of school district), in adopting a tax rate, will consider a proposal to treat maintenance and operations taxes as taxes levied for the payment of a debt. This will have the effect of raising the district's rollback tax rate, which is the limit on the amount of a tax rate increase over the previous year's rate that the district may adopt without holding an election."

Amendment No. 19 was adopted.

(Speaker in the chair)

Amendment No. 20

Representative Craddick offered the following amendment to **CSSB 4**:

Floor Packet Page No. 114

Amend **CSSB 4** as follows:

- 1) Strike line 17 on page 32 and substitute the following:
(2) any amount approved by the voters in the district; [the rate of \$0.08 per \$100 of taxable value;] and
- 2) Strike line 16 on page 33 and substitute the following:
(2) any amount approved by the voters in the district; and
- 3) Strike line 10 on page 34 and substitute the following:
(2) any amount approved by the voters in the district; and

Representative Sadler moved to table Amendment No. 20.

A record vote was requested.

The motion to table was lost by (Record 447): 71 Yeas, 71 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Bosse; Burnam; Capelo; Chavez; Coleman; Cook; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farabee; Farrar; Flores; Gallego; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hawley; Hochberg; Hodge; Homer; Hunter; Jones, J.; Junell; King, T.; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Reyna, A.; Ritter; Sadler; Salinas; Solis, J.; Solis, J. F.; Telford; Tillery; Turner, S.; Uher; Uresti; Van de Putte; Walker; Wise; Wolens; Yarbrough; Zbraneck.

Nays — Allen; Averitt; Berman; Brimer; Brown, B.; Brown, F.; Chisum; Christian; Clark; Counts; Crabb; Craddick; Crownover; Culberson; Davis, J.; Delisi; Denny; Driver; Elkins; Ellis; Garcia; George; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Janek; Jones, C.; Keel; Keffer; King, P.; Krusee; Kuempel; Madden; Marchant; McCall; Merritt; Morrison; Mowery; Nixon; Palmer; Pitts; Reyna, E.; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Thompson; Truitt; Turner, B.; West; Williams; Wilson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Jones, D.

Absent — Bonnen; Carter; Cuellar; Goodman; Hinojosa.

STATEMENT OF VOTE

When Record No. 447 was taken, I was in the house but away from my desk. I would have voted yes.

Bonnen

A record vote was requested.

Amendment No. 20 failed of adoption by (Record 448): 58 Yeas, 87 Nays, 1 Present, not voting.

Yeas — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Carter; Chavez; Chisum; Clark; Crabb; Craddick; Crownover; Culberson; Davis, J.; Delisi; Denny; Elkins; George; Goodman; Green; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Jones, C.; Keel; Krusee; Kuempel; Madden; Marchant; Mowery; Nixon; Palmer; Reyna, E.; Seaman; Shields; Siebert; Smithee; Solomons; Staples; Swinford; Talton; Truitt; West; Williams; Wilson; Wohlgemuth; Woolley.

Nays — Alexander; Alvarado; Bailey; Bosse; Burnam; Capelo; Christian; Coleman; Cook; Counts; Cuellar; Danburg; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goolsby; Gray; Greenberg; Gutierrez; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hunter; Janek; Jones, J.; Junell; Keffer; King, P.; King, T.; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Ritter; Sadler; Salinas; Smith; Solis, J.; Solis, J. F.; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; Wise; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Jones, D.

Absent — Reyna, A.; Wolens.

Amendment No. 21

Representative Swinford offered the following amendment to **CSSB 4**:

Floor Packet Page No. 116

Amend **CSSB 4** as follows:

(1) In SECTION 1.32 of the bill, in amended Section 26.08(i)(2), Tax Code (house committee report, page 32, line 17), strike "\$0.08" and substitute "\$0.04 [~~\$0.08~~]".

(2) In SECTION 1.32 of the bill, in added Section 26.08(k)(2), Tax Code (house committee report, page 33, line 16), strike "\$0.08" and substitute "\$0.04".

(3) In SECTION 1.32 of the bill, in added Section 26.08(l)(2), Tax Code (house committee report, page 34, line 10), strike "\$0.08" and substitute "\$0.04".

Representative Sadler moved to table Amendment No. 21.

A record vote was requested.

The motion to table was lost by (Record 449): 70 Yeas, 72 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Bosse; Burnam; Capelo; Chavez; Coleman; Cook; Counts; Cuellar; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hawley; Hinojosa; Hochberg;

Hodge; Homer; Hunter; Jones, J.; Junell; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno, J.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Ritter; Sadler; Salinas; Solis, J.; Solis, J. F.; Telford; Thompson; Tillery; Turner, B.; Uher; Uresti; Van de Putte; Wise; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Carter; Chisum; Christian; Clark; Crabb; Craddick; Crownover; Culberson; Davis, J.; Delisi; Denny; Driver; Eiland; Elkins; George; Goodman; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Janek; Jones, C.; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Madden; Marchant; McCall; Merritt; Morrison; Mowery; Nixon; Palmer; Pitts; Reyna, E.; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Truitt; Walker; West; Williams; Wilson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Jones, D.

Absent — Ellis; Moreno, P.; Reyna, A.; Turner, S.; Wolens.

STATEMENTS OF VOTE

When Record No. 449 was taken, I was temporarily out of the house chamber. I would have voted yes.

Ellis

When Record No. 449 was taken. I was temporarily out of the house chamber. I would have voted yes.

A. Reyna

A record vote was requested.

The vote of the house was taken on adoption of Amendment No. 21 and the vote was announced yeas 68, nays 71.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 450): 67 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Carter; Chavez; Chisum; Christian; Clark; Crabb; Craddick; Crownover; Culberson; Davis, J.; Delisi; Denny; Elkins; George; Goodman; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Janek; Keel; Keffer; King, P.; Krusee; Kuempel; Madden; Marchant; Merritt; Morrison; Mowery; Nixon; Palmer; Pitts; Reyna, E.; Seaman; Shields; Siebert; Smithee; Solomons; Staples; Swinford; Talton; Truitt; Walker; West; Williams; Wilson; Wohlgemuth; Woolley.

Nays — Alexander; Bailey; Bosse; Burnam; Capelo; Coleman; Cook; Counts; Cuellar; Danburg; Deshotel; Driver; Dukes; Dunnam; Dutton;

Edwards; Ehrhardt; Eiland; Ellis; Farabee; Gallego; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hunter; Jones, J.; Junell; King, T.; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCall; McReynolds; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Rangel; Ritter; Sadler; Salinas; Solis, J.; Solis, J. F.; Telford; Thompson; Tillery; Turner, B.; Uher; Uresti; Van de Putte; Wise; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Jones, D.

Absent — Alvarado; Davis, Y.; Farrar; Flores; Garcia; Jones, C.; McClendon; Ramsay; Reyna, A.; Smith; Turner, S.; Wolens.

STATEMENT OF VOTE

When Record No. 450 was taken, I was temporarily out of the house chamber. I would have voted yes.

Smith

The speaker stated that Amendment No. 21 failed of adoption by the above vote.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business in the district:

Flores on motion of Gutierrez.

The following member was granted leave of absence for the remainder of today because of illness in the family:

C. Jones on motion of McReynolds.

Amendment No. 22

Representative Chisum offered the following amendment to **CSSB 4**:
Floor Packet Page No. 122

Amend **CSSB 4** as follows:

(1) On page 34, line 26, (ARTICLE 1, Sec. 1.34 of the bill), after "(a)", strike "The" and substitute "In coordination with the comptroller, the".

(2) On page 35, line 12, (ARTICLE 1, Sec. 1.34 of the bill), after "The", insert "comptroller, the".

(3) On page 35, line 12, (ARTICLE 1, Sec. 1.34 of the bill), after "Agency", insert ",".

Amendment No. 22 was adopted without objection.

Amendment No. 23

Representative Hochberg offered the following amendment to **CSSB 4**:
Floor Packet Page No. 39

Amend **CSSB 4** as follows:

(1) Strike SECTION 1.16 of the bill, adding Section 42.2514, Education Code (house committee report, page 12, line 13, through page 13, line 2).

(2) In SECTION 1.34(b) of the bill, strike "At least one recommended method of adjustment must be a method that would require a smaller appropriation for the state fiscal biennium beginning September 1, 2001, than the appropriation that would be required for that biennium by the cost of education adjustment under Section 42.102, Education Code, as that section existed on May 31, 1999." (house committee report, page 35, lines 6-11).

(3) In SECTION 3.01 of the bill, strike Subsection (b) (house committee report, page 52, lines 20 and 21) and reletter the subsequent subsections accordingly.

(4) Renumber the SECTIONS of the bill accordingly.

Amendment No. 23 was adopted without objection.

Amendment No. 24

Representative Hilbert offered the following amendment to **CSSB 4**:

Floor Packet Page No. 124

Amend **CSSB 4** by inserting the following new SECTIONS, appropriately numbered, and by renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter E, Chapter 45, Education Code, is amended by adding Section 45.112 to read as follows:

Sec. 45.112. SCHOOL DISTRICT RESPONSIBILITY FOR REMEDIAL EDUCATION COSTS. (a) The commissioner of education may assign to a school district that consistently graduates students who require postsecondary remedial education all or a part of the costs of remedial education provided by an institution of higher education. The commissioner shall assign the costs as provided by the rules adopted under this section and Section 51.3062.

(b) The State Board of Education, in cooperation with the Texas Higher Education Coordinating Board, shall adopt rules to facilitate charging school districts for remedial education costs under this section. The rules shall be designed to ensure fairness, consistency, and fundamental due process.

(c) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

SECTION _____. Subchapter F, Chapter 51, Education Code, is amended by adding Sections 51.3062 and 51.3063 to read as follows:

Sec. 51.3062. RULES APPLYING TO REMEDIAL EDUCATION COSTS. The Texas Higher Education Coordinating Board, in cooperation with the State Board of Education, shall adopt rules to facilitate charging school districts for remedial education costs under Section 45.112. The rules shall be designed to ensure fairness, consistency, and fundamental due process.

Sec. 51.3063. ELIMINATION OF REMEDIAL EDUCATION PROGRAMS. (a) The Texas Higher Education Coordinating Board shall develop a plan for the gradual elimination of remedial educational programs at institutions of higher education. Not later than February 1, 2001, the coordinating board shall make a report of its results to the 77th Legislature.

(b) This section expires June 1, 2001.

Representative Sadler moved to table Amendment No. 24.

The motion to table prevailed.

Amendment No. 25

Representative Palmer offered the following amendment to **CSSB 4**:

Floor Packet Page No. 112

Amend **CSSB 4** between SECTIONS 1.31 and 1.32 of the bill (House Committee Printing, between page 31, line 27, and page 32, line 1) by inserting the following SECTION, appropriately numbered, and renumbering the subsequent SECTIONS accordingly:

SECTION ____ Chapter 5, Tax Code, is amended by adding Section 5.103 to read as follows:

Sec. 5.103. DETERMINATION OF FEASIBILITY OF AUTHORIZING APPRAISAL DISTRICTS TO CONDUCT RATIO AND SCHOOL DISTRICT PROPERTY VALUE STUDIES. (a) The comptroller shall determine the feasibility of authorizing an appraisal district instead of the comptroller to conduct the studies in the district required by Section 5.10 of this code and Section 403.302, Government Code.

(b) The comptroller shall select from appraisal districts that have agreed to conduct the studies:

(1) at least one appraisal district that appraises property with a total appraised value of more than \$40 billion;

(2) at least one appraisal district that appraises property with a total appraised value of more than \$10 billion but not more than \$40 billion; and

(3) at least one appraisal district that appraises property with a total appraised value of \$10 billion or less.

(c) In selecting appraisal districts to conduct the studies, the comptroller shall consider the appraisal district characteristics that best further the goals of the project.

(d) Each appraisal district selected by the comptroller shall conduct the studies required by Section 5.10 of this code and Section 403.302, Government Code, in the district for the 2000 tax year. The appraisal district shall conduct the studies in accordance with procedures determined by the comptroller and submit the studies to the comptroller not later than September 1, 2000.

(e) The comptroller shall also conduct the studies in each selected appraisal district as required by Section 5.10 of this code and Section 403.302, Government Code.

(f) A study conducted by an appraisal district under this section is for purposes of comparison only, is not binding on the comptroller, and may not be used for school district funding purposes.

(g) Each appraisal district conducting a study under this section shall keep a record of its costs incurred in conducting the study and report those costs to the comptroller.

(h) An appraisal district conducting a study under this section is not entitled to be reimbursed by this state for its costs incurred in conducting the study.

(i) The comptroller shall audit each study conducted by an appraisal district under this section.

(j) Not later than March 1, 2001, the comptroller shall report to the 77th

Legislature on whether authorizing appraisal districts to conduct the studies required by Section 5.10 of this code and Section 403.302, Government Code, would be sufficiently cost-effective and accurate that it would be feasible to use the resulting determinations of taxable property value in each school district for school district funding purposes.

(k) This section expires March 2, 2001.

Amendment No. 25 was adopted without objection.

Amendment No. 26

Representative Krusee offered the following amendment to **CSSB 4**:

Floor Packet Page No. 157

Amend **CSSB 4** (House Committee Report) as follows:

(1) Between the heading of Article 2 and SECTION 2.01 of the bill (page 35, between lines 15 and 16), insert the following and renumber subsequent SECTIONS of the article accordingly:

SECTION 2.01. Subsection (b), Section 12.110, Education Code, is amended to read as follows:

(b) The application form must provide for including:

(1) the information required under Section 12.111 to be contained in a charter; and

(2) evidence of sound financial planning.

(2) Add the following new SECTION to Article 2 of the bill, appropriately numbered, and renumber subsequent SECTIONS of the article accordingly:

SECTION _____. Section 12.1011 (a), Education Code, is amended to read as follows:

(a) In addition to the other charters authorized under this subchapter, in accordance with this subchapter the State Board of Education may grant:

(1) not more than 150 ~~[100]~~ charters for open-enrollment charter schools that adopt an express policy providing for the admission of students eligible for a public education grant under Subchapter G, Chapter 29; and

(2) additional charters for open-enrollment charter schools for which at least 75 percent of the prospective student population, as specified in the proposed charter, will be students who have dropped out of school or are at risk of dropping out of school as defined by Section 29.081.

(3) Add the following new SECTION, appropriately numbered, and renumber the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 12.101, Education Code, is amended by adding Subsection (e) to read as follows:

(e) The State Board of Education may adopt rules necessary for the implementation of this subchapter.

(4) Add the following new SECTION, appropriately numbered, and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1091 to read as follows:

Sec. 12.1091. REVIEW PANEL. (a) A review panel is established to review applications for charters under this subchapter. The review panel is composed of:

(1) three members appointed by the governor;

(2) one member of the State Board of Education, appointed by the presiding officer of the board; and

(3) one member appointed by the commissioner.

(b) Members of the review panel serve two-year terms ending February 1 of odd-numbered years.

(c) The governor shall designate the presiding officer of the review panel.

(d) The review panel shall meet at the call of the presiding officer.

(e) A member of the review panel is not entitled to receive compensation for service on the panel. A member is entitled to reimbursement for actual and necessary expenses incurred in discharging the member's duties as a panel member as provided by the General Appropriations Act.

(f) The agency shall provide staff and facilities for the review panel.

(g) The review panel shall review each application for a charter under this subchapter, other than an application for a charter renewal, according to criteria adopted by the State Board of Education. The review panel shall submit each application that satisfies the criteria to the board for consideration. The board may grant or deny an application submitted by the review panel. The board may not consider an application that is not submitted to the board by the review panel.

(b) Section 12.110, Education Code, is amended by adding Subsection (e) to read as follows:

(e) The board's decision to approve or deny an application may not be appealed.

(c) Sections 12.1091 and 12.110 (e), Education Code, as added by this section, apply only to an application submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application is submitted, and that law is continued in effect for that purpose.

(5) Add the following new SECTIONS, appropriately numbered, and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 12.116, Education Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The procedure adopted under Subsection (a) must provide an opportunity for a hearing to the holder of the charter of ~~[person operating]~~ the open-enrollment charter school and for receiving testimony from ~~[to]~~ parents and guardians of students in the school. ~~[A hearing under this subsection must be held at the facility at which the program is operated.]~~

(c) Chapter 2001, Government Code, does not apply to a decision of the board under this section. A decision of the board under this section may be appealed to a district court in Travis county. A person appealing a decision must serve the commissioner with citation issued and served in the manner provided by law for civil suits. The petition must state the decision subject to the appeal. The court shall consider the appeal based on a review of the record of the board proceedings under a substantial evidence standard of review.

SECTION _____. Subchapter D, Chapter 12, Education code, is amended by adding Section 12.119 to read as follows:

Sec. 12.119. EMERGENCY SUSPENSION. (a) The commissioner may temporary withhold funding and suspend the authority of an open-enrollment charter school to operate based on evidence that conditions at the school present a danger to the health or safety of students.

(b) After the commissioner imposes a suspension under this section, the open-enrollment charter school may not receive funding and may not resume operating until a determination is made by the commissioner of the State Board of Education that:

(1) despite initial evidence, the conditions at the school do not present a danger to the health or safety of students; or

(2) the conditions at the school that presented a danger to the health or safety of students have been corrected.

(c) Not later than the third business day after the date the commissioner imposes a suspension under this section, the commissioner must provide an opportunity for a hearing to the holder of the charter of the open-enrollment charter school.

(d) If the commissioner does not lift the suspension imposed under this section, the State Board of Education shall consider the suspension at the first regularly scheduled meeting of the board that occurs after the date the suspension is imposed. At that meeting the board must lift the suspension or take action under Section 12.116.

