

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

THIRTIETH DAY — WEDNESDAY, MARCH 9, 2005

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 72).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent — Isett.

The invocation was offered by Father Robert Barras, St. Edith Stein Catholic Church, Katy, as follows:

God, our creator, look kindly upon the members of this house who gather today in session for the common good of our state. Watch over their many conversations about tax reform and public education. Give them true wisdom. Renew them with the art of debate and the grace of compromise. Sharpen our appreciation for all who are workers in the house today, those who make the work of these members possible and fruitful.

Enlighten the members of our state senate and all elected officials. Look after our president who once called this capitol home. Let our work today renew the face of the Earth with a justice that is full of mercy and a peace that endures. In your holy name we pray. Amen.

The speaker recognized Representative Nixon who led the house in the pledges of allegiance to the United States and Texas flags.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Naishtat who presented Dr. Ajay Kumar Gupta of Austin as the "Doctor for the Day."

The house welcomed Dr. Gupta and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Woolley in the chair)

### **HR 484 - ADOPTED (by Flynn)**

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 484**.

The motion prevailed.

The following resolution was laid before the house:

**HR 484**, Recognizing March 9, 2005, as Van Zandt County Day at the State Capitol.

**HR 484** was adopted.

### **HR 699 - ADOPTED (by Driver)**

Representative Driver moved to suspend all necessary rules to take up and consider at this time **HR 699**.

The motion prevailed.

The following resolution was laid before the house:

**HR 699**, Honoring Gordon E. Stone of Quitman on his 80th birthday.

**HR 699** was adopted.

### **HR 658 - ADOPTED (by Flores)**

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 658**.

The motion prevailed.

The following resolution was laid before the house:

**HR 658**, Recognizing March 9, 2005, as Mission Day at the State Capitol, welcoming the visiting delegation, and commending all those associated with the Texas Citrus Fiesta for their efforts in maintaining this treasured cultural institution.

**HR 658** was adopted.

**HR 696 - ADOPTED**  
**(by Isett)**

Representative Smithee moved to suspend all necessary rules to take up and consider at this time **HR 696**.

The motion prevailed.

The following resolution was laid before the house:

**HR 696**, Commending Shirley Hutzler for her contributions to her industry and recognizing her as the inaugural recipient of the TAHU "Hutzler Legislative Excellence Award."

**HR 696** was adopted.

On motion of Representative Farabee, the names of all the members of the house were added to **HR 696** as signers thereof.

**HR 584 - ADOPTED**  
**(by Madden, Wong, and Zedler)**

Representative Madden moved to suspend all necessary rules to take up and consider at this time **HR 584**.

The motion prevailed.

The following resolution was laid before the house:

**HR 584**, Commending Communities In Schools of Texas and recognizing March 9, 2005, as Communities In Schools Day at the State Capitol and March 2005 as Communities In Schools Month.

**HR 584** was adopted.

**HR 701 - ADOPTED**  
**(by Giddings)**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 701**.

The motion prevailed.

The following resolution was laid before the house:

**HR 701**, Welcoming students from Lancaster High School to the State Capitol on March 9, 2005.

**HR 701** was adopted.

**HR 677 - ADOPTED**  
**(by Pitts)**

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 677**.

The motion prevailed.

The following resolution was laid before the house:

**HR 677**, Recognizing March 9, 2005, as Hill County Day at the State Capitol.

**HR 677** was adopted.

**HR 681 - ADOPTED**  
**(by Hughes)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 681**.

The motion prevailed.

The following resolution was laid before the house:

**HR 681**, Recognizing March 9, 2005, as Wood County Day at the State Capitol.

**HR 681** was adopted.

**HR 68 - ADOPTED**  
**(by Raymond and Guillen)**

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 68**.

The motion prevailed.

The following resolution was laid before the house:

**HR 68**, Commemorating the city of Laredo's 250th anniversary.

**HR 68** was adopted.

**HR 633 - ADOPTED**  
**(by Miller)**

Representative Miller moved to suspend all necessary rules to take up and consider at this time **HR 633**.

The motion prevailed.

The following resolution was laid before the house:

**HR 633**, Honoring Janie L. Walenta of Dallas for her contributions to her church, community, and state.

**HR 633** was adopted.

(Speaker in the chair)

**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. 18).

**UNFINISHED BUSINESS**

The following bill was laid before the house as unfinished business:

**CSHB 2 ON SECOND READING**  
**(by Grusendorf, J. Keffer, and Hill)**

**CSHB 2**, A bill to be entitled An Act relating to public education and public school finance matters.

**CSHB 2** was read second time on March 8, and 76 amendments were offered and disposed of before that day's adjournment.

**Amendment No. 77**

Representative Chisum offered the following amendment to **CSHB 2**:

Floor Packet Page No. 205

Amend **CSHB 2** as follows:

(1) On page 73, line 25, between "trustees" and "~~[with four year terms]~~", insert "in a school district that has its central administrative office in a county with a population of at least 25,000".

(2) On page 73, line 27, between "years" and "~~[biennially]~~", insert ". Elections for trustees in a school district that has its central administrative office in a county with a population of less than 25,000 shall be held on the uniform election date in May or November in even-numbered years".

(3) On page 74, line 9, between "district" and "may", insert "that has its central administrative office in a county with a population of at least 25,000".

(4) On page 78, strike lines 6-9 and substitute the following:

(b) Except as provided by Subsection (c) of this section:

(1) a trustee election that on the effective date of this Act is scheduled to be held on November 8, 2005, or May 6, 2006, in a school district that has its central administrative office in a county with a population of at least 25,000 must be held on November 7, 2006; and

(2) a trustee election that on the effective date of this Act is scheduled to be held on November 8, 2005, in a school district that has its central administrative office in a county with a population of less than 25,000 must be held on May 6, 2006, or November 7, 2006.

(5) On page 78, line 12, between "on" and "November", insert "May 6, 2006, or".

Amendment No. 77 was withdrawn.

**Amendment No. 78**

Representative Hamilton offered the following amendment to **CSHB 2**:

Floor Packet Page No. 206

Amend **CSHB 2** as follows:

(1) On page 74, line 12, strike "Subsection (e)" and substitute "Subsections (e) and (f)".

(2) On page 74, between lines 18 and 19, insert the following:

(f) A school district may not pay a superintendent a salary in an amount that exceeds 400 percent of the salary of the highest paid classroom teacher in the district.

Amendment No. 78 was adopted. (Coleman and Eissler recorded voting no.)

**Amendment No. 79**

Representative Dutton offered the following amendment to **CSHB 2**:

Floor Packet Page No. 214

Amend **CSHB 2** on page 74, between lines 18 and 19, by adding the following appropriately numbered section to Part C, Article 2, of the bill and renumbering the subsequent sections accordingly:

SECTION 2C. \_\_. 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) 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; or

(9) the person does not reside in the school district but the grandparent of the person:

(A) resides in the school district; and

(B) provides a substantial amount of after-school care for the person as determined by the board.

**Amendment No. 80**

Representatives Dunnam and Bonnen offered the following amendment to Amendment No. 79:

Amend the Dutton amendment to **CSHB 2** (amendment packet page 214) as follows:

(1) On page 1 of the amendment, line 5, strike "Section 25.001 (b)" and substitute "Section 25.001".

(2) On page 1 of the amendment, line 6, after "amended", insert "by amending Subsection (b) and adding Subsection (b-1)".

(3) On page 2 of the amendment, after line 12 of the amendment, insert the following:

(b-1) A school district may not prohibit a parent or grandparent of a student admitted under this section from providing any food product of the parent or grandparent's choice to:

(1) children in the classroom of the child of the parent or grandparent on the occasion of the child's birthday; or

(2) children at a school-designated function.

A record vote was requested.

Amendment No. 80 was adopted by (Record 73): 148 Yeas, 0 Nays, 0 Present, not voting.

Yeas — Mr. Speaker(C); Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent — Isett; Orr.

Amendment No. 79, as amended, was adopted.

**Amendment No. 81**

Representative McClendon offered the following amendment to **CSHB 2**:

Floor Packet Page No. 216

Amend **CSHB 2** on page 75, between lines 25 and 26, by adding the following appropriately numbered section to Part C, Article 2, of the bill, and renumbering the subsequent sections accordingly:

SECTION 2C.\_\_. Section 25.081, Education Code, is amended to read as follows:

Sec. 25.081. OPERATION OF SCHOOLS. (a) Except as authorized under Subsection (b) of this section, Section 25.084, or Section 29.0821, for each school year each school district must operate so that the district provides for not more than ~~[at least]~~ 180 days and not fewer than 1,260 hours of instruction for students.

(b) The commissioner may approve the instruction of students for fewer than the number of hours ~~[days]~~ required under Subsection (a) if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools.

(Harper-Brown in the chair)

Amendment No. 81 was withdrawn.

#### **Amendment No. 82**

Representative Reyna offered the following amendment to **CSHB 2**:

Floor Packet Page No. 217

Amend **CSHB 2** on page 74, between lines 10 and 11, by inserting the following new section, appropriately numbered, and renumbering the subsequent sections of Part 2C of the bill accordingly:

SECTION 2C.\_\_. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.170 to read as follows:

Sec. 11.170. CONFLICTS OF INTEREST. (a) A member of the board of trustees of a school district may not receive any financial benefit for personal services performed by the member for any business entity that conducts or solicits business with the district.

(b) This section controls to the extent of any conflict between this section and Chapter 171, Local Government Code.

#### **Amendment No. 83**

Representative Reyna offered the following amendment to Amendment No. 82:

Amend the Reyna amendment to **CSHB 2** (amendment packet, page 217) on page 1, line 9 of the amendment by striking "personal" and substituting "professional".

Amendment No. 83 was withdrawn.

Amendment No. 82 was withdrawn.

#### **Amendment No. 84**

Representative Herrero offered the following amendment to **CSHB 2**:



Floor Packet Page No. 218

Amend **CSHB 2** on page 76, between lines 14 and 15, by adding the following appropriately numbered section to Part C, Article 2, and renumbering the subsequent sections accordingly:

SECTION 2C.\_\_. 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 17 [~~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.

### **Amendment No. 85**

Representative Herrero offered the following amendment to Amendment No. 84:

Amend the Herrero amendment to **CSHB 2** (amendment packet page 218) on page 1 of the amendment, lines 7 and 8, by striking "a kindergarten, first, second, third, or fourth grade" and substituting "any [~~a kindergarten, first, second, third, or fourth grade~~]".

(Riddle in the chair)

Amendment No. 85 was adopted.

Representative Crownover moved to table Amendment No. 84.

A record vote was requested.

The motion to table prevailed by (Record 74): 83 Yeas, 59 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hupp; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle(C); Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Escobar; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, J.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds;

Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker; Anchia.

Absent — Baxter; Chisum; Eiland; Isett; King, T.; Van Arsdale.

