

# HOUSE JOURNAL

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EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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FIFTY-NINTH DAY — WEDNESDAY, APRIL 29, 2009

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 388).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

The invocation was offered by Rabbi David Lyon, senior rabbi, Congregation Beth Israel, Houston, as follows:

God, you made the day short and the work long. Help us see that though it is not our duty to finish all the work to make our world whole, neither are we free to cease from trying. In the cities and towns of Texas, men and women and children attend to their jobs and their lessons; in their homes they raise their families and build their dreams; and in their hearts they pray that tomorrow will be better than today. We are grateful for what we have made together. With the grace that you grant and the compassion that you give, may we always bring honor to you through the words of our mouths and the works of our hands.

Scripture records that in the beginning, God created one human being; and, we have been taught, God created one man so that we could never say to each other, "My father was greater than yours." Our roots are the same. Our paths have brought us together. Our hopes are joined. God of our fathers and mothers,

guide the hands of those who lead the great State of Texas. Be present with them in their roles in government. Open their eyes to the paths of goodness. Deepen their heart's compassion to the needs of all people. Bend their ears to the voices that are not easily heard. Extend their hands to the neediest among us and quicken their feet toward prosperity, justice, and peace.

May the honorable men and women of this state house of Texas, commence in their business with your blessing for life and strength, for work and rest, for goodness, joy, and peace. Amen.

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

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Geren who presented Dr. Luis Benavides of Laredo as the "Doctor for the Day."

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

### **HR 1613 - ADOPTED (by Geren)**

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 1613**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1613**, Honoring Ronald Ray Hughes of Austin on the occasion of his retirement from the Purchasing and Supply Department of House Business Operations.

**HR 1613** was adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 1613** as signers thereof.

### **INTRODUCTION OF GUESTS**

The speaker recognized Representative Geren who introduced Ron Hughes and his wife, Mona.

(Deshotel in the chair)

### **HR 1256 - ADOPTED (by Morrison)**

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HR 1256**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1256**, Commemorating the 100th anniversary of the K. Spoetzl Brewery in Shiner.

**HR 1256** was adopted.

#### **INTRODUCTION OF GUESTS**

The chair recognized Representative Morrison who introduced representatives of K. Spoetzl Brewery.

#### **HR 720 - ADOPTED (by Gallego)**

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 720**.

The motion prevailed.

The following resolution was laid before the house:

**HR 720**, Congratulating Dr. R. Vic Morgan on his retirement as president of Sul Ross State University.

**HR 720** was adopted.

On motion of Representative Chavez, the names of all the members of the house were added to **HR 720** as signers thereof.

#### **INTRODUCTION OF GUESTS**

The chair recognized Representative Gallego who introduced Dr. R. Vic Morgan and members of his family and friends.

#### **HR 1544 - ADOPTED (by Chavez, Quintanilla, and Moody)**

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1544**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1544**, Congratulating La Mujer Obrera on the development of Centro Mayapan Festival Marketplace in El Paso.

**HR 1544** was adopted.

(Taylor in the chair)

#### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Deshotel and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

(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. 21).

**HB 3076 - VOTE RECONSIDERED**

Representative Deshotel moved to reconsider the vote by which **HB 3076**, as amended, was passed on Tuesday, April 28.

The motion to reconsider prevailed.

**HB 3076 ON THIRD READING**  
**(by Deshotel, Eissler, et al.)**

The speaker laid before the house, on its third reading and final passage,

**HB 3076**, A bill to be entitled An Act Relating to a parenting and paternity awareness program used in the health curriculum for public schools.

**HB 3076** was read third time on April 28 and was passed, as amended, by Record No. 361.

**Amendment No. 2**

Representative Deshotel offered the following amendment to **HB 3076**:

Amend **HB 3076** on third reading as follows:

(1) In SECTION 1 of the bill, in the introductory language, strike "(p-1)".

(2) In SECTION 1 of the bill, strike added Section 28.002(p-1), Education Code.

(3) In SECTION 1 of the bill, in added Section 28.002(p-2), Education Code, strike "research-based local programs" and substitute "research-based programs".

(4) In SECTION 1 of the bill, in added Section 28.002(p-2), Education Code, strike "Local programs" and substitute "The programs".

(5) In SECTION 1 of the bill, in added Section 28.002(p-3), Education Code, strike "local programs" and substitute "programs".

Amendment No. 2 was adopted.

**HB 3076**, as amended, was passed by (Record 389): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios

Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Eiland; King, S.; Mallory Caraway; Ortiz; Veasey.

### STATEMENTS OF VOTE

When Record No. 389 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. King

When Record No. 389 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a funeral:

Mallory Caraway on motion of Kent.

### GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

#### HB 2259 ON THIRD READING

(by **Crownover, Hardcastle, Farabee, Chisum, Gonzalez Tourelles, et al.**)

**HB 2259**, A bill to be entitled An Act relating to the plugging of certain inactive oil or gas wells.

**HB 2259** was passed by (Record 390): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton;

Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mallory Caraway.

Absent — Cohen; Dutton; Eiland; Pierson.

### STATEMENTS OF VOTE

When Record No. 390 was taken, I was in the house but away from my desk. I would have voted yes.

Cohen

When Record No. 390 was taken, my vote failed to register. I would have voted yes.

Pierson

### HB 2347 ON THIRD READING (by Thibaut and Guillen)

**HB 2347**, A bill to be entitled An Act relating to tuition and laboratory fee exemptions at public institutions of higher education for certain peace officers enrolled in criminal justice or law enforcement management-related course work.

**HB 2347** was passed by (Record 391): 98 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Bohac; Bonnen; Branch; Burnam; Button; Castro; Chavez; Chisum; Coleman; Crownover; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Homer; Hopson; Howard, D.; Hunter; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Legler; Leibowitz; Lucio; Maldonado; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Paxton; Phillips; Pickett; Pierson; Pitts; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Solomons; Strama; Swinford; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Aycock; Berman; Brown, B.; Brown, F.; Callegari; Christian; Cook; Corte; Crabb; Craddick; Creighton; Darby; Davis, J.; Flynn; Gattis; Geren; Hancock; Hardcastle; Harless; Hartnett; Howard, C.; Isett; Jackson; Jones; Laubenberg; Lewis; Madden; McCall; Miller, S.; Morrison; Otto; Parker; Patrick; Quintanilla; Riddle; Sheffield; Smith, T.; Smith, W.; Smithee; Taylor; Truitt; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mallory Caraway.

Absent — Bolton; Cohen; Dutton; Hodge; Hughes; King, S.; Peña.

**STATEMENTS OF VOTE**

When Record No. 391 was taken, I was in the house but away from my desk. I would have voted yes.

Cohen

I was shown voting yes on Record No. 391. I intended to vote no.

Elkins

I was shown voting no on Record No. 391. I intended to vote yes.

Geren

I was shown voting yes on Record No. 391. I intended to vote no.

Hilderbran

When Record No. 391 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hodge

When Record No. 391 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. King

I was shown voting yes on Record No. 391. I intended to vote no.

D. Miller

When Record No. 391 was taken, I was temporarily out of the house chamber attending a crime victims' rights event. I would have voted yes.

Peña

I was shown voting yes on Record No. 391. I intended to vote no.

Shelton

I was shown voting yes on Record No. 391. I intended to vote no.

Swinford

I was shown voting yes on Record No. 391. I intended to vote no.

Zerwas

**HB 3765 ON THIRD READING  
(by Paxton)**

**HB 3765**, A bill to be entitled An Act relating to the use of hazardous and solid waste remediation fee funds for lead-acid battery recycling activities.

**HB 3765** was passed by (Record 392): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mallory Caraway.

Absent — Bolton; Cohen; Dutton; Eiland; Gallego; Hodge; Hughes; King, S.; Peña.

#### STATEMENTS OF VOTE

When Record No. 392 was taken, I was in the house but away from my desk. I would have voted yes.

Cohen

When Record No. 392 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

When Record No. 392 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hodge

When Record No. 392 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. King

When Record No. 392 was taken, I was temporarily out of the house chamber attending a crime victims' rights event. I would have voted yes.

Peña



**HB 4435 ON THIRD READING**

**(by Allen)**

**HB 4435**, A bill to be entitled An Act relating to the requirement for participation by certain principals in the school leadership pilot program for principals.

**HB 4435** was passed by (Record 393): 100 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Bohac; Bolton; Burnam; Castro; Chavez; Chisum; Coleman; Corte; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Flores; Frost; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Jackson; Keffer; Kent; King, P.; King, T.; Kolkhorst; Kuempel; Leibowitz; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Otto; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Strama; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Anderson; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Christian; Cook; Crabb; Craddick; Creighton; Fletcher; Flynn; Gattis; Hancock; Hardcastle; Harless; Harper-Brown; Isett; Jones; Kleinschmidt; Laubenberg; Legler; Lewis; Miller, D.; Miller, S.; Morrison; Orr; Parker; Paxton; Riddle; Sheffield; Shelton; Smithee; Solomons; Swinford; Taylor; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mallory Caraway.

Absent — Cohen; Dutton; Eiland; Gallego; Hamilton; Hughes; King, S.; Peña.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 393. I intended to vote no.

Berman

I was shown voting yes on Record No. 393. I intended to vote no.

Bohac

When Record No. 393 was taken, I was in the house but away from my desk. I would have voted yes.

Cohen

When Record No. 393 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

When Record No. 393 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. King

I was shown voting yes on Record No. 393. I intended to vote no.

Madden

When Record No. 393 was taken, I was temporarily out of the house chamber attending a crime victims' rights event. I would have voted yes.

Peña

**HB 3841 ON THIRD READING**  
**(by Hilderbran)**

**HB 3841**, A bill to be entitled An Act relating to requiring joint elections for trustees of common school districts.

**HB 3841** was passed by (Record 394): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mallory Caraway.

Absent — Cohen; Dutton; Eiland; Gallego; Hughes; King, S.; Peña; Pickett.

**STATEMENTS OF VOTE**

When Record No. 394 was taken, I was in the house but away from my desk. I would have voted yes.

Cohen

When Record No. 394 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

When Record No. 394 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 394 was taken, I was temporarily out of the house chamber attending a crime victims' rights event. I would have voted yes.

Peña

**HB 4451 ON THIRD READING**

**(by McReynolds, S. Miller, and Marquez)**

**HB 4451**, A bill to be entitled An Act relating to continuity of care services for youth with mental illness or mental retardation who are discharged or paroled from the Texas Youth Commission.

**HB 4451** was passed by (Record 395): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Driver; Dukes; Dunnam; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mallory Caraway.

Absent — Callegari; Cohen; Deshotel; Dutton; Eiland; Hughes; King, S.; Peña; Rios Ybarra.

### STATEMENTS OF VOTE

When Record No. 395 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

When Record No. 395 was taken, I was in the house but away from my desk. I would have voted yes.

Cohen

When Record No. 395 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. King

When Record No. 395 was taken, I was temporarily out of the house chamber attending a crime victims' rights event. I would have voted yes.

Peña

### HB 4006 ON THIRD READING (by Hardcastle)

**HB 4006**, A bill to be entitled An Act relating to veterinarian reports of diseased animals.

**HB 4006** was passed by (Record 396): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mallory Caraway.

Absent — King, S.; Peña; Pickett.

**STATEMENTS OF VOTE**

When Record No. 396 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. King

When Record No. 396 was taken, I was temporarily out of the house chamber attending a crime victims' rights event. I would have voted yes.

Peña

**HB 2303 ON THIRD READING  
(by Truitt, Herrero, and Isett)**

**HB 2303**, A bill to be entitled An Act relating to the scope of services of and the persons who may be provided services by a community center.

**HB 2303** was passed by (Record 397): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mallory Caraway.

Absent — Chavez; Eiland; King, S.; Peña.