(6) Add the following new SECTION, appropriately numbered, and renumber the subsequent SECTIONS of the bill accordingly:

SECTION _____. Effective immediately, Section 403.020, Government Code, is amended to read as follows:

Sec. 403.020. SCHOOL DISTRICT AND OPEN-ENROLLMENT CHARTER SCHOOL PERFORMANCE [BUDGET] REVIEW. (a) The comptroller may periodically review the effectiveness and efficiency of the budgets and operations of school districts and open-enrollment charter school.

(b) The comptroller, in consultation with the Texas Education Agency, regional education service centers, and other educational organizations, may provide school districts and open-enrollment charter schools with research material, educational policy proposals, and technical assistance based on information collected in conducting reviews under Subsection (a).

(c) The comptroller shall develop handbooks and provide training, an Internet website, and other services to school districts and open-enrollment charter schools to assist the districts and schools in better managing finances and other responsibilities.

(7) In SECTION 3.03 of the bill (page 53, line 4), between "hereby suspended" and the period, insert ", and that this Act take effect and be in force according to its terms, and it is so enacted".

Representative Dunnam moved to table Amendment No. 26.

The motion to table prevailed.

Amendment No. 27

Representative Krusee offered the following amendment to CSSB 4:

Floor Packet Page No. 163

Amend **CSSB 4** as follows:

(1) On page 35, line 21, between "districts" and "to", insert "and charter schools".

(2) On page 35, line 27, between "district" and "may", insert "and charter school".

(3) On page 36, line 6, between "district" and "must", insert "and charter school".

(4) On page 36, line 9, between "district" and "in", insert "and charter schools".

Amendment No. 27 was adopted without objection.

Amendment No. 28

Representative Krusee offered the following amendment to **CSSB 4**:

Floor Packet Page No. 164

Amend **CSSB 4**, in SECTION 2.01 of the bill, in added Section 29.155, Education Code (house committee report, page 36, between lines 18 and 19), by inserting the following:

(g) To the extent that money appropriated for purposes of this section remains available after the commissioner makes grants for kindergarten and prekindergarten programs, the commissioner may use the remaining money to provide grants to open-enrollment charter schools for new facilities used in educating students. The commissioner may adopt rules governing the award of grants under this subsection. The receipt of a grant by an open-enrollment charter school under this subsection creates a lien in the amount of the grant in favor of the state against the facility for which the grant was awarded. The state may foreclose on the lien if the charter for the open-enrollment charter school is revoked or the school otherwise ceases to operate or if the facility otherwise ceases to be used in educating students under the charter.

Amendment No. 29

Representative Krusee offered the following amendment to Amendment No. 28:

Amend the Krusee amendment (on page 164 of packet) to **CSSB 4** as follows:

(1) On page 1, line 7, strike "provide grants to open-enrollment charter schools for new facilities used in educating students.", and insert "include open-enrollment charter schools in the New Instructional Facility Allotment program in Section 42.158."

(2) On page 1, line 9, strike "governing the award of grants under", and insert "necessary to implement".

(3) On page 1, line 10, strike "a grant", and insert "state funds".

(4) On page 1, line 12, strike "grant", and insert "state funds received".

(5) On page 1, line 13, strike "grant was", and insert "funds were".

Amendment No. 29 was adopted without objection.

Representative Sadler moved to table Amendment No. 28, as amended.

The motion to table prevailed.

Amendment No. 30

Representative Sadler offered the following amendment to **CSSB 4**:

Floor Packet Page No. 184

Amend **CSSB 4** in SECTION 2.02 of the bill, in added Section 29.086(a), Education Code (House Committee Printing, page 37, line 4), immediately following "grade 9", by inserting "who are at risk of not earning sufficient credit or".

Amendment No. 30 was adopted without objection.

Amendment No. 31

Representative Garcia offered the following amendment to **CSSB 4**:

Floor Packet Page No. 207

Amend **CSSB 4** as follows:

(1) Between SECTION 2.04 and SECTION 2.05 of the bill (House committee report, page 40, between lines 1 and 2), insert the following and renumber the subsequent SECTIONS of the article accordingly:

SECTION 2.05. Subchapter D, Chapter 25, Education Code, is amended by adding Sections 25.113 and 25.114 to read as follows:

Sec. 25.113. REPORT TO AGENCY CONCERNING CLASS SIZE. Each school district shall report to the agency the number of students enrolled in each class, at the kindergarten level through grade 12, by grade level, subject, and special program, as applicable.

Sec. 25.114. NOTICE TO PARENTS CONCERNING CLASS SIZE. Each school district shall give to a parent written notice of the number of students enrolled in each class or subject in which the parent's child is enrolled as part of notice of the student's performance required under Section 28.022(a)(2).

(2) In SECTION 2.10 of the bill (House committee printing, page 49, lines 26-27), strike the introductory language and substitute the following:

SECTION 2.10. Subsections (b) and (c), Section 39.052, Education Code, are amended to read as follows:

(3) In SECTION 2.10 of the bill, in Subdivision (2), Subsection (b), Section 39.052, Education Code (House committee report, page 50, line 5), strike "student/teacher ratios" and substitute the following: "average class size by grade level, subject, and special program [~~student/teacher ratios~~]".

(4) In SECTION 2.10 of the bill, immediately after Subsection (b), Section 39.052, Education Code (House committee report, page 50, between lines 7 and 8), insert the following:

(c) The commissioner shall adopt rules for requiring dissemination of appropriate class size and student performance portions of campus report cards annually to the parent, guardian, conservator, or other person having lawful control of each student at the campus. On written request, the school district shall provide a copy of a campus report card to any other party.

Amendment No. 32

Representative Oliveira offered the following amendment to Amendment No. 31:

Amend Amendment No. 31 to **CSSB 4**, by striking Section 24.113 and 25.114;

and by inserting "and" on line 26 between "level" and "subject", and striking "and special program"

Amendment No. 32 was adopted without objection.

Amendment No. 31, as amended, was adopted without objection.

Amendment No. 33

Representative Giddings offered the following amendment to **CSSB 4**:
Floor Packet Page No. 214

Amend **CSSB 4** as follows:

(1) In ARTICLE 2, SECTION 2.05 of the bill, in proposed Subsection (g), Section 28.006, Education Code (House committee report, page 40, line 13), strike "on the basis of reading instrument results," and substitute "based on the results of a reading instrument that screens students for reading disabilities, including dyslexia,".

(2) In ARTICLE 2, SECTION 2.05 of the bill, in proposed Subsection (g), Section 28.006, Education Code (House committee report, page 40, line 16), strike "to" and substitute "designed to address the deficiencies of".

Amendment No. 33 was withdrawn.

Amendment No. 34

Representative Madden offered the following amendment to **CSSB 4**:
Floor Packet Page No. 216

Amend **CSSB 4** as follows:

(1) In SECTION 2.05 of the bill, in proposed Subsection (h) of Section 28.006, Education Code (committee printing page 40, line 27, and page 41, line 1), strike "and in the parent or guardian's native language" and substitute ". The school district shall make a good faith effort to ensure that the notice is conveyed in a manner that takes into consideration whether the parent or guardian speaks a language other than English and may provide for the notice to be written in English and in the native language of the parent or guardian".

(2) In SECTION 2.06 of the bill, in proposed Subsection (h) of Section 28.0211, Education Code (committee printing page 45, lines 16 and 17), strike "or the parent or guardian's native language" and substitute ". The school district shall make a good faith effort to ensure that the notice is conveyed in a manner that takes into consideration whether the parent or guardian speaks a language other than English and may provide for the notice to be written in English and in the native language of the parent or guardian".

Representative Sadler moved to table Amendment No. 34.

The motion to table prevailed.

Amendment No. 35

Representative S. Turner offered the following amendment to **CSSB 4**:
Floor Packet Page No. 217

Amend **CSSB 4** in ARTICLE 2, SECTION 2.06 of the bill, at the end of proposed Subsection (b), Section 28.0211, Education Code (house committee report, page 42, line 26), by adding the following:

A school district may administer an alternate assessment instrument to a student who has failed an assessment instrument specified under Subsection (a) on the previous two opportunities. A student may be promoted if the student performs satisfactorily on a alternate assessment instrument authorized under this subsection.

Amendment No. 36

Representative S. Turner offered the following amendment to Amendment No. 35:

Amend the S. Turner Amendment to **CSSB 4** (on page 217 of the packet) as follows:

(1) On line 1 of the amendment, strike "in ARTICLE 2, SECTION 2.06 of the bill," and substitute "as follows:".

(1) In SECTION 2.06 of the bill, in added Section 28.0211 (a), Education Code (page 42, line 10), between "Subsection" and "(e)", insert "(b) or".

(2) Strike lines 3 and 4 of the amendment and substitute the following:

(2) In SECTION 2.06 of the bill, at the end of added Section 28.0211 (b), Education Code (page 42, line 26), insert the following:

(3) On line 7 of the amendment, strike "A student" and substitute "Notwithstanding any other provision this section, a student".

(4) On line 9 of the amendment, strike "authorized".

(5) On line 9 of the amendment, between "subsection" and the period, insert "that is appropriate for the student's grade level and approved by the commissioner."

Amendment No. 36 was adopted without objection.

Amendment No. 35, as amended, was adopted without objection. (Crabb and Heflin recorded voting no)

Amendment No. 37

Representative Krusee offered the following amendment to **CSSB 4**:
Floor Packet Page No. 218

Amend **CSSB 4** in SECTION 2.06 of the bill, in the last sentence of proposed Subsection (c), Section 28.0211, Education Code (House Committee Report, page 43, line 16), after "group" by inserting "administered by a school district".

Amendment No. 37 was adopted without objection.

Amendment No. 38

Representative Madden offered the following amendment to **CSSB 4**:

Floor Packet Page No. 219

Amend **CSSB 4** in SECTION 2.06 of the bill, in added Section 28.0211(c), Education Code, in the final sentence of the subsection (house committee printing, page 43, line 17), by striking "10 students" and substituting "15 students".

Amendment No. 38 was withdrawn.

Amendment No. 39

Representative Dukes offered the following amendment to **CSSB 4**:

Floor Packet Page No. 75

Amend **CSSB 4** by adding the following appropriately numbered section and renumbering subsequent sections.

SECTION _____. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.057 to read as follows:

Sec. 21.057 NOTICE TO PARENT OF CERTIFICATION STATUS. (a) For purposes of this section:

(1) "Inappropriately certified or uncertified teacher":

(A) does include:

(i) an individual serving on an emergency certificate issued under Section 21.041(b) (2);

(ii) a certified teacher assigned to teach a class or classes outside his or her area of certification, as determined by rules proposed by the board specifying the certificate required for each assignment; or

(iii) an individual who does not hold any certificate or permit issued under this chapter and is not employed as specified by Subdivision (2) (E); and

(B) does not include an individual:

(i) serving on a certificate issued due to a hearing impairment under Section 21.048;

(ii) serving on a certificate issued pursuant to enrollment in an approved alternative certification program under Section 21.049;

(iii) certified by another state or country and serving on a certificate issued under Section 21.052;

(iv) serving on a school district teaching permit issued under Section 21.055; or

(v) employed under a waiver granted by the commissioner of education pursuant to Section 7.056.

(2) "Parent" includes a guardian, conservator, or other person having lawful control of a student.

(b) If a superintendent anticipates that a course will be taught by an inappropriately certified or uncertified person for 30 or more consecutive instructional days, or if in fact allows a course to be taught by an inappropriately certified or uncertified person for 30 or more consecutive instructional days, the superintendent must at that time notify in writing the parents of each student enrolled in the course.

(c) If the primary language of a parent receiving notice under this section is a language other than English, the superintendent must make a good faith effort to provide the notice in English and the parent's primary language.

(d) A superintendent providing notice under this section must retain copies of the notice on file for public inspection.

Amendment No. 39 was adopted without objection.

Amendment No. 40

Representative Krusee offered the following amendment to **CSSB 4**:

Floor Packet Page No. 222

Amend **CSSB 4**, in SECTION 2.06 of the bill, by striking proposed Section 28.0211(j), Education Code (House committee report, page 46, lines 1-3), and substituting the following:

(j) A school district or open-enrollment charter school shall provide students required to attend accelerated programs under this chapter with transportation to those programs if the programs occur outside of regular school hours.

Amendment No. 40 was adopted without objection.

Amendment No. 41

Representative Giddings offered the following amendment to **CSSB 4**:

Floor Packet Page No. 238

Amend **CSSB 4** as follows:

(1) In the heading of ARTICLE 2 (house committee report, page 35, line 15), strike "IMPROVEMENTS" and substitute "IMPROVEMENTS, DISCIPLINE,".

(2) Between SECTION 2.06 and SECTION 2.07 of the bill (house committee report, page 47, between lines 7 and 8), insert the following and renumber the subsequent SECTIONS of ARTICLE 2 accordingly:

SECTION 2.07. Subsection (f), Section 37.006, Education Code, is amended to read as follows:

(f) Subject to Section 37.007(e), a student who is younger than 10 years of age shall be removed from class and placed in an alternative education program under Section 37.008 if the student engages in conduct described by Section 37.007. A student who is younger than 10 years of age may not be placed in an alternative education program with any other student who is more than two years older than the student.

Amendment No. 41 was adopted without objection.

Amendment No. 42

Representatives Giddings and S. Turner offered the following amendment to **CSSB 4**:

Floor Packet Page No. 242

Amend **CSSB 4** as follows:

(1) In ARTICLE 2 of the bill, immediately following SECTION 2.06

(House Committee Report, page 47, between lines 7 and 8), insert the following new SECTION to read as follows:

SECTION 2.07. Section 37.020, Education Code, is amended to read as follows:

Sec. 37.020. REPORTS RELATING TO EXPULSIONS AND ALTERNATIVE EDUCATION PROGRAM PLACEMENTS. (a) In the manner required by the commissioner, each school district shall annually report to the commissioner:

(1) for each placement in an alternative education program established under Section 37.008:

(A) information identifying the student, including the student's race, sex, and date of birth, that will enable the agency to compare placement data with information collected through other reports;

(B) information indicating whether the placement was based on:

(i) conduct violating the student code of conduct adopted under Section 37.001;

(ii) conduct for which a student may be removed from class under Section 37.002(b);

(iii) conduct for which placement in an alternative education program is required by Section 37.006; or

(iv) conduct occurring while a student was enrolled in another district and for which placement in an alternative education program is permitted by Section 37.008(j); and

(C) the number of days the student was assigned to the program and the number of days the student attended the program; and

(2) for each expulsion under Section 37.007:

(A) information identifying the student, including the student's race, sex, and date of birth, that will enable the agency to compare placement data with information collected through other reports;

(B) information indicating whether the expulsion was based on:

(i) conduct for which expulsion is required under Section 37.007, including information specifically indicating whether a student was expelled on the basis of Section 37.007(e);

(ii) conduct, other than conduct described by Subparagraph (iii), for which expulsion is permitted under Section 37.007; or

(iii) serious or persistent misbehavior occurring while the student was placed in an alternative education program;

(C) the number of days the student was expelled; and

(D) information indicating whether:

(i) the student was placed in a juvenile justice alternative education program under Section 37.011;

(ii) the student was placed in an alternative education program; or

(iii) the student was not placed in a juvenile justice or other alternative education program.

(b) As soon as practicable after a school district places a student who is

younger than 10 years of age in an alternative education program established under Section 37.008, the district shall report that placement, in the manner required by the commissioner, to each member of the legislature who represents all or part of the district.

(2) Renumber subsequent SECTIONS of ARTICLE 2 accordingly.

Amendment No. 42 was withdrawn.

Amendment No. 43

Representative A. Reyna offered the following amendment to **CSSB 4**:

Floor Packet Page No. 245

Amend **CSSB 4** as follows:

On page 47, between lines 7 and 8, insert new Section 2.07 of the bill to read as follows and renumber subsequent Sections of the bill appropriately:

SECTION 2.07. Section 39.023 (h), Education Code, is amended to read as follows:

(h) The agency shall notify school districts, ~~[and] campuses, and juvenile justice alternative education programs~~ of the results of assessment instruments administered under this section at the earliest possible date determined by the State Board of Education but not later than the beginning of the subsequent school year. The agency shall send to a juvenile board that develops a juvenile justice alternative education program under Section 37.011, upon request, the results of previous performance on assessment instruments administered under this section and under Section 28.0211 for a student enrolled in the juvenile justice alternative education program.

Amendment No. 43 was adopted without objection.

Amendment No. 44

Representative Krusee offered the following amendment to **CSSB 4**:

Floor Packet Page No. 246

Amend **CSSB 4** as follows:

(1) In ARTICLE 2, SECTION 2.09 of the bill, between Subdivisions (7) and (8), in Subsection (b), Section 39.051, Education Code (house committee report, page 49, between lines 9 and 10), insert the following:

(8) for open-enrollment charter school students who have failed to perform satisfactorily on an assessment instrument required under Section 39.023(a) or (c), the numerical progress of those students on subsequent assessment instruments required under those sections, aggregated by grade level and subject area;

(2) In ARTICLE 2, SECTION 2.09 of the bill, in Subsection (b), Section 39.051, Education Code (house committee report, page 49, lines 10, 12, and 15), strike "(8)", "(9)", "(10)" and renumber as "(9)", "(10)", and "(11)", respectively.

(3) In ARTICLE 2, SECTION 2.09 of the bill, in the first sentence of Subsection (d), Section 39.051, Education Code (house committee report, page 49, line 19), after "through (6)", insert "and (8)".

(4) In ARTICLE 2, SECTION 2.10 of the bill, in Subdivision (1),

Subsection (b), Section 39.052, Education Code (house committee report, page 50, line 4), strike "(9)" and substitute "(10)".