(Isett now present)

### **Amendment No. 86**

Representative McClendon offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 220

Amend **CSHB 2** in Part C, Article 2, of the bill as follows:

(1) On page 74, between lines 10 and 11, insert the following appropriately numbered section and renumber the subsequent sections accordingly:

SECTION 2C. Subchapter C, Chapter 11, Education Code, is amended by adding Section 11.066 to read as follows:

Sec. 11.066. REMOVAL FOR FAILURE TO ATTEND BOARD MEETINGS. (a) It is a ground for removal of a trustee of an independent school district that the trustee is absent from more than half of the regularly scheduled board of trustees meetings during a calendar year that the member is eligible to attend, unless the absence is excused by a majority vote of the board of trustees.

(b) If the superintendent of the school district has knowledge that a ground for removal under this section exists, the superintendent shall notify the board of trustees. On a determination that a potential ground for removal exists, the board shall notify the appropriate county or district attorney or the attorney general.

(2) On page 78, between lines 19 and 20, insert the following appropriately numbered section and renumber the subsequent sections accordingly:

SECTION 2C. Section 11.066, Education Code, as added by this Act, applies only to trustee attendance at a board of trustees meeting held on or after the effective date of this Act. Trustee attendance at a board of trustees meeting held before the effective date of this Act is governed by the law in effect when the meeting was held, and the former law is continued in effect for that purpose.

(Harper-Brown in the chair)

Amendment No. 86 was adopted.

### **Amendment No. 87**

Representative McCall offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 221

Amend **CSHB 2** as follows:

(1) On page 74, between lines 10 and 11, insert the following section, appropriately numbered:

SECTION 2C. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.1511 to read as follows:

Sec. 11.1511. ELECTRONIC NOTICE FOR PUBLIC HEARINGS OR MEETINGS PERMITTED. (a) Instead of publishing notice for a public hearing or public meeting in the manner prescribed by statute, a school district may publish any required notice on its Internet website if authorized by rule adopted by the trustees of the independent school district.

(b) A school district that publishes notice under this section must have a link on its Internet website that is clearly identified as the link to public notices for public hearings or public meetings.

(2) On page 78, between lines 2 and 3, insert the following sections, appropriately numbered:

SECTION 2C.\_\_\_\_. Section 44.031(g), Education Code, is amended to read as follows:

(g) Except as provided by Section 44.045, notice [Notice] of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately.

SECTION 2C.\_\_\_\_. Section 44.033(b), Education Code, is amended to read as follows:

(b) Except as provided by Section 44.045, for [For] each 12-month period, the district shall publish a notice in two successive issues of any newspaper of general circulation in the county in which the school is located. If there is no newspaper in the county in which the school is located, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the school is located, specifying the categories of personal property to be purchased under this section and soliciting the names, addresses, and telephone numbers of vendors that are interested in supplying any of the categories to the district. For each category, the district shall create a vendor list consisting of each vendor that responds to the published notice and any additional vendors the district elects to include.

SECTION 2C.\_\_\_\_. Subchapter B, Chapter 44, Education Code, is amended by adding Section 44.045 to read as follows:

Sec. 44.045. ELECTRONIC NOTICE. Instead of the detailed notice required under Sections 44.031(g) and 44.033(b), a school district may publish an abbreviated notice that states the universal resource locator of the publicly accessible Internet website where the detailed notice is published. The detailed notice must be continuously available on the website for whichever of the following periods is longer:

(1) the two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications; or

(2) the period required for the printed publication of the detailed notice.

SECTION 2C.\_\_\_\_. Subchapter Z, Chapter 271, Local Government Code, is amended by adding Section 271.908 to read as follows:

Sec. 271.908. ELECTRONIC NOTICE BY SCHOOL DISTRICT. Instead of the detailed notice required by Sections 271.055 and 272.001, a school district may publish an abbreviated notice that states the universal resource locator of the publicly accessible Internet website where the detailed notice is published. The detailed notice must be continuously available on the website for whichever of the following periods is longer:

(1) the 14 days before the school district takes the action for which the notice is required; or

(2) the period required for the printed publication of the detailed notice.

SECTION 2C.\_\_\_\_. Section 272.001(a), Local Government Code, is amended to read as follows:

(a) Except for the types of land and interests covered by Subsection (b), (g), (h), (i), or (j), and except as provided by Sections ~~Section~~ 253.008 and 271.908, before land owned by a political subdivision of the state may be sold or exchanged for other land, notice to the general public of the offer of the land for sale or exchange must be published in a newspaper of general circulation in either the county in which the land is located or, if there is no such newspaper, in an adjoining county. The notice must include a description of the land, including its location, and the procedure by which sealed bids to purchase the land or offers to exchange the land may be submitted. The notice must be published on two separate dates and the sale or exchange may not be made until after the 14th day after the date of the second publication.

(3) On page 151, line 15, strike "adding Subsection (b-1) and amending Subsections (e) and (i)" and substitute "amending Subsections (b), (e), and (i) and adding Subsections (b-1) and (b-2)".

(4) On page 151, between lines 16 and 17, insert the following:

(b) Except as provided by Subsection (b-2), the [The] president shall provide for the publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or biweekly newspaper published in the district. If no daily, weekly, or biweekly newspaper is published in the district, the president shall provide for the publication of notice in at least one newspaper of general circulation in the county in which the district's central administrative office is located. Notice under this subsection shall be published not earlier than the 30th day or later than the 10th day before the date of the hearing.

(5) On page 151, between lines 20 and 21, insert the following:

(b-2) Instead of publishing notice in the manner prescribed by Subsection (b), a school district may publish the required notice on its Internet website not earlier than the 30th day or later than the 10th day before the date of the hearing. A school district that publishes notice under this subsection must have a link on its Internet website that is clearly identified as the link to the public notice for the budget and proposed tax rate meeting.

(6) On page 151, line 24, strike "and (b-1)" and substitute ", (b-1), and (b-2)".

Amendment No. 87 was adopted. (Gattis recorded voting no.)

**Amendment No. 88**

Representative Reyna offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 217

Amend **CSHB 2** on page 74, between lines 10 and 11, by inserting the following new section, appropriately numbered, and renumbering the subsequent sections of Part 2C of the bill accordingly:

SECTION 2C.\_\_\_\_. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.170 to read as follows:

Sec. 11.170. CONFLICTS OF INTEREST. (a) A member of the board of trustees of a school district may not receive any financial benefit for personal services performed by the member for any business entity that conducts or solicits business with the district.

(b) This section controls to the extent of any conflict between this section and Chapter 171, Local Government Code.

**Amendment No. 89**

Representative Reyna offered the following amendment to Amendment No. 88:

Amend the Reyna amendment to **CSHB 2** (amendment packet, page 217) on page 1, line 9 of the amendment by striking "personal" and substituting "personal or professional".

(Speaker in the chair)

**AMENDMENT NO. 89 — DEBATE**

REPRESENTATIVE SOLIS: Mr. Speaker.

MR. SPEAKER: For what purpose, Mr. Solis?

SOLIS: Would the lady yield for a question, please?

MR. SPEAKER: The lady yields.

SOLIS: Thank you, Mr. Speaker.

REPRESENTATIVE REYNA: Thank you.

SOLIS: Madam Chair, how are you?

REYNA: Fine.

SOLIS: I feel you have a good amendment here. Let me ask you this because I'm trying to get some things clarified. Does this section, which says school districts—does this section also apply to charter schools? Do we know that?

REYNA: It would. Yes, because charter schools are part of a school district. Definitely.

SOLIS: Would you take an amendment to clarify that—maybe an amendment to your amendment to clarify that?

REYNA: It's not needed, Mr. Solis. I would graciously accept it, however it's not needed. They're already considered part—it would be redundant.

SOLIS: Okay, so it's the intent of this amendment—

REYNA: —to include charter schools.

SOLIS: It's your intent to include in school district's charter schools. That's part of this—

REYNA: Definitely.

SOLIS: Okay. Secondly, and if I may, because I want to clarify this as well. If—I'm going to give you a hypothetical. That's probably the best way to handle that. If you have a person—say you are referring to personal services, and you have a person that is an owner of a business. And that person that is the owner of a business contracts with a school of which—and that school board you have—that school board member that has an interest of that business. That person—I hope I'm not getting too confusing here. In other words, you have an owner of a business that sits on a school board. And all that person is is an owner. I'm trying to clarify the fact that that person is an owner and providing goods to the school district. Is that inclusive also of services? Do you understand? We're talking about them providing goods to the school board and the school district versus providing a personal service. And I think the question here is what does personal service really consist of? Does this consist also of somebody providing goods? Or maybe that person is not providing goods. Maybe they're just providing—they're not providing a personal service. They're providing maybe goods. I want to know if that is clear enough. I don't know. I'm asking so—I'm just trying to clarify that.

REYNA: Well, again, Mr. Solis, the intent of this amendment is to bring everything to light and that there be no personal financial gain for any sitting board member. That their focus should be on policy and not on their financial gain.

SOLIS: Okay.

REYNA: That's how I can best answer that.

SOLIS: Thank you.

(Farabee in the chair)

### REMARKS ORDERED PRINTED

Representative Solis moved to print remarks between Representative Reyna and Representative Solis.

The motion prevailed.

(Speaker in the chair)

Amendment No. 89 was withdrawn.

Amendment No. 88 was withdrawn.

### Amendment No. 90

Representative Reyna offered the following amendment to **CSHB 2**:

Floor Packet Page No. 225

Amend **CSHB 2** on page 75, between lines 25 and 26, by adding the following appropriately numbered section to Part C, Article 2, of the bill and renumbering the subsequent sections accordingly:

SECTION 2C. Subchapter B, Chapter 25, Education Code, is amended by adding Section 25.0311 to read as follows:

Sec. 25.0311. ASSIGNMENT OF CERTAIN ELEMENTARY SCHOOL STUDENTS. Notwithstanding any other provision of this subchapter, an elementary school student is entitled to attend any elementary school campus located not more than three-fourths of a mile from any boundary of the real property on which the student's residence is located, unless the board of trustees of the school district determines that the student would be subject to a hazardous traffic condition, such as crossing a major street, if walking to the campus or otherwise could not easily reach the campus safely from the student's residence.

Amendment No. 90 was adopted.