**STATEMENTS OF VOTE**

When Record No. 397 was taken, I was in the house but away from my desk. I would have voted yes.

Chavez

When Record No. 397 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. King

When Record No. 397 was taken, I was temporarily out of the house chamber attending a crime victims' rights event. I would have voted yes.

Peña

**HB 2289 ON THIRD READING**  
**(by Madden, McReynolds, and Marquez)**

**HB 2289**, A bill to be entitled An Act relating to discharging or releasing inmates from the Texas Department of Criminal Justice at or near certain department facilities.

**HB 2289** was passed by (Record 398): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mallory Caraway.

Absent — Eiland; King, S.; Marquez; Peña; Pickett; Rios Ybarra.

**STATEMENTS OF VOTE**

When Record No. 398 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. King

When Record No. 398 was taken, I was in the house but away from my desk. I would have voted yes.

Marquez

When Record No. 398 was taken, I was temporarily out of the house chamber attending a crime victims' rights event. I would have voted yes.

Peña

**HB 4302 ON THIRD READING**  
**(by Farrar)**

**HB 4302**, A bill to be entitled An Act relating to the confidentiality of criminal history record information and related information that is obtained by a school district and that relates to an employee of the district.

**HB 4302** was passed by (Record 399): 130 Yeas, 13 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Legler; Leibowitz; Lewis; Lucio; Maldonado; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Aycock; Berman; Bonnen; Corte; Darby; Eissler; Flynn; Hilderbran; Howard, C.; Jackson; Laubenberg; Paxton; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mallory Caraway.

Absent — Eiland; King, S.; Madden; McCall; Peña.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 399. I intended to vote no.

Hancock

When Record No. 399 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. King

When Record No. 399 was taken, I was temporarily out of the house chamber attending a crime victims' rights event. I would have voted yes.

Peña

**HB 4231 ON THIRD READING**  
**(by Ritter, Callegari, and Creighton)**

**HB 4231**, A bill to be entitled An Act relating to the conveyancing or transfer in this state of water imported into this state from a source located outside this state.

**HB 4231** was passed by (Record 400): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mallory Caraway.

Absent — Eiland; King, S.; Ortiz; Peña; Thibaut.

**STATEMENTS OF VOTE**

When Record No. 400 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. King

When Record No. 400 was taken, I was temporarily out of the house chamber attending a crime victims' rights event. I would have voted yes.

Peña



**HB 1799 ON THIRD READING****(by Bohac, Elkins, Solomons, Hilderbran, S. Turner, et al.)**

**HB 1799**, A bill to be entitled An Act relating to information that must be included on certain electric bills.

**HB 1799 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE QUINTANILLA: Mr. Bohac, would your bill require utilities like El Paso Electric Company to put this (thepowertochoose.org) on their bill while customers do not have the option with the El Paso Electric Company?

REPRESENTATIVE BOHAC: No, only those retail electric providers in competitive markets.

**REMARKS ORDERED PRINTED**

Representative Quintanilla moved to print remarks between Representative Bohac and Representative Quintanilla.

The motion prevailed.

**HB 1799** was passed by (Record 401): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mallory Caraway.

Absent — Eiland; Gallego; Hochberg; Hughes; King, S.; Martinez Fischer; Peña; Pickett; Veasey.

### STATEMENTS OF VOTE

When Record No. 401 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

When Record No. 401 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. King

When Record No. 401 was taken, I was temporarily out of the house chamber attending a crime victims' rights event. I would have voted yes.

Peña

When Record No. 401 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

### HB 1787 ON THIRD READING (by Solomons and Shelton)

**HB 1787**, A bill to be entitled An Act relating to the designation or appointment of registered agents for service of process, notice, or demand on certain entities or associations.

**HB 1787** was passed by (Record 402): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mallory Caraway.

Absent — Eiland; Hochberg; Hughes; Isett; King, S.; Martinez Fischer; Peña; Pickett; Veasey.

**STATEMENTS OF VOTE**

When Record No. 402 was taken, I was in the house but away from my desk. I would have voted yes.

Isett

When Record No. 402 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. King

When Record No. 402 was taken, I was temporarily out of the house chamber attending a crime victims' rights event. I would have voted yes.

Peña

When Record No. 402 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

**LEAVE OF ABSENCE GRANTED**

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

Eiland on motion of McCall.

**HB 1659 ON THIRD READING**

(by P. King)

**HB 1659**, A bill to be entitled An Act relating to creating an exception to the offense of unlawful installation of a tracking device.

**HB 1659** was passed by (Record 403): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Mallory Caraway.

Absent — Heflin; Hochberg; King, S.; Naishtat; Peña; Villarreal.

### STATEMENTS OF VOTE

When Record No. 403 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. King

When Record No. 403 was taken, I was temporarily out of the house chamber attending a crime victims' rights event. I would have voted yes.

Peña

### HB 1629 ON THIRD READING

(by Naishtat and Madden)

**HB 1629**, A bill to be entitled An Act relating to the care and protection of foster children committed to or released under supervision by the Texas Youth Commission.

**HB 1629** was passed by (Record 404): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Mallory Caraway.

Absent — Coleman; Hughes; King, T.; Martinez Fischer; Peña; Veasey.

### STATEMENTS OF VOTE

When Record No. 404 was taken, I was in the house but away from my desk. I would have voted yes.

T. King

When Record No. 404 was taken, I was temporarily out of the house chamber attending a crime victims' rights event. I would have voted yes.

Peña

When Record No. 404 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

### POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

#### **HB 4102 ON THIRD READING (by Eiland and Guillen)**

**HB 4102**, A bill to be entitled An Act relating to the disaster contingency fund.

**HB 4102** was read third time on April 28 and was postponed until 10 a.m. today.

Representative Taylor moved to postpone consideration of **HB 4102** until 10 a.m. tomorrow.

The motion prevailed.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative McCall requested permission for the Committee on Calendars to meet while the house is in session, at 11:45 a.m. today, in 2W.6, for a formal meeting, to consider the calendar.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 11:45 a.m. today, 2W.6, for a formal meeting, to consider the calendar.

#### **CSHB 1869 ON SECOND READING (by Madden and Moody)**

**CSHB 1869**, A bill to be entitled An Act relating to a determination of value for purposes of punishment of the offense of abuse of official capacity.

**CSHB 1869** was read second time on April 23 and was postponed until 10 a.m. today.

Representative Madden moved to postpone consideration of **CSHB 1869** until 10 a.m. Wednesday, May 6.

The motion prevailed.

**HB 1833 ON SECOND READING**  
**(by Hughes)**

**HB 1833**, A bill to be entitled An Act relating to the electronic storage of records by the clerks of the supreme court and the courts of appeals.

**HB 1833** was read second time on April 20, postponed until April 27, and was again postponed until 10 a.m. today.

Representative Driver moved to postpone consideration of **HB 1833** until 10 a.m. tomorrow.

The motion prevailed.

**CSHB 1490 ON SECOND READING**  
**(by Driver, Menendez, Guillen, et al.)**

**CSHB 1490**, A bill to be entitled An Act relating to injury leave and related benefits for certain state peace officers injured in the course of performance of duty.

**CSHB 1490** was read second time on April 24, postponed until April 27, and was again postponed until 10 a.m. today.

Representative Driver moved to postpone consideration of **CSHB 1490** until 10 a.m. Monday, May 4.

The motion prevailed.

**HB 4386 ON SECOND READING**  
**(by Vaught, Riddle, Fletcher, Moody, and Branch)**

**HB 4386**, A bill to be entitled An Act relating to the creation of DNA records for the DNA database system.

**HB 4386** was read second time on April 28 and was postponed until 10 a.m. today.

Representative Vaught moved to postpone consideration of **HB 4386** until 10 a.m. Friday, May 1.

The motion prevailed.

**MAJOR STATE CALENDAR**  
**HOUSE BILLS**  
**SECOND READING**

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

**CSHB 3 ON SECOND READING**  
**(by Eissler, Hochberg, Keffer, Dutton, Raymond, et al.)**

**CSHB 3**, A bill to be entitled An Act relating to public school accountability, curriculum, and promotion requirements.

**RECESS**

At 11:57 a.m., the speaker announced that the house would stand recessed until 1 p.m. today.

**AFTERNOON SESSION**

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

**CSHB 3 - (pending business)****Amendment No. 1**

Representative Eissler offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) Add the following appropriately numbered SECTIONS to the bill (page 1, between lines 4 and 5):

SECTION \_\_\_\_\_. Section 7.009(b), Education Code, is amended to read as follows:

(b) The agency shall solicit and collect from the Legislative Budget Board, centers for education research established under Section 1.005, ~~[and exemplary or recognized]~~ school districts assigned an acceptable performance rating under Section 39.054, and campuses<sup>(s)</sup> and open-enrollment charter schools that have received at least one distinction designation under Subchapter G, Chapter 39, ~~[as rated under Section 39.072,]~~ examples of best practices relating to instruction, dropout prevention, public school finance, resource allocation, and business practices, including best practices relating to curriculum, scope and sequence, compensation and incentive systems, bilingual education and special language programs, compensatory education programs, and the effective use of instructional technology, including online courses.

SECTION \_\_\_\_\_. Section 7.028(a), Education Code, is amended to read as follows:

(a) Except as provided by Section 29.001(5), 29.010(a), 39.056 ~~[39.074]~~, or 39.057 ~~[39.075]~~, the agency may monitor compliance with requirements applicable to a process or program provided by a school district, campus, program, or school granted charters under Chapter 12, including the process described by Subchapter F, Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or I, Chapter 29, Subchapter A, Chapter 37, or Section 38.003, and the use of funds provided for such a program under Subchapter C, Chapter 42, only as necessary to ensure:

(1) compliance with federal law and regulations;

(2) financial accountability, including compliance with grant requirements; and

(3) data integrity for purposes of:

(A) the Public Education Information Management System (PEIMS); and

(B) accountability under Chapter 39.

(2) Add the following appropriately numbered SECTIONS to the bill (page 3, between lines 7 and 8):

SECTION \_\_\_\_\_. Sections 8.051(b) and (d), Education Code, are amended to read as follows:

(b) Each regional education service center shall annually develop and submit to the commissioner for approval a plan for improvement. Each plan must include the purposes and description of the services the center will provide to:

(1) campuses assigned an [identified as academically] unacceptable performance rating [based on the indicators adopted] under Section 39.054 [39.051];

(2) the lowest-performing campuses in the region; and

(3) other campuses.

(d) Each regional education service center shall maintain core services for purchase by school districts and campuses. The core services are:

(1) training and assistance in teaching each subject area assessed under Section 39.023;

(2) training and assistance in providing each program that qualifies for a funding allotment under Section 42.151, 42.152, 42.153, or 42.156;

(3) assistance specifically designed for a school district or campus assigned an [rated academically] unacceptable performance rating under Section 39.054 [39.072(a) or a campus whose performance is considered unacceptable based on the indicators adopted under Section 39.051];

(4) training and assistance to teachers, administrators, members of district boards of trustees, and members of site-based decision-making committees;

(5) assistance specifically designed for a school district that is considered out of compliance with state or federal special education requirements, based on the agency's most recent compliance review of the district's special education programs; and

(6) assistance in complying with state laws and rules.

SECTION \_\_\_\_\_. Section 11.001, Education Code, is amended to read as follows:

Sec. 11.001. ACCREDITATION. Each school district must be accredited by the agency as provided by Subchapter C [D], Chapter 39.

SECTION \_\_\_\_\_. Section 11.003(d), Education Code, is amended to read as follows:

(d) The commissioner may require a district to enter into a cooperative shared services arrangement for administrative services if the commissioner determines:

(1) that the district has failed to satisfy a financial accountability standard as determined by commissioner rule under Subchapter D [F], Chapter 39; and

(2) that entering into a cooperative shared services arrangement would:

(A) enable the district to enhance its performance on the financial accountability standard identified under Subdivision (1); and

(B) promote the efficient operation of the district.