(5) In ARTICLE 2, in the introductory language of SECTION 2.12 of the bill (house committee report, page 51, line 5), strike "Subsection (a)" and substitute "Subsections (a) and (b)".

(6) In ARTICLE 2, in the introductory language of SECTION 2.12 of the bill (house committee report, page 51, line 6), strike "is" and substitute "are".

(7) In ARTICLE 2, immediately following Subsection (a), Section 39.073, Education Code (house committee report, page 51, between lines 10 and 11), insert the following:

(b) Each annual review shall include an analysis of the indicators under Sections 39.051(b)(1) through (6) and (8) to determine district and campus performance in relation to:

- (1) standards established for each indicator;
- (2) required improvement as defined under Section 39.051(c); and
- (3) comparable improvement as defined by Section 39.051(c).

Amendment No. 45

Representative Hochberg offered the following amendment to Amendment No. 44:

Amend the Krusee Amendment to **CSSB 4** (on page 246 of the packet), page 1 of the amendment, line 6, strike "open-enrollment charter school".

Amendment No. 45 was adopted without objection.

Amendment No. 44, as amended, was adopted without objection.

Amendment No. 46

Representative Burnam offered the following amendment to **CSSB 4**:
Floor Packet Page No. 248

Amend **CSSB 4** as follows:

In SECTION 2.09 of the bill (House Committee Printing), amend Section 39.051(b) on page 49, line 15, by inserting the following after "subchapter;" and renumbering the subsequent sections accordingly:

"(10) any disparity between economically disadvantaged students and all other students in

(A) performance on assessment instruments administered under Subchapter B, Chapter 39; and

(B) the rates of high school completion or receipt of a high school equivalency certificate; and"

Amendment No. 47

Representative S. Turner offered the following amendment to Amendment No. 46:

Amend the Burnam Amendment to **CSSB 4** (on page 248 of the packet), as follows:

- (1) Strike the introductory language and substitute the following:

In SECTION 2.09 of the bill, in amended Section 39.051(b), Education

Code (House Committee Report, page 49, lines 15 and 16), strike amended Subdivision (10) and substitute the following:

(2) Strike lines 1 through 6 of the amendment and substitute the following:

(10) [9] any other indicator the agency [~~State Board of Education~~] adopts

Amendment No. 47 was withdrawn.

Amendment No. 46, as amended, was withdrawn.

Amendment No. 48

Representative Burnam offered the following amendment to **CSSB 4**:
Floor Packet Page No. 250

Amend **CSSB 4** as follows:

Amend SECTION 2.10 on page 50, line 7, to read as follows:

SECTION 2.10. Subsection (b), Section 39.052, Education Code, is amended to read as follows:

(b) The report card shall include the following information where applicable:

(1) the academic excellence indicators adopted under Sections 39.051(b)(1) through (9) [(8)];

(2) Student/teacher ratios; and

(3) all administrative and instructional costs per student

Amendment No. 48 was withdrawn.

Amendment No. 49

Representative Pitts offered the following amendment to **CSSB 4**:
Floor Packet Page No. 77

Amend **CSSB 4** by inserting appropriately numbered SECTIONS to read as follows and by renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 21.103, Education Code, is amended to read as follows:

Sec. 21.103. PROBATIONARY CONTRACT: TERMINATION. (a) The board of trustees of a school district may terminate the employment of a teacher employed under a probationary contract at the end of the contract period if in the board's judgment the best interests of the district will be served by terminating the employment. The board of trustees must give notice of its decision [~~intention~~] to terminate the employment to the teacher not later than the 45th day before the last day of instruction required under the contract. The board's decision is final and may not be appealed.

(b) If the board of trustees fails to give the notice of its decision [~~intention~~] to terminate the teacher's employment within the time prescribed by Subsection (a), the board must employ the probationary teacher in the same capacity under:

(1) a probationary contract for the following school year, if the teacher has been employed by the district under a probationary contract for less than three consecutive school years; or

(2) a continuing or term contract, according to district policy, if the teacher has been employed by the district under a probationary contract for three consecutive school years.

SECTION _____. Section ____ of this Act, amending Section 21.103, Education Code, takes effect September 1, 1999.

Amendment No. 49 was adopted without objection. (Salinas recorded voting no)

Amendment No. 50

Representative Madden offered the following amendment to **CSSB 4**:
Floor Packet Page No. 252

Amend **CSSB 4** as follows:

(1) In SECTION 2.11 of the bill, in amended Section 39.072(b)(1)(C), Education Code (House Committee Report, page 50, lines 22-23), strike "Sections 7.056(e)(3)(C)-(I)" and substitute "Sections 7.056(f)(3)(C)-(I) [~~7.056(e)(3)(C)-(I)~~]".

(2) Add the following appropriately numbered SECTIONS to ARTICLE 2 of the bill and renumber the remaining SECTIONS of ARTICLE 2 accordingly:

SECTION 2.____. Section 7.056, Education Code, is amended to read as follows:

Sec. 7.056. WAIVERS AND EXEMPTIONS. (a) Except as provided by Subsection (f) [~~(e)~~], a school campus or district may apply to the commissioner for a waiver of a requirement, restriction, or prohibition imposed by this code or rule of the board or commissioner.

(b) Not later than the 20th day before the date a school campus or district applies for a waiver under Subsection (a) or (h) or under Section 25.112(d), the campus or district must provide written notice to the parent of each student who will be affected by the waiver, as reasonably determined by the campus or district, that the campus or district is applying to the commissioner for a waiver. The notice must specify the requirement, restriction, or prohibition the campus or district is requesting the commissioner to waive. For purposes of this subsection, "parent" includes a guardian.

(c) A school campus or district seeking a waiver must submit a written application to the commissioner not later than the 31st day before the campus or district intends to take action requiring a waiver. The application must include:

(1) a written plan approved by the board of trustees of the district that states the achievement objectives of the campus or district and the inhibition imposed on those objectives by the requirement, restriction, or prohibition; ~~and~~

(2) written comments from the campus- or district-level committee established under Section 11.251; and

(3) any written comments from a parent received in response to the notification provided under Subsection (b).

(d) [~~(e)~~] If the commissioner objects to an application for a waiver, the commissioner must notify the school campus or district in writing that the

application is denied not later than the 30th day after the date on which the application is received. If the commissioner does not notify the school campus or district of an objection within that time, the application is considered granted.

(e) [(f)] A waiver granted under this section is effective for the period stated in the application, which may not exceed three years. A school campus or district for which a requirement, restriction, or prohibition is waived under this section for a period of three years may receive an exemption from that requirement, restriction, or prohibition at the end of that period if the campus or district has fulfilled the achievement objectives stated in the application. The exemption remains in effect until the commissioner determines that achievement levels of the campus or district have declined.

(f) [(e)] Except as provided by Subsection (g) [(f)], a school campus or district may not receive an exemption or waiver under this section from:

- (1) a prohibition on conduct that constitutes a criminal offense;
- (2) a requirement imposed by federal law or rule, including a requirement for special education or bilingual education programs; or
- (3) a requirement, restriction, or prohibition relating to:

(A) essential knowledge or skills under Section 28.002 or minimum graduation requirements under Section 28.025;

(B) public school accountability as provided by Subchapters B, C, D, and G, Chapter 39;

(C) extracurricular activities under Section 33.081;

(D) health and safety under Chapter 38;

(E) purchasing under Subchapter B, Chapter 44;

(F) elementary school class size limits, except as provided by Section 25.112;

(G) removal of a disruptive student from the classroom under Subchapter A, Chapter 37;

(H) at-risk programs under Subchapter C, Chapter 29;

(I) prekindergarten programs under Subchapter E, Chapter 29;

(J) educator rights and benefits under Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter A, Chapter 22;

(K) special education programs under Subchapter A, Chapter 29; or

(L) bilingual education programs under Subchapter B, Chapter 29.

(g) [(f)] A school district or campus that is required to develop and implement a student achievement improvement plan under Section 39.131 may receive an exemption or waiver under this section from any law or rule other than:

- (1) a prohibition on conduct that constitutes a criminal offense;
- (2) a requirement imposed by federal law or rule;
- (3) a requirement, restriction, or prohibition imposed by state law or rule relating to:

(A) public school accountability as provided by Subchapters B, C, D, and G, Chapter 39; or

(B) educator rights and benefits under Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter A, Chapter 22; or
(4) textbook selection under Chapter 31.

(h) ~~(g)~~ In a manner consistent with waiver authority granted to the commissioner by the United States Department of Education, the commissioner may grant a waiver of a state law or rule required by federal law, including Subchapter A, B, or C, Chapter 29. Before exercising any waiver authority under this subsection, the commissioner shall notify the Legislative Budget Board and the office of budget and planning in the governor's office.

SECTION 2.____. Section 26.003(a), Education Code, is amended to read as follows:

(a) A parent is entitled to:

(1) petition the board of trustees designating the school in the district that the parent's child will attend, as provided by Section 25.033;

(2) reasonable access to the school principal, or to a designated administrator with the authority to reassign a student, to request a change in the class or teacher to which the parent's child has been assigned, if the reassignment or change would not affect the assignment or reassignment of another student;

(3) request, with the expectation that the request will not be unreasonably denied:

(A) the addition of a specific academic class in the course of study of the parent's child in keeping with the required curriculum if sufficient interest is shown in the addition of the class to make it economically practical to offer the class;

(B) that the parent's child be permitted to attend a class for credit above the child's grade level, whether in the child's school or another school, unless the board or its designated representative expects that the child cannot perform satisfactorily in the class; or

(C) that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation; ~~and~~

(4) have a child who graduates early as provided by Subdivision (3)(C) participate in graduation ceremonies at the time the child graduates; and

(5) be given notice, in accordance with Section 7.056(b), concerning an application for a waiver of a requirement, restriction, or prohibition concerning public education.

SECTION 2.____. Section 7.056, Education Code, as amended by this Article, applies to notice concerning an application for a waiver of a requirement, restriction, or prohibition concerning public education beginning with an application for the 1999-2000 school year.

Amendment No. 51

Representative Madden offered the following amendment to Amendment No. 50:

Amend the Madden amendment to **CSSB 4** (on page 252 of the packet) as follows:

(1) On page 1, strike lines 16-25 and substitute the following:

(b) This subsection applies only to a waiver from the commissioner relating to class size or minimum days of instruction. Not later than the 31st day after the start of the school year, if a waiver is received from the commissioner before the beginning of the school year, or not later than the 31st day after the date on which a waiver is received during a school year, a campus or district must provide written notice of the waiver to the parent of each student affected by the waiver, as reasonably determined by the campus or district. The notice must specify the requirement, restriction, or prohibition that was waived. The notice must be included in a regular mailing or other communication from the campus or district, including information sent home with students. For purposes of this subsection, "parent" includes a guardian.

(2) On page 2, strike lines 4-8 and substitute the following: by the requirement, restriction, or prohibition; and

(2) written comments from the campus- or district-level committee established under Section 11.251.

(3) On page 5, strike lines 18-20 and substitute the following:

(5) be given notice, in accordance with Section 7.056 (b), concerning a waiver of a requirement, restriction, or prohibition concerning class size or minimum days of instruction.

(4) On page 5, strike lines 21-25 and substitute the following:

SECTION 2._____. Section 7.056 (b), Education Code, applies beginning with waivers granted for the 1999-2000 school year.

Amendment No. 51 was adopted without objection.

Amendment No. 50, as amended, was adopted without objection.

Amendment No. 52

Representative Delisi offered the following amendment to **CSSB 4**:

Floor Packet Page No. 78

Amend **CSSB 4** by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter H, Chapter 21, Education Code, is amended by adding Section 21.358 to read as follows:

Sec. 21.358. LONE STAR TEACHER INCENTIVE PROGRAM. (a) The commissioner shall administer the Lone STAR Teacher Incentive Program to recognize and reward classroom teachers for continuous acquisition of knowledge and skills related to teaching.

(b) The program measures classroom teacher advancement in the program using State Teacher Advancement and Remuneration credits (STARs). The program contains three STARs designated red, white, and blue, respectively.

(c) A classroom teacher may participate in the program if the teacher:

(1) submits an application to the commissioner in the time and manner prescribed by the commissioner; and

(2) is certified under Subchapter B.

(d) A classroom teacher is entitled to earn STARs as follows:

(1) one red STAR for a year-long assignment to teach for at least part of the school day at a grade level or in a subject area with a critical teaching shortage, as identified and defined by the commissioner, that is not covered by the teacher's initial certification and for which the teacher has obtained an additional certification;

(2) one white STAR for a year-long assignment to teach, in a subject area for which the teacher is certified:

(A) a high school level preparatory course for a college advanced placement test that includes each topic specified by the College Board and Educational Testing Service's standard syllabus for the subject area; or

(B) a high school level preparatory course for an international baccalaureate examination that includes each topic specified by the International Baccalaureate Organization's standard syllabus for the subject area; and

(3) one blue STAR for a year-long assignment to teach for at least part of the school day at a grade level or in a subject area for which the teacher holds:

(A) a National Board Certification, as defined by the National Board for Professional Teaching Standards, or any comparable certification, as determined by the commissioner; or

(B) an advanced certification under Subchapter B.

(e) Any certifications counted toward STARs under Subsection (d)(3) may not be counted toward STARs under Subsection (d)(1).

(f) A classroom teacher is entitled to credit for a STAR earned under Subsection (d) only for the year in which the teacher earns the STAR.

(g) A certification other than that for a classroom teacher, such as for principal, superintendent, counselor, or educational aide, may not be counted toward STARs under Subsection (d).

(h) The commissioner shall:

(1) annually compute the number and distribution of STARs to which classroom teachers are entitled for that school year using information from the Public Education Information Management System (PEIMS) and the State Board for Educator Certification and report this information to the teachers, school districts, the State Board of Education, and the governor;

(2) annually determine the monetary value of a STAR based on available appropriations and the total number of STARs to which classroom teachers are entitled for that school year, provided that a white STAR is twice the value of a red STAR and a blue STAR is twice the value of a white STAR;

(3) subject to available money, annually award each district an amount of money equal to the value of the STARs that classroom teachers in the district have earned during that school year;

(4) annually provide each district with a list specifying the monetary value of STARs, the color and number of STARs to which each classroom teacher in the district who participates in the program is entitled, and the amount of money to be paid to each teacher and campus;

(5) develop and publicize guidelines to determine which teaching assignments are considered to be in areas of teacher certification; and

(6) not later than June 1 of each year, compile and publicize a list of critical teaching shortage areas for the following school year using information from the Public Education Information Management System (PEIMS) and the State Board for Educator Certification.

(i) A district receiving grants under this section shall pay each classroom teacher an amount of money equal to 90 percent of the value of STARs that the teacher earned during that school year. The district shall pay the campus of each teacher receiving money under this subsection an amount of money equal to 10 percent of the value of STARs that the teacher earned during that school year. The district shall pay each teacher and campus on the last payday of the spring semester or June 15, whichever is later.

(j) The principal of a campus receiving money under Subsection (i) must use the money to improve instruction on the campus, including support of continuing professional education programs.

(k) A classroom teacher is responsible for:

(1) maintaining documentation of the teacher's certifications;

(2) ensuring that program records concerning the teacher's participation are updated; and

(3) notifying the commissioner of errors or omissions in the teacher's record.

(l) A classroom teacher is not required to participate in the program as a condition of continued certification under Subchapter B.

(m) The Lone STAR Teacher Incentive Program is funded by amounts appropriated from any available source, including gifts, grants, and donations accepted for that purpose.

SECTION _____. A classroom teacher is entitled to credit for an additional certification, including an advanced certification under Subchapter B, Chapter 21, Education Code, or a National Board Certification, under the Lone STAR Teacher Incentive Program under Section 21.358, Education Code, as added by this Act, regardless of when the certification was obtained. A classroom teacher is entitled to credit under the Lone STAR Teacher Incentive Program for an assignment to teach a course specified by Section 21.358(d), Education Code, as added by this Act, only for an assignment for the 2000-2001 school year or a subsequent school year.

Representative Sadler moved to table Amendment No. 52.

The motion to table prevailed.

Amendment No. 53

Representative Delisi offered the following amendment to **CSSB 4**:
Floor Packet Page No. 128

Amend **CSSB 4** by adding the following new SECTION appropriately numbered at the end of ARTICLE 1 of the bill:

SECTION 1._____. Not later than November 1, 2000, the commissioner of education shall develop a plan to address the recruitment and retention of certified classroom teachers, including proposals for incentive awards that are most effective at recruiting and retaining certified classroom teachers.

Amendment No. 53 was adopted without objection.

Amendment No. 54

Representative Gutierrez offered the following amendment to **CSSB 4**:
Floor Packet Page No. 86

Amend **CSSB 4** by adding the following new SECTION, appropriately numbered, and by renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.410 to read as follows:

Sec. 21.410. RESTRICTING WRITTEN REPORTS. (a) The board of trustees of each school district shall adopt a policy to limit redundant requests for information and the number and length of written reports that a classroom teacher is required to prepare. Except as provided by Subsection (b), a classroom teacher may not be required to prepare a written report other than:

(1) a report of a student's grade on a particular assignment or examination;

(2) a report of a student's grades at the end of a grade reporting period;

(3) a textbook report;

(4) a unit or weekly lesson plan report that outlines, in a brief and general manner, the information to be presented during each period at the secondary level or in each subject or topic at the elementary level;

(5) an attendance report;

(6) a report required for accreditation review;

(7) any other report specifically required by law or State Board of Education rule to be prepared by a classroom teacher; or

(8) any other report directly related to the professional duties of a classroom teacher.

(b) If information is required under federal or state law, regulation, or rule and the only reasonable manner in which to collect the information is with the direct involvement of a classroom teacher, the teacher may be required to provide the information.