### **Amendment No. 91**

Representative Farrar offered the following amendment to **CSHB 2**:

Floor Packet Page No. 226

Amend **CSHB 2** as follows:

(1) On page 76, add the following text between lines 14 and 15:

SECTION 2C.07. Subchapter Z, Chapter 25, Education Code, is amended by adding Section 25.902 to read as follows:

Sec. 25.902. CONTACT BETWEEN STUDENT WHO COMMITS ASSAULT AND STUDENT VICTIM. (a) This section applies only to:

(1) a student who:

(A) has been convicted of an offense described by Section 37.006(a)(2)(B) or 37.007(a)(2)(A);

(B) has been found by a court to have engaged in delinquent conduct on the basis of conduct described by Section 37.006(a)(2)(B) or 37.007(a)(2)(A); or

(C) has been accused of committing an offense described by Section 37.006(a)(2)(B) or 37.007(a)(2)(A) or of engaging in conduct that contains the elements of such an offense, and has had a protective order issued against the student in connection with the alleged offense or conduct; and

(2) a student who is the victim of conduct described by Subdivision (1).

(b) A student who is a victim to whom Subsection (a)(2) applies who is assigned to the same campus as the student who committed the offense or engaged in the conduct may notify a counselor at the campus, or in the student's school district if the campus does not have a counselor, of the offense or other conduct and request that the counselor attempt to ensure limited contact between the victim and the other student in the manner provided by Subsection (c).

(c) For purposes of this subsection, "parent" includes a person standing in a parental relation. On receiving a request under Subsection (b) from a student who is a victim, the counselor shall suggest to the parent of the student who

committed the offense or engaged in the conduct that the parent attempt to transfer the student to or enroll the student in another school. If the student's parent refuses or is unable to transfer the student to or enroll the student in another school, the counselor shall develop a plan for ensuring that the student and the student who is the victim have limited contact during the school day and during any extracurricular activities. The counselor shall coordinate with the parent of the student who committed the offense or engaged in the conduct and the parent of the victim separately in developing the plan.

(d) The counselor shall continue to serve as a resource to both students. The counselor cannot be held responsible for either student's violation of the plan. If a violation of a protective order occurs, the counselor should advise the victim to contact the office of the district attorney.

Representative Grusendorf moved to table Amendment No. 91.

A record vote was requested.

The motion to table prevailed by (Record 75): 74 Yeas, 70 Nays, 1 Present, not voting.

Yeas — Allen, R.; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Goodman; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smithee; Solomons; Swinford; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Anderson; Bailey; Baxter; Blake; Burnam; Campbell; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Herrero; Hilderbran; Hochberg; Hodge; Homer; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, W.; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Goolsby; Haggerty; Oliveira; Straus; Talton.

### STATEMENTS OF VOTE

When Record No. 75 was taken, I was temporarily out of the house chamber. I would have voted yes.

Haggerty



When Record No. 75 was taken, I was in the house but away from my desk. I would have voted yes.

Straus

### **Amendment No. 92**

Representative Chavez offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 232

Amend **CSHB 2** by adding the following new appropriately lettered part to Article 2 of the bill and relettering the subsequent parts accordingly:

#### PART \_\_\_\_ . PREKINDERGARTEN PROGRAMS

SECTION 2 \_\_\_\_ . \_\_\_\_ . Section 29.1532, Education Code, is amended by amending Subsection (b) and adding Subsections (d) and (e) to read as follows:

(b) A [If a] school [district contracts with a private entity for the operation of the] district's prekindergarten program, including a program operated by a private entity contracting with the district, [the program] must at a minimum comply with the applicable child-care licensing standards adopted by the Department of Family and Protective [and Regulatory] Services under Section 42.042, Human Resources Code. The State Board of Education shall adopt rules designed to ensure the school district's compliance with the standards.

(d) Before a school district may implement a prekindergarten program, the district shall:

(1) investigate the possibility of sharing program sites with existing child-care programs licensed by the Department of Family and Protective Services and existing federal Head Start programs; and

(2) coordinate use of any sites to the greatest extent possible.

(e) A school district shall implement to the greatest extent possible coordinated use of licensed child-care and Head Start sites with existing prekindergarten programs.

SECTION 2 \_\_\_\_ . \_\_\_\_ . A school district's prekindergarten program established before September 1, 2005, is not required to comply with the applicable child-care standards adopted by the Department of Family and Protective Services, as required by Section 29.1532(b), Education Code, as amended by this Act, until September 1, 2008.

Amendment No. 92 was adopted.

### **Amendment No. 93**

Representative Coleman offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 234

Amend **CSHB 2** in ARTICLE 2, PART C, by inserting the following appropriately-numbered SECTION:

"SECTION 2C. \_\_\_\_ . Chapter 1, Education Code, is amended by adding Section 1.0021 to read as follows:

Sec. 1.0021. DISCRIMINATION PROHIBITED. (a) In this section, "sexual orientation" means only an emotional or affectional orientation for heterosexuality, homosexuality, or bisexuality.

(b) A public educational institution or employee may not discriminate against a student enrolled in the institution on account of the ethnicity, color, gender, gender identity, sexual orientation, disability, religion, or national origin of the student or the student's parent.

Representative Chisum moved to table Amendment No. 93.

A record vote was requested.

The motion to table prevailed by (Record 76): 88 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Farabee; Flynn; Frost; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Quintanilla; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Baxter; Burnam; Campbell; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farrar; Flores; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Herrero; Hochberg; Hodge; Hunter; Hupp; Jones, J.; King, T.; Leibowitz; Luna; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Pickett; Puente; Raymond; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Laney; Peña.

## RECESS

At 12:02 p.m., the speaker announced that the house would stand recessed until 1:15 p.m. today.

## AFTERNOON SESSION

The house met at 1:15 p.m. and was called to order by the speaker.

### CSHB 2 - (pending business)

#### Amendment No. 75 - Vote Reconsidered

Representative Chisum moved to reconsider the vote by which Amendment No. 75 was adopted.

The motion to reconsider prevailed.

Amendment No. 75 was withdrawn.

**Amendment No. 94**

Representative T. King offered the following amendment to **CSHB 2**:

Floor Packet No. 235

Insert the following and renumber accordingly:

Section 37.006, Education Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) A student may be removed from class and placed in an alternative education program as provided by Section 37.008 if the student, while on school property or while attending a school-sponsored or school-related activity on or off of school property, engages in conduct that contains the elements of the offense of assault under Section 22.01 (a) (2) or (3), Penal Code.

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 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 define 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, Penal Code.

Amendment No. 94 was adopted. (The vote was reconsidered later today, and Amendment No. 94, as amended, was adopted.)

**Amendment No. 95**

Representative Kolkhorst offered the following amendment to **CSHB 2**:

Floor Packet No. 236

Amend **CSHB 2** on page 76, between lines 14 and 15, by inserting the following appropriately numbered section to Part 2C of the bill and renumbering the subsequent sections of the bill accordingly:

SECTION 2C.\_\_\_. Subchapter Z, Chapter 25, Education Code, is amended by adding Section 25.902 to read as follows:

Sec. 25.902. CERTAIN MANDATORY STUDENT IDENTIFICATION METHODS PROHIBITED. (a) In this section, "radio frequency identification technology" means a wireless identification system that uses an electromagnetic radio frequency signal to transmit data between a card, badge, or tag and another device without physical contact.

(b) A school district may not require a student to use an identification device that uses radio frequency identification technology or similar technology to identify the student, transmit information regarding the student, or track the location of the student.

(c) A school district that permits the voluntary use of a student identification device described by Subsection (b) shall provide an alternative method of identification for a student if the student's parent or guardian submits timely written objection to the use of radio frequency identification technology.

Amendment No. 95 was adopted.

### **Amendment No. 96**

Representative Bohac offered the following amendment to **CSHB 2**:

Floor Packet Page No. 241

Amend **CSHB 2** on page 74, between lines 10 and 11, by inserting the following appropriately numbered section to Part 2C of the bill and renumbering the subsequent sections of the bill accordingly:

SECTION 2C. . Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.169 to read as follows:

Sec. 11.169. PUBLICATION OF CERTAIN INFORMATION REQUIRED. Not later than the 10th day after the first day of instruction of each school year, a school district shall publish the following information in a newspaper of general circulation in the district:

- (1) the district's performance rating under Section 39.072;
- (2) the total number of students enrolled in the district;
- (3) the total number of classroom teachers employed by the district;
- (4) the total number of employees other than classroom teachers employed by the district;
- (5) the average annual salary of a classroom teacher employed by the district;
- (6) the average annual salary of a district administrator other than the superintendent;
- (7) the annual salary of the district superintendent; and
- (8) the average annual salary of a district employee who is not an administrator or a classroom teacher, computed using the salaries of all district employees other than classroom teachers, administrators, and the superintendent.

### **Amendment No. 97**

Representative Bohac offered the following amendment to Amendment No. 96:

Amend the Bohac amendment to **CSHB 2** as follows:

(1) On page 1, strike lines 1 through 28 and substitute the following:

Amend **CSHB 2** on page 101, between lines 13 and 14, by inserting the following appropriately numbered section to Part 2D of the bill and renumbering the subsequent sections of the bill accordingly:

SECTION 2D.\_\_\_\_. Section 39.053, Education Code, is amended by amending Subsection (c) to read as follows:

(c) The board of trustees shall hold a hearing for public discussion of the report. The board of trustees shall give notice of the hearing to property owners in the district and parents, guardians, conservators, and other persons having lawful control of a district student. The notification must include notice to a newspaper of general circulation in the district and notice to electronic media serving the district. After hearing the report shall be widely disseminated within the district in a manner to be determined under rules adopted by the commissioner. The notice required by this Subsection must also include:

(1) the district's performance rating under Section 39.072;

(2) the total number of students enrolled in the district;

(3) the total number of classroom teachers employed by the district;

(4) the total number of employees other than classroom teachers employed by the district;

(5) the average annual salary of a classroom teacher employed by the district;

(6) the average annual salary of a district administrator other than the superintendent;

(7) the annual salary of the district superintendent; and

(8) the average annual salary of a district employee who is not an administrator or a classroom teacher, computed using the salaries of all district employees other than classroom teachers, administrators, and the superintendent.

(Talton in the chair)

Representative McCall moved to table Amendment No. 97.

A record vote was requested.

The motion to table prevailed by (Record 77): 109 Yeas, 27 Nays, 2 Present, not voting.

Yeas — Allen, R.; Alonzo; Bailey; Berman; Blake; Bonnen; Branch; Brown, F.; Burnam; Campbell; Casteel; Castro; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Geren; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Hilderbran; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Isett; Jackson; Jones, D.; Keel; Keffer, J.; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Otto; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose;

Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton(C); Thompson; Truitt; Turner; Veasey; Villarreal; Vo; West; Wong; Woolley.

Nays — Bohac; Brown, B.; Callegari; Davis, J.; Escobar; Gattis; Grusendorf; Harper-Brown; Howard; Hupp; Jones, J.; Keffer, B.; King, T.; Kolkhorst; Leibowitz; Martinez; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Paxton; Solis; Taylor; Uresti; Van Arsdale; Zedler.

Present, not voting — Mr. Speaker; Edwards.

Absent — Allen, A.; Anchia; Anderson; Baxter; Coleman; Giddings; Herrero; Hill; Hughes; King, P.; Orr; Rodriguez.