SECTION \_\_\_\_\_. Section 11.1511(b), Education Code, is amended to read as follows:

(b) The board shall:

(1) seek to establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community;

(2) adopt a vision statement and comprehensive goals for the district and the superintendent and monitor progress toward those goals;

(3) establish performance goals for the district concerning:

(A) the academic and fiscal performance indicators under Subchapters C, D, and J [F], Chapter 39[, respectively]; and

(B) any performance indicators adopted by the district;

(4) ensure that the superintendent:

(A) is accountable for achieving performance results;

(B) recognizes performance accomplishments; and

(C) takes action as necessary to meet performance goals;

(5) adopt a policy to establish a district- and campus-level planning and decision-making process as required under Section 11.251;

(6) publish an annual educational performance report as required under Section 39.306 [~~39.053~~];

(7) adopt an annual budget for the district as required under Section 44.004;

(8) adopt a tax rate each fiscal year as required under Section 26.05, Tax Code;

(9) monitor district finances to ensure that the superintendent is properly maintaining the district's financial procedures and records;

(10) ensure that district fiscal accounts are audited annually as required under Section 44.008;

(11) publish an end-of-year financial report for distribution to the community;

(12) conduct elections as required by law;

(13) by rule, adopt a process through which district personnel, students or the parents or guardians of students, and members of the public may obtain a hearing from the district administrators and the board regarding a complaint;

(14) make decisions relating to terminating the employment of district employees employed under a contract to which Chapter 21 applies, including terminating or not renewing an employment contract to which that chapter applies; and

(15) carry out other powers and duties as provided by this code or other law.

SECTION \_\_\_\_\_. Section 11.201(d), Education Code, is amended to read as follows:

(d) The duties of the superintendent include:

(1) assuming administrative responsibility and leadership for the planning, organization, operation, supervision, and evaluation of the education programs, services, and facilities of the district and for the annual performance appraisal of the district's staff;

(2) except as provided by Section 11.202, assuming administrative authority and responsibility for the assignment, supervision, and evaluation of all personnel of the district other than the superintendent;

(3) overseeing compliance with the standards for school facilities established by the commissioner under Section 46.008;

(4) initiating the termination or suspension of an employee or the nonrenewal of an employee's term contract;

(5) managing the day-to-day operations of the district as its administrative manager, including implementing and monitoring plans, procedures, programs, and systems to achieve clearly defined and desired results in major areas of district operations;

(6) preparing and submitting to the board of trustees a proposed budget as provided by Section 44.002 and rules adopted under that section, and administering the budget;

(7) preparing recommendations for policies to be adopted by the board of trustees and overseeing the implementation of adopted policies;

(8) developing or causing to be developed appropriate administrative regulations to implement policies established by the board of trustees;

(9) providing leadership for the attainment and, if necessary, improvement of student performance in the district based on the indicators adopted under Sections 39.053 and 39.301 [~~Section 39.054~~] and other indicators adopted by the commissioner [~~State Board of Education~~] or the district's board of trustees;

(10) organizing the district's central administration;

(11) consulting with the district-level committee as required under Section 11.252(f);

(12) ensuring:

(A) adoption of a student code of conduct as required under Section 37.001 and enforcement of that code of conduct; and

(B) adoption and enforcement of other student disciplinary rules and procedures as necessary;

(13) submitting reports as required by state or federal law, rule, or regulation;

(14) providing joint leadership with the board of trustees to ensure that the responsibilities of the board and superintendent team are carried out; and

(15) performing any other duties assigned by action of the board of trustees.

(3) Add the following appropriately numbered SECTIONS to the bill (page 3, between lines 15 and 16):

SECTION \_\_\_\_\_. Section 11.252(a), Education Code, is amended to read as follows:

(a) Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the student achievement ~~[academic excellence]~~ indicators adopted under Section 39.053 ~~[39.051]~~. The district improvement plan must include provisions for:

(1) a comprehensive needs assessment addressing district student performance on the student achievement ~~[academic excellence]~~ indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29;

(2) measurable district performance objectives for all appropriate student achievement ~~[academic excellence]~~ indicators for all student populations, including students in special education programs under Subchapter A, Chapter 29, and other measures of student performance that may be identified through the comprehensive needs assessment;

(3) strategies for improvement of student performance that include:

(A) instructional methods for addressing the needs of student groups not achieving their full potential;

(B) methods for addressing the needs of students for special programs, such as suicide prevention, conflict resolution, violence prevention, or dyslexia treatment programs;

(C) dropout reduction;

(D) integration of technology in instructional and administrative programs;

(E) discipline management;

(F) staff development for professional staff of the district;

(G) career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities; and

(H) accelerated education;

(4) strategies for providing to middle school, junior high school, and high school students, those students' teachers and counselors, and those students' parents information about:

(A) higher education admissions and financial aid opportunities;

(B) the TEXAS grant program and the Teach for Texas grant program established under Chapter 56;

(C) the need for students to make informed curriculum choices to be prepared for success beyond high school; and

(D) sources of information on higher education admissions and financial aid;

(5) resources needed to implement identified strategies;

(6) staff responsible for ensuring the accomplishment of each strategy;

(7) timelines for ongoing monitoring of the implementation of each improvement strategy; and

(8) formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.

SECTION \_\_\_\_\_. Sections 11.253(c) and (d), Education Code, are amended to read as follows:

(c) Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Subchapter A, Chapter 29, with respect to the student achievement ~~[academic excellence]~~ indicators adopted under Section 39.053 ~~[39.051]~~ and any other appropriate performance measures for special needs populations.

(d) Each campus improvement plan must:

(1) assess the academic achievement for each student in the school using the student achievement ~~[academic excellence]~~ indicator system as described by Section 39.053 ~~[39.051]~~;

(2) set the campus performance objectives based on the student achievement ~~[academic excellence]~~ indicator system, including objectives for special needs populations, including students in special education programs under Subchapter A, Chapter 29;

(3) identify how the campus goals will be met for each student;

(4) determine the resources needed to implement the plan;

(5) identify staff needed to implement the plan;

(6) set timelines for reaching the goals;

(7) measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement;

(8) include goals and methods for violence prevention and intervention on campus; and

(9) provide for a program to encourage parental involvement at the campus.

SECTION \_\_\_\_\_. Section 11.255(a), Education Code, is amended to read as follows:

(a) Each district-level planning and decision-making committee and each campus-level planning and decision-making committee for a junior, middle, or high school campus shall analyze information related to dropout prevention, including:

(1) the results of the audit of dropout records required by Section 39.308 ~~[39.055]~~;

(2) campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade level 9;

(3) the number of students who enter a high school equivalency certificate program and:

(A) do not complete the program;

(B) complete the program but do not take the high school equivalency examination; or

(C) complete the program and take the high school equivalency examination but do not obtain a high school equivalency certificate;

(4) for students enrolled in grade levels 9 and 10, information related to academic credit hours earned, retention rates, and placements in alternative education programs and expulsions under Chapter 37; and

(5) the results of an evaluation of each school-based dropout prevention program in the district.

SECTION \_\_\_\_\_. Section 12.013(b), Education Code, is amended to read as follows:

(b) A home-rule school district is subject to:

(1) a provision of this title establishing a criminal offense;

(2) a provision of this title relating to limitations on liability; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) educator certification under Chapter 21 and educator rights under Sections 21.407, 21.408, and 22.001;

(C) criminal history records under Subchapter C, Chapter 22;

(D) student admissions under Section 25.001;

(E) school attendance under Sections 25.085, 25.086, and 25.087;

(F) inter-district or inter-county transfers of students under Subchapter B, Chapter 25;

(G) elementary class size limits under Section 25.112, in the case of any campus in the district that is below any standard [~~considered academically unacceptable~~] under Section 39.054(e) [39.132];

(H) high school graduation under Section 28.025;

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

(J) bilingual education under Subchapter B, Chapter 29;

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

(L) safety provisions relating to the transportation of students under Sections 34.002, 34.003, 34.004, and 34.008;

(M) computation and distribution of state aid under Chapters 31, 42, and 43;

(N) extracurricular activities under Section 33.081;

(O) health and safety under Chapter 38;

(P) public school accountability under Subchapters B, C, D, E, and J [~~G~~], Chapter 39;

(Q) equalized wealth under Chapter 41;

(R) a bond or other obligation or tax rate under Chapters 42, 43, and 45; and

(S) purchasing under Chapter 44.

SECTION \_\_\_\_\_. Section 12.056(b), Education Code, is amended to read as follows:

(b) A campus or program for which a charter is granted under this subchapter is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) high school graduation under Section 28.025;

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

(E) bilingual education under Subchapter B, Chapter 29;

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

(G) extracurricular activities under Section 33.081;

(H) health and safety under Chapter 38; and

(I) public school accountability under Subchapters B, C, E [~~D~~], and J [~~G~~], Chapter 39.

SECTION \_\_\_\_\_. Section 12.1012(5), Education Code, is amended to read as follows:

(5) "Management services" means services related to the management or operation of an open-enrollment charter school, including:

(A) planning, operating, supervising, and evaluating the school's educational programs, services, and facilities;

(B) making recommendations to the governing body of the school relating to the selection of school personnel;

(C) managing the school's day-to-day operations as its administrative manager;

(D) preparing and submitting to the governing body of the school a proposed budget;

(E) recommending policies to be adopted by the governing body of the school, developing appropriate procedures to implement policies adopted by the governing body of the school, and overseeing the implementation of adopted policies; and

(F) providing leadership for the attainment of student performance at the school based on the indicators adopted under Sections 39.053 and 39.301 [~~Section 39.054~~] or by the governing body of the school.

(4) Add the following appropriately numbered SECTIONS to the bill (page 4, between lines 24 and 25):

SECTION \_\_\_\_\_. Section 12.1054(a), Education Code, is amended to read as follows:

(a) A member of the governing body of a charter holder, a member of the governing body of an open-enrollment charter school, or an officer of an open-enrollment charter school is considered to be a local public official for purposes of Chapter 171, Local Government Code. For purposes of that chapter:

(1) a member of the governing body of a charter holder or a member of the governing body or officer of an open-enrollment charter school is considered to have a substantial interest in a business entity if a person related to the member or officer in the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a substantial interest in the business entity under Section 171.002, Local Government Code;

(2) notwithstanding any provision of Section 12.1054(1), an employee of an open-enrollment charter school rated ~~[as academically]~~ acceptable or higher under Section 39.054 [Chapter 39] for at least two of the preceding three school years may serve as a member of the governing body of the charter holder of the governing body of the school if the employees do not constitute a quorum of the governing body or any committee of the governing body; however, all members shall comply with the requirements of Sections 171.003-171.007, Local Government Code.

SECTION \_\_\_\_\_. Section 12.1055(b), Education Code, is amended to read as follows:

(b) Notwithstanding Subsection (a), if an open-enrollment charter school is rated ~~[academically]~~ acceptable or higher under Section 39.054 [Chapter 39] for at least two of the preceding three school years, then Chapter 573, Government Code, does not apply to that school; however, a member of the governing body of a charter holder or a member of the governing body or officer of an open-enrollment charter school shall comply with the requirements of Sections 171.003-171.007, Local Government Code, with respect to a personnel matter concerning a person related to the member or officer within the degree specified by Section 573.002, Government Code, as if the personnel matter were a transaction with a business entity subject to those sections, and persons defined under Sections 573.021-573.025, Government Code, shall not constitute a quorum of the governing body or any committee of the governing body.