(c) This section does not preclude a school district from collecting essential information, in addition to information specified under Subsection (a) or (b), from a classroom teacher if:

(1) participation is entirely at the discretion of the teacher and the school district does not directly or indirectly coerce the teacher to participate; and,

(2) the decision not to participate is not held against the teacher.

(Thompson in the chair)

Amendment No. 54 was adopted without objection.

Amendment No. 55

Representative Noriega offered the following amendment to **CSSB 4**:
Floor Packet Page No. 88

Amend **CSSB 4** as follows:

Subsection (a), Section 21.451, Education Code, is amended to read as follows:

(a) The staff development provided by a school district must be conducted in accordance with minimum standards developed by the commissioner for program planning, preparation, and improvement. The staff development:

(1) must include training in technology, [training and training in] conflict resolution, and discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001, and Chapter 37.

Amendment No. 55 was adopted without objection.

Amendment No. 56

Representative Giddings offered the following amendment to **CSSB 4**:
Floor Packet Page No. 89

Amend **CSSB 4** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 21.451, Education Code, is amended by adding Subsection (d) to read as follows:

(d) A school district must provide each teacher in grades one and two with training in screening students for dyslexia and related disorders. A district may use available resources from a regional education service center to provide the training. In this subsection, "dyslexia" and "related disorders" have the meanings assigned by Section 38.003(d).

Amendment No. 56 was adopted without objection.

Amendment No. 57

Representative Delisi offered the following amendment to **CSSB 4**:
Floor Packet Page No. 90

Amend **CSSB 4** by inserting the following new SECTION, appropriately numbered, and by renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Chapter 21, Education Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. TEXAS TROOPS TO TEACHERS PROGRAM

Sec. 21.501. DEFINITION. In this subchapter, "program" means the Texas Troops to Teachers Program.

Sec. 21.502. ESTABLISHMENT OF PROGRAM. The agency shall establish a program to:

(1) assist persons who have served in the armed forces of the United States and are separated from active duty to obtain certification as an elementary or secondary school teacher in this state; and

(2) facilitate the employment of those persons by school districts that have a shortage of teachers.

Sec. 21.503. ELIGIBILITY. A person is eligible for the program if the person:

(1) has served in the armed forces of the United States;

(2) is honorably discharged, retired, or released from active duty on or after October 1, 1990, after at least six years of continuous active duty service immediately before the discharge, retirement, or release;

(3) has received a baccalaureate or advanced degree from a public or private institution of higher education accredited by a regional accrediting agency or group that is recognized by a nationally recognized accreditation board; and

(4) satisfies any other criteria for selection jointly prescribed by the agency and the State Board for Educator Certification.

Sec. 21.504. INFORMATION AND APPLICATIONS. (a) The agency shall develop an application for the program.

(b) The agency and the State Board for Educator Certification shall distribute the applications and information regarding the program.

Sec. 21.505. SELECTION OF PARTICIPANTS. (a) The agency shall select persons to participate in the program on the basis of applications submitted to the agency.

(b) Each application must be submitted:

(1) in the form and contain the information the agency requires; and

(2) in a timely manner.

(c) An application is considered to be submitted in a timely manner for purposes of Subsection (b)(2) if the application is submitted:

(1) not later than October 5, 1999, in the case of an applicant discharged, retired, or released from active duty before January 19, 1999; or

(2) except as provided by Subdivision (1), not later than the first anniversary of the date of the applicant's discharge, retirement, or release from active duty.

Sec. 21.506. LIMITATION ON IMPLEMENTATION. The agency may not select a person to participate in the program unless the agency has sufficient state appropriations to pay the stipend provided by Section 21.509 at the time of the selection.

Sec. 21.507. PREFERENCES. (a) In selecting persons to participate in the program, the agency shall give preference to a person who:

(1) has significant educational or military experience in science, mathematics, or engineering and agrees to seek employment as a teacher in one of those subjects in a public elementary or secondary school in this state; or

(2) has significant educational or military experience in a field other than science, mathematics, or engineering identified by the agency as a field important for state educational objectives and agrees to seek employment as a teacher in a subject related to that field in a public elementary or secondary school in this state.

(b) The commissioner shall determine the level of experience considered significant for purposes of this section.

Sec. 21.508. AGREEMENT. A person selected to participate in the program must enter into a written agreement with the agency under which the person agrees to:

(1) obtain, within the period the agency by rule requires, certification as an elementary or secondary school teacher in this state; and

(2) accept, during the first school year that begins after the date the person becomes certified, an offer of full-time employment as an elementary or secondary school teacher with a school district in this state.

Sec. 21.509. STIPEND. The agency shall pay to each participant in the program a stipend of \$5,000.

Sec. 21.510. REIMBURSEMENT. (a) A participant in the program who fails to obtain certification or employment as required in the agreement under Section 21.508 or who voluntarily leaves or is terminated for cause from the employment after teaching in a public elementary or secondary school in this state for less than five school years shall reimburse the agency for the portion of the stipend that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the five years of required service.

(b) The obligation to reimburse the agency under this section is, for all purposes, a debt to the state. A discharge in bankruptcy under Title 11, United States Code, does not release a participant from the obligation to reimburse the agency. The amount owed bears interest at the rate equal to the highest rate being paid by the United States on the day the reimbursement is determined to be due for securities that have maturities of 90 days or less, and the interest accrues from the day the participant receives notice of the amount due.

(c) For purposes of this section, a participant in the program is not considered to be in violation of an agreement under Section 21.508 during any period in which the participant:

(1) is pursuing a full-time course of study related to the field of teaching at a public or private institution of higher education approved by the State Board for Educator Certification;

(2) is serving on active duty as a member of the armed forces of the United States;

(3) is temporarily totally disabled for a period not to exceed three years as established by sworn affidavit of a qualified physician;

(4) is unable to secure employment for a period not to exceed one year because of care required by a disabled spouse;

(5) is seeking and unable to find full-time employment as a teacher in a public elementary or secondary school for a single period not to exceed 27 months; or

(6) satisfies the provisions of any additional reimbursement exception adopted by the agency.

(d) A participant is excused from reimbursement under Subsection (a) if:

(1) the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician; or

(2) the agency waives reimbursement in the case of extreme hardship to the participant.

Sec. 21.511. The commissioner shall adopt rules to implement this subchapter.

(b) If the commissioner of education determines that federal funds are available for a federal program with the general purposes of Subchapter K, Chapter 21, Education Code, as added by Subsection (a) of this section, such

as for a program under 10 U.S.C. Section 1151, the commissioner of education shall discontinue the Texas Troops to Teachers Program and shall file notice of that discontinuation with the secretary of state to be published in the Texas Register.

Amendment No. 57 was withdrawn.

Amendment No. 58

Representative Brimer offered the following amendment to **CSSB 4**:
Floor Packet Page No. 258

Amend **CSSB 4** by adding a new section 2.15 to read as follows:

Section 2.15 Amend Texas Education Code by adding Section 22.006 to read as follows:

"Section 22.006 (a) The board of trustees of a school district may adopt a policy under which employee organizations are consulted concerning district working condition and educational matters specified by the policy.

(b) A policy the board of trustees adopts under this section:

(1) must permit a representative of an organization that represents public school employees to consult directly with the board or the board's designee concerning working conditions and educational matters specified by the policy if at least five percent of the employees in the district are members of the organization and the organization is exempt from taxation under Section 501 (c) (4), (5), or (6), Internal Revenue Code.

(2) may not exclude from consultation an employee organization described by this subsection.

(c) The board of trustees may establish criteria to provide for proportional representation of the employee organizations described by Subsection (b) based on the number of employees in the district who are dues-paying members of each organization."

Amendment No. 59

Representative Brimer offered the following amendment to Amendment No. 58:

Amend the Brimer Amendment to **CSSB 4** (on page 258 of the packet) as follows:

(1) In Section 22.006 (b) (1), Education Code, as added by the amendment, strike "must permit" and substitute "should permit".

(2) In Section 22.006 (b) (2), Education Code, as added by the amendment), strike "may not exclude" and substitute "should not exclude".

Amendment No. 59 was adopted without objection.

(Speaker in the chair)

Amendment No. 58, as amended, was adopted without objection.

Amendment No. 60

Representative Luna offered the following amendment to **CSSB 4**:

Floor Packet Page No. 95

Amend **CSSB 4** by inserting an appropriately numbered section to read as follows and by renumbering subsequent sections of the bill accordingly:

SECTION _____. Section 22.003(b), Education Code, is amended to read as follows:

(b) In addition to all other days of leave provided by this section or by the school district, an employee of a school district who, ~~[is physically assaulted]~~ during the performance of the employee's regular duties, is physically injured as a result of physical contact or the threat of physical contact the employee regards as offensive or provocative is entitled to the number of days of leave necessary to recuperate from all physical injuries sustained as a result of the physical contact or threat ~~[assault]~~. At the request of an employee, the school district must immediately assign an employee to assault leave and, on investigation of the claim, may change the assault leave status and charge the leave against the employee's accrued personal leave or against an employee's pay if insufficient accrued personal leave is available. Days of leave taken under this subsection may not be deducted from accrued personal leave. The period provided by this subsection may not extend more than two years beyond the date of the physical contact or threat ~~[assault]~~. Notwithstanding any other law, assault leave policy benefits due to an employee shall be coordinated with temporary income benefits due from workers' compensation so that the employee's total compensation from temporary income benefits and assault leave policy benefits equals 100 percent of the employee's weekly rate of pay.

Representative Smith moved to table Amendment No. 60.

The motion to table was lost.

Amendment No. 60 was adopted without objection.

Amendment No. 61

Representative Walker offered the following amendment to **CSSB 4**:

Floor Packet Page No. 96

Amend **CSSB 4** by adding the following language to page 25, line 14 and renumbering accordingly:

SECTION 1.24. Section 573.061, Government Code, is amended to read as follows:

Sec. 573.061. GENERAL EXCEPTIONS. Section 573.041 does not apply to:

(7) and appointment or employment of a person by a school district that has an enrollment of less than 600 students; or

(8) an appointment or employment of a person by a school district if the person was at any previous time employed by the district for at least five cumulative years before the election or appointment of the public official to whom the person is related in a prohibited degree.

Amendment No. 62

Representative Walker offered the following amendment to Amendment No. 61:

Amend the Walker Amendment (page 96) to **CSSB 4** by striking lines 1-2 and substituting the following:

"Amend **CSSB 4** by adding the following appropriately numbered SECTION and renumbering the remaining SECTIONS of the bill appropriately:"

Amendment No. 62 was adopted without objection.

Amendment No. 61, as amended, was adopted without objection.

Amendment No. 63

Representative Burnam offered the following amendment to **CSSB 4**:
Floor Packet Page No. 98

Amend **CSSB 4** by inserting the following new SECTIONS, appropriately numbered, and by renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 25.087(a), Education Code, is amended to read as follows:

(a) A child required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the child is enrolled. A teacher, principal, or superintendent may not excuse an absence under this subsection resulting from the voluntary absence of a child from the child's home that is without the consent of the child's parent or guardian and is for a substantial length of time or without intent to return.

SECTION _____. Subchapter C, Chapter 25, Education Code, is amended by adding Sections 25.0911 and 25.0912 to read as follows:

Sec. 25.0911. SERVICE OF LEGAL PROCESS. A school district administrator, school administrator, or constable designated in writing by an attendance officer may serve legal process under the same circumstances and in the same manner as an attendance officer under Section 25.091.

Sec. 25.0912. TRUANCY REDUCTION PROGRAM. (a) A school district shall establish a program to reduce truancy at a district campus if the student attendance rate at the campus is below 94 percent for at least two consecutive months.

(b) A district required to establish a program under this section shall:

(1) operate the program at least until the monthly student attendance rate at the campus is at or above 94 percent;

(2) designate one or more district employees as truancy caseworkers; and

(3) require the employee or employees designated under Subdivision (2) to:

(A) promptly notify parents of students who are absent from school without excuse;

(B) work cooperatively with parents and students to improve student attendance;

(C) closely monitor the school attendance of students with a history of unexcused absences; and

(D) refer students with a history of unexcused absences and the parents of those students to any appropriate programs or services available to address the underlying causes of the failure to attend school.

SECTION _____. Section 25.093, Education Code, is amended to read as follows:

Sec. 25.093. THWARTING COMPULSORY ATTENDANCE LAW. (a) If any parent of a child required to attend school fails to require the child to attend school as required by law, the school attendance officer shall warn the parent ~~[in writing]~~ that attendance is immediately required. A warning for purposes of this subsection may be an actual warning or a warning in writing that:

(1) is sent by:

(A) registered or certified mail with return receipt requested;

(B) telegram with report of delivery requested; or

(C) first class mail if the letter was returned unopened with markings indicating that the address is incorrect and that there is no current forwarding order; and

(2) is addressed to the parent at the parent's address shown on school records.

(b) A warning given in accordance with Subsections (a)(1) and (2) is presumed to have been received not later than the fifth day after the date the warning was sent.

(c) If, after a warning under Subsection (a), the parent with criminal negligence fails to require the child to attend school as required by law and the child has unexcused voluntary absences for the amount of time specified under Section 51.03(b)(2), Family Code, the parent commits an offense.

(d) ~~[(c)]~~ The attendance officer shall file a complaint against the parent in the county court, in a justice court in the county in which the parent resides or in which the school is located, or in a municipal court of the municipality in which the parent resides or in which the school is located. The attendance officer shall file a complaint under this section in the court to which the parent's child has been referred for engaging in conduct described in Section 51.03(b)(2), Family Code, if a referral has been made for the child. If a referral has not been made, the attendance officer shall refer the child to the county juvenile probation department for action as engaging in conduct indicating a need for supervision under that section.

(e) ~~[(d)]~~ A court in which a complaint is filed under this section shall give preference to a hearing on the complaint over other cases before the court.

(f) ~~[(e)]~~ An offense under this section is a Class C misdemeanor. Each day the child remains out of school after the warning has been given or the child has been ordered to attend school by the juvenile court may constitute a separate offense. Two or more offenses under this section may be consolidated and prosecuted in a single action. If the court probates the sentence, the court may require the defendant to render personal services to a charitable or educational institution as a condition of probation.

(g) ~~[(f)]~~ A fine collected under this section shall be deposited as follows:

(1) one-half shall be deposited to the credit of the operating fund of the school district in which the child attends school; and

(2) one-half shall be deposited to the credit of:

(A) the general fund of the county, if the complaint is filed in the county court or justice court; or

(B) the general fund of the municipality, if the complaint is filed in municipal court.

(h) [~~g~~] At the trial of any person charged with violating this section, the attendance records of the child may be presented in court by any authorized employee of the school district.

(i) [~~h~~] The court in which a conviction for an offense under this section occurs may order the defendant to attend a class for parents of students with unexcused absences that provides instruction designed to assist those parents in identifying problems that contribute to the students' unexcused absences and in developing strategies for resolving those problems if the school district in which the person resides offers such a class.

(j) [~~i~~] In this section, "parent" includes a person standing in parental relation.

SECTION _____. The sections of this Act amending Sections 25.087(a) and 25.093, Education Code, and adding Sections 25.0911 and 25.0912, Education Code, apply beginning with the 2000-2001 school year.

Representative Sadler moved to table Amendment No. 63.

The motion to table prevailed.

Amendment No. 64

Representative Tillery offered the following amendment to **CSSB 4**:

Floor Packet Page No. 104

Amend **CSSB 4** as follows:

SECTION _____. Section 26.001, Education Code, is amended to read as follows:

Sec. 26.001. ~~PURPOSE;NOTICE.~~ (a) Parents are partners with educators, administrators, and school district boards of trustees in their children's education. Parents shall be encouraged to actively participate in creating and implementing educational programs for their children.

(b) In implementing Subsection (a), a school district shall provide to the parent or guardian of each district student at the beginning of each school year or on enrollment of the student after the beginning of a school year a handbook that includes the parental rights and responsibilities specified by this chapter. The handbook:

(1) must be written on a fifth grade reading level; and

(2) may be drafted by the district-or campus-level planning and decision-making committee established under Subchapter F, Chapter 11.

(c) The rights listed in this chapter are not exclusive. This chapter does not limit a parent's rights under other law.

(d) [~~c~~] Unless otherwise provided by law, a board of trustees, administrator, educator, or other person may not limit parental rights.

(e) [~~d~~] Each board of trustees shall provide for procedures to consider complaints that a parent's right has been denied.

(f) [~~e~~] Each board of trustees shall cooperate in the establishment of ongoing operations of at least one parent-teacher organization at each school in the district to promote parental involvement in school activities.

SECTION _____. Section 26.001, Education Code, as amended by this Act,

applies beginning with 1999-2000 school year, except that for the 1999-2000 school year a school district shall distribute, not later than November 1, 1999, the handbooks that would otherwise be required to be distributed at the beginning of the school year under Section 26.001(b), Education Code, as amended by this Act.

Amendment No. 65

Representative Tillery offered the following amendment to Amendment No. 64:

Amend the Tillery Amendment No. 64 to **CSSB 4**, on page 104 of the packet, in amended Subsection (b), Section 26.001, Education code (third line of Subsection (b) a through the end of Subsection (b)), by striking "the parental rights and responsibilities specified by this chapter.

The handbook:

(1) must be written on a fifth grade reading level; and

(2) may be drafted by the district-or campus-level planning and decision-making committee established under Subchapter F, Chapter 11." and substituting "the text of this chapter.".

Amendment No. 65 was adopted without objection.

Representative Sadler moved to table Amendment No. 64, as amended.

The motion to table prevailed.