#### STATEMENTS OF VOTE

When Record No. 77 was taken, I was temporarily out of the house chamber. I would have voted yes.

Anchia

When Record No. 77 was taken, my vote failed to register. I would have voted no.

Anderson

When Record No. 77 was taken, I was in the house but away from my desk. I would have voted no.

Herrero

Amendment No. 96 was withdrawn.

#### Amendment No. 98

Representative Olivo offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 244

Amend **CSHB 2** by adding the following new sections, appropriately numbered, and renumbering the subsequent sections accordingly:

SECTION 20.03. Section 37.0021, Education Code, is amended by amending Subsection (g) and adding Subsection (h) to read as follows:

(g) Except as provided by Subsection (h), this [This] section and any rules or procedures adopted under this section do not apply to:

- (1) a peace officer while performing law enforcement duties;
- (2) juvenile probation, detention, or corrections personnel; or

(3) an educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

(h) A school resource officer, as defined by Section 1701.601, Occupations Code, or a person employed under Section 37.081 as a school district peace officer or as security personnel must receive any training required under Subsection (d)(2).

SECTION \_\_\_\_ . Section 37.0021, Education Code, as amended by this Act, applies beginning with the 2005-2006 school year.

Representative Madden moved to table Amendment No. 98.

A record vote was requested.

The motion to table prevailed by (Record 78): 84 Yeas, 56 Nays, 2 Present, not voting.

Yeas — Allen, R.; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Merritt; Miller; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Taylor; Truitt; Van Arsdale; Villarreal; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anderson; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Escobar; Farrar; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Herrero; Hodge; Homer; Hopson; Jones, J.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Uresti; Veasey; Vo.

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

Absent — Anchia; Eiland; Flores; Griggs; Hochberg; McCall; Morrison; Turner.

### STATEMENT OF VOTE

When Record No. 78 was taken, I was temporarily out of the house chamber. I would have voted no.

Anchia

### Amendment No. 99

Representative Dunnam offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 239

Amend **CSHB 2** as follows:

(1) In ARTICLE 2, PART C, insert the following appropriately-numbered SECTION to read as follows:

"SECTION 2C. \_\_\_\_ Chapter 322, Government Code, is amended by adding Section 322.019 to read as follows:

Sec. 322.019. UNFUNDED LEGISLATIVE MANDATES. (a) In this section, "legislative mandate" has the meaning assigned by Section 67, Article III, Texas Constitution.

(b) On or before the September 1 following a regular session of the legislature and on or before the 90th day after the last day of a special session of the legislature, the board shall publish a list of legislative mandates regarding public education for which the legislature has not provided reimbursement as provided by Subsection (c) and that were enacted by the legislature during that legislative session. By that same date the board shall:

(1) remove from the list of public education legislative mandates for a previous legislative session a legislative mandate:

(A) for which the legislature has provided reimbursement as provided by Subsection (c); or

(B) that is no longer in effect; and

(2) add to the list a legislative mandate from a previous legislative session for which reimbursement was provided as provided by Subsection (c) in the previous session but for which reimbursement was not provided in the most recent regular session or in any subsequent special session.

(c) A legislative mandate is considered to be a mandate for which the legislature has provided reimbursement if the legislature appropriates or otherwise provides funds for a state fiscal year, other than revenue of the political subdivision, estimated to be sufficient to meet the cost incurred by all affected political subdivisions in the fiscal year of financing the expenditure.

(d) The board shall deliver the list prepared under Subsection (b) to the secretary of state for publication in the Texas Register.

(e) This section does not apply to a legislative mandate to which Section 67, Article III, does not apply."

(2) On page 164, line 6, strike "is" and substitute "and Chapter 320, Government Code, are".

(Speaker in the chair)

Representative Madden moved to table Amendment No. 99.

A record vote was requested.

The motion to table prevailed by (Record 79): 80 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Goolsby; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hill; Hope; Howard; Hughes; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Gattis; Geren; Giddings;



Gonzales; Gonzalez Tourelles; Goodman; Griggs; Guillen; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Hegar.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 79. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 79. I intended to vote no.

McCall

I was shown voting yes on Record No. 79. I intended to vote no.

Merritt

**Amendment No. 100**

Representative Olivo offered the following amendment to **CSHB 2**:

Floor Packet Page No. 250

Amend **CSHB 2** as follows:

(1) On page 79, line 10, strike "and".

(2) On page 79, between lines 10 and 11, insert the following:

(C) disciplinary alternative education programs;

(D) closing achievement gaps among racial groups, socioeconomic groups, and other groups as determined by the commissioner; and

(3) On page 79, line 11, strike "(C)" and substitute "(E)".

**Amendment No. 101**

Representative Olivo offered the following amendment to Amendment No. 100:

Amend the Olivo amendment to **CSHB 2** (amendment package page 250) as follows:

(1) On page 1 of the amendment, line 5, after the semicolon, insert "and".

(2) On page 1 of the amendment, strike lines 6-8.

(3) On page 1 of the amendment, line 9, strike "(E)" and substitute "(D)".

Amendment No. 101 was withdrawn.

Amendment No. 100 was withdrawn.

**Amendment No. 102**

Representative Casteel offered the following amendment to **CSHB 2**:

Floor Packet Page No. 251

Amend **CSHB 2** as follows:

Strike SECTION 2D.03, page 81, lines 4-10.

Representative Wong moved to table Amendment No. 102.

A record vote was requested.

The motion to table prevailed by (Record 80): 73 Yeas, 71 Nays, 1 Present, not voting.

Yeas — Anderson; Baxter; Berman; Blake; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Laubenberg; Luna; Madden; McCall; Miller; Morrison; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Casteel; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Guillen; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Hughes; Hunter; Jones, D.; Jones, J.; King, T.; Kuempel; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Allen, R.; Bonnen; Jackson; Mowery; Reyna.

#### STATEMENTS OF VOTE

When Record No. 80 was taken, I was temporarily out of the house chamber. I would have voted yes.

R. Allen

When Record No. 80 was taken, I was in the house but away from my desk. I would have voted no.

Bonnen

I was shown voting yes on Record No. 80. I intended to vote no.

Hilderbran

#### Amendment No. 103

Representative Farrar offered the following amendment to **CSHB 2**:

Floor Packet Page No. 257

Amend **CSHB 2** by adding the following language on page 81 between lines 23 and 24, and renumbering the subsequent sections accordingly:

SECTION 2D.05. Sections 25.112 (a) and (d), Education Code, are amended to read as follows:

(a) Except as otherwise authorized by this section, a school district may not enroll more than 18 students in a prekindergarten class or 22 students in a kindergarten, first, second, third, or fourth grade class. A limit imposed by this subsection ~~[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 42.005(c); or

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

(d) On application of a school district, the commissioner may except the district from a ~~[the]~~ limit imposed by ~~[it]~~ Subsection (a) if the commissioner finds the limit works an undue hardship on the district. An exception expires at the end of the semester for which it is granted, and the commissioner may not grant an exception for ~~[~~

~~(+)]~~ more than one semester at a time.

SECTION 2. Section 25.113 (a), Education Code, is amended to read as follows:

(a) A campus or district that is granted an exception under Section 25.112(d) from class size limits shall provide written notice of the exception to the parent of or person standing in parental relation to each student affected by the exception. The notice must be in conspicuous bold or underlined print and:

(1) specify the class for which an exception from a ~~[the]~~ limit imposed by Section 25.112(a) was granted;

(2) state the number of children in the class for which the exception was granted; and

(3) be included in a regular mailing or other communication from the campus or district, such as information sent home with students.

Representative Grusendorf moved to table Amendment No. 103.

A record vote was requested.

The motion to table prevailed by (Record 81): 84 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Gallego; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Dawson; Deshotel; Frost; Otto; Peña.

### STATEMENT OF VOTE

When Record No. 81 was taken, I was in the house but away from my desk. I would have voted no.

Frost

(Talton in the chair)

#### Amendment No. 104

Representative Hochberg offered the following amendment to **CSHB 2**:

Floor Packet Page No. 265

Amend **CSHB 2** as follows:

(1) On page 85, between lines 8 and 9, insert the following:

(d) The commissioner may adopt rules for the administration of this section.

The commissioner shall calculate average daily attendance for at-risk students served under this section. The commissioner shall allow accumulations of hours of instruction for students whose schedule would not otherwise allow full state funding. Funding under this subsection shall be determined based on the number of instructional days in the district calendar and a seven hour school day, but attendance may be cumulated over a school year, inclusive of any summer or vacation sessions. The attendance of students who accumulate less than the number of attendance hours required under this subsection shall be proportionately reduced for funding purposes. The commissioner may set maximum funding amounts for an individual course under this section.

(2) On page 4, strike lines 3 through 7 and substitute the following:

(3) for a district that operates under a flexible school day program under Section 29.0822, the average daily attendance as calculated by the commissioner in accordance with Section 29.0822 (d).

Amendment No. 104 was adopted.

#### Amendment No. 105

Representative Olivo offered the following amendment to **CSHB 2**:

Floor Packet Page No. 269

Amend **CSHB 2** on page 91 by striking the sentence that begins on line 25 and substituting the following: "The agency shall implement this section on a date the agency determines to be practicable and appropriate."

Representative Grusendorf moved to table Amendment No. 105.

A record vote was requested.

The motion to table prevailed by (Record 82): 80 Yeas, 64 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Harper-Brown; Hartnett; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Krusee; Kuempel; Laubenberg; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Hardcastle; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Kolkhorst; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

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

Absent — Bohac; Flores; Haggerty; Hegar.

### **Amendment No. 106**

Representative Bohac offered the following amendment to **CSHB 2**:

Floor Packet Page No. 242

Amend **CSHB 2** on page 75, between lines 25 and 26, by inserting the following appropriately numbered section to Part 2C of the bill and renumbering the subsequent sections of the bill accordingly:

SECTION 2C.\_\_\_\_. Section 25.031, Education Code, is amended to read as follows:

Sec. 25.031. ASSIGNMENTS AND TRANSFERS IN DISCRETION OF GOVERNING BOARD. (a) In conformity with this subchapter, the board of trustees of a school district or the board of county school trustees or a school employee designated by the board may assign and transfer any student from one school facility or classroom to another within its jurisdiction.

(b) A student who transfers to a school campus other than the campus the student would normally attend based on the student's residence may not be subsequently transferred out of a class at that campus before the end of a semester if the only purpose of the subsequent transfer is to comply with the limit in Section 25.112. A school district is not required to apply for an exception under Section 25.112(d) for the class in which the student is enrolled.

Amendment No. 106 was adopted.