SECTION \_\_\_\_\_. Section 12.1162(a), Education Code, is amended to read as follows:

(a) The commissioner shall take any of the actions described by Subsection (b) or by Section 39.102(a) [39.131(a)], to the extent the commissioner determines necessary, if an open-enrollment charter school, as determined by a report issued under Section 39.058(b) [39.076(b)]:

- (1) commits a material violation of the school's charter;
- (2) fails to satisfy generally accepted accounting standards of fiscal management; or
- (3) fails to comply with this subchapter or another applicable rule or law.

SECTION \_\_\_\_\_. Section 18.006(a), Education Code, is amended to read as follows:

(a) The commissioner shall develop and implement a system of accountability consistent with Chapter 39, where appropriate, to be used in assigning an annual performance rating to Job Corps diploma programs comparable to the ratings assigned to school districts under Section 39.054 [39.072]. The commissioner may develop and implement a system of distinction

designations consistent with Subchapter G, Chapter 39, where appropriate, to be used in assigning distinction designations to Job Corps diploma programs comparable to the distinction designations assigned to campuses under Subchapter G, Chapter 39.

SECTION \_\_\_\_\_. Section 21.354(e), Education Code, is amended to read as follows:

(e) The appraisal of a principal shall include consideration of the performance of a principal's campus on the student achievement indicators established under Section 39.053 [~~39.054~~] and the campus's objectives established under Section 11.253, including performance gains of the campus and the maintenance of those gains.

SECTION \_\_\_\_\_. Section 21.357(c), Education Code, is amended to read as follows:

(c) A performance incentive awarded to a principal under this section must be distributed to the principal's school and used in the manner determined by the campus-level committee established under Section 11.253 in accordance with the requirements of Section 39.264(a) [~~39.094(a)~~].

SECTION \_\_\_\_\_. Section 21.4541(b), Education Code, is amended to read as follows:

(b) A school district or campus is eligible to participate in the pilot program under this section if the district or campus meets the eligibility criteria established as provided by Section 39.408 [~~39.358~~].

SECTION \_\_\_\_\_. Section 21.4551(c), Education Code, is amended to read as follows:

(c) The commissioner by rule shall require a teacher to attend a reading academy if the teacher provides instruction in reading, mathematics, science, or social studies to students at the sixth, seventh, or eighth grade level at a campus that is below any standard [~~is considered academically unacceptable~~] under Section 39.054(e) [~~39.132~~] on the basis of student performance on the reading assessment instrument administered under Section 39.023(a) to students in any grade level at the campus.

SECTION \_\_\_\_\_. Section 21.653(a), Education Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a campus is eligible to apply for and may receive a program grant if the campus:

(1) is ranked by the agency in the top half of this state's elementary school campuses, middle or junior high school campuses, high school campuses, or campuses for students of all grade levels, as applicable, in the percentage of educationally disadvantaged students enrolled at the campus; and

(2) has received at least one distinction designation under Section 39.201(b), (c), or (d)(1) [~~is rated exemplary or recognized under Section 39.072~~] or is ranked in the top quartile of campuses in [~~comparable~~] improvement, as determined [~~defined~~] by the commissioner [~~Section 39.051(e)~~], in mathematics or reading.

(5) Add the following appropriately numbered SECTIONS to the bill (page 5, between lines 11 and 12):



SECTION \_\_\_\_\_. Section 28.006(j), Education Code, is amended to read as follows:

(j) No more than 15 percent of the funds certified by the commissioner under Subsection (i) may be spent on indirect costs. The commissioner shall evaluate the programs that fail to meet the standard of performance under Section 39.301(b)(4) [~~39.051(b)(8)~~] and may implement interventions or sanctions under Subchapter E [~~G~~], Chapter 39. The commissioner may audit the expenditures of funds appropriated for purposes of this section. The use of the funds appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.

SECTION \_\_\_\_\_. Section 28.014(d), Education Code, is amended to read as follows:

(d) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Subsection (c) to be used for purposes of Section 51.3062. The questions must be developed in a manner consistent with any college readiness standards adopted under Sections 39.233 [~~39.113~~] and 51.3062. A student's performance on a question adopted under this subsection may not be used to determine the student's performance on an end-of-course assessment instrument.

(6) On page 5, line 18, strike "and (i)" and substitute "(i), and (k)".

(7) On page 11, between lines 16 and 17, add the following:

(k) The commissioner shall adopt rules as necessary to implement this section, including rules concerning when school districts shall administer assessment instruments required under this section and which administration of the assessment instruments will be used for purposes of Section 39.053 [~~39.051~~].

(8) Add the following appropriately numbered SECTION to the bill (page 16, between lines 10 and 11):

SECTION \_\_\_\_\_. Section 29.062(a), Education Code, is amended to read as follows:

(a) The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, in accordance with the policy of the state, the agency shall evaluate the effectiveness of programs under this subchapter based on the student achievement [~~academic excellence~~] indicators adopted under Section 39.053 [~~39.051(a)~~], including the results of assessment instruments. The agency may combine evaluations under this section with federal accountability measures concerning students of limited English proficiency.

(9) Add the following appropriately numbered SECTIONS to the bill (page 16, between lines 20 and 21):

SECTION \_\_\_\_\_. Section 29.095(a)(1), Education Code, as added by Chapter 1058 (**HB 2237**), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(1) "Council" means the High School Completion and Success Initiative Council established under Subchapter M [~~L~~], Chapter 39.

SECTION \_\_\_\_\_. Section 29.095(c), Education Code, as added by Chapter 1058 (**HB 2237**), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(c) The commissioner may award a grant in an amount not to exceed \$5,000 in a school year to a school district on behalf of a student club at a district high school campus that is eligible under the criteria established under Section 39.408 [~~39.358~~]. To be eligible for a grant, the student club and the club's sponsor must be sanctioned by the campus and district. A grant awarded under this program must be matched by other federal, state, or local funds, including donations, in an amount equal to the amount of the grant. A district shall seek donations or sponsorships from local businesses or community organizations to raise the matching funds. The commissioner may award a grant on behalf of more than one student club at a campus in the same school year.

SECTION \_\_\_\_\_. Sections 29.096(a) and (c), Education Code, are amended to read as follows:

(a) In this section, "council" means the High School Completion and Success Initiative Council established under Subchapter M [~~L~~], Chapter 39.

(c) A school district or open-enrollment charter school is eligible to participate and receive a grant under this section under the eligibility criteria established under Section 39.408 [~~39.358~~].

SECTION \_\_\_\_\_. Section 29.097(a)(1), Education Code, is amended to read as follows:

(1) "Council" means the High School Completion and Success Initiative Council established under Subchapter M [~~L~~], Chapter 39.

SECTION \_\_\_\_\_. Section 29.097(c), Education Code, is amended to read as follows:

(c) The commissioner may select for participation in the pilot program only a campus that is eligible under the criteria established under Section 39.408 [~~39.358~~].

SECTION \_\_\_\_\_. Section 29.098(c), Education Code, is amended to read as follows:

(c) The commissioner of education may select for participation in the pilot program only a campus that is eligible under the criteria established under Section 39.408 [~~39.358~~].

SECTION \_\_\_\_\_. Section 29.202(a), Education Code, is amended to read as follows:

(a) A student is eligible to receive a public education grant or to attend another public school in the district in which the student resides under this subchapter if the student is assigned to attend a public school campus:

(1) at which 50 percent or more of the students did not perform satisfactorily on an assessment instrument administered under Section 39.023(a) or (c) in any two of the preceding three years; or

(2) that was, at any time in the preceding three years, below any standard [~~considered academically unacceptable~~] under Section 39.054(e) [~~39.132~~].

(10) Add the following appropriately numbered SECTIONS to the bill (page 18, between lines 2 and 3):

SECTION \_\_\_\_\_. Section 29.906(e), Education Code, is amended to read as follows:

(e) The agency shall:

(1) maintain a list of character education programs that school districts have implemented that meet the criteria under Subsection (b);

(2) based on data reported by districts, annually designate as a Character Plus School each school that provides a character education program that:

(A) meets the criteria prescribed by Subsection (b); and

(B) is approved by the committee selected under Subsection (c);

and

(3) include in the report required under Section 39.332 [~~39.182~~]:

(A) based on data reported by districts, the impact of character education programs on student discipline and academic achievement; and

(B) other reported data relating to character education programs the agency considers appropriate for inclusion.

SECTION \_\_\_\_\_. Sections 29.918(a) and (c), Education Code, are amended to read as follows:

(a) Notwithstanding Section 39.234 [~~39.114~~] or 42.152, a school district or open-enrollment charter school with a high dropout rate, as determined by the commissioner, must submit a plan to the commissioner describing the manner in which the district or charter school intends to use the compensatory education allotment under Section 42.152 and the high school allotment under Section 42.2516(b)(3) for developing and implementing research-based strategies for dropout prevention. The district or charter school shall submit the plan not later than December 1 of each school year preceding the school year in which the district or charter school will receive the compensatory education allotment or high school allotment to which the plan applies.

(c) The commissioner shall adopt rules to administer this section. The commissioner may impose interventions or sanctions under Section 39.102 [~~39.131~~] or 39.104 [~~39.132~~] if a school district or open-enrollment charter school fails to timely comply with this section.

SECTION \_\_\_\_\_. Section 30A.101, Education Code, is amended to read as follows:

Sec. 30A.101. ELIGIBILITY TO ACT AS PROVIDER SCHOOL DISTRICT OR SCHOOL. (a) A school district is eligible to act as a provider school district under this chapter only if the district is rated [~~academically~~] acceptable or higher under Section 39.054 [~~39.072~~].

(b) An open-enrollment charter school is eligible to act as a provider school under this chapter only if the school is rated acceptable [~~recognized~~] or higher under Section 39.054 [~~39.072~~], and may serve as a provider school only:

(1) to a student within the school district in which the school is located or within its service area, whichever is smaller; or

(2) to another student in the state through an agreement with the administering authority under Section 30A.153.

SECTION \_\_\_\_\_. Section 32.157(a), Education Code, is amended to read as follows:

(a) After the expiration of the pilot project, the agency may review the pilot project based on the annual reports the agency receives from the board of trustees of participating school districts. The agency may include the review of the pilot project in the comprehensive annual report required under Section 39.332 [~~39.182~~] that covers the 2010-2011 school year.

(11) Add the following appropriately numbered SECTION to the bill (page 130, between lines 16 and 17):

SECTION \_\_\_\_\_. Section 42.002(b), Education Code, is amended to read as follows:

(b) The Foundation School Program consists of:

(1) two tiers that in combination provide for:

(A) sufficient financing for all school districts to provide a basic program of education that is rated [~~academically~~] acceptable or higher under Section 39.054 [~~39.072~~] and meets other applicable legal standards; and

(B) substantially equal access to funds to provide an enriched program; and

(2) a facilities component as provided by Chapter 46.

(12) Add the following appropriately numbered SECTION to the bill (page 134, between lines 11 and 12):

SECTION \_\_\_\_\_. Section 302.006(c), Labor Code, is amended to read as follows:

(c) To be eligible to receive a scholarship awarded under this section, a person must:

(1) be employed in a child-care facility, as defined by Section 42.002, Human Resources Code;

(2) intend to obtain a credential, certificate, or degree specified in Subsection (b);

(3) agree to work for at least 18 additional months in a child-care facility, as defined by Section 42.002, Human Resources Code, that accepts federal Child Care Development Fund subsidies and that, at the time the person begins to fulfill the work requirement imposed by this subdivision, is located:

(A) within the attendance zone of a public school campus considered low-performing under Subchapter E, Chapter 39 [~~Section 39.132~~], Education Code; or

(B) in an economically disadvantaged community, as determined by the commission; and

(4) satisfy any other requirements adopted by the commission.

(13) Renumber SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Guillen offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 4, line 26, strike "and (c-2)" and substitute ", (c-2), and (d)".