(Flores now present)

Amendment No. 66

Representative Howard offered the following amendment to **CSSB 4**:

Floor Packet Page No. 211

Amend **CSSB 4** by adding the following SECTIONS appropriately numbered and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 28.002(c), Education Code, is amended to read as follows:

(c) The State Board of Education, with the direct participation of educators, parents, business and industry representatives, and employers shall by rule identify the essential knowledge and skills of each subject of the foundation curriculum that all students should be able to demonstrate and that will be used in evaluating textbooks under Chapter 31 and addressed on the assessment instruments required under Subchapter B, Chapter 39. Reading must be included among the essential knowledge and skills of English language arts for grades one through eight. The reading curriculum, based on scientific research, must be grade specific and increase in depth and complexity from one school year to the next, focus on core knowledge, and include phonemic awareness and systematic, explicit phonics and spelling knowledge and skills. As a condition of accreditation, the board shall require each district to provide instruction in the essential knowledge and skills at appropriate grade levels.

SECTION _____. Section 31.023(a), Education Code, is amended to read as follows:

(a) For each subject and grade level, the State Board of Education shall adopt two lists of textbooks. The conforming list includes each textbook submitted for the subject and grade level that meets applicable physical specifications adopted by the State Board of Education, ~~[and]~~ contains material covering each element of the essential knowledge and skills of the subject and grade level as determined by the State Board of Education under Section 28.002 presented in an educationally effective manner as proven by scientific research, and is adopted under Section 31.024. To be placed on the conforming list, a reading textbook for grade one or above through grade eight must address phonemic awareness and must contain systematic, explicit phonics and spelling instruction that increases in depth and complexity from one school year to the next. The nonconforming list includes each textbook submitted for the subject and grade level that:

(1) meets applicable physical specifications adopted by the State Board of Education;

(2) contains material covering at least half, but not all, of the elements of the essential knowledge and skills of the subject and grade level presented in an educationally effective manner as proven by scientific research; ~~[and]~~

(3) is adopted under Section 31.024; ~~and~~

(4) contains systematic, explicit phonics and spelling instruction that increases in depth and complexity from one school year to the next, in the case of a reading textbook for grade one or above through grade eight.

SECTION _____. Notwithstanding the textbook review and adoption requirements under Section 31.022, Education Code, or the textbook review and adoption cycle the State Board of Education adopts under that section, the board shall review and adopt reading textbooks for grades one through eight that satisfy requirements under Section 31.023, Education Code, as amended by this Act, as soon as practicable.

SECTION _____. Sections _____ and _____ above apply beginning with the 1999-2000 school year.

Representative Sadler moved to table Amendment No. 66.

The motion to table was lost.

Amendment No. 66 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Telford requested permission for the Committee on Calendars to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 9:30 p.m. today, speakers committee room.

CSSB 4 - (consideration continued)

Amendment No. 67

Representative Howard offered the following amendment to **CSSB 4**:

Floor Packet Page No. 213

Amend **CSSB 4** by adding the following SECTION appropriately numbered and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 28,006 (a) - (c), Education Code, are amended to read as follows:

(a) The commissioner shall develop recommendations for school districts for:

(1) administering reading instruments to diagnose student pre-reading and and reading development and comprehension;

(2) training educators in administering the reading instruments; and

(3) applying the results of the reading instruments to the instructional program.

(b) The commissioner shall adopt a list of reading instruments that a school district may use to diagnose student pre-reading and reading development and comprehension. A district-level committee established under Subchapter F, Chapter 11, may adopt a list of reading instruments for use in the district in addition to the reading instruments on the commissioner's list. Each reading instrument adopted by the commissioner or a district-level committee must be based on scientific research concerning reading skills development, including phoneme awareness, sound-letter knowledge, and letter knowledge, and reading comprehension. A list of reading instruments adopted under this subsection must provide for diagnosing the reading development and comprehension of students participating in a program under Subchapter B, Chapter 29.

Amendment No. 67 was adopted without objection.

Amendment No. 68

Representatives Staples and Keffer offered the following amendment to **CSSB 4**:

Floor Packet Page No. 224

Amend **CSSB 4** by adding the following SECTION, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 28.025 (a), Education Code, is amended to read as follows:

(a) The State Board of Education by rule shall determine curriculum requirements for the minimum, recommended, and advanced high school programs that are consistent with the required curriculum under Section 28.002 and shall identify enrichment courses or series of courses within coherent sequences that satisfy high school academic requirements and that concurrently lead to a postsecondary curriculum. A student may graduate and receive a diploma only if the student successfully completes:

(1) the curriculum requirements identified by the board and the exit-level assessment instrument administered under Section 39.023 (c) or each end-of-course assessment instrument required to be adopted under Section 39.023 (d); or

(2) an individualized education program developed under Section 29.005.

Amendment No. 69

Representative Staples offered the following amendment to Amendment No. 68:

Amend the Staples Amendment to **CSSB 4** (on page 224 of the packet) on lines 10 and 11 by striking "satisfy high school academic requirements" and substituting "satisfy the high school graduation requirements".

Amendment No. 69 was adopted without objection.

Amendment No. 68, as amended, was adopted without objection.

Amendment No. 70

Representative Luna offered the following amendment to **CSSB 4**:
Floor Packet Page No. 132

Amend **CSSB 4** by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 5.001, Education Code, is amended by adding Subdivision (8) to read as follows:

(8) "Residential facility" means:

(A) a facility operated by a state agency or political subdivision, including a child placement agency, that provides 24-hour custody or care of a person 22 years of age or younger, if the person resides in the facility for detention, treatment, foster care, or any noneducational purpose; and

(B) any person or entity that contracts with or is funded, licensed, certified, or regulated by a state agency or political subdivision to provide custody or care for a person under Paragraph (A).

SECTION _____. Section 25.001(b), Education Code, is amended to read as follows:

(b) The board of trustees of a school district or its designee shall admit into the public schools of the district free of tuition a person who is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought if:

(1) the person and either parent of the person reside in the school district;

(2) the person does not reside in the school district but a parent of the person resides in the school district and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person;

(3) the person and the person's guardian or other person having lawful control of the person under a court order reside within the school district;

(4) the person has established a separate residence under Subsection (d);

(5) the person is homeless, as defined by 42 U.S.C. Section 11302,

regardless of the residence of the person, of either parent of the person, or of the person's guardian or other person having lawful control of the person;

(6) the person is a foreign exchange student placed with a host family that resides in the school district by a nationally recognized foreign exchange program, unless the school district has applied for and been granted a waiver by the commissioner under Subsection (e);

(7) the person resides at a residential facility located in the district;

or

(8) [(7)] the person resides in the school district and is 18 years of age or older or the person's disabilities of minority have been removed.

SECTION _____. Section 25.003(a), Education Code, is amended to read as follows:

(a) Notwithstanding any other provision of this code, a school district shall charge tuition for a child who resides at a residential facility [child-care institution] and whose maintenance expenses are paid in whole or in part by another state or the United States [may not be admitted to a public school unless the child-care institution pays tuition for the child equal to the actual cost of educating a child enrolled in a similar educational program in the district].

SECTION _____. Section 29.012, Education Code, is amended to read as follows:

Sec. 29.012. RESIDENTIAL [INTERMEDIATE CARE] FACILITIES. (a) Except as provided by Subsection (b)(2), not later than the third day after the date a person 22 years of age or younger is placed in a residential facility, the residential facility shall:

(1) if the person is three years of age or older, notify the school district in which the facility is located, unless the facility is an open-enrollment charter school; or

(2) if the person is younger than three years of age, notify a local early intervention program in the area in which the facility is located.

(b) An agency or political subdivision that funds, licenses, certifies, contracts with, or regulates a residential facility must:

(1) require the facility to comply with Subsection (a) as a condition of the funding, licensing, certification, or contracting; or

(2) if the agency or political subdivision places a person in a residential facility, provide the notice under Subsection (a) for that person.

(c) For purposes of enrollment in a school, a person who resides in a residential facility is considered a resident of the school district or geographical area served by the open-enrollment charter school in which the facility is located.

(d) The Texas Education Agency, [and] the Texas Department of Mental Health and Mental Retardation, the Texas Department of Human Services, the Texas Department of Health, the Department of Protective and Regulatory Services, the Interagency Council on Early Childhood Intervention, the Texas Commission on Alcohol and Drug Abuse, the Texas Juvenile Probation Commission, and the Texas Youth Commission by a cooperative effort shall develop and by rule adopt a memorandum of understanding. The memorandum must:

(1) establish [that establishes] the respective responsibilities of school districts and of residential [intermediate care] facilities for [mentally retarded persons for] the provision of a free, appropriate public education, as required by the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and its subsequent amendments, including each requirement of 20 U.S.C. Section 1412(a)(12), [classrooms and educationally related therapy] for children with disabilities [students] who reside in those facilities;

(2) coordinate regulatory and planning functions of the parties to the memorandum;

(3) establish criteria for determining when a public school can provide educational services and when a residential facility must provide the services;

(4) provide for appropriate educational space when a residential facility must provide educational services;

(5) establish measures designed to ensure the safety of students and teachers; and

(6) provide for binding arbitration consistent with Chapter 2009, Government Code, and Section 154.027, Civil Practice and Remedies Code.

~~[(b) The division of responsibilities under the memorandum of understanding must be consistent with federal law relating to the state medical assistance program.]~~

Amendment No. 70 was adopted without objection.

Amendment No. 71

Representative Delisi offered the following amendment to **CSSB 4**:

Floor Packet Page No. 180

Amend **CSSB 4** by inserting the following appropriately numbered SECTIONS and by renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.903 to read as follows:

Sec. 29.903. CHARACTER EDUCATION PROGRAM. (a) Teaching positive character traits in public schools is essential to improving the learning environment, promoting student achievement, reducing disciplinary problems, and developing civic-minded students. Recognizing that the character of this state is only as strong as the character of its citizens and that the state's well-being requires involved, caring citizens of strong character, the purposes of this section are to:

(1) extol and to instill in the children of this state bedrock character traits and civic responsibility and to teach those traits and that responsibility in a practical manner; and

(2) improve the behavior and enhance the future of this state's young people by heralding sterling character traits in personal relationships, school, the workplace, and civic life.

(b) Each school district may implement in district schools a comprehensive character education program.

(c) A character education program under this section must:

(1) be secular in nature; and

(2) stress positive character traits, such as:

(A) trustworthiness, including honesty, reliability, and loyalty;

(B) respect;

(C) responsibility, including accountability, diligence, perseverance, and self-control;

(D) fairness, including justice and freedom from prejudice;

(E) caring, including kindness, empathy, compassion, consideration, generosity, and charity; and

(F) good citizenship, including concern for the common good and the community and respect for authority and the law.

(d) A district that implements a character education program is encouraged, to the greatest extent practicable, to:

(1) incorporate instruction in the positive character traits emphasized in the program into the district's regular curriculum and classroom instruction;

(2) integrate the program into a school's procedures and environment; and

(3) provide instruction in the positive character traits primarily through definition, example, illustration, application, and participation.

(e) This section does not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

(f) The agency shall maintain a list of character education programs that meet the criteria under Subsections (c) and (d).

(g) The agency shall review and evaluate the effectiveness of comprehensive character education programs that meet the criteria under Subsections (c) and (d), assess the impact of those programs on student discipline, academic achievement, and other performance indicators, and include the agency's findings and recommendations in the comprehensive biennial report required under Section 39.182.

(h) The agency shall award, out of funds appropriated for that purpose, grants to school districts for implementing and providing innovative character education programs.

(b) This section applies beginning with the 1999-2000 school year.

SECTION _____. (a) Section 37.008(a), Education Code, is amended to read as follows:

(a) Each school district shall provide an alternative education program that:

(1) is provided in a setting other than a student's regular classroom;

(2) is located on or off of a regular school campus;

(3) provides for the students who are assigned to the alternative education program to be separated from students who are not assigned to the program;

(4) focuses on English language arts, mathematics, science, history, and self-discipline;

(5) provides for students' educational and behavioral needs; ~~[and]~~

(6) provides supervision and counseling; ~~and~~

(7) includes a comprehensive character education program as described under Section 29.903.

(b) This section applies beginning with the 1999-2000 school year.

SECTION _____. (a) Section 37.011(d), Education Code, is amended to read as follows:

(d) A juvenile justice alternative education program must focus on English language arts, mathematics, science, social studies, [~~and~~] self-discipline, and character education as described under Sections 29.903(c) and (d). Each school district shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a district school. Each program shall administer assessment instruments under Subchapter B, Chapter 39, and shall offer a high school equivalency program. The juvenile board or the board's designee, with the parent or guardian of each student, shall regularly review the student's academic progress. In the case of a high school student, the board or the board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The program is not required to provide a course necessary to fulfill a student's high school graduation requirements other than a course specified by this subsection.

(b) This section applies beginning with the 1999-2000 school year.

Representative Sadler moved to table Amendment No. 71.

The motion to table prevailed.

Amendment No. 72

Representative Longoria offered the following amendment to **CSSB 4**:

Floor Packet Page No. 272

Amend **CSSB 4** by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 7.102(c)(4), Education Code, is amended to read as follows:

(4) The board shall establish curriculum and graduation requirements as required by Chapter 28.

SECTION _____. Section 8.051(d), Education Code, is amended to read as follows:

(d) Each regional education service center shall maintain core services for purchase by school districts and campuses. The core services are:

(1) training and assistance in teaching each subject area assessed under Section 39.023 using methods based on scientific research;

(2) training and assistance in providing each program that qualifies for a funding allotment under Section 42.151, 42.152, 42.153, or 42.156;

(3) assistance specifically designed for a school district rated academically unacceptable under Section 39.072(a) or a campus whose performance is considered unacceptable based on the indicators adopted under Section 39.051;

(4) training and assistance to teachers, administrators, members of district boards of trustees, and members of site-based decision-making committees; and

(5) assistance in complying with state laws and rules.

SECTION _____. Section 11.201(d), Education Code, is amended to read as follows:

(d) The duties of the superintendent include:

(1) assuming administrative responsibility and leadership for the planning, operation, supervision, and evaluation of:

(A) the education programs, services, and facilities of the district;

(B) ~~[and for]~~ the annual performance appraisal of the district's staff; and

(C) curricula based on scientific research for elementary reading, spelling, and mathematics;

(2) assuming administrative authority and responsibility for the assignment and evaluation of all personnel of the district other than the superintendent;

(3) making recommendations regarding the selection of personnel of the district other than the superintendent, as provided by Section 11.163;

(4) initiating the termination or suspension of an employee or the nonrenewal of an employee's term contract;

(5) managing the day-to-day operations of the district as its administrative manager;

(6) preparing and submitting to the board of trustees a proposed budget as provided by Section 44.002;

(7) preparing recommendations for policies to be adopted by the board of trustees and overseeing the implementation of adopted policies;

(8) developing or causing to be developed appropriate administrative regulations to implement policies established by the board of trustees;

(9) providing leadership for the attainment of student performance in the district based on the indicators adopted under Section 39.051 and other indicators adopted by the State Board of Education or the district's board of trustees;

(10) organizing the district's central administration; and

(11) performing any other duties assigned by action of the board of trustees.

SECTION _____. Section 11.202(b), Education Code, is amended to read as follows:

(b) Each principal shall:

(1) except as provided by Subsection (d), approve all teacher and staff appointments for that principal's campus from a pool of applicants selected by the district or of applicants who meet the hiring requirements established by the district, based on criteria developed by the principal after informal consultation with the faculty;

(2) set specific education objectives for the principal's campus, including for elementary school principals the implementation of curricula based on scientific research for reading, spelling, and mathematics, through the planning process under Section 11.253;

(3) develop budgets for the principal's campus;

(4) assume the administrative responsibility and instructional

leadership, under the supervision of the superintendent, for discipline at the campus;

(5) assign, evaluate, and promote personnel assigned to the campus;

(6) recommend to the superintendent the termination or suspension of an employee assigned to the campus or the nonrenewal of the term contract of an employee assigned to the campus; and

(7) perform other duties assigned by the superintendent pursuant to the policy of the board of trustees.

SECTION _____. Section 11.252(a), Education Code, is amended to read as follows:

(a) Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the academic excellence indicators adopted under Section 39.051. The district improvement plan must include provisions for:

(1) a comprehensive needs assessment addressing district student performance on the academic excellence indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs;

(2) measurable district performance objectives for all appropriate academic excellence indicators for all student populations, appropriate objectives for special needs populations, and other measures of student performance that may be identified through the comprehensive needs assessment;

(3) strategies for improvement of student performance that include:

(A) instructional methods, including methods based on scientific research for reading, spelling, and mathematics, for addressing the needs of student groups not achieving their full potential;

(B) methods for addressing the needs of students for special programs, such as suicide prevention, conflict resolution, violence prevention, research-based reading programs, or dyslexia treatment programs;

(C) dropout reduction;

(D) integration of technology in instructional and administrative programs;

(E) discipline management;

(F) staff development, including where appropriate, training in the use of curricula based on scientific research for reading, spelling, and mathematics, for professional staff of the district;

(G) career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities; and

(H) accelerated education;

(4) resources needed to implement identified strategies;

(5) staff responsible for ensuring the accomplishment of each strategy;

(6) timelines for ongoing monitoring of the implementation of each improvement strategy; and

(7) formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.