**Amendment No. 107**

Representative Eissler offered the following amendment to **CSHB 2**:

Floor Packet Page No. 271

Amend **CSHB 2** as follows:

On page 94, line 1, strike Section 39.0261 College Preparation Assessments and add a new Section 39.0261 starting at page 94, line 1, to read as follows:

Sec. 39.0261. COLLEGE READINESS AND PREPARATION ASSESSMENTS.

(a) In addition to the assessment instruments otherwise authorized or required by this subchapter, and to promote college readiness, high school students in the spring of the 11th grade or during the 12th grade shall select and take once one of the valid, reliable, and nationally normed assessment instruments used by colleges and universities as part of their undergraduate admissions processes, such as the American College Test (ACT) and the Scholastic Assessment Test (SAT).

(b) In addition to the assessment instruments otherwise authorized or required by this subchapter, school districts shall administer to students in grades 8 and 10 educational planning and achievement assessments that promote college readiness and have the following characteristics:

(1) an integrated set of standards and curriculum-based achievement assessments that are valid, reliable and nationally normed; and

(2) contain a common content continuum and scaled score in the assessed areas of mathematics, science, reading, and English.

(c) The agency shall:

(1) select and approve vendors of the specific assessments instruments administered under this section; and

(2) pay from its operating budget all costs associated with administration of the assessment instruments.

(d) The agency shall compile the results of any assessment instrument administered under this section and make the results available through the Public Education Information Management System (PEIMS).

**Amendment No. 108**

Representative Eissler offered the following amendment to Amendment No. 107:

Substitute the following for the Eissler amendment to the Eissler amendment to **CSHB 2**:

Amend **CSHB 2** as follows:

On page 94, line 1, strike Section 39.0261 College Preparation Assessments and add a new Section 39.0261 starting at page 94, line 1, to read as follows:

Sec. 39.0261. COLLEGE READINESS AND PREPARATION ASSESSMENTS.

(a) In addition to the assessment instruments otherwise authorized or required by this subchapter, and to promote college readiness, high school students in the spring of the 11th grade or during the 12th grade shall select and take once one of the valid, reliable, and nationally normed assessment instruments used by colleges and universities as part of their undergraduate admissions processes, such as the American College Test (ACT) and the SAT®.

(b) In addition to the assessment instruments otherwise authorized or required by this subchapter, school districts shall administer to students in the 10th grade a valid, reliable, and nationally normed assessment instrument that promotes rigorous high school course-taking and college readiness, such as the Plan test (ACT) or the PSAT/NMSQT®.

(c) In addition to the assessment instruments otherwise authorized or required by this subchapter, school districts shall administer to students in the 8th grade a valid, reliable, and nationally normed assessment instrument that promotes rigorous high school course-taking.

(d) The agency shall:

(1) select and approve vendors of the specific assessment instruments administered under this section, and

(2) pay from its operating budget all costs associated with administration of the assessment instruments.

(e) The agency shall compile the results of any assessment instrument administered under this section and make the results available through the Public Education Information Management System (PEIMS).

Amendment No. 108 was adopted.

Amendment No. 107, as amended, was adopted.

### **Amendment No. 109**

Representative Chisum offered the following amendment to **CSHB 2**:

Floor Packet Page No. 273

Amend **CSHB 2** as follows:

On page 96, on line 19 after "teacher" add and parents.

### **Amendment No. 110**

Representative Chisum offered the following amendment to Amendment No. 109:

Amend the Chisum amendment to **CSHB 2** (packet page 273) by striking the text of the amendment and substituting the following:

Amend **CSHB 2** as follows:

(1) On page 96, between lines 23 and 24, insert the following:

(d) The school a student attends shall provide a record of the comparison made under this section and provided to the school under Subsection (c)(1) in a written notice to the student's parents required by Section 28.022(a)(2).

(2) On page 96, line 24, strike "(d)" and substitute "(e)".

Amendment No. 110 was adopted.

Amendment No. 109, as amended, was adopted.

**Amendment No. 111**

Representative Hilderbran offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 274

Amend **CSHB 2** as follows:

(1) On page 101, line 15, strike "Subsection (a)" and substitute "Subsections (a) and (d)".

(2) On page 102, between lines 10 and 11, insert the following:

(d) Notwithstanding any other provision of this code, for purposes of determining the performance of a school district or open-enrollment charter school under this chapter, including the academic performance rating [accreditation status] of the district or school, a campus that is a [student confined by court order in a residential program or] facility operated by or under contract with the Texas Youth Commission or a pre-adjudication secure detention facility or a post-adjudication secured correctional facility that is registered with the Texas Juvenile Probation Commission is not considered to be a part [student] of the school district [in which the program or facility is physically located] or open-enrollment charter school that operates the campus. The performance of [such] a student that attends such a campus on an assessment instrument or other academic excellence indicator adopted under Section 39.051 shall be determined and [;] reported, but may not be used to determine the rating of the school district or open-enrollment charter school unless the campus is the only campus operated by the district or school [and considered separately from the performance of students attending a school of the district in which the program or facility is physically located].

Amendment No. 111 was adopted.

**Amendment No. 112**

Representative Howard offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 275

Amend **CSHB 2** on page 101, line 17, by striking "commissioner [State Board of Education]" and substituting "State Board of Education".

Amendment No. 112 was adopted.

**Amendment No. 113**

Representative Coleman offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 278

Amend **CSHB 2** as follows:

(1) In SECTION 2D.30 of the bill:

(a) on page 107, line 19, strike "alternative management" and substitute "whole school redesign";



(b) on page 107, line 24, strike "MANAGEMENT" and substitute "WHOLE SCHOOL REDESIGN";

(c) strike proposed subsections (b) - (i), Sec.39.1322 Education Code (page 108, line 6 - page 110, line 20) and substitute the following:

"(b) If the commissioner determines that the basis for the rating for a campus under Subsection (a) is limited to a specific condition that may be remedied with targeted technical assistance from the agency, the commissioner:

(1) may provide the campus a one-year waiver under this section; and

(2) shall provide the appropriate technical assistance to remedy the specific condition.

(c) The commissioner shall require that a local school board develop a whole school redesign plan to correct the instructional program at a campus rated under Subsection (a) and to improve student performance. The commissioner shall provide technical assistance in developing such a plan.

(d) A whole school redesign plan shall be founded on research-based methods proven to enhance student achievement and, at a minimum, shall require:

(1) that instructional class sizes be no more than 10 students per teacher as specified under Section 28.0211(c); and

(2) that all classroom teachers assigned to the campus:

(i) have at least two years of teaching experience;

(ii) hold appropriate certification under Section 21.057 for all assigned subjects; and

(iii) be a highly-qualified teacher under No Child Left Behind Act of 2001 (Pub. L. No. 107-110)."

Representative Veasey moved to extend the speaking time on Amendment No. 113.

A record vote was requested.

The motion to extend the time prevailed by (Record 83): 113 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Bailey; Baxter; Blake; Bohac; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chavez; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Griggs; Grusendorf; Guillen; Hamilton; Hardcastle; Harper-Brown; Hegar; Herrero; Hilderbran; Hochberg; Hodge; Hopson; Howard; Hughes; Hunter; Hupp; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; King, T.; Kolkhorst; Krusee; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miller; Moreno, J.; Moreno, P.; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Smith, T.; Solis; Solomons; Straus; Swinford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong.

Nays — Berman; Hope; Orr; Smith, W.; Smithee; Woolley; Zedler.

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

Absent — Anchia; Anderson; Bonnen; Branch; Castro; Chisum; Crownover; Eissler; Elkins; Goolsby; Haggerty; Hamric; Hartnett; Hill; Homer; Isett; Keffer, J.; King, P.; Kuempel; Laney; Merritt; Morrison; Otto; Puente; Ritter; Seaman; Strama; Taylor.

### STATEMENTS OF VOTE

When Record No. 83 was taken, my vote failed to register. I would have voted yes.

Anderson

When Record No. 83 was taken, I was in the house but away from my desk. I would have voted yes.

Branch

When Record No. 83 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

When Record No. 83 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

When Record No. 83 was taken, I was in the house but away from my desk. I would have voted yes.

Puente

Representative Wong moved to table Amendment No. 113.

A record vote was requested.

The vote of the house was taken on the motion to table Amendment No. 113 and the vote was announced yeas 70, nays 73.

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 84): 74 Yeas, 72 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Harper-Brown; Hartnett; Hegar; Hill; Hope; Howard; Hughes; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; King, P.; Krusee; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton(C); Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Guillen; Hamilton; Hardcastle; Herrero;

Hilderbran; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, J.; King, T.; Kolkhorst; Kuempel; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker.

Absent — Callegari; Farrar; Keffer, J.

(Speaker in the chair)

The speaker stated that the motion to table Amendment No. 113 prevailed by the above vote.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 84. I intended to vote no.

Baxter

I was shown voting yes on Record No. 84. I intended to vote no. When the vote was taken on Record Vote 84, I was meeting with the Department of Public Safety regarding an individual of concern to my office. In my haste to get to the house floor and register my vote, I mistakenly voted "yes" on the amendment when I meant to vote "no."

Bonnen

When Record No. 84 was taken, I was temporarily out of the house chamber. I would have voted no.

Farrar

**Amendment No. 114**

Representative Olivo offered the following amendment to **CSHB 2**:

Floor Packet Page No. 280

Amend **CSHB 2** as follows:

(1) On page 124, line 6, through page 125, line 8, strike proposed SECTION 2D.38.

(2) On page 125, line 10 through line 20, strike proposed SECTION 2E.01 and renumber accordingly.

(3) On page 125, line 21 through page 126, line 15, strike proposed SECTION 2E.02 and renumber accordingly.

(4) On page 126, line 16, through page 127, line 12, strike proposed SECTION 2E.03 of the bill, and insert the following in its place:

SECTION 2E.03. Subchapter B, Chapter 29, Education Code, is amended by adding Section 29.065 to read as follows:

Sec. 29.065. MEASURE OF PROGRESS TOWARD PROFICIENCY IN ENGLISH AND ANOTHER LANGUAGE. (a) The commissioner by rule shall develop a longitudinal measure of progress toward proficiency in English and another language for students enrolled in a dual-language immersion program

under Section 28.0051, Education Code. To the extent practicable in developing the measure of progress, the commissioner shall establish standards that a student may meet in order to earn additional credit towards achieving a satisfactory level of performance under Section 28.0211, Education Code.

(b) School districts shall be provided the opportunity to earn additional credit toward a higher level of accreditation status under Subchapter D, Chapter 39, Education Code, for demonstrating achievement in preparing students to meet proficiency levels, as established by the commissioner, in one or more languages in addition to English.

Representative Eissler moved to table Amendment No. 114.

A record vote was requested.

The motion to table prevailed by (Record 85): 85 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Villarreal; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Escobar; Farabee; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Cook, R.; Eiland; Farrar; Hamilton; Hegar; Hughes; King, T.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 85. I intended to vote no.