(2) On page 5, between lines 11 and 12, insert the following:

(d) Each time the Texas Higher Education Coordinating Board revises the Internet database of the coordinating board's official statewide inventory of workforce education courses, the State Board of Education shall by rule revise the essential knowledge and skills of any corresponding career and technology education curriculum as provided by Subsection (c).

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Guillen offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) Strike "minimum" each time it appears in the bill and substitute "standard" as follows:

- (A) On page 5, line 3;
- (B) On page 11, line 26;
- (C) On page 13, line 9;
- (D) On page 14, line 6;
- (E) On page 15, line 11;
- (F) On page 29, line 17;
- (G) On page 29, line 25; and
- (H) On page 57, line 13.

(2) Strike "minimum" each time it appears in the bill and substitute "standard [~~minimum~~]" as follows:

- (A) On page 11, line 21; and
- (B) On page 12, line 11.

(Eiland now present)

Representative Eissler moved to table Amendment No. 3.

The motion to table prevailed.

### **Amendment No. 4**

Representative Rose offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) on page 15, line 12, immediately following added Section 28.027(a), Education Code, by inserting the following:

A career and technical course approved under this subsection must cover the essential knowledge and skills identified under Section 28.002 for the subject for which the career and technical course is offered as an alternative. A student completing a career and technical course approved under this subsection must be administered any end-of-course assessment instrument required for the course for which the career and technical course is offered as an alternative.

Amendment No. 4 was adopted.

**Amendment No. 5**

Representative Guillen offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 16, between lines 20 and 21, insert the following:

SECTION \_\_\_\_\_. Section 29.182(b), Education Code, is amended to read as follows:

(b) The state plan must include procedures designed to ensure that:

(1) all secondary and postsecondary students have the opportunity to participate in career and technology education programs;

(2) the state complies with requirements for supplemental federal career and technology education funding; and

(3) career and technology education is established as a part of the total education system of this state and constitutes an option for student learning that provides a rigorous course of study consistent with the required curriculum under Section 28.002 and under which a student may receive specific education in a career and technology program that:

(A) incorporates competencies leading to academic and technical skill attainment;

(B) leads to:

(i) an industry-recognized license, credential, or certificate; or

(ii) at the postsecondary level, an associate or baccalaureate

degree;

(C) includes opportunities for students to earn college credit for coursework; and

(D) includes, as an integral part of the program, participation by students and teachers in activities of career and technical student organizations supported by the agency and the State Board of Education.

(2) Appropriately number or renumber SECTIONS of the bill.

Amendment No. 5 was adopted.

**Amendment No. 6**

Representative Isett offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 11, line 19, strike "and (b-5)" and substitute "(b-5), and (b-6)".

(2) On page 14, between lines 20 and 21, insert the following:

(b-6) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board, shall adopt rules to ensure that a student may comply with the curriculum requirements under the minimum, recommended, or advanced high school program for each subject of the foundation curriculum under Section 28.002(a)(1) and for languages other than English under Section 28.002(a)(2)(A) by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section 61.822.

Amendment No. 6 was adopted.

**Amendment No. 7**

Representatives Guillen and Dutton offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) Strike "minimum" each time it appears in the bill and substitute "basic" as follows:

- (A) On page 5, line 3;
- (B) On page 11, line 26;
- (C) On page 13, line 9;
- (D) On page 14, line 6;
- (E) On page 15, line 11;
- (F) On page 29, line 17;
- (G) On page 29, line 25; and
- (H) On page 57, line 13.

(2) Strike "minimum" each time it appears in the bill and substitute "basic [~~minimum~~]" as follows:

- (A) On page 11, line 21; and
- (B) On page 12, line 11.

Amendment No. 7 was adopted.

**Amendment No. 8**

Representative Lucio offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 20, between lines 10 and 11, add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Section 33.006, Education Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) In accordance with rules adopted by the commissioner, the board of trustees of each school district shall adopt a policy that requires a school counselor to spend not more than 10 percent of the counselor's total work time on duties that are not components of a counseling or guidance program developed under Section 33.005. For purposes of this subsection, time spent in administering assessment instruments or providing other assistance in connection with assessment instruments, except time spent in interpreting data from assessment instruments, is not considered time spent on counseling or guidance. Each school in the district shall implement the policy. A copy of the policy shall be maintained in the office of each school in the district and made available on request during regular school hours to district employees, parents of district students, and the public.

(e) A school district may not include a provision in an employment contract with a school counselor under Chapter 21 that conflicts with the policy required by Subsection (d) or has the effect of authorizing a school principal or school district superintendent to require a school counselor to generally perform duties that are not primarily related to a counseling function.

(2) On page 56, between lines 1 and 2, insert the following:

(f) Before an investigation, the commissioner shall request that the district scheduled for the investigation assess the district's compliance with the policy adopted under Section 33.006(d) and provide a written copy of the assessment to the investigators on or before the date specified by the commissioner. As part of each investigation, the investigators shall interview a percentage of district school counselors determined by the commissioner to assess the district's compliance with the policy adopted under Section 33.006(d). The commissioner shall adopt rules to implement this subsection.

(4) On page 135, between lines 6 and 7, add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. (a) Each school district shall implement a policy adopted under Section 33.006(d), Education Code, as added by this Act, beginning with the 2009-2010 school year.

(b) Section 33.006(e), Education Code, as added by this Act, applies only to a contract executed on or after the effective date of this Act. A contract executed before the effective date of this Act is governed by the law in effect on the date the contract was executed, and the former law is continued in effect for that purpose.

(c) Section 39.056(f), Education Code, as added by this Act, applies beginning with the 2009-2010 school year.

(5) Renumber subsequent SECTIONS of the bill accordingly.

Amendment No. 8 was withdrawn.

### **Amendment No. 9**

Representative Branch offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) as follows:

(1) On page 20, strike line 13 and substitute the following:

SUBCHAPTER A. GENERAL PROVISIONS; STATE MASTER PLAN TO CLOSE ACADEMIC ACHIEVEMENT GAPS IN PUBLIC EDUCATION

(2) On page 20, between lines 15 and 16, insert the following:

Sec. 39.002. SELECT COMMITTEE ON CLOSING THE GAPS IN PUBLIC EDUCATION. (a) The select committee on closing the gaps in public education is established to:

(1) advise the governor, the legislature, the commissioner of higher education, and the commissioner, and to inform the public, regarding progress toward achieving the educational objectives and goals of the state; and

(2) serve as a public forum for the discussion of ideas regarding public education.

(b) The committee is composed of 19 members appointed as follows:

(1) the presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education;

(2) two members of the senate, appointed by the lieutenant governor;

(3) two members of the house of representatives, appointed by the speaker of the house of representatives;

(4) the commissioner;

(5) the commissioner of higher education;



(6) one public school teacher, one primary school principal, one secondary school principal, one open-enrollment charter school representative, and one public school district superintendent, each currently employed in this state and each appointed jointly by the lieutenant governor and the speaker of the house of representatives;

(7) one representative of the Texas Workforce Commission, appointed by the governor;

(8) one representative of the State Board of Education, appointed by the governor;

(9) one representative from the business community who has at least one child who attends public school in this state, appointed by the governor;

(10) one representative of the public who has at least one child who attends public school in this state, appointed by the governor;

(11) one representative from the college of education at an institution of higher education, appointed by the governor; and

(12) one student enrolled in a public school or open-enrollment charter school, appointed by the governor.

(c) Appointed members of the committee serve two-year terms that expire August 31 of each odd-numbered year. An appointed member of the committee may be reappointed.

(d) The governor, lieutenant governor, and speaker of the house of representatives shall make the first appointments required by Subsection (b) in a timely fashion to permit the committee to comply with Section 39.003(a). This subsection expires January 1, 2010.

Sec. 39.003. COMMITTEE MEETINGS. (a) Not later than October 1, 2009, the committee shall hold an organizational meeting.

(b) The presiding officers described by Section 39.002(b)(1) serve as co-chairs of the committee.

(c) Committee meetings shall be held at least quarterly at the written call of the co-chairs.

Sec. 39.004. COMPENSATION AND REIMBURSEMENT. (a) A member of the committee is entitled to reimbursement for actual and necessary expenses incurred in performing committee duties.

(b) A legislative member of the committee is entitled to reimbursement from the appropriate fund of the house of the legislature in which the member serves.

(c) A member other than a legislative member is entitled to reimbursement from funds appropriated to the Texas Legislative Council for the committee's operations.

Sec. 39.005. COMMITTEE STAFF. (a) The co-chairs of the committee may appoint a committee director and staff to support the work of the committee.

(b) The director and staff members are employees of the Texas Legislative Council and shall be paid from funds appropriated to the council for the committee's operations.

Sec. 39.006. MASTER PLAN FOR PUBLIC EDUCATION. (a) The committee shall develop, adopt, and periodically review and revise a master plan for public education. In adopting and revising the plan, the committee shall periodically conduct public hearings throughout the state and solicit testimony from public school students, parents of public school students, educators, employers, and other interested persons.

(b) The plan adopted by the committee must identify specific short-term goals that will assist the state in meeting the objectives and goals for public education as described in Chapter 4. The plan must include:

(1) methods to:

(A) close achievement gaps between students in this state and students in other states;

(B) reduce dropout rates;

(C) increase completion rates;

(D) define and measure readiness for college and employment;

(E) strengthen partnerships between primary and secondary education and higher education;

(F) implement revisions to the state public education accountability system; and

(G) promote efficient and effective support structures for public schools; and

(2) specific recommendations for passing standards for students, schools, and school districts that will ensure that the state will rank among the top 10 states by 2020 in terms of students' readiness for college.

(c) Not later than January 1, 2011, and January 1 of each following year, the committee shall adopt and publish a report that describes the progress toward accomplishing the educational objectives and goals of the state. The report must include specific recommendations for:

(1) passing standards on state achievement tests;

(2) school accreditation for the next academic year; and

(3) statutory changes as appropriate.

(d) The committee may commission external analyses and reviews as appropriate to support the committee's work.

(e) Nothing in this section may be construed to infringe on the responsibilities and duties of the governor, the legislature, the commissioner of higher education, or the commissioner as otherwise required by this code.

(f) The agency, the Texas Higher Education Coordinating Board, the comptroller, the Legislative Budget Board, the Texas Workforce Commission, and any other state agency shall assist the committee, including by responding to requests for information and participating in discussions regarding the future of public education in this state.

Amendment No. 9 was adopted.

### **Amendment No. 10**

Representative Hochberg offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) as follows:

(1) On page 20, line 17, between "Subsections" and "(c-4)" insert "(b)".

(2) On page 20, between lines 26 and 27, insert the following:

(b) The agency shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program under Subchapter A, Chapter 29, [who receives modified instruction in the essential knowledge and skills identified under Section 28.002 for the assessed subject but] for whom an assessment instrument adopted under Subsection (a), even with allowable accommodations [~~modifications~~], would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee. [~~The assessment instruments required under this subsection must assess essential knowledge and skills and growth in the subjects of reading, mathematics, and writing. A 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. The assessment instruments required under this subsection shall be administered on the same schedule as the assessment instruments administered under Subsection (a).]~~

(Keffer in the chair)

Amendment No. 10 was adopted.

### **Amendment No. 11**

Representative Isett offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 20, line 17, strike "Subsection (a-1)" and substitute "Subsections (a-1) and (o)".

(2) On page 22, between lines 7 and 8, insert the following:

(o) Notwithstanding Subsection (c) or Section 39.025, a student is exempt from the administration of an end-of-course assessment instrument otherwise required under Subsection (c) or Section 39.025 if the student receives college credit through a program implemented under Section 28.009 for a course in the subject area of the course for which the end-of-course assessment instrument was adopted. This subsection does not prohibit a student entitled to an exemption from electing to participate in the administration of an assessment instrument, provided that the student's performance on the assessment instrument in that circumstance is considered in the same manner as performance is considered for other students. The State Board of Education may adopt rules necessary to implement this subsection.