SECTION _____. Section 12.013(b), Education Code, is amended to read as follows:

(b) A home-rule school district is subject to:

(1) a provision of this title establishing a criminal offense;

(2) a provision of this title relating to limitations on liability; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) educator certification under Chapter 21 and educator rights under Sections 21.407, 21.408, and 22.001;

(C) criminal history records under Subchapter C, Chapter 22;

(D) student admissions under Section 25.001;

(E) school attendance under Sections 25.085, 25.086, and 25.087;

(F) inter-district or inter-county transfers of students under Subchapter B, Chapter 25;

(G) elementary class size limits under Section 25.112, in the case of any campus in the district that is considered low-performing under Section 39.131(b);

(H) curriculum requirements under Sections 28.002(a)(1)(A) and (B);

(I) high school graduation under Section 28.025;

(J) ~~(F)~~ special education programs under Subchapter A, Chapter 29;

(K) ~~(F)~~ bilingual education under Subchapter B, Chapter 29;

(L) ~~(K)~~ prekindergarten programs under Subchapter E, Chapter 29;

(M) ~~(L)~~ safety provisions relating to the transportation of students under Sections 34.002, 34.003, 34.004, and 34.008;

(N) ~~(M)~~ computation and distribution of state aid under Chapters 31, 42, and 43;

(O) ~~(N)~~ extracurricular activities under Section 33.081;

(P) ~~(O)~~ health and safety under Chapter 38;

(Q) ~~(P)~~ public school accountability under Subchapters B, C, D, and G, Chapter 39;

(R) ~~(Q)~~ equalized wealth under Chapter 41;

(S) ~~(R)~~ a bond or other obligation or tax rate under Chapters 42, 43, and 45; and

(T) ~~(S)~~ purchasing under Chapter 44.

SECTION _____. Section 12.056(b), Education Code, is amended to read as follows:

(b) A campus or program for which a charter is granted under this subchapter is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) curriculum requirements under Sections 28.002(a)(1)(A) and (B);

(D) high school graduation under Section 28.025;

(E) ~~[(D)]~~ special education programs under Subchapter A, Chapter 29;

(F) ~~[(E)]~~ bilingual education under Subchapter B, Chapter 29;

(G) ~~[(F)]~~ prekindergarten programs under Subchapter E, Chapter 29;

(H) ~~[(G)]~~ extracurricular activities under Section 33.081;

(I) ~~[(H)]~~ health and safety under Chapter 38; and

(J) ~~[(I)]~~ public school accountability under Subchapters B, C, D, and G, Chapter 39.

SECTION _____. Section 12.104(b), Education Code, is amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) curriculum requirements under Sections 28.002(a)(1)(A) and (B);

(D) high school graduation under Section 28.025;

(E) ~~[(D)]~~ special education programs under Subchapter A, Chapter 29;

(F) ~~[(E)]~~ bilingual education under Subchapter B, Chapter 29;

(G) ~~[(F)]~~ prekindergarten programs under Subchapter E, Chapter 29;

(H) ~~[(G)]~~ extracurricular activities under Section 33.081;

(I) ~~[(H)]~~ health and safety under Chapter 38; and

(J) ~~[(I)]~~ public school accountability under Subchapters B, C, D, and G, Chapter 39.

SECTION _____. Section 19.004(c), Education Code, is amended to read as follows:

(c) The district shall:

(1) develop educational and vocational training programs specifically designed for persons eligible under Section 19.005, including an educational curriculum based on scientific research to teach reading, spelling, and mathematics to those persons who test at or below the sixth grade level on approved placement tests; and

(2) coordinate educational programs and services in the department with those provided by other state agencies, by political subdivisions, and by persons who provide programs and services under contract.

SECTION _____. Section 21.045, Education Code, is amended by adding Subsection (e) to read as follows:

(e) Not later than September 1, 2000, the educator preparation accreditation standards must include the requirement that elementary teachers display knowledge of educational curricula based on scientific research for teaching reading, spelling, and mathematics. This subsection expires January 1, 2001.

SECTION _____. Section 21.046(b), Education Code, is amended to read as follows:

(b) The qualifications for certification as a principal must be sufficiently flexible so that an outstanding teacher may qualify by substituting approved experience and professional training for part of the educational requirements. Supervised and approved on-the-job experience in addition to required internship shall be accepted in lieu of classroom hours. The qualifications must emphasize:

(1) instructional leadership;

(2) administration, supervision, and communication skills;

(3) curriculum and instruction management, including for elementary school principals knowledge of effective implementation methods for educational curricula based on scientific research for elementary reading, spelling, and mathematics;

(4) performance evaluation;

(5) organization; and

(6) fiscal management.

SECTION _____. Section 21.047(c), Education Code, is amended to read as follows:

(c) A center may develop and implement a comprehensive field-based educator preparation program to supplement the internship hours required in Section 21.050. This comprehensive field-based teacher program must:

(1) be designed on the basis of current research into state-of-the-art teaching practices, curriculum theory and application, evaluation of student outcomes, and the effective application of technology;

(2) for elementary teachers, emphasize the use of educational methods and curricula based on scientific research for teaching elementary reading, spelling, and mathematics; and

(3) [(2)] have rigorous internal and external evaluation procedures that focus on content, delivery systems, and teacher and student outcomes.

SECTION _____. Section 21.451(b), Education Code, is amended to read as follows:

(b) The staff development must be predominantly campus-based, related to achieving campus performance objectives established under Section 11.253, and developed and approved by the campus-level committee established under Section 11.251. Campus staff development may include activities that enable the campus staff to plan together to enhance existing skills, to share effective strategies, to reflect on curricular and instructional issues, to analyze student achievement results, to reflect on means of increasing student achievement, to study research, to practice new methods, to study educational methods based on scientific research, to identify students' strengths and needs, to develop meaningful programs for students, to appropriately implement site-based decision-making, and to conduct action research. The campus staff development activities may be conducted using study teams, individual research, peer coaching, workshops, seminars, conferences, or other reasonable methods that have the potential to improve student achievement.

SECTION _____. Section 28.002, Education Code, is amended by amending Subsections (a) and (i) and adding Subsection (l) to read as follows:

(a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:

(1) a foundation curriculum that includes:

(A) English language arts, including elementary reading using educational methods based on scientific research and morphographic spelling using educational methods based on scientific research;

(B) mathematics, including elementary mathematics using educational methods based on scientific research;

(C) science; and

(D) social studies, consisting of Texas, United States, and world history, government, and geography; and

(2) an enrichment curriculum that includes:

(A) to the extent possible, languages other than English;

(B) health;

(C) physical education;

(D) fine arts;

(E) economics, with emphasis on the free enterprise system and its benefits;

(F) career and technology education; and

(G) technology applications.

(i) The State Board of Education shall adopt rules for the implementation of this subchapter. Except as provided by Subsection (j) and (l), the board may not adopt rules that designate the methodology used by a teacher or the time spent by a teacher or a student on a particular task or subject.

(l) Any method used to teach elementary reading, spelling, or mathematics must be based on scientific research.

SECTION _____. Section 29.057, Education Code, is amended by adding Subsection (d) to read as follows:

(d) The curriculum used for teaching reading, spelling, and mathematics in bilingual education or special language programs must be based on scientific research.

SECTION _____. Sections 29.081(b) and (e), Education Code, are amended to read as follows:

(b) Each district shall provide accelerated instruction to a student enrolled in the district who has taken the secondary exit-level assessment instrument and has not performed satisfactorily on each section or who is at risk of dropping out of school. The accelerated instruction must consist of educational methods based on scientific research.

(e) A school district may use a private or public community-based dropout recovery education program based on scientific research to provide alternative education programs for students at risk of dropping out of school. The program must grade students' work, offer course credit, modify instructional time requirements, and establish methods of evaluating subject mastery.

SECTION _____. Section 29.084(a), Education Code, is amended to read as follows:

(a) Each school district may provide at the district's schools tutorial services based on scientific research ~~[at the district's schools]~~.

SECTION _____. Section 29.153(f), Education Code, is amended to read as follows:

(f) A district's prekindergarten program must ~~[shall]~~ be designed to develop skills necessary for success in the regular public school curriculum, including language, mathematics, and social skills, and must be based on scientific research.

SECTION _____. Section 29.253, Education Code, is amended to read as follows:

Sec. 29.253. PROVISION OF ADULT EDUCATION PROGRAMS. Adult education programs shall be provided by public school districts, public junior colleges, public universities, public nonprofit agencies, and community-based organizations approved in accordance with state statutes and rules adopted by the State Board of Education. The programs must be based on scientific research and must be designed to meet the education and training needs of adults to the extent possible within available public and private resources. Bilingual education may be the method of instruction for students who do not function satisfactorily in English whenever it is appropriate for their optimum development.

SECTION _____. Section 31.029, Education Code, is amended to read as follows:

Sec. 31.029. BILINGUAL TEXTBOOKS. The board shall purchase or otherwise acquire textbooks that are based on scientific research for use in bilingual education classes.

SECTION _____. Section 37.002(a), Education Code, is amended to read as follows:

(a) A teacher may send a student to the principal's office to maintain effective discipline in the classroom. The first time a student is referred to the principal, the principal must determine the student's educational performance level by administering a reading decoding and comprehension placement test and a mathematics placement test. If the student's test performance is two or more grade levels below the student's assigned grade

level, the principal must place the student in an appropriate corrective reading or mathematics program that uses methods based on scientific research. If the student's test performance is equal to or greater than the student's assigned grade level, or if the student continues to act in an inappropriate manner after being placed in a corrective educational program that uses methods based on scientific research, the principal shall respond by employing appropriate discipline management techniques consistent with the student code of conduct adopted under Section 37.001.

SECTION _____. Section 37.008(a), Education Code, is amended to read as follows:

(a) Each school district shall provide an alternative education program that:

- (1) is provided in a setting other than a student's regular classroom;
- (2) is located on or off of a regular school campus;
- (3) provides for the students who are assigned to the alternative education program to be separated from students who are not assigned to the program;
- (4) focuses on English language arts, mathematics, science, history, and self-discipline;
- (5) provides a reading, spelling, and mathematics curriculum based on scientific research;
- (6) provides for students' educational and behavioral needs; and
- (7) ~~(6)~~ provides supervision and counseling.

SECTION _____. Section 37.011(h), Education Code, is amended to read as follows:

(h) Academically, the mission of juvenile justice alternative education programs shall be to enable students to perform at grade level. A student who is not performing at grade level on entering a juvenile justice alternative education program, as determined by the student's performance on a reading decoding and comprehension placement test and a mathematics placement test, must be placed in a corrective educational program that uses methods based on scientific research. For purposes of accountability under Chapter 39, a student enrolled in a juvenile justice alternative education program is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program, including a special education program. Annually the Texas Juvenile Probation Commission, with the agreement of the commissioner, shall develop and implement a system of accountability consistent with Chapter 39, where appropriate, to assure that students make progress toward grade level while attending a juvenile justice alternative education program. The Texas Juvenile Probation Commission shall adopt rules for the distribution of funds appropriated under this section to juvenile boards in counties required to establish juvenile justice alternative education programs. A student served by a juvenile justice alternative education program on the basis of an expulsion under Section 37.007(a), (d), or (e) is not eligible for Foundation School Program funding under Chapter 42 or 31.

SECTION _____. Section 37.055, Education Code, is amended to read as follows:

Sec. 37.055. PARENTAL INVOLVEMENT. (a) On admitting a student to a school-community guidance center, a representative of the school district, the student, and the student's parent shall develop an agreement that specifies the responsibilities of the parent and the student. The agreement must include:

(1) a statement of the student's behavioral and learning objectives, including a description of the educational methods based on scientific research and the behavioral modification methods that the school district intends to use to meet the objectives;

(2) a requirement that the parent attend specified meetings and conferences for teacher review of the student's progress; ~~[and]~~

(3) the parent's acknowledgement that the parent understands and accepts the responsibilities imposed by the agreement regarding attendance at meetings and conferences and assistance in meeting other objectives, defined by the district, to aid student remediation; ~~and~~

(4) the school district's acknowledgement that the district will use the best educational methods based on scientific research available to accomplish the learning objectives.

(b) The superintendent of the school district may obtain a court order from a district court in the school district requiring a parent to comply with an agreement made under this section. A parent who violates a court order issued under this subsection may be punished for contempt of court.

(c) A parent may obtain a court order from a district court in the county in which a school district is located requiring the superintendent of the school district to comply with an agreement made under this section. A superintendent who violates a court order issued under this subsection may be punished for contempt of court.

(d) In this section, "parent" includes a legal guardian.

SECTION _____. Section 38.003(b), Education Code, is amended to read as follows:

(b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder, including a corrective reading program based on scientific research that has proven successful in providing dyslexia remediation.

SECTION _____. Notwithstanding the textbook review and adoption requirements under Section 31.022, Education Code, or the textbook review and adoption cycle the State Board of Education adopts under that section, the board shall review and adopt reading, spelling, and mathematics textbooks and accompanying teacher editions that are based on scientific research that satisfy requirements under Sections 28.002(a)(1)(A) and (B), Education Code, as amended by this Act, as soon as practicable.

Amendment No. 72 was adopted without objection.

Amendment No. 73

Representative Howard offered the following amendment to **CSSB 4**:

Floor Packet Page No. 225

Amend **CSSB 4** by adding the following SECTIONS appropriately numbered and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 31.101(a) and (b), Education Code, are amended to read as follows:

(a) Each year, during a period established by the State Board of Education, the board of trustees of each school district and the governing body of each open-enrollment charter school shall, [-

~~[(1) for a subject in the foundation curriculum, notify the State Board of Education of the textbooks selected by the board of trustees or governing body for the following school year from among the textbooks on the appropriate conforming or nonconforming list; or~~

~~[(2)]~~ for a subject in the foundation or enrichment curriculum:

(1) ~~[(A)]~~ notify the State Board of Education of each textbook selected by the board of trustees or governing body for the following school year from among the textbooks on the appropriate conforming or nonconforming list; or

(2) ~~[(B)]~~ notify the State Board of Education that the board of trustees or governing body has selected a textbook that is not on the conforming or nonconforming list.

(b) If a school district or open-enrollment charter school selects a textbook for a particular subject ~~[in the enrichment curriculum]~~ and grade level that is not on the conforming or nonconforming list, the state shall pay to the district or school the same amount the state would pay under this chapter if the district or school had selected a textbook on the conforming or nonconforming list ~~[and amount equal to the lesser of:~~

~~[(1) 70 percent of the cost to the district of the textbook, multiplied by the number of textbooks the district or school needs for that subject and grade level; or~~

~~[(2) 70 percent of the limitation established under Section 31.025 for a textbook for that subject and grade level, multiplied by the number of textbooks the district or school needs for that subject and grade level].~~

SECTION _____. This Act applies to textbooks selected for the 1999-2000 school year and thereafter.

Representative Sadler moved to table Amendment No. 73.

The motion to table prevailed.

Amendment No. 74

Representative Nixon offered the following amendment to **CSSB 4**:

Floor Packet Page No. 227

Amend **CSSB 4** by adding the following new SECTIONS, appropriately numbered, and by renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.086 to read as follows:

Sec. 33.086. PARTICIPATION IN UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES. (a) The University Interscholastic League may not

deny a school described by Subsection (f) or its students the opportunity to participate in an activity sponsored by the league or the opportunity to become a member of an appropriate league district because the school is a private school.

(b) This section does not exempt a private school or its students from satisfying each eligibility requirement imposed by this subchapter or the league for participating in an activity or league district sponsored by the league.

(c) A private school seeking to participate in a league activity or to become a member of a league district shall make application to the league on a signed form prescribed by the league. The private school shall certify its eligibility under this subchapter and league rules in the application and shall attach proof of accreditation. The league may not impose eligibility requirements for private schools that exceed the requirements of this subchapter or league rules for public schools or require proof of eligibility that exceeds the proof required of public schools. On approval of an application, the league shall issue a certificate of approval to the applicant school. The application and certificate of approval are governmental records for purposes of Section 37.10, Penal Code.

(d) To determine the appropriate league district in which a private school will participate, the league must multiply the private school's enrollment by two and place the private school in an appropriate league district based on that enrollment figure, provided that the private school is placed in a league district not lower than the 3A level.

(e) For purposes of determining the eligibility of a student to participate in a league activity, a private school may draw students only from the same area as the public school district in which the private school is located.

(f) To be eligible under this section, a private school must:

(1) be accredited by an accrediting organization recognized by the Texas Education Agency;

(2) offer a four-year high school curriculum;

(3) offer interscholastic competition;

(4) require daily student attendance at a specific location;

(5) have a single sex student enrollment; and

(6) have an enrollment of not less than 500 students.

SECTION _____. Section 39.033, Education Code, is amended to read as follows:

Sec. 39.033. [~~VOLUNTARY~~] ASSESSMENT OF PRIVATE SCHOOL STUDENTS. (a) A private school that participates in a University Interscholastic League activity or that is a member of a league district under Section 33.086 must administer an assessment instrument adopted under this subchapter to students at the school. Under an agreement with the agency, a private school that does not participate in a league activity and is not a member of a league district under Section 33.086 may administer an assessment instrument adopted under this subchapter to students at the school.

(b) A [An agreement under this section must require the] private school that administers an assessment instrument under this section must [to] provide to the commissioner the information described by Section 39.051(b) and [to] maintain confidentiality in compliance with Section 39.030.

(c) The agency shall aggregate the information described by Section 39.051(b) that relates to students enrolled in a private school separately from the information that relates to other students.

(d) A private school must reimburse the agency for the cost of administering an assessment instrument under this section. The State Board of Education shall determine the cost under this section. The per-student cost may not exceed the cost of administering the same assessment to a student enrolled in a public school district.

(e) ~~(d)~~ In this section, "private school" means a school that:

(1) offers a general education to elementary or secondary students;
and

(2) is not operated by a governmental entity.

Amendment No. 75

Representative Deshotel offered the following amendment to Amendment No. 74:

Amend the Nixon Amendment No. 74 to **CSSB 4** (on page 227 of the packet) as follows:

(1) In added Section 33.086(d), Education Code (page 2, line 5), strike "3A" and substitute "2A".

(2) In added Section 33.086(f)(4), Education Code (page 2, lines 17), after "location:", insert "and".