Villarreal

### Amendment No. 115

Representative Olivo offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 281

Amend **CSHB 2** by adding the following appropriately numbered section to the bill and renumbering the subsequent sections accordingly:

SECTION 2B.02. Section 37.008, Education Code, is amended by adding Subsection (n) to read as follows:

(n) For purposes of accountability under Chapter 39, a student placed in a disciplinary 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.

Amendment No. 115 was adopted.

### **Amendment No. 116**

Representative Bohac offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 288

Amend **CSHB 2** on page 122, between lines 24 and 25, by inserting the following appropriately numbered section to Part 2D of the bill and renumbering the subsequent sections of the bill accordingly:

SECTION 2D. Chapter 39, Education Code, is amended by adding Subchapter J to read as follows:

#### SUBCHAPTER J. NOTICE OF PERFORMANCE

Sec. 39.251. NOTICE IN STUDENT GRADE REPORT. The first written notice of a student's performance that a school district gives during a school year as required by Section 28.022(a)(2) must include the following information:

(1) the most recent performance rating of the campus at which the student is enrolled, as determined under Section 39.072; and

(2) a definition and explanation of each performance rating described by Section 39.072(a).

Sec. 39.252. NOTICE ON DISTRICT WEBSITE. Not later than the 10th day after the first day of instruction of each school year, a school district that maintains an Internet website shall make the following information available to the public on the website:

(1) the information contained in the most recent campus report card for each campus in the district, as determined under Section 39.052;

(2) the information contained in the most recent performance report for the district, as determined under Section 39.053;

(3) the most recent performance rating of the district, as determined under Section 39.072; and

(4) a definition and explanation of each performance rating described by Section 39.072(a).

Amendment No. 116 was adopted.

### **Amendment No. 117**

Representative Olivo offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 290

Amend **CSHB 2** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 2D.23. Section 37.020, Education Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) For each placement in a disciplinary alternative education program established under Section 37.008, the district shall report:

(1) 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;

(2) information indicating whether the student was enrolled in a special education program under Subchapter A, Chapter 29, at the time of the placement;

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

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

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

(C) conduct for which placement in a disciplinary alternative education program is required by Section 37.006; or

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

(4) [~~3~~] the number of full or partial days the student was assigned to the program and the number of full or partial days the student attended the program; and

(5) [~~4~~] the number of placements that were inconsistent with the guidelines included in the student code of conduct under Section 37.001(a)(5).

(c) For each expulsion under Section 37.007, the district shall report:

(1) 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;

(2) information indicating whether the student was enrolled in a special education program under Subchapter A, Chapter 29, at the time of the expulsion;

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

(A) 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); or

(B) conduct for which expulsion is permitted under Section 37.007;

(4) [~~3~~] the number of full or partial days the student was expelled;

(5) [~~4~~] information indicating whether:

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

(B) the student was placed in a disciplinary alternative education program; or

(C) the student was not placed in a juvenile justice or other disciplinary alternative education program; and

(6) [~~5~~] the number of expulsions that were inconsistent with the guidelines included in the student code of conduct under Section 37.001(a)(5).

(d) For each circumstance in which a student engages in conduct for which the student is subject to expulsion under Section 37.007(a), (d), or (e), but in which the district does not expel the student because the student's incarceration or other circumstance prevents the district from taking that action, the district shall report information:

(1) identifying the student, including the student's race, sex, and date of birth;

(2) indicating whether the student was enrolled in a special education program under Subchapter A, Chapter 29, at the time of the conduct;

(3) describing the conduct in which the student engaged; and

(4) specifying the incarceration or other disposition that resulted from the student's conduct.

Representative Hupp moved to table Amendment No. 117.

A record vote was requested.

The motion to table prevailed by (Record 86): 81 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Mowery; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Cook, R.; Eiland; Hegar; Hill; Jones, J.; Straus; Swinford; Wong.

### **Amendment No. 118**

Representative Olivo offered the following amendment to **CSHB 2**:

Floor Packet Page No. 293

Amend **CSHB 2** by adding the following appropriately numbered **SECTIONS** to the bill and renumbering the subsequent **SECTIONS** accordingly:

SECTION 2D.06. Section 28.0211, Education Code, is amended by amending Subsections (a) and (c)-(f) and adding Subsections (a-1), (b-1), and (d-1) to read as follows:

(a) Except as provided by Subsection (b-1), (d), [~~(b)~~] or (e), a student may not be promoted to:

(1) the fourth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the third grade reading assessment instrument under Section 39.023;

(2) the sixth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the fifth grade mathematics and reading assessment instruments under Section 39.023; or

(3) the ninth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the eighth grade mathematics and reading assessment instruments under Section 39.023.

(a-1) A school district shall establish a grade placement committee to determine whether to promote or retain a student who fails to perform satisfactorily on an assessment instrument specified under Subsection (a). The grade placement committee shall be composed of the student's principal or the principal's designee, the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily, and a counselor at the student's school, or in the student's school district if the student's school does not have a counselor. The district shall notify the student's parent or guardian of:

(1) the student's failure to perform satisfactorily on the assessment instrument;

(2) the time and place for convening the grade placement committee and the purpose of the committee; and

(3) the possibility that the student might be retained at the same grade level for the next school year.

(b-1) The grade placement committee may decide to promote a student who fails to perform satisfactorily on an assessment instrument specified under Subsection (a) if the committee concludes, using standards adopted by the board of trustees, that if promoted and given accelerated instruction as provided by Subsection (f), the student is likely to perform at grade level. The standards adopted by the board of trustees may include:

(1) evidence of satisfactory student performance, including grades, portfolios, work samples, local assessments, and individual reading and mathematics diagnostic tests or inventories;

(2) grades in language arts, mathematics, science, and social studies for the grade level from which the student seeks promotion;

(3) performance on the individual assessment instruments administered to the student under Section 39.023;

(4) total scores on the assessment instrument or instruments specified by Subsection (a); and

(5) extenuating circumstances that have adversely affected the student's participation in the required assessments.



(c) If the grade placement committee decides not to promote a student under Subsection (b-1), the ~~[Each time a student fails to perform satisfactorily on an assessment instrument specified under Subsection (a), the school district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area, including reading instruction for a student who fails to perform satisfactorily on a reading assessment instrument. After a student fails to perform satisfactorily on an assessment instrument a second time, a]~~ grade placement committee shall ~~[be established to]~~ prescribe ~~[the]~~ accelerated instruction for [the district shall provide to] the student for the remainder of the school year and may prescribe accelerated instruction for the time school is recessed for the summer [before the student is administered the assessment instrument the third time]. [The grade placement committee shall be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. The district shall notify the parent or guardian of the time and place for convening the grade placement committee and the purpose of the committee.] An accelerated instruction group administered by a school district under this section may not have a ratio of more than 10 students for each teacher. The accelerated instruction must include reading instruction for a student who fails to perform satisfactorily on a reading assessment instrument. The

~~[(d) In addition to providing accelerated instruction to a student under Subsection (c), the]~~ district shall notify the student's parent or guardian of[~~:-~~

~~[(1) the student's failure to perform satisfactorily on the assessment instrument;~~

~~[(2)]~~ the accelerated instruction program to which the student is assigned[~~;- and~~

~~[(3) the possibility that the student might be retained at the same grade level for the next school year].~~

(d) The grade placement committee may decide in favor of a student's promotion after a student has received accelerated instruction as provided by Subsection (c) if the committee concludes, using the same standards adopted by the board of trustees under Subsection (b-1), that if promoted and given accelerated instruction as provided by Subsection (f), the student is likely to perform at grade level.

(d-1) A student may not be retained on the basis of the grade placement committee's decision unless that decision is unanimous. The commissioner by rule shall establish a time line for making the placement determination.

(e) A student who[~~;- after at least three attempts,]~~ fails to perform satisfactorily on an assessment instrument specified under Subsection (a) and is not promoted by the grade placement committee under Subsection (b-1) or (d) shall be retained at the same grade level for the next school year in accordance with Subsection (a). The student's parent or guardian may appeal the student's retention by submitting a request to the grade placement committee established under Subsection (a-1) to reconsider its decision under Subsection (d) [(e)]. The school district shall give the parent or guardian written notice of the opportunity to appeal. Subsections (b-1) and (d) and this [The grade placement committee

~~may decide in favor of a student's promotion only if the committee concludes, using standards adopted by the board of trustees, that if promoted and given accelerated instruction, the student is likely to perform at grade level. A student may not be promoted on the basis of the grade placement committee's decision unless that decision is unanimous. The commissioner by rule shall establish a time line for making the placement determination. This subsection do [does] not create a property interest in promotion. [The decision of the grade placement committee is final and may not be appealed.]~~

(f) A school district shall provide to a student who~~[-, after three attempts,]~~ has failed to perform satisfactorily on an assessment instrument specified under Subsection (a) accelerated instruction during the next school year as prescribed by an educational plan developed for the student by the student's grade placement committee established under Subsection (a-1) ~~[(e)]~~. The district shall provide that accelerated instruction regardless of whether the student has been promoted or retained. The educational plan must be designed to enable the student to perform at the appropriate grade level by the conclusion of the school year. During the school year, the student shall be monitored to ensure that the student is progressing in accordance with the plan. The district shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the district regularly administers the assessment instruments for that school year.

SECTION \_\_\_\_\_. Section 28.0211(b), Education Code, is repealed.

Representative Hupp moved to table Amendment No. 118.

A record vote was requested.

The motion to table prevailed by (Record 87): 82 Yeas, 58 Nays, 1 Present, not voting.

Yeas — Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Wong; Woolley; Zedler.

Nays — Allen, A.; Allen, R.; Alonzo; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Noriega, M.; Oliveira; Olivo; Peña; Puente; Raymond; Ritter; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo; West.

Present, not voting — Mr. Speaker(C).

Absent — Anchia; Bailey; Dukes; Hughes; Naishtat; Phillips; Pickett; Quintanilla; Rose.

**Amendment No. 119**

Representative Reyna offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 217

Amend **CSHB 2** on page 74, between lines 10 and 11, by inserting the following new section, appropriately numbered, and renumbering the subsequent sections of Part 2C of the bill accordingly:

SECTION 2C.\_\_\_\_. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.170 to read as follows:

Sec. 11.170. CONFLICTS OF INTEREST. (a) A member of the board of trustees of a school district may not receive any financial benefit for personal services performed by the member for any business entity that conducts or solicits business with the district.

(b) This section controls to the extent of any conflict between this section and Chapter 171, Local Government Code.