(3) On page 135, between lines 10 and 11, insert the following:

(c) Section 39.023(o), Education Code, as added by this Act, applies beginning with a student who earns college credit during the 2010-2011 school year.

(4) On page 135, line 11, strike "(c)" and substitute "(d)".

(5) On page 135, line 14, strike "(d)" and substitute "(e)" and strike "Subsection (e)" and substitute "Subsection (f)".

(6) On page 135, line 19, strike "(e)" and substitute "(f)".

**Amendment No. 12**

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

Amend the Isett amendment to **CSHB 3** on page 1, line 16, of the amendment, between "Education" and "may" by inserting ", the commissioner, and the Texas Higher Education Coordinating Board".

Amendment No. 12 was adopted.

Amendment No. 11, as amended, was adopted.

**Amendment No. 13**

Representative Edwards offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 4, line 26, strike "(c-1) and (c-2)" and substitute "(c-1), (c-2), and (n-1)".

(2) On page 5, between lines 11 and 12, insert the following:

(n-1) The State Board of Education shall by rule ensure that the career and technology education curriculum under Subsection (a)(2)(F) offered at the high school level includes essential knowledge and skills specifically designed to prepare students to enter the workforce. The State Board of Education shall identify essential knowledge and skills that address the social and emotional aspects of entering the workforce, as well as practical aspects such as interviewing skills, workforce etiquette, and dress and grooming standards.

(3) On page 135, between lines 8 and 9, insert the following:

(a-1) Section 28.002(n-1), Education Code, as added by this Act, applies beginning with the 2010-2011 school year.

Amendment No. 13 was adopted.

**Amendment No. 14**

Representative Guillen offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) as follows:

(1) On page 15, line 20, strike "and".

(2) On page 15, between lines 20 and 21, insert the following:

(2) for a course that is part of a coherent sequence of career and technology courses, an indication that completion of the course is necessary for a student to obtain:

(A) industry certification in a career and technology profession;

(B) a license in a career and technology profession; or

(C) college credit for coursework; and

(3) On page 15, line 21, strike "(2)" and substitute "(3)".

(4) On page 135, between lines 24 and 25, insert the following:

(f) Section 28.027, Education Code, as added by this Act, applies beginning with the 2011-2012 school year.

Amendment No. 14 was adopted. (The vote was reconsidered later today, and Amendment No. 14 was withdrawn.)

**Amendment No. 15**

Representative Veasey offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) as follows:

(1) On page 15, line 27, strike "Approval" and substitute "Subject to Subsection (d-1), approval".

(2) On page 16, between lines 6 and 7, insert the following:

(d-1) At any time after the date of approval of a course obtained under this section and on the request of a member of the legislature or a member of the board of trustees of a school district, the board shall review its approval of a course obtained under this section. The board may revoke its approval of the course based on the review.

Amendment No. 15 was adopted.

**Amendment No. 16**

Representative Hochberg offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 20, lines 17-18, strike "(c-4), (e), and (l)" and substitute "(c), (c-4), (d), (e), (l), and (m)".

(2) On page 20, between lines 26 and 27, insert the following:

(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, Algebra II, geometry, biology, chemistry, physics, English I, English II, English III, world geography, world history, and United States history. The Algebra I, Algebra II, and geometry end-of-course assessment instruments must be administered with the aid of technology. A school district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this subsection and shall adopt a policy that requires a student's performance on an end-of-course assessment instrument for a course listed in this subsection in which the student is enrolled to account for 15 percent of the student's final grade for the course. If a student retakes an end-of-course assessment instrument for a course listed in this subsection, as provided by Section 39.025, a school district is not required to use the student's performance on the subsequent administration or administrations of the assessment instrument to determine the student's final grade for the course. 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 end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

(3) On page 21, between lines 7 and 8, insert the following:

(d) The commissioner may participate in multistate efforts to develop voluntary standardized end-of-course assessment instruments. The commissioner by rule may require a school district to administer an end-of-course assessment

instrument developed through the multistate efforts. The admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine whether any allowable modification is necessary in administering to the student an end-of-course assessment instrument ~~[or whether the student should be exempted under Section 39.027(a)(2)].~~

(4) On page 21, line 26, strike "Section 39.027(a)(3) or (4)" and substitute "Section 39.027(a)(1) or (2) ~~[39.027(a)(3) or (4)]~~".

(5) On page 22, between lines 7 and 8, insert the following:

(m) The commissioner by rule shall develop procedures under which the language proficiency assessment committee established under Section 29.063 shall determine which students are exempt from the administration of the assessment instruments under Section ~~39.027(a)(1) or (2) [39.027(a)(3) and (4)]~~. The rules adopted under this subsection shall ensure that the language proficiency assessment committee provides that the exempted students are administered the assessment instruments under Subsections (a) and (c) at the earliest practical date.

(6) On page 25, strike lines 2-6, and substitute the following:

Sec. 39.0241. SATISFACTORY PERFORMANCE. (a) The commissioner ~~[Except as otherwise provided by this subsection, the State Board of Education]~~ shall determine the level of performance considered to be satisfactory on the assessment instruments.

(7) On page 25, line 15, strike "(a-2)" and substitute "(b)".

(8) On page 26, strike lines 16-20 and substitute the following:

~~[The admission, review, and dismissal committee of a student being assessed under Section 39.023(b) shall determine the level of performance considered to be satisfactory on the assessment instruments administered to that student in accordance with criteria established by agency rule.]~~

(9) On page 26, line 21, strike "shall" and substitute "may ~~[shall]~~".

(10) On page 27, lines 18-19, strike "2011-2012 school year" and substitute "2009-2010 and 2010-2011 school years".

(11) On page 27, strike lines 23-25, and substitute the following:

(2) the administration to a sufficiently large sample of students throughout the state of end-of-course assessment instruments required under Section 39.023(c) for the purpose of setting performance standards.

(12) On page 30, lines 23-24, strike "a Scholastic Assessment Test (SAT)" and substitute "an SAT ~~[a Scholastic Assessment Test (SAT)]~~".

(13) On page 34, line 5, strike "Subsection (a-1)" and substitute "Subsections (a-1) and (a-2)".

(14) On page 34, strike lines 7-23, and substitute the following:

(a) A student may be administered an accommodated or alternative assessment instrument or may be granted an exemption ~~[exempted]~~ from or a postponement of the administration of an assessment instrument under:

(1) ~~[Section 39.023(a) or (b) if the student is eligible for a special education program under Section 29.003 and the student's individualized education program does not include instruction in the essential knowledge and skills under Section 28.002 at any grade level;~~

~~[(2) Section 39.023(c) or (d) if the student is eligible for a special education program under Section 29.003 and:~~

~~[(A) the student's individualized education program does not include instruction in the essential knowledge and skills under Section 28.002 at any grade level; or~~

~~[(B) the assessment instrument, even with allowable modifications, would not provide an appropriate measure of the student's achievement as determined by the student's admission, review, and dismissal committee;~~

~~[(3)] Section 39.023(a) or (l) for a period of up to one~~

(15) On page 35, line 1, strike "(4)" and substitute "(2) [(4)]".

(16) On page 35, lines 2-3, strike "Subdivision (3)" each place it appears and substitute "Subdivision (1) [(3)]".

(17) On page 35, line 8, strike "(5)" and substitute "(3)".

(18) On page 35, line 10, strike "Subdivision (3)" and substitute "Subdivision (1)".

(19) On page 35, between lines 11 and 12, insert the following:

(a-1) The language proficiency assessment committee established under Section 29.063 shall determine whether a student meets the criteria under Subsection (a)(1), (2), or (3). The commissioner by rule shall develop procedures under which the language proficiency assessment committee makes a determination under this subsection. In adopting rules under this subsection, the commissioner shall:

(1) consider the end-of-course requirements for graduation for students;

and

(2) ensure that the language proficiency assessment committee requires students to be administered assessment instruments under this section at the earliest practicable date.

(20) On page 35, line 12, strike "(a-1)" and substitute "(a-2)".

(21) On page 36, lines 7 and 12, strike "Subsection (a)(3) or (4)" each place it appears and substitute "Subsection (a)(1) or (2) [(a)(3) or (4)]".

(22) On page 36, lines 13-14, strike "Sections 39.053 and" and substitute "Section".

(23) On page 38, line 23, between "STATUS" and the period, insert "OR PERFORMANCE RATING".

(24) On page 39, line 24, strike "accreditation status" and substitute "performance rating".

(25) On page 40, line 11, after "district", insert a period.

(26) On page 40, strike line 12.

(27) On page 46, line 1, strike "as necessary to reach the goal" and substitute "for accreditation as necessary to reach the goals".

(28) On page 46, line 2, strike the comma and substitute ":

(1)".

(29) On page 46, line 5, between "readiness" and the period, insert the following:

; and

(2) student performance, including the percentage of students graduating under the recommended or advanced high school program, with no significant achievement gaps by race, ethnicity, and socioeconomic status

(30) On page 47, lines 14-15, between "or" and "performance", insert ", for campuses,".

(31) On page 49, line 18, strike "identify satisfactory" and substitute "define acceptable".

(32) Strike page 49, line 25, through page 50, line 12, and substitute the following:

(d) In evaluating performance under Subsection (c), the commissioner may assign an acceptable performance rating if:

(1) the campus or district:

(A) performs satisfactorily on 85 percent of the measures the commissioner determines appropriate with respect to the student achievement indicators adopted under Sections 39.053(c)(1) and (3); and

(B) does not fail to perform satisfactorily on the same measure described by Paragraph (A) for two consecutive school years; or

(2) the campus or district satisfies any additional criteria established by the commissioner.

(d-1) The commissioner may consider alternative performance criteria to Subsection (d)(1)(A) only in special circumstances, including campus or district performance on the same measure for student groups that are substantially similar in composition to all students on the same campus or district.

(33) On page 54, lines 4-5, strike "including the accreditation status of a district or campus,".

(34) On page 58, line 7, between "status" and "under", insert "or a district's or campus's performance rating".

(35) On page 65, strike lines 9-17.

(36) On page 68, strike lines 16-19 and substitute "is below any standard under Section 39.054(e), the commissioner ~~[39.073(b), the campus is considered an academically unacceptable campus. The commissioner may permit the campus to participate in an~~".

(37) On page 76, lines 9-10, strike "accreditation status below accredited" and substitute "unacceptable performance rating".

(38) On page 78, strike lines 2-4, and substitute "~~[academically]~~ unacceptable for two consecutive school years, ~~[including]~~".

(39) On page 78, line 11, strike "accredited status" and substitute "acceptable performance rating".

(40) On page 79, line 11, strike "accredited-probation status under Section 39.101" and substitute "unacceptable performance rating".

(41) On page 80, line 19, strike "accredited-probation status under Section 39.101" and substitute "an unacceptable performance rating".

(42) On page 81, line 5, strike "accredited status" and substitute "acceptable performance rating".



(43) On page 82, line 27, through page 83, line 1, strike "accredited-probation [~~academically unacceptable~~]" and substitute "~~[academically]~~ unacceptable".

(44) On page 83, lines 23 and 24, strike "accredited-warned or accredited-probation status under Section 39.101" and substitute "unacceptable performance rating".

(45) Strike page 90, line 17, through page 91, line 9, and substitute the following:

Sec. 39.116. TRANSITIONAL INTERVENTIONS AND SANCTIONS.

(a) During the period of transition to the accreditation system established under HB 3, Acts of the 81st Legislature, Regular Session, 2009, to be implemented in August 2013, the commissioner may suspend assignment of accreditation statuses and performance ratings for the 2011-2012 school year.