(3) Strike Section 33.086(f)(5) and (6), Education Code (page 2, lines 18 and 19), and substitute the following:

(5) have an enrollment of not less than 300 students.

Amendment No. 75 was adopted without objection.

Representative R. Lewis moved to table Amendment No. 74, as amended.

The motion to table prevailed.

Amendment No. 76

Representative Nixon offered the following amendment to **CSSB 4**:
Floor Packet Page No. 230

Amend **CSSB 4** by adding the following new SECTIONS, appropriately numbered, and by renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.086 to read as follows:

Sec. 33.086. PARTICIPATION IN UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES. (a) The University Interscholastic League may not deny a school described by Subsection (f) or its students the opportunity to participate in an activity sponsored by the league or the opportunity to become a member of an appropriate league district because the school is a private school.

(b) This section does not exempt a private school or its students from satisfying each eligibility requirement imposed by this subchapter or the league for participating in an activity or league district sponsored by the league.

(c) A private school seeking to participate in a league activity or to become a member of a league district shall make application to the league on a signed form prescribed by the league. The private school shall certify its eligibility under this subchapter and league rules in the application and shall attach proof of accreditation. The league may not impose eligibility requirements for private schools that exceed the requirements of this subchapter or league rules for public schools or require proof of eligibility that exceeds the proof required of public schools. On approval of an application, the league shall issue a certificate of approval to the applicant school. The application and certificate of approval are governmental records for purposes of Section 37.10, Penal Code.

(d) To determine the appropriate league district in which a private school will participate, the league must multiply the private school's enrollment by two and place the private school in an appropriate league district based on that enrollment figure, provided that the private school is placed in a league district not lower than the 3A level.

(e) For purposes of determining the eligibility of a student to participate in a league activity, a private school may draw students only from the same area as the public school district in which the private school is located.

(f) To be eligible under this section, a private school must:

(1) be accredited by an accrediting organization recognized by the Texas Education Agency;

(2) offer a four-year high school curriculum;

(3) offer interscholastic competition;

(4) require daily student attendance at a specific location;

(5) have a single sex student enrollment; and

(6) have an enrollment of not less than 500 students.

(g) This section expires September 1, 2004.

SECTION _____. Effective September 1, 1999, Section 39.033, Education Code, is amended to read as follows:

Sec. 39.033. ~~[VOLUNTARY]~~ ASSESSMENT OF PRIVATE SCHOOL STUDENTS. (a) A private school that participates in a University Interscholastic League activity or that is a member of a league district under Section 33.086 must administer an assessment instrument adopted under this subchapter to students at the school. Under an agreement with the agency, a private school that does not participate in a league activity and is not a member of a league district under Section 33.086 may administer an assessment instrument adopted under this subchapter to students at the school.

(b) A [An agreement under this section must require the] private school that administers an assessment instrument under this section must [to] provide to the commissioner the information described by Section 39.051(b) and [to] maintain confidentiality in compliance with Section 39.030.

(c) The agency shall aggregate the information described by Section 39.051(b) that relates to students enrolled in a private school separately from the information that relates to other students.

(d) A private school must reimburse the agency for the cost of administering an assessment instrument under this section. The State Board of Education shall determine the cost under this section. The per-student cost

may not exceed the cost of administering the same assessment to a student enrolled in a public school district.

(e) [(d)] In this section, "private school" means a school that:

(1) offers a general education to elementary or secondary students; and

(2) is not operated by a governmental entity.

SECTION _____. Effective September 1, 2004, Section 39.033, Education Code, is amended to read as follows:

Sec. 39.033. VOLUNTARY ASSESSMENT OF PRIVATE SCHOOL STUDENTS. (a) Under an agreement with the agency, a private school may administer an assessment instrument adopted under this subchapter to students at the school.

(b) An agreement under this section must require the private school to provide to the commissioner the information described by Section 39.051(b) and to maintain confidentiality in compliance with Section 39.030.

(c) A private school must reimburse the agency for the cost of administering an assessment instrument under this section. The State Board of Education shall determine the cost under this section. The per-student cost may not exceed the cost of administering the same assessment to a student enrolled in a public school district.

(d) In this section, "private school" means a school that:

(1) offers a general education to elementary or secondary students; and

(2) is not operated by a governmental entity.

Representative B. Turner moved to table Amendment No. 76.

A record vote was requested.

The motion to table prevailed by (Record 451): 81 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Bonnen; Bosse; Burnam; Capelo; Carter; Chavez; Clark; Cook; Counts; Danburg; Davis, Y.; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Gray; Greenberg; Gutierrez; Hardcastle; Hawley; Hilbert; Hinojosa; Hochberg; Hodge; Homer; Hope; Hunter; Janek; Jones, J.; Junell; King, T.; Kuempel; Lengefeld; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Merritt; Moreno, J.; Noriega; Olivo; Puente; Rangel; Reyna, A.; Ritter; Sadler; Salinas; Smith; Solis, J.; Solis, J. F.; Staples; Telford; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Wise; Wolens; Yarbrough.

Nays — Allen; Berman; Brimer; Brown, B.; Brown, F.; Chisum; Christian; Coleman; Crabb; Craddick; Crownover; Cuellar; Culberson; Davis, J.; Delisi; Denny; Deshotel; Elkins; George; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilderbran; Hill; Howard; Hupp; Isett; Keel; Keffer; King, P.; Krusee; Lewis, G.; Madden; Marchant; McCall; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Palmer; Pickett; Pitts; Reyna, E.; Seaman; Shields; Siebert; Smithee; Solomons; Swinford; Talton; Thompson; Williams; Wilson; Wohlgemuth; Woolley; Zbranek.

Present, not voting — Mr. Speaker(C); Ramsay.

Absent, Excused — Corte; Jones, C.; Jones, D.

Absent — Oliveira; Truitt.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 451. I intended to vote no.

McClendon

I was shown voting no on Record No. 451. I intended to vote yes.

Naishtat

I was shown voting present, not voting on Record No. 451. I intended to vote yes.

Ramsay

Amendment No. 77

Representative Giddings offered the following amendment to **CSSB 4**:
Floor Packet Page No. 234

Amend **CSSB 4** by inserting the following new SECTION, appropriately numbered, in ARTICLE 2 of the bill and renumbering subsequent SECTIONS of ARTICLE 2 accordingly:

SECTION 2.____. (a) Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.086 to read as follows:

Sec. 33.086. CERTIFICATION IN CARDIOPULMONARY RESUSCITATION AND FIRST AID. (a) A school district employee who serves as the head coach or chief sponsor for an extracurricular athletic activity, including cheerleading, sponsored or sanctioned by a school district or the University Interscholastic League must maintain and submit to the district proof of current certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification.

(b) Each school district shall adopt procedures necessary for administering this section, including procedures for the time and manner in which proof of current certification must be submitted.

(b) Section 33.086, Education Code, as added by Subsection (a) of this section, applies beginning January 1, 2000.

Amendment No. 77 was adopted without objection.

(Gallego in the chair)

Amendment No. 78

Representative Shields offered the following amendment to **CSSB 4**:
Floor Packet Page No. 236

Amend **CSSB 4** by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 37.002(d), Education Code, is amended to read as follows:

(d) A teacher shall remove from class and send to the principal for placement in an alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007. The student may not be returned to that teacher's class without the teacher's consent [~~unless the committee established under Section 37.003 determines that such placement is the best or only alternative available~~].

SECTION _____. Section 37.007(b), Education Code, is amended to read as follows:

(b) A student may be expelled if the student, while on school property or while attending a school-sponsored or school-related activity on or off of school property:

(1) sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of:

(A) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(B) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or

(C) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code; ~~or~~

(2) engages in conduct that contains the elements of an offense relating to abusable glue or aerosol paint under Sections 485.031 through 485.035, Health and Safety Code, or relating to volatile chemicals under Chapter 484, Health and Safety Code; or

(3) engages in conduct that contains the elements of the offense of assault under Section 22.01(a)(1), Penal Code, against an officer, employee, or volunteer of a school district.

SECTION _____. Section 37.009(a), Education Code, is amended to read as follows:

(a) Not later than the third class day after the day on which a student is removed from class by the teacher under Section 37.002(b) or (d) or by the school principal or other appropriate administrator under Section 37.006, the principal or other appropriate administrator shall schedule a conference among the principal or other appropriate administrator, a parent or guardian of the student, ~~the student, and, except as otherwise provided by this subsection, the teacher removing the student from class, if any[, and the student]~~. A teacher who is the victim of the student's conduct may attend the conference if the teacher wishes to attend. If the teacher does not attend the conference, the teacher shall prepare a written statement of the facts of the student's conduct. The statement must be provided to the student at the conference. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal shall order the

placement of the student as provided by Section 37.002 or 37.006, as applicable, for a period consistent with the student code of conduct.

Amendment No. 79

Representative Shields offered the following amendment to Amendment No. 78:

Amend the Shields amendment to **CSSB 4** (on page 236 of the packet) as follows:

- (1) On page 1, line 2, strike "SECTIONS" and substitute "SECTION".
- (2) Strike page 1, lines 4-29, and page 2, lines 1-5.

Amendment No. 79 was adopted without objection.

Amendment No. 78, as amended, was adopted without objection.

Amendment No. 80

Representative A. Reyna offered the following amendment to **CSSB 4**:
Floor Packet Page No. 136

Amend **CSSB 4** by inserting appropriately numbered sections to read as follows and by renumbering the sections of the bill accordingly:

SECTION _____. Section 11.059, Education Code, is amended to read as follows:

Sec. 11.059. TERMS. (a) A trustee of an independent school district serves a term of two [~~three or four~~] years.

(b) Elections of [~~for~~] trustees [~~with three-year terms~~] shall be held annually. The terms of one-half [~~one-third~~] of the trustees, or as near to one-half [~~one-third~~] as possible, expire each year.

~~[(c) Elections for trustees with four-year terms shall be held biennially. The terms of one-half of the trustees, or as near to one-half as possible, expire every two years.~~

~~[(d) A board policy must state the schedule on which specific terms expire.~~

~~[(e) A district in which trustees serve three-year or four-year terms as of January 1, 1995, continues to elect trustees under that system. The board of trustees of a district in which trustees are elected to two-year or six-year terms shall adopt a resolution providing for three-year or four-year terms. After adoption of the resolution, the board may not alter the length of the terms served by district trustees. The transition to three-year or four-year terms begins with the first regular election held after September 1, 1995. Trustees in office on September 1, 1995, shall serve for the remainder of their terms. The resolution must specify the manner in which the transition to staggered three-year or four-year terms is made. The resolution may provide for trustees elected during the transition to draw lots to determine which trustee serves for less than a full term or may specify which position in an election is for less than a full term. This subsection expires August 31, 2001.]~~

SECTION _____. In each independent school district, at the first election of trustees held after January 1, 2000, all positions on the board shall be filled for two-year terms in accordance with Section 11.059, Education Code,

as amended by this Act. The trustees elected at that election shall draw lots for staggered terms as provided by Section 11.059, Education Code, as amended by this Act. The term of each member of the board of trustees of an independent school district in office on the date of that election ends when the trustee's successor has qualified for office.

SECTION _____. The amendment to Section 11.059, Education Code, by this Act takes effect January 1, 2000.

Representative Sadler moved to table Amendment No. 80.

The motion to table prevailed.

Amendment No. 81

Representative A. Reyna offered the following amendment to **CSSB 4**:
Floor Packet Page No. 138

Amend **CSSB 4** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 11.162(b), Education Code, is amended to read as follows:

(b) The rules the board of trustees adopts must designate a source of funding that shall be used in providing uniforms for students at the school who reside with parents or legal guardians who receive financial assistance under Chapter 31, Human Resources Code, or unemployment compensation benefits ~~[are educationally disadvantaged]~~.

SECTION _____. Section 11.162(b), Education Code, as amended by this Act, applies beginning with the 1999-2000 school year.

Representative Sadler moved to table Amendment No. 81.

The motion to table prevailed.

Amendment No. 82

Representative A. Reyna offered the following amendment to **CSSB 4**:
Floor Packet Page No. 139

Amend **CSSB 4** by adding the following new SECTIONS, appropriately numbered, and by renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 11.163, Education Code, is amended to read as follows:

Sec. 11.163. EMPLOYMENT POLICY. (a) The board of trustees of each independent school district shall adopt a policy providing for the employment and duties of district personnel. The employment policy must provide that:

(1) the superintendent has sole authority to select ~~[make recommendations to the board regarding the selection of]~~ all personnel other than the superintendent and to discharge or suspend all personnel other than the superintendent or an employee whose discharge or suspension requires action of the board of trustees under Chapter 21 ~~[except that the board may delegate final authority for those decisions to the superintendent]; and~~

(2) each principal must approve each teacher or staff appointment to the principal's campus as provided by Section 11.202.

~~(b) [The board of trustees may accept or reject the superintendent's recommendation regarding the selection of district personnel. If the board rejects the superintendent's recommendation, the superintendent shall make alternative recommendations until the board accepts a recommendation.]~~

~~(c)]~~ The employment policy may:

(1) specify the terms of employment with the district; or

(2) delegate to the superintendent the authority to determine the terms of employment with the district.

SECTION _____. Section 11.201(d), Education Code, is amended to read as follows:

(d) The duties of the superintendent include:

(1) assuming administrative responsibility and leadership for the planning, operation, supervision, and evaluation of the education programs, services, and facilities of the district and for the annual performance appraisal of the district's staff;

(2) assuming administrative authority and responsibility for the assignment and evaluation of all personnel of the district other than the superintendent;

(3) ~~selecting all [making recommendations regarding the selection of]~~ personnel of the district other than the superintendent, as provided by Section 11.163;

(4) initiating the termination or suspension of an employee or the nonrenewal of an employee's term contract in accordance with Chapter 21;

(5) managing the day-to-day operations of the district as its administrative manager;

(6) preparing and submitting to the board of trustees a proposed budget as provided by Section 44.002;

(7) preparing recommendations for policies to be adopted by the board of trustees and overseeing the implementation of adopted policies;

(8) developing or causing to be developed appropriate administrative regulations to implement policies established by the board of trustees;

(9) providing leadership for the attainment of student performance in the district based on the indicators adopted under Section 39.051 and other indicators adopted by the State Board of Education or the district's board of trustees;

(10) organizing the district's central administration; and

(11) performing any other duties assigned by action of the board of trustees.

SECTION _____. Section 11.202(b), Education Code, is amended to read as follows:

(b) Each principal shall:

(1) except as provided by Subsection (d), approve all teacher and staff appointments for that principal's campus from a pool of applicants selected by the superintendent ~~[district]~~ or of applicants who meet the hiring requirements established by the district, based on criteria developed by the principal after informal consultation with the faculty;

- (2) set specific education objectives for the principal's campus, through the planning process under Section 11.253;
- (3) develop budgets for the principal's campus;
- (4) assume the administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline at the campus;
- (5) assign, evaluate, and promote personnel assigned to the campus;
- (6) recommend to the superintendent the termination or suspension of an employee assigned to the campus or the nonrenewal of the term contract of an employee assigned to the campus; and
- (7) perform other duties assigned by the superintendent pursuant to the policy of the board of trustees.

Representative Sadler moved to table Amendment No. 82.

The motion to table prevailed.

Amendment No. 83

Representative S. Turner offered the following amendment to **CSSB 4**:
Floor Packet Page No. 142

Amend **CSSB 4** by adding the following new ARTICLE, appropriately numbered, and renumbering ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ OFF-CAMPUS SCHOOL ACTIVITIES

SECTION ____ .01. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.166 to read as follows:

Sec. 11.166. OFF-CAMPUS SCHOOL ACTIVITIES. (a) The board of trustees of an independent school district may adopt rules under which a facility or other property that is not owned by the school district may be used for parking, recreational activities, and tutoring conducted under the authority of the school district.

(b) A person who permits the use of a facility or other property owned or leased by the person for a school activity described by Subsection (a) is immune from liability for damage to or destruction of property, personal injury, or death that arises from the use of the facility or other property for the activity.

(c) This section does not apply to a person who receives compensation from the school district for the use of the facility or other property, other than reimbursement for the person's actual expenses in providing the facility or other property.

(d) This section does not apply to an act or omission of a person who permits the use of a facility or other property for a school activity described by Subsection (a) if the act or omission is intentional or wilfully or wantonly negligent or if the act or omission is done with conscious indifference or reckless disregard for the safety of others.

SECTION ____ .02. This article applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

Amendment No. 83 was adopted without objection.

Amendment No. 84

Representatives Olivo and Oliveira offered the following amendment to **CSSB 4**:

Floor Packet Page No. 239

Amend **CSSB 4** by inserting the following appropriately numbered SECTIONS and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 37.008(c), Education Code, is amended to read as follows:

(c) Chapter 39 applies to each ~~[An off-campus]~~ alternative education program provided under this section ~~[is not subject to a requirement imposed by this title, other than a limitation on liability, a reporting requirement, or a requirement imposed by this chapter or by Chapter 39].~~

SECTION _____. Section 37.008(m), Education Code, is repealed.

SECTION _____. The changes in law made by this Act by the amendment of Section 37.008(c), Education Code, and the repeal of Section 37.008(m), Education Code, apply beginning with the 1999-2000 school year.

Amendment No. 85

Representatives Olivo and Oliveira offered the following amendment to Amendment No. 84:

Amend the Olivo amendment to **CSSB 4** to read as follows:

Amend **CSSB 4** by inserting the following appropriately numbered SECTIONS and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 37.008(c), Education Code, is amended to read as follows:

(c) Chapter 39 applies to each ~~[An off-campus]~~ alternative education program provided under this section ~~[is not subject to a requirement imposed by this title, other than a limitation on liability, a reporting requirement, or a requirement imposed by this chapter or by Chapter 39].~~

SECTION _____. The changes in law made by this Act by the amendment of Section 37.008(c), Education Code, applies beginning with the 1999-2000 school year.