**Amendment No. 120**

Representative Dukes offered the following amendment to Amendment No. 119:

Amend the Reyna amendment to **CSHB 2** (page 217 of the amendment packet) by striking the text on page 1 of the amendment, lines 1-13, and substituting the following:

Amend **CSHB 2** as follows:

(1) On page 74, between lines 10 and 11, insert the following new section, appropriately numbered, and renumber the subsequent sections of the bill accordingly:

Sec. 11.170. CONFLICTS OF INTEREST. (a) Except as provided by Subsection (b), a member of the board of trustees of a school district may not receive any financial benefit for personal or professional services performed by the member or by a business entity in which the member has a substantial interest, as determined under Chapter 171, Local Government Code, under a contract or other agreement with the district.

(b) Subsection (a) does not prohibit a contract or other agreement between a school district and a business entity that employees a member of the district's board of trustees or a person related to a member of the board of trustees if:

(1) the member does not otherwise have a substantial interest in the business entity; and

(2) the member or the person related to the member does not participate in an action taken by the business entity to obtain or perform under the contract or agreement.

(c) This section controls to the extent of any conflict between this section and Chapter 171, Local Government Code.

(2) In Article 2 of the bill, insert the following appropriately lettered part and reletter the subsequent parts accordingly:

PART \_\_\_\_ CHARTER SCHOOLS

SECTION 2 \_\_. \_\_. Section 12.1054, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Section 11.170 applies to a member of the governing body of a charter holder or a member of the governing body of an open-enrollment charter school.

Amendment No. 120 was adopted.

**Amendment No. 121**

Representative Gallego offered the following amendment to Amendment No. 119:

Amend the Reyna amendment to **CSHB 2** (amendment packet page 217) on page 1 of the amendment, line 8, by inserting between "district" and "may" "that has its central administrative office in a municipality with a population of 10,000 or less".

Amendment No. 121 was adopted.

Amendment No. 119, as amended, was adopted.

**Amendment No. 122**

Representative Luna offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 298

Amend **CSHB 2** as follows:

(1) On page 126, between lines 15 and 16, add the following appropriately numbered section to Part 2E of the bill:

SECTION 2E. \_\_. Subchapter B, Chapter 29, Education Code, is amended by adding Section 29.0561 to read as follows:

Sec. 29.0561. CONSIDERATION; REENROLLMENT. (a) For the first two school years after a student is transferred out of a bilingual education or special language program under Section 29.056(g), the language proficiency assessment committee shall consider:

(1) the total amount of time the student has been enrolled in a bilingual education or special language program;

(2) the student's grades each grading period in each subject in the foundation curriculum under Section 28.002 (a) (1);

(3) the student's performance on each assessment instrument required under Section 39.023 (a) or (c)

(4) the number of credits toward high school graduation the student has earned, as applicable; and

(5) any disciplinary actions taken against the student under Subchapter A, Chapter 37.

(b) If, during any grading period during the first two schools years after a student is transferred out of a bilingual education or special language program under Section 29.056(g), the student earns a failing grade in a subject in the foundation curriculum under Section 28.002 (a) (1), the language proficiency

assessment committee shall reevaluate the student to determine if the student should reenroll in the bilingual education or special language program. Based on the reevaluation, the committee may arrange for intensive instruction for the student or may reenroll the student in the program.

(2) On page 164, line 1, between "(c)," and "29.203(c)", insert "29.056(h)".

Amendment No. 122 was adopted.

### **Amendment No. 123**

Representative Madden offered the following amendment to **CSHB 2**:

Floor Packet Page No. 301

Amend **CSHB 2** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_. (a) Section 46.008, Education Code, is amended to read as follows:

Sec. 46.008. STANDARDS. The commissioner shall establish standards for adequacy of school facilities. The standards must include requirements related to [~~space,~~] educational adequacy[;] and construction quality. The standards may not include requirements related to space or square footage for a facility or any part of a facility. All new facilities [~~constructed after September 1, 1998,~~] must meet the standards to be eligible to be financed with state or local tax funds.

(b) Section 42.352, Education Code, is repealed.

(c) A public school facility whose construction begins on or after the effective date of this Act is not required to meet requirements related to space established by the commissioner of education under Section 46.008, Education Code, as that provision existed before amendment by this Act.

Amendment No. 123 was withdrawn.

### **Amendment No. 124**

Representative Coleman offered the following amendment to **CSHB 2**:

Floor Packet Page No. 317

Amend **CSHB 2** by striking SECTION 3.01.

Representative Grusendorf moved to table Amendment No. 124.

A record vote was requested.

The motion to table prevailed by (Record 88): 83 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt;

Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Crownover; Phillips; Thompson.

### STATEMENTS OF VOTE

When Record No. 88 was taken, my vote failed to register. I would have voted yes.

Crownover

When Record No. 88 was taken, I was temporarily out of the house chamber. I would have voted yes.

Phillips

### Amendment No. 125

Representative Hochberg offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 318

Amend **CSHB 2** as follows:

(1) On page 146, line 9, strike "using state funds" and substitute "using the allotment provided by Section 42.159".

(2) On page 147, strike lines 10 through 13 and substitute "student or another school at the state contract price. Money [~~The district shall send money~~] from the sale of textbooks may be used only to purchase items that may be purchased lawfully using the allotment provided by Section 42.159 [~~to the commissioner as required by the commissioner. The commissioner shall deposit the money in the state textbook fund~~]."

(Hill in the chair)

### Amendment No. 126

Representative Hochberg offered the following amendment to Amendment No. 125:

Amend the Hochberg amendment to **CSHB 2** on page 1 of the amendment (amendment packet, page 318) on lines 3 and 8, by striking "42.159" both places it appears and substituting "42.241".

Amendment No. 126 was adopted.

Amendment No. 125, as amended, was adopted.

**Amendment No. 127**

Representative Coleman offered the following amendment to **CSHB 2**:

Floor Packet Page No. 319

Amend **CSHB 2** as follows:

(1) Amend **CSHB 2** by striking the words "low-performing" wherever they appear in the bill and replacing with the words "high priority"

(2) Insert an appropriately numbered section in Article III to read as follows:

Section 3. \_\_. "Notwithstanding any other provision of law, any reference in law to "low-performing" schools or campuses means "high priority" as added by this act.

(Speaker in the chair)

Representative Delisi moved to table Amendment No. 127.

A record vote was requested.

The motion to table prevailed by (Record 89): 85 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Flores; Hunter; Moreno, P.

**STATEMENT OF VOTE**

When Record No. 89 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

**Amendment No. 128**

Representative Olivo offered the following amendment to **CSHB 2**:

Floor Packet Page No. 322

Amend **CSHB 2** by adding the following appropriately numbered section to the bill and renumbering the subsequent sections accordingly:

SECTION 20.03 Section 37.004(g), Education Code, is repealed.

Representative Eissler moved to table Amendment No. 128.

A record vote was requested.

The motion to table prevailed by (Record 90): 87 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Hodge; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Moreno, J.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Chisum; Moreno, P.; Raymond.

**Amendment No. 129**

Representative Olivo offered the following amendment to **CSHB 2**:

Floor Packet Page No. 252

Amend **CSHB 2** as follows:

(1) Strike Section 2D.04 of the bill (page 81, lines 11 through 23) and renumber the subsequent sections accordingly.

(2) Strike Sections 2D.07, 2D.08, and 2D.09 of the bill (page 82, line 13, through page 84, line 14) and renumber the subsequent sections accordingly.

(3) Strike Section 2D.11 of the bill (page 85, lines 9 through 13) and renumber the subsequent sections accordingly.



(4) Strike Sections 2D.15 and 2D.16 of the bill (page 87, line 6, through page 88, line 21) and renumber the subsequent sections accordingly.

(5) On page 88, strike lines 22 through 24 and substitute the following:

SECTION 2D.17. Section 39.023, Education Code, is amended by amending Subsection (c) and adding Subsection (a-1) to read as follows:

(6) Strike page 88, line 25, through page 89, line 18.

(7) Strike page 90, line 3, through page 91, line 15, and substitute the following:

(c) The agency shall also adopt secondary exit-level assessment instruments designed to be administered to students in grade 11 to assess essential knowledge and skills in mathematics, English language arts, social studies, and science. The mathematics section must include at least Algebra I and geometry with the aid of technology. The English language arts section must include at least English III and must include the assessment of essential knowledge and skills in writing. The social studies section must include early American and United States history. The science section must include at least biology and integrated chemistry and physics. The assessment instruments must be designed to assess a student's mastery of minimum skills necessary for high school graduation and readiness to enroll in an institution of higher education. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection or whether the student should be exempted under Section 39.027(a)(2). The State Board of Education shall administer the assessment instruments. The State Board of Education shall adopt a schedule for the administration of secondary exit-level assessment instruments. Each student who did not perform satisfactorily on any secondary exit-level assessment instrument when initially tested shall be given multiple opportunities to retake that assessment instrument. A student who performs at or above a level established by the Texas Higher Education Coordinating Board on the secondary exit-level assessment instruments is exempt from the requirements of Section 51.3062 [51.306]. The performance level established by the Texas Higher Education Coordinating Board under this subsection represents the level of academic achievement indicating a student is prepared for college course work. The performance level may be used as an indicator to measure progress toward college preparedness of public school students in this state.

(8) Strike Section 2D.20 of the bill (page 92, line 21, through page 93, line 25) and renumber the subsequent sections accordingly.

(9) On page 93, line 27, strike "(d), (e), and (f)" and substitute "(d) and (e)".

(10) On page 94, strike lines 15 through 20.

(11) On page 97, line 26, strike "end-of-course [~~secondary exit level~~]" and substitute "secondary-exit level".

(12) On page 112, strike lines 15 through 19 and substitute the following:

(3) a summary compilation of the percentage of graduating students who are exempt from the requirements of Section 51.3062 based on performance on an exit-level assessment instrument required under Section 39.023;

(13) Strike Section 2D.37 of the bill (page 123, line 17, through page 124, line 5) and renumber the subsequent sections accordingly.

(14) On page 126, lines 5-7 and lines 24-26, and page 127, lines 5-7, strike "the reading assessment instrument under Section 39.023(a) or the English I or II assessment instrument under Section 39.023(c), as applicable" each place it appears and substitute "the reading or English language arts assessment instrument, as applicable, under Section 39.023(a)".

(15) On page 164, line 1, strike "39.023(j)".

Representative Grusendorf moved to table Amendment No. 129.

A record vote was requested.

The motion to table prevailed by (Record 91): 87 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Noriega, M.; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Hamilton; Herrero; Hochberg; Hodge; Homer; Jones, J.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Hopson; Hunter; King, T.; Solomons; Villarreal.

### STATEMENT OF VOTE

When Record No. 91 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

### Amendment No. 130

Representative Olivo offered the following amendment to **CSHB 2**:

Floor Packet Page No. 262

Amend **CSHB 2** as follows:

(1) On page 83, strike lines 3 through 8 and substitute the following:

~~[(1)]~~ the student:

(1) successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) [and complies with Section 39.025(a)]; [or]

(2) meets the alternative graduation criteria prescribed by Section 28.0252; or

(3) [the student] successfully completes an individualized education program developed under Section 29.005.