(b) During the 2011-2012 school year, the commissioner shall continue to implement interventions and sanctions for districts and campuses identified as having unacceptable performance in the 2010-2011 school year in accordance with the performance standards applicable during the 2010-2011 school year and may increase or decrease the level of interventions and sanctions based on an evaluation of the district's or campus's performance.

(c) For purposes of determining multiple years of unacceptable performance and required district and campus interventions and sanctions under this subchapter, the performance ratings and accreditation statuses issued in the 2010-2011 and 2012-2013 school years shall be considered consecutive.

(d) This section expires September 1, 2014.

(46) On page 91, line 14, strike "ACCREDITATION STATUS OR".

(47) On page 93, line 22, between "subpopulation" and the period, insert "or other means".

(48) On page 101, strike lines 1-2 and substitute the following:

39.107(a) [39.1324(a)] if the campus intervention team determines that retention of the principal would be more beneficial to student achievement and campus stability than removal [students enrolled at the campus have demonstrated a pattern of significant academic improvement].

(49) On page 104, lines 9-10, strike "Scholastic Assessment Test (SAT), the American College Test (ACT)" and substitute "SAT, ACT".

(50) On page 105, line 4, strike "Sections 39.027(a)(3), (4), and (5)" and substitute "Sections 39.027(a)(1), (2), and (3)".

(51) On page 108, line 21, strike "accredited-warned or accredited-probation" and substitute "unacceptable".

(52) On page 121, line 16, strike "accredited-warned or accredited-probation" and substitute "unacceptable".

(53) On page 123, lines 6-7, strike "accredited-warned or accredited-probation" and substitute "unacceptable".

(54) On page 134, between lines 24 and 25, insert the following:

(c) In conjunction with the transition plan prepared under this section, the commissioner of education shall provide for an equivalence of a performance rating, accreditation status, distinction designation, or performance indicator, as applicable, for each statutory reference to a performance rating or performance indicator that is superseded by this Act.

Amendment No. 16 was adopted.

### **Amendment No. 17**

Representative Anchia offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) as follows:

(1) On page 22, lines 14 and 15, strike "39.0241 and 39.0242" and substitute "39.0237, 39.0241, and 39.0242".

(2) On page 22, between lines 15 and 16, insert the following:

Sec. 39.0237. ALTERNATIVE ASSESSMENT METHODS PILOT PROJECT. (a) In this section, "alternative assessment" means a method of assessment in which a student is required to solve a problem or demonstrate a skill but is not required to answer questions from a list of possible answers. The term includes assessment through short-answer questions, an essay, a performance, an oral presentation, a demonstration, an experiment, or an exhibition.

(b) The agency shall establish a pilot project to use alternative assessment as provided by this section in assessing the performance of students.

(c) The agency shall select six public schools to participate in the pilot project. The selected schools must include two schools located in urban areas, two schools located in suburban areas, and two schools located in rural areas. The agency may not select to participate in the pilot project a school that has been rated as academically unacceptable during any of the five years preceding the initial year of the pilot project. Notwithstanding any other provision of this chapter:

(1) the academic performance of students in the sixth, seventh, and eighth grade levels in the schools selected to participate in the pilot project shall be assessed in mathematics, science, reading, writing, and social studies using an alternative assessment method rather than any assessment instrument that would otherwise be required under Section 39.023; and

(2) the performance of each school selected to participate in the pilot project shall be measured based on student performance using an alternative assessment method rather than any assessment instrument that would otherwise be required under Section 39.023.

(d) Each alternative assessment shall be administered under this section to students near the end of each school year.

(e) The agency shall adopt rules as necessary to administer this section, including, notwithstanding any other provision of this chapter, rules for determining the level of performance considered to be satisfactory on the alternative assessments.

(f) The agency shall implement the pilot project beginning with the 2010-2011 school year. The agency may consult with an institution of higher education in implementing, administering, or evaluating the pilot project.

(g) Not later than December 1, 2012, the agency shall report to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of the standing committee of each house of the legislature with primary jurisdiction over public education concerning:

(1) based in part on assessment instrument results and other performance of fifth grade students before participating in the pilot project and of ninth grade students after participating in the project, any impact of alternative assessment under this section on:

(A) student academic performance;

(B) student performance on assessments;

(C) school attendance by or retention of students;

(D) curriculum enhancement; and

(E) teacher professional satisfaction; and

(2) any recommendation concerning retaining, modifying, or expanding the alternative assessment project under this section.

(h) This section expires September 1, 2013.

Amendment No. 17 was adopted.

### **Amendment No. 18**

Representative Menendez offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) In SECTION 17, Section 39.024, page 22, line 17, after "level of preparation" add the following:

" , as established by scientifically validated, independently peer-reviewed research studies based upon empirical evidence, that"

(2) In SECTION 17, Section 39.024(c), page 23, line 8, strike "research studies" and substitute "scientifically validated, independently peer-reviewed research studies based on empirical evidence".

(3) In SECTION 23, page 91, line 9, insert a new subsection (c) to read as follows and reletter proposed Subsection (c) as Subsection (d):

(c) Notwithstanding any other provision of this chapter, the commissioner shall not consider performance earned prior to the 2013-14 school year on a student achievement indicator described by Section 39.053(c)(1)(B) for purposes of determining the accreditation status or performance rating of a school district, campus, or open-enrollment charter school.

Amendment No. 18 was withdrawn.

### **Amendment No. 19**

Representative Branch offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 23, line 3, between "agency" and "shall", insert "and the Texas Higher Education Coordinating Board".

(2) On page 23, line 8, between "agency" and "shall", insert ", in collaboration with the Texas Higher Education Coordinating Board,".

(3) On page 23, lines 16 and 17, strike ", in conjunction with the commissioner of higher education," and substitute "and the commissioner of higher education".

(4) On page 23, line 21, strike "To the extent practicable, the agency shall" and substitute "The agency, in collaboration with the Texas Higher Education Coordinating Board, shall".

(5) On page 23, line 25, between "agency" and "shall", insert "and the Texas Higher Education Coordinating Board".

(6) On page 24, line 2, between "education" and "a", insert "and higher education".

(7) On page 24, line 10, between "agency" and "shall", insert ", in collaboration with the Texas Higher Education Coordinating Board,".

(8) On page 24, line 13, between "agency" and "shall", insert "and the Texas Higher Education Coordinating Board".

(9) On page 24, line 17, between "agency" and "shall", insert "and the Texas Higher Education Coordinating Board".

(10) On page 24, line 21, between "education" and "a", insert "and higher education".

(11) On page 24, line 25, strike "determines" and substitute "and the Texas Higher Education Coordinating Board determine".

(12) On page 24, line 27, between "agency" and "shall", insert "and the Texas Higher Education Coordinating Board".

Amendment No. 19 was adopted.

### **Amendment No. 20**

Representative Patrick offered the following amendment to **CSHB 3**:

Amend **CSHB 3**, on page 25 of the bill, between lines 1 and 2, by inserting the following:

(i) A student who successfully completes a dual credit course offered by an institution described by Subsection (a) is considered to have met the college readiness standard for the subject in that same content area assessed under Section 39.023(c).

Amendment No. 20 was withdrawn.

(Speaker in the chair)

### **Amendment No. 21**

Representative Hochberg offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 34, line 27, strike "~~or~~" and substitute "or".

(2) On page 35, line 5, strike "or" and substitute "~~or~~".

(3) On page 35, between lines 7 and 8, insert the following:

(C) as a result of significant gaps in formal schooling, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Section 28.002, as determined by the language proficiency assessment committee established under Section 29.063.

(4) On page 35, strike lines 8-11.

(5) On page 46, between lines 24 and 25, insert the following new subsection, reletter the subsequent subsections of Section 39.053, Education Code, accordingly, and correct any cross-references to the relettered subsections:

(h) In calculating the academic performance of a campus or school district, the commissioner may exclude assessment instruments results for a student eligible under Section 39.027(a)(4)(C) for exemption from the administration of an assessment instrument regardless of whether the student was tested.

Amendment No. 21 was adopted.

### **Amendment No. 22**

Representative Castro offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) as follows:

(1) On page 39, line 21, strike "and" and substitute "[~~and~~"]".

(2) On page 39, line 23, between "program" and the period insert the following:  
; and

(D) the effectiveness of the district in promoting college aspirations for each student, including the district's plans for assisting students to achieve postsecondary success

Amendment No. 22 was adopted.

### **Amendment No. 23**

Representative Anchia offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) In SECTION 23 of the bill, in Section 39.053(g), Education Code (page 46, line 23), strike "or".

(2) In SECTION 23 of the bill, in Section 39.053(g), Education Code (page 46, line 24) after "dropouts" and before ".", insert ";

(3) are in attendance but who are not in membership for purposes of average daily attendance;

(4) first enrolled in U.S. schools in grades 7 through 12 as unschooled refugees or asylees per Section 39.027(a-1);

(5) are in the district exclusively as a function of having been detained at a county detention facility but are otherwise nonstudents of the district in which the facility is located;

(6) return to school at any point up through the fourth Friday in October each year; or

(7) are incarcerated in state jails or federal penitentiaries as adults or as persons certified to stand trial as adults".

(3) In SECTION 23 of the bill, in Section 39.054(f), Education Code (page 53, line 27), after "assigned.", insert "The commissioner may not limit the number of students excluded from being counted as dropouts under this section."

Amendment No. 23 was withdrawn.

#### **Amendment No. 24**

Representative Dutton offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 46, line 23, between the semicolon and "or", insert the following:

(2) are incarcerated in a correctional facility operated by or under contract with the Texas Department of Criminal Justice;

(2) On page 46, line 24, strike "(2)" and substitute "(3)".

Amendment No. 24 was adopted.

#### **Amendment No. 25**

Representative Isett offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 20, line 17, strike "Subsection (a-1)" and substitute "Subsections (a-1), (o), and (p)".

(2) On page 22, between lines 7 and 8, insert the following:

(o) On or before September 1 of each year, the commissioner shall make the following information available on the agency's Internet website for each assessment instrument administered under Section 39.023(a), (c), or (l):

(1) the number of questions on the assessment instrument;

(2) the number of questions that must be answered correctly to achieve satisfactory performance as determined by the commissioner under Section 39.0241(a);

(3) the number of questions that must be answered correctly to achieve satisfactory performance under the college readiness performance standard as provided by Section 39.0241; and

(4) the corresponding scale scores.

(p) If the agency, a school district, or a campus releases the results of an assessment instrument, the agency, district, or campus must include the agency Internet website address that provides the information required under Subsection (o).

Amendment No. 25 was adopted.

#### **Amendment No. 26**

Representatives Dukes and D. Howard offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 40, lines 7-8, strike "order the closure of the district" and substitute "pursue interventions and sanctions [~~order the closure of the district~~"].

(2) On page 67, lines 12-13, strike "order closure of the district and annex the district to one or more adjoining districts under Section 13.054" and substitute "pursue interventions and sanctions under this subchapter [~~order closure of the district and annex the district to one or more adjoining districts under Section 13.054~~]".

(3) On page 77, line 24, after the comma at the end of the line, insert "AND".

(4) On page 77, line 25, strike "AND CLOSURE".

(5) On page 80, line 9, after the semicolon, insert "or".

(6) On page 80, strike lines 11-12 and substitute "under this section [~~Section 39.1327 or may order closure of the campus~~]".

(7) On page 80, line 23, after the semicolon, insert "or".

(8) On page 80, strike lines 25-27 and substitute "section [~~closure of the campus or pursue alternative management under Section 39.1327~~]".

(9) On page 90, line 15, strike "other than closure".

(10) On page 92, lines 15-16, strike "the district or a district campus or" and substitute "[the district or a district campus or]".