Amendment No. 85 was adopted without objection.

Amendment No. 84, as amended, was adopted without objection.

(Speaker in the chair)

Amendment No. 86

Representative R. Lewis offered the following amendment to **CSSB 4**:
Floor Packet Page No. 240

Subsection (m), Section 37.008, Education Code, is amended to read as follows:

(m) The commissioner shall adopt rules necessary to ~~[administer the provisions of Chapter 39 for alternative education programs]~~ evaluate annually

the performance of each district's alternative education program established under this subchapter. The evaluation required by this section shall be based on indicators defined by the commissioner, but must include student performance on assessment instruments required under Sections 39.023 (a) and (c). Academically, the mission of alternative education programs shall be to enable students to perform at grade level. [~~Annually, the commissioner shall define for alternative education programs acceptable performance and performance indicating a need for peer review, based principally on standards defined by the commissioner that measure academic progress of students toward grade level while attending an alternative education program.~~].

Subsection (c), Section 39.075, Education Code, is amended to read as follows:

(c) Based on the results of a special accreditation investigation, the commissioner may:

- (1) take appropriate action under Subchapter G;
- (2) lower the district's accreditation rating [and may take appropriate action under Subchapter G]; or
- (3) take action under both Subsection (c) (1) and (c) (2).

Amendment No. 86 was adopted without objection.

Amendment No. 87

Representative R. Lewis offered the following amendment to **CSSB 4**:
Floor Packet Page No. 241

Amend Section 37.011 (h) to read as follows:

(h) Academically, the mission of juvenile justice alternative education programs shall be to enable students to perform at grade level. For purposes of accountability under Chapter 39, a student enrolled in a juvenile justice alternative education program is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program, including a special education program. Annually the Texas Juvenile Probation Commission, with the agreement of the commissioner, shall develop and implement a system of accountability consistent with Chapter 39, where appropriate, to assure that students make progress toward grade level while attending a juvenile justice alternative education program. The Texas Juvenile Probation Commission shall adopt rules for the distribution of funds appropriated under this section to juvenile boards in counties required to establish juvenile justice alternative education programs. Except as determined by the commissioner, a student served by a juvenile justice alternative education program on the basis of an expulsion under Section 37.007 (a), (d), or (e) is not eligible for Foundation School Program funding under Chapter 42 or 31. if the juvenile justice alternative education program receives funding from the Texas Juvenile Probation Commission under this subchapter.

Amendment No. 87 was adopted without objection.

Amendment No. 88

Representative Garcia offered the following amendment to **CSSB 4**:

Floor Packet Page No. 251

Amend **CSSB 4** by inserting the following new SECTION, appropriately numbered, and by renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 39.052(c), Education Code, is amended to read as follows:

(c) The commissioner shall adopt rules for requiring dissemination of appropriate student performance portions of campus report cards annually to the parent[~~-, guardian, conservator,~~] or other person having lawful control of each student at the campus. The portions of campus report cards disseminated to the parent or other person having lawful control of a student must include information concerning the performance of the students at each campus grade level on the academic excellence indicators specified under Sections 39.051(b)(1)-(8) and, in the case of a report card relating to a high school campus, the number and percentage of students who, for the most recent three-year or four-year period, depending on the grade levels offered, started high school at the campus and dropped out of school before graduating. On written request, the school district shall provide a copy of a campus report card to any other party.

(b) Not later than January 1, 2000, the commissioner of education shall adopt rules in accordance with Section 39.052(c), Education Code, as amended by Subsection (a) of this section. Those rules apply to public school campus report cards for the 2000-2001 school year and thereafter.

Amendment No. 88 was adopted without objection.

Amendment No. 89

Representative Palmer offered the following amendment to **CSSB 4**:

Floor Packet Page No. 317

Amend **CSSB 4** between ARTICLES 2 and 3 of the bill (House committee report, page 52, between lines 15 and 16), by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. INSTALLATION OF ASBESTOS IN PUBLIC SCHOOLS

SECTION _____. Chapter 161, Health and Safety Code, is amended by adding Subchapter Q to read as follows:

SUBCHAPTER Q. INSTALLATION OF ASBESTOS IN PUBLIC SCHOOLS

Sec. 161.401. DEFINITIONS. In this subchapter:

(1) "Asbestos" means the asbestiform varieties of chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite and all asbestos-containing building materials containing more than one percent of any of those substances.

(2) "Contractor" means a person who constructs, repairs, or maintains a public school building as an independent contractor. The term includes a subcontractor.

Sec. 161.402. ASBESTOS INSTALLATION OR REINSTALLATION IN PUBLIC SCHOOLS PROHIBITED. A person may not install asbestos-

containing building materials or reinstall asbestos-containing building materials in a public school building.

Sec. 161.403. INJUNCTION. (a) The attorney general or the appropriate district or county attorney, in the name of the state, may institute and conduct an action in a district court of Travis County or of a county in which any part of the violation occurs for an injunction or other process against a contractor who is violating this subchapter.

(b) The district court may grant any prohibitory or mandatory relief warranted by the facts, including a temporary restraining order, temporary injunction, or permanent injunction.

Sec. 161.404. CIVIL PENALTY. (a) A contractor who violates this subchapter is subject to a civil penalty not to exceed \$10,000 a day for each violation. Each day of violation constitutes a separate violation for purposes of penalty assessment. In determining the amount of the civil penalty, the court shall consider:

(1) the contractor's previous violations;

(2) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;

(3) whether the health and safety of the public was threatened by the violation;

(4) the demonstrated good faith of the contractor; and

(5) the amount necessary to deter future violations.

(b) The attorney general or the appropriate district or county attorney, in the name of the state, may institute and conduct an action authorized by this section in a district court of Travis County or of a county in which any part of the violation occurs.

(c) The party bringing the suit may:

(1) combine a suit to assess and recover civil penalties with a suit for injunctive relief brought under Section 161.403; or

(2) file a suit to assess and recover civil penalties independently of a suit for injunctive relief.

(d) The party bringing the suit may recover reasonable expenses incurred in obtaining injunctive relief, civil penalties, or both, including investigation costs, court costs, reasonable attorney's fees, witness fees, and deposition expenses.

(e) A penalty collected under this section by the attorney general shall be deposited in the state treasury to the credit of the general revenue fund. A penalty collected under this section by a district or county attorney shall be deposited to the credit of the general fund of the county in which the suit was heard.

Sec. 161.405. ADMINISTRATIVE PENALTY. (a) The board may impose an administrative penalty on a contractor who violates this subchapter.

(b) The amount of the penalty may not exceed \$10,000, and each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty. The amount shall be based on:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;

(2) the history of previous violations;

(3) the amount necessary to deter a future violation;

(4) efforts to correct the violation; and

(5) any other matter that justice may require.

(c) The enforcement of the penalty may be stayed during the time the order is under judicial review if the contractor pays the penalty to the clerk of the court or files a supersedeas bond with the court in the amount of the penalty. A contractor who cannot afford to pay the penalty or file the bond may stay the enforcement by filing an affidavit in the manner required by the Texas Rules of Civil Procedure for a party who cannot afford to file security for costs, subject to the right of the board to contest the affidavit as provided by those rules.

(d) The attorney general may sue to collect the penalty.

(e) A proceeding to impose the penalty is considered to be a contested case under Chapter 2001, Government Code.

Sec. 161.406. REMEDIES CUMULATIVE. The civil penalty, administrative penalty, and injunction authorized by this subchapter are in addition to any other civil, administrative, or criminal action provided by law.

SECTION _____. The change in law made by Subchapter Q, Chapter 161, Health and Safety Code, as added by this Act, applies only to the installation or reinstallation of asbestos on or after the effective date of this article. The installation or reinstallation of asbestos before the effective date of this article is governed by the law in effect on the date the asbestos was installed, and the former law is continued in effect for that purpose.

Amendment No. 90

Representative Palmer offered the following amendment to Amendment No. 89:

Amend the Palmer amendment to **CSSB 4** (on page 317 of the packet) as follows:

(1) Strike page 1, lines 10-17 and lines 22-29.

(2) On page 1, line 18, strike "Sec. 161.402" and substitute "Sec. 161.401".

(2) Strike page 2 and 3.

(3) Strike page 4, line 1.

Amendment No. 90 was adopted without objection.

Amendment No. 89, as amended, was adopted without objection.

Amendment No. 91

Representative Madden offered the following amendment to **CSSB 4**:
Floor Packet Page No. 321

Amend **CSSB 4** by adding the following new ARTICLE to the bill, appropriately numbered, and renumbering ARTICLES and SECTIONS of the bill appropriately:

ARTICLE __. PILOT OR EXPERIMENTAL
PROGRAMS OR CURRICULUMS

SECTION _____. Subsection (a), Section 26.009, Education Code, is amended to read as follows:

(a) An employee of a school district must obtain the written consent of a child's parent before the employee may:

(1) conduct a psychological examination, test, or treatment, unless the examination, test, or treatment is required under Section 38.004 or state or federal law regarding requirements for special education;

(2) require the child to take part in a pilot or experimental program or curriculum; or

(3) [(2)] make or authorize the making of a videotape of a child or record or authorize the recording of a child's voice.

Amendment No. 92

Representative Madden offered the following amendment to Amendment No. 91:

Amend the Madden Amendment to **CSSB 4** (on page 321 of the packet) as follows:

(1) On lines 5 and 6, strike "Subsection (a), Section 26.009, Education Code, is amended" and substitute "Section 26.009, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:".

(2) Immediately after line 16, insert the following:

(c) The commissioner by rule shall define "pilot" and "experimental" for purposes of Subsection (a) (2).

Amendment No. 92 was adopted without objection.

Amendment No. 91, as amended, was adopted without objection.

Vote Reconsidered - Amendment No. 10

Representative Tillery moved to reconsider the vote by which Amendment No. 10 was adopted.

The motion to reconsider prevailed.

Amendment No. 93

Representative Tillery offered the following amendment to Amendment No. 10:

Amend the Tillery Amendment to **CSSB 4** (on page 61 of the packet) by striking "on page 17, line 18, on page 34, line 15:

"Section 42.2512, or 42.2513" and substituting "on page 34, line 15: "Section 42.2512 or 42.2513"."

Amendment No. 93 was adopted without objection.

Amendment No. 10, as amended, was adopted without objection.

CSSB 4, as amended, was passed to third reading.

HR 1080 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1080**, suspending the limitations on the conferees for **HB 1865**.

**HCR 295 - ADOPTED
(by Bosse)**

The following privileged resolution was laid before the house:

HCR 295

WHEREAS, **HB 2617** has been adopted by the house of representatives and the senate; and

WHEREAS, The bill contains a technical error that should be corrected; now, therefore, be it

RESOLVED, That the enrolling clerk of the house of representatives be hereby instructed to correct **HB 2617** as follows:

(1) Strike the recital for the section added by Senate Floor Amendment No. 2 and substitute the following:

Section 13, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Subsections (d), (e), and (f) to read as follows:

(2) Substitute the following subsection, to be added to Section 13, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), for Senate Floor Amendment No. 3, which amended Senate Floor Amendment No. 2:

(f) Subsections (d) and (e) of this section do not apply to a municipality with a population of less than 50,000.

HCR 295 was adopted without objection.

ADJOURNMENT

Representative Bonnen moved that the house adjourn until 10 a.m. tomorrow in memory of Elkin Christopher Bonnen.

The motion prevailed without objection.

The house accordingly, at 10:34 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 2

HCR 293 (by Olivo, Dunnam, and Uher), Congratulating Jose Nino on being named the 1999 Bank One Tucson Internatio Mariachi Conference Mariachi Director-Teacher of the Year.

To Rules & Resolutions.

HCR 294 (by Olivo, Dunnam, and Uher), Honoring Mariachi Cultural of University High School in Waco.

To Rules & Resolutions.

HR 996 (by Haggerty), Congratulating John C. Ennis on his motorcycle racing skills.

To Rules & Resolutions.

HR 1002 (by Truitt), Honoring Leadership Hurst-Euleless-Bedford graduates.

To Rules & Resolutions.

HR 1006 (by Counts), Honoring Charles and Betty Baker for being recognized as Munday's Citizens of the Century.

To Rules & Resolutions.

HR 1007 (by Counts), In memory of Johnny Morris Moore of Sweetwater.

To Rules & Resolutions.

HR 1016 (by Hope), Honoring Patrick Brown for his myriad accomplishments.

To Rules & Resolutions.

HR 1021 (by Pitts), Congratulating Reverend Paul Brooks and Patricia Brooks on their 25th wedding anniversary.

To Rules & Resolutions.

HR 1027 (by Hunter), Honoring Bob Wakefield on the occasion of his retirement as the chief juvenile probation officer of the Juvenile Justice Center in Abilene.

To Rules & Resolutions.

HR 1028 (by Counts), Honoring Knox County Judge David Perdue.

To Rules & Resolutions.

HR 1029 (by Naishtat), Congratulating Kate Paddock on her outstanding writing achievements at the UIL Class 4A state competition.

To Rules & Resolutions.

HR 1030 (by Naishtat), Recognizing the Capital Area Mental Health Center.

To Rules & Resolutions.

HR 1031 (by Naishtat), Congratulating Janet Elbom on her receipt of the 1999 Max R. Haddick Teacher of the Year Award.

To Rules & Resolutions.

HR 1032 (by Madden), Congratulating Ann Marie Honeycutt on her outstanding achievements.

To Rules & Resolutions.

HR 1033 (by Shields), Honoring the Odyssey of the Mind team from Barbara Bush Middle School.

To Rules & Resolutions.

HR 1034 (by McClendon), In memory of Robert "Bob" Wells of San Antonio.

To Rules & Resolutions.

HR 1035 (by P. Moreno), Commemorating the centennial of El Paso's Alamo Elementary School.

To Rules & Resolutions.

HR 1036 (by P. Moreno), Congratulating Hazelle A. "Aunt Hay" Pulliam on her 80th birthday.

To Rules & Resolutions.

HR 1037 (by Gutierrez), Honoring the 60th anniversary of the Junior League of McAllen.

To Rules & Resolutions.

HR 1038 (by Gutierrez), Congratulating Napper Elementary School in Pharr, Texas, on being named a Blue Ribbon School.

To Rules & Resolutions.

HR 1039 (by Gutierrez), Honoring Dr. Fred Farias for being named Young Optometrist of the Year by the Texas Optometric Association.

To Rules & Resolutions.

HR 1040 (by B. Turner), Honoring the Brownwood High School FFA Range and Pasture team and advisor Ben Ellebracht for winning first place in the 48th annual National Land and Range Judging Contest.

To Rules & Resolutions.

HR 1041 (by Van de Putte), Honoring Keith Andrew Goodale for attaining the rank of Eagle Scout.

To Rules & Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 60

HB 385, HB 480, HB 792, HB 1507, HB 1513, HB 1543, HB 1544, HB 1814, HB 1822, HB 1828, HB 1860, HB 1864, HB 2011, HB 2023, HB 2054, HB 2171, HB 2180, HB 2401, HB 2450, HB 2535, HB 2568, HB 2580, HB 2631, HB 2844, HB 2867, HB 2925, HB 3083, HB 3215, HB 3444, HB 3650, HB 3740, HB 3746, HCR 182, HCR 261, HCR 269, HCR 284, HJR 36, HJR 74

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 22

Civil Practices - **HCR 248, SB 731, SCR 72**

Corrections - **SB 22, SB 447**

County Affairs - **SB 995**

Economic Development - **SB 394**

Human Services - **SB 369**

Judicial Affairs - **SB 376, SB 469, SB 611, SB 760, SB 1436, SB 1518, SB 1824**

Licensing & Administrative Procedures - **SB 129**

Pensions & Investments - **SB 1144**

Public Education - **SB 724, SB 875**

Public Safety - **SB 1766**

State Affairs - **SB 1127**

Transportation - **SB 514**

Urban Affairs - **SB 1703**

ENROLLED

May 22 - HB 57, HB 302, HB 385, HB 480, HB 908, HB 1285, HB 1387, HB 1507, HB 1516, HB 1814, HB 1822, HB 1828, HB 1860, HB 1933, HB 2011, HB 2023, HB 2054, HB 2205, HB 2246, HB 2401, HB 2450, HB 2535, HB 2568, HB 2580, HB 2631, HB 2660, HB 2844, HB 2867, HB 2925, HB 2966, HB 3083, HB 3161, HB 3215, HB 3224, HB 3338, HB 3444, HB 3650, HB 3694, HB 3740, HB 3746, HCR 182, HCR 261, HCR 269, HCR 284, HJR 36, HJR 74

SENT TO THE GOVERNOR

May 22 - HB 134, HB 362, HB 442, HB 541, HB 625, HB 690, HB 765, HB 811, HB 919, HB 923, HB 1147, HB 1196, HB 1244, HB 1297, HB 1341, HB 1359, HB 1368, HB 1380, HB 1411, HB 1479, HB 1492, HB 1535, HB 1572, HB 1661, HB 1662, HB 1663, HB 1700, HB 1826, HB 1840, HB 1895, HB 1912, HB 1980, HB 2104, HB 2136, HB 2140, HB 2170, HB 2196, HB 2301, HB 2304, HB 2338, HB 2353, HB 2359, HB 2406, HB 2509, HB 2512, HB 2542, HB 2752, HB 2768, HB 3042, HB 3138, HB 3263, HB 3330, HB 3460, HB 3462, HB 3635, HB 3815, HCR 19, HCR 134, HCR 220, HCR 225, HCR 244, HCR 282, HCR 283

SENT TO THE SECRETARY OF STATE

May 22 - HJR 44