(2) On page 83, line 10, between "39.025" and ".", insert "or the alternative graduation criteria under Section 28.0252".

(3) On page 83, line 15, after "39.025", insert "or the alternative graduation criteria under Section 28.0252".

(4) On page 84, between lines 6 and 7, add the following appropriately numbered section to Part D, Article 2, of the bill, and renumber the subsequent sections accordingly:

SECTION 2D. . . Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0252 to read as follows:

Sec. 28.0252. ALTERNATIVE GRADUATION CRITERIA. (a) The commissioner by rule shall prescribe alternative graduation criteria that a student may meet to graduate and receive a diploma without complying with Section 28.025(c)(1). The alternative graduation criteria must compensate for unsatisfactory performance on an assessment instrument required under Section 28.0215. The alternative graduation criteria must include a student's:

(1) grade point average beginning in grade 9;

(2) current class ranking;

(3) performance on the assessment instruments required under Section 28.0215, including a consideration of whether extenuating circumstances may have adversely affected the student's performance; and

(4) overall academic performance beginning in grade 9, as evaluated by two or more of the student's teachers.

(b) A committee composed of the student's high school principal or the principal's designee and two certified teachers in the student's school district who teach at the high school level shall determine whether a student who has not complied with Section 28.025(c)(1) has met the alternative graduation criteria prescribed under Subsection (a). The commissioner shall adopt rules relating to the selection and operation of a committee under this subsection.

(c) A committee established under Subsection (b) shall determine whether a student who has not complied with Section 28.025(c)(1) has met the alternative graduation criteria prescribed under Subsection (a):

(1) following the administration to the student of the assessment instruments required under Section 28.0215;

(2) on written request of the student's parent or guardian, not more than one time in each school year following the school year in which assessment instruments required under Section 28.0215 are administered to the student; and

(3) when the principal of the student's high school, or the principal's designee, determines that the student is within one month of completing each requirement for a high school diploma other than compliance with Section 28.025(c)(1).

(d) Until the commissioner certifies that the implementation of amendments made by **HB 2**, Acts of the 79th Legislature, Regular Session, 2005, to Sections 39.023(a) and (c) and 39.051(b) is complete under the transition plan adopted under Section 39.0241, any reference in this section to an assessment instrument required under Section 28.0215 includes a secondary exit-level assessment instrument administered as provided by Section 39.0241(a). This subsection expires September 1, 2011.

Representative Grusendorf moved to table Amendment No. 130.

A record vote was requested.

The motion to table prevailed by (Record 92): 84 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Allen, R.; Alonzo; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Hamilton; Herrero; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Anchia; Geren; Hochberg.

### **Amendment No. 131**

Representative Olivo offered the following amendment to **CSHB 2**:  
Floor Packet Page No. 250

Amend **CSHB 2** as follows:

- (1) On page 79, line 10, strike "and".
- (2) On page 79, between lines 10 and 11, insert the following:  
(C) disciplinary alternative education programs;

(D) closing achievement gaps among racial groups, socioeconomic groups, and other groups as determined by the commissioner; and

(3) On page 79, line 11, strike "(C)" and substitute "(E)".

Amendment No. 131 was withdrawn.

**Amendment No. 94 - Vote Reconsidered**

Representative T. King moved to reconsider the vote by which Amendment No. 94 was adopted.

The motion to reconsider prevailed.

**Amendment No. 132**

Representative T. King offered the following amendment to Amendment No. 94:

Amend the King amendment to **CSHB 2** (page 235 of the amendment packet) by striking the portion of the amendment that amends Section 37.007(b), Education Code, and substituting the following:

SECTION 2C. \_\_\_\_\_. Section 37.007(b), Education Code, as amended by Chapters 443 and 1055, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

(b) A student may be expelled if the student:

(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code;

(2) while on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

(A) sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of:

(i) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(ii) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or

(iii) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code;

(B) engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code;

(C) engages in conduct that contains the elements of an offense under Section 22.01(a)(1), Penal Code, against a school district employee or a volunteer as defined by Section 22.053; or

(D) engages in conduct that contains the elements of the offense of deadly conduct under Section 22.05, Penal Code; ~~(E)~~

(3) subject to Subsection (d), while within 300 feet of school property, as measured from any point on the school's real property boundary line:

(A) engages in conduct specified by Subsection (a); or

(B) possesses a firearm, as defined by 18 U.S.C. Section 921; ~~(C)~~

(4) [(3)] engages in conduct that contains the elements of any offense listed in Subsection (a)(2)(A) or (C) or the offense of aggravated robbery under Section 29.03, Penal Code, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property; or

(5) engages in conduct that contains the elements of the offense of assault under Section 22.01, Penal Code.

Amendment No. 132 was adopted.

Amendment No. 94, as amended, was adopted.

### LEAVE OF ABSENCE GRANTED

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

Callegari on motion of Miller.

### CSHB 2 - (consideration continued)

A record vote was requested.

**CSHB 2**, as amended, was passed to engrossment by (Record 93): 76 Yeas, 71 Nays, 2 Present, not voting.

Yeas — Mr. Speaker(C); Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Kruse; Laubenberg; Madden; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Brown, F.; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Griggs; Guillen; Haggerty; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, D.; Jones, J.; King, T.; Kuempel; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Edwards; McCall.

Absent, Excused — Callegari.

### PAIRED VOTES

McCall (present), who would vote no, with Callegari (absent), who would vote yes.

### REASONS FOR VOTE

As state representative for District 138, I will support school finance reform, which achieves all of the following five principles: 1) Protects local community control including local enrichment; 2) Significantly reduces local school property taxes and lowers the annual appraisal cap; 3) Properly funds the needs of present and future classroom excellence and teacher benefits; 4) Avoids court mandated control of our schools; and 5) Is supported by the citizens of District 138. I acknowledge that **HB 2** and **HB 3** are a work-in-progress toward achieving these goals for educational reform and property tax relief. I look forward to continuing the legislative process and working with the state senate as we move toward crafting a final version of these bills, which will achieve the goals outline above.

Bohac

I was pleased that we were able to make a number of changes to **CSHB 2** (School Finance Bill) during the floor debate that increased funding for rural school districts such as those in Taylor and Nolan Counties. We have a responsibility to address the serious issues of sufficient public school funding and equity during the regular session. While there are many provisions of the bill that still need to be addressed, such as pay increases for teachers and providing all public school employees health insurance benefits, I voted to send the bill to the senate so that we can continue debate and negotiations, which I hope will result in additional improvements to the bill, and, ultimately, provide additional public school funding.

Hunter

As state representative for District 44, I support school finance reform, which will protect local community control, including local enrichment; significantly reduce local school property taxes by at least one-third; properly fund the needs of present and future classroom excellence and teacher benefits; and avoid court-mandated control of our schools. **CSHB 2** does not adequately address my concerns or those of my local school districts at this time. Therefore, I must oppose it at this time. I look forward to working with the senate to craft a school finance reform bill which achieves these goals.

Kuempel

After receiving feedback from parents, teachers, administrators, and taxpayers in District 66, I am casting a vote in opposition to **CSHB 2**. I have five criteria for an effective school finance bill. First, the bill must offer real property tax relief. Second, the bill must restore and enhance local community control. Third, classroom excellence and teacher benefits must be properly funded. Fourth, state mandates and state control must be limited. Fifth, there must be considerable state-wide and community buy-in.

I strongly support providing much needed property tax relief to taxpayers in my district and across the state. However, this proposal does not provide a long-term solution to the school finance challenges faced by this legislature. While providing some level of property tax relief, **CSHB 2** strips significant local control from my constituents and institutes mandates that counter the anticipated revenue savings.

The increase in teacher benefits under this plan will eat up 44 percent of the new funds provided by the state. Ultimately, Plano Independent School District will lose \$123,120 in discretionary funds the first year and \$3,825,165 by the

second year under this bill. This legislation provides nothing to address inflation in future years. Additionally, **CSHB 2** takes away the local input of my constituents by removing local control over the school year calendar and school board elections while also instituting overreaching mandates in the budgetary process.

School finance is not an issue we can address halfway. The children in my district deserve better. The children in the State of Texas deserve better. Until we have a plan that (1) effectively eliminates recapture without imposing additional mandates and eroding local control, and (2) addresses each of the issues I have outlined above, I cannot in good conscience vote for a lesser fix. The stakes are too high.

McCall

Although I have some reservations about **CSHB 2**, I am voting today to continue the legislative process for school finance reform and reserving final judgment on the final bill proposals to be voted upon from the conference committee.

Solomons

As state representative for District 98, I will support school finance reform which achieves all of the following five principles: (1) Protects and enhances local community control including local enrichment and local school board autonomy; (2) Properly funds the needs of present and future classroom excellence and teacher benefits (including health insurance and salaries); (3) Significantly reduces local school property taxes on homeowners and avoids a state income tax; (4) Avoids court-mandated control of schools; (5) and has District 98 and statewide public support.

The process of achieving public education reform and school finance reform will require both the state house and the state senate working jointly in crafting appropriate legislation which achieves all five of the principles outlined above. I am lobbying house and senate leadership, working closely with State Senators Jane Nelson and Kim Brimer, as well as District 98's local school districts to achieve these goals for both excellence in our public schools and property tax relief.

I acknowledge that **CSHB 2** achieves some but not all of these five principles. Because of this, I will support moving forward the debate on the bill from the Texas House to the Texas Senate, but will not support final conference committee passage of **CSHB 2** in its present form. I will only support final passage of public education reform and school finance reform which meets the approval of my district.

Truitt

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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



**HB 639 ON THIRD READING**  
**(by Bailey, et al.)**

**HB 639**, A bill to be entitled An Act relating to complaints against certain peace officers and fire fighters.

**HB 639** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Local Government Ways and Means which was set to reconvene upon adjournment of the house has been adjourned subject to the call of the chair.

Civil Practices is cancelled.

Pensions and Investments, 8 a.m. tomorrow, for a public hearing.

Elections is cancelled.

Licensing and Administrative Procedures, upon final adjournment/recess today, Desk 99, for a formal meeting, to consider pending business.

Juvenile Justice and Family Issues is cancelled.

**RECESS**

Representative Miller moved that the house recess until 10 a.m. tomorrow in memory of Elnora M. Callegari.

The motion prevailed.

The house accordingly, at 7:18 p.m., recessed until 10 a.m. tomorrow.

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**ADDENDUM**

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**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 18**

**HCR 20, HCR 92**

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**March 8**

Civil Practices - **HB 68, HB 282, HB 729, HB 755**

Government Reform - **HB 297, HB 801, HB 802**

Insurance - **HB 532**

Judiciary - **HB 1394**

Licensing and Administrative Procedures - **HB 74, HB 168, HB 1286, HB 1573**