(Hughes in the chair)

Representative Eissler moved to table Amendment No. 26.

The motion to table prevailed.

### **Amendment No. 27**

Representative Lucio offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) as follows:

(1) On page 13, line 2, strike "and" and substitute "[and]".

(2) On page 13, line 5, between "component" and the period, insert the following:

"; and

(3) the curriculum requirements for the minimum, recommended, and advanced high school programs under Subsection (a) include a requirement that students successfully complete one-half credit in health education".

Representative Eissler moved to table Amendment No. 27.

The motion to table prevailed by (Record 405): 88 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cohen; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farabee; Farias; Fletcher; Flynn; Frost; Gattis; Geren; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis; Madden; Maldonado; McCall; McReynolds; Merritt; Miller, D.;

Miller, S.; Morrison; Orr; Otto; Parker; Patrick; Phillips; Pitts; Riddle; Ritter; Rose; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Truitt; Vaught; Weber; Woolley.

Nays — Allen; Alonzo; Alvarado; Anchia; Bolton; Burnam; Castro; Chavez; Coleman; Dukes; Dunnam; Edwards; England; Farrar; Flores; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Heflin; Hernandez; Herrero; Hodge; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Rodriguez; Thibaut; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle; Zerwas.

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

Absent, Excused — Mallory Caraway.

Absent — Davis, Y.; Gallego; Jackson; Kleinschmidt; Leibowitz; Paxton; Shelton; Thompson.

### STATEMENTS OF VOTE

When Record No. 405 was taken, I was in the house but away from my desk. I would have voted no.

Gallego

When Record No. 405 was taken, my vote failed to register. I would have voted no.

Leibowitz

### Amendment No. 28

Representative Lucio offered the following amendment to **CSHB 3**:

Amend **CSHB 3** by striking page 12, line 17, through page 13, line 5, and substituting the following:

(b-1) The State Board of Education by rule shall require that:

(1) except as provided by Subsection (b-2), the curriculum requirements for the recommended and advanced high school programs under Subsection (a) include a requirement that students successfully complete:

(A) four credits [~~courses~~] in each subject of the foundation curriculum under Section 28.002(a)(1), including at least one-half credit in government and at least one-half credit in economics to meet the social studies requirement;

(B) two credits in the same language in a language other than English under Section 28.002(a)(2)(A); and

(C) six and one-half elective credits;

(2) the curriculum requirements for the minimum, recommended, and advanced high school programs under Subsection (a) include a requirement that students successfully complete at least one and one-half credits in physical education; and



(3) [~~2~~] one or more credits [~~courses~~] offered in the required curriculum for the recommended and advanced high school programs include a research writing component.

Representative Eissler moved to table Amendment No. 28.

The motion to table prevailed.

### **Amendment No. 29**

Representative Lucio offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 20, between lines 10 and 11, add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Section 33.006, Education Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) In accordance with rules adopted by the commissioner, the board of trustees of each school district shall adopt a policy that requires a school counselor to spend not more than 10 percent of the counselor's total work time on administering assessment instruments or providing other assistance in connection with assessment instruments. Each school in the district shall implement the policy. A copy of the policy shall be maintained in the office of each school in the district and made available on request during regular school hours to district employees, parents of district students, and the public.

(2) On page 56, between lines 1 and 2, insert the following:

(f) Before an investigation, the commissioner shall request that the district scheduled for the investigation assess the district's compliance with the policy adopted under Section 33.006(d) and provide a written copy of the assessment to the investigators on or before the date specified by the commissioner. As part of each investigation, the investigators shall interview a percentage of district school counselors determined by the commissioner to assess the district's compliance with the policy adopted under Section 33.006(d). The commissioner shall adopt rules to implement this subsection.

(4) On page 135, between lines 6 and 7, add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. (a) Each school district shall implement a policy adopted under Section 33.006(d), Education Code, as added by this Act, beginning with the 2009-2010 school year.

(b) Section 33.006(e), Education Code, as added by this Act, applies only to a contract executed on or after the effective date of this Act. A contract executed before the effective date of this Act is governed by the law in effect on the date the contract was executed, and the former law is continued in effect for that purpose.

(c) Section 39.056(f), Education Code, as added by this Act, applies beginning with the 2009-2010 school year.

(5) Renumber subsequent SECTIONS of the bill accordingly.

Amendment No. 29 was adopted.

**Amendment No. 30**

Representative Olivo offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 4, lines 26, strike "(c-1) and (c-2)" and substitute "(c-1), (c-2), and (q)".

(2) On page 5, between lines 11 and 12, insert the following:

(q) Notwithstanding any other provision of this title, a school district may not vary the curriculum for a course in the required curriculum under Subsection (a) based on whether a student is enrolled in the minimum, recognized, or advanced high school program.

Amendment No. 30 was withdrawn.

**Amendment No. 31**

Representative Giddings offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) as follows:

(1) On page 5, line 19, strike "and (d-3)" and substitute "(d-3), and (n)".

(2) On page 11, between lines 16 and 17, insert the following:

(n) A student who is promoted by a grade placement committee under this section must be assigned in all foundation curriculum subjects to a teacher who meets all state and federal qualifications to teach that subject and grade.

Amendment No. 31 was adopted.

**Amendment No. 32**

Representative Menendez offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 22, line 17, between "preparation" and "a", insert ", as established by scientifically validated, independently peer-reviewed research studies based on empirical evidence,".

(2) On page 23, line 8, strike "research studies" and substitute "scientifically validated, independently peer-reviewed research studies based on empirical evidence".

(3) On page 91, between lines 8 and 9, insert the following:

(b-1) Notwithstanding any other provision of this chapter, the commissioner may not consider performance before the 2013-2014 school year on a student achievement indicator under Section 39.053(c)(1)(B) for purposes of determining the accreditation status of a school district or the performance rating of a district, campus, or open-enrollment charter school.

Amendment No. 32 was withdrawn.

**Amendment No. 33**

Representative Patrick offered the following amendment to **CSHB 3**:

Amend **CSHB 3**, on page 25 of the bill, between lines 1 and 2, by inserting the following:

(i) A student who successfully completes a dual credit course offered by an institution described by Subsection (a) is considered to have met the college readiness standard for the subject in that same content area assessed under Section 39.023(c).

Amendment No. 33 was adopted.

**Amendment No. 34**

Representative Alonzo offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) as follows:

(1) On page 20, lines 17 and 18, strike "(c-4), (e), and (l)" and substitute "(c-4) and (e)".

(2) Strike page 21, line 20, through page 22, line 7.

Representative Eissler moved to table Amendment No. 34.

The motion to table prevailed by (Record 406): 95 Yeas, 32 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cohen; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Eiland; Eissler; Elkins; England; Farabee; Fletcher; Flynn; Frost; Gattis; Geren; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis; Maldonado; McReynolds; Merritt; Miklos; Miller, D.; Morrison; Naishtat; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pierson; Pitts; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Vaught; Veasey; Weber; Woolley; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bolton; Castro; Coleman; Davis, Y.; Dukes; Dunnam; Farias; Farrar; Flores; Gallego; Giddings; Gonzales; Gutierrez; Hernandez; Herrero; Hodge; Leibowitz; Lucio; Martinez; Martinez Fischer; McClendon; Moody; Oliveira; Olivo; Quintanilla; Thompson; Turner, S.; Walle.

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

Absent, Excused — Mallory Caraway.

Absent — Burnam; Chavez; Dutton; Edwards; Gonzalez Toureilles; Guillen; Hancock; Hochberg; King, T.; Madden; Marquez; McCall; Menendez; Miller, S.; Ortiz; Peña; Pickett; Raymond; Villarreal; Vo.

**STATEMENTS OF VOTE**

When Record No. 406 was taken, I was in the house but away from my desk. I would have voted no.

Chavez

When Record No. 406 was taken, my vote failed to register. I would have voted no.

Guillen

When Record No. 406 was taken, I was in the house but away from my desk. I would have voted no.

T. King

When Record No. 406 was taken, I was in the house but away from my desk. I would have voted no.

Marquez

I was shown voting yes on Record No. 406. I intended to vote no.

Pierson

### **Amendment No. 35**

Representative Hochberg offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 34, strike lines 4-6 and substitute the following:

SECTION 19. Sections 39.027(a) and (e), Education Code, are amended to read as follows:

(2) Strike page 35, line 12, through page 36, line 1.

(3) On page 105, line 4, strike "39.027(a)(3), (4), and (5)" and substitute "39.027(a)(3) or (4)".

Amendment No. 35 was adopted.

### **Amendment No. 36**

Representative Dutton offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 46, line 23, strike "or".

(2) On page 46, line 24, between "dropouts" and the period, insert the following:

; or

(3) are not subject to compulsory school attendance under Section 25.085

Amendment No. 36 was adopted.

### **Amendment No. 37**

Representative Patrick offered the following amendment to **CSHB 3**:

Amend **CSHB 3**, by inserting between page 53, line 27, and page 54, line 1, the following:

(g) Notwithstanding any other provision of this chapter, the commissioner may not consider performance on a student achievement indicator under Section 39.053(c) for purposes of determining the accreditation status of a district or the

performance rating of a district, campus, or open-enrollment charter school until the data for that indicator has been available to all districts, campuses, and open-enrollment charter schools for at least two consecutive school years.

Amendment No. 37 was adopted.

#### **Amendment No. 38**

Representative McReynolds offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 54, line 1, strike "STUDENT CONFINED BY COURT ORDER" and substitute "STUDENTS ORDERED BY JUVENILE COURT TO CERTAIN RESIDENTIAL PROGRAMS OR FACILITIES".

(2) On page 54, lines 5 and 6, strike "confined by court order in" and substitute "ordered by a juvenile court to".

Amendment No. 38 was adopted.

#### **Amendment No. 39**

Representative Darby offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 54, line 1, between "ORDER" and "NOT" insert "OR IN A STATE SCHOOL".

(2) On page 54, line 10, between "located." and "The", insert the following: Additionally, a student resident of a state school is not considered to be a student of the district regardless of whether the student is court ordered to the state school.

Amendment No. 39 was adopted.

#### **Amendment No. 40**

Representative Allen offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) In SECTION 23 of the bill, at the end of proposed Section 39.055, Education Code (page 54, line 16), after the period add "This section shall also apply to the performance and accreditation status of an open-enrollment charter school established by Chapter 12, Subchapter D, Education Code that provides educational services only to students confined by a court order to a juvenile correctional facility or facility operated by a county juvenile board."

Amendment No. 40 was adopted.

#### **Amendment No. 41**

Representative Villarreal offered the following amendment to **CSHB 3**:

Amend **CSHB 3** on page 58, between lines 24 and 25, by inserting the following:

Sec. 39.059. AUDIT OF TEACHER QUALIFICATIONS FOR ACCOUNTABILITY PURPOSES. (a) For any school district with a campus rated unacceptable under Section 39.054 for two consecutive school years, the agency shall perform a teacher qualifications audit for the campus and feeder campuses. If the campuses are determined to have substantially lower measures of teacher qualifications than other campuses at the same level within the same district, or within the same local labor market for small districts, the agency shall require the district to develop a three-year plan to increase the teacher qualifications at those campuses. The district must submit the plan to the agency for approval and shall submit annual reports documenting the progress the district has made toward improving the teacher qualifications at those campuses. At the end of the three-year period, the agency shall review the district's final report and conduct a final audit of teacher qualifications at those campuses. If the district has not made substantial progress in improving the teacher qualifications at the end of the three-year period, the commissioner shall assign the district an accredited-warned or accredited-probation status.

(b) In the spring of each school year, the agency shall conduct an analysis of the student achievement gaps at the elementary school, middle school, and high school levels between the highest and lowest performing campuses at each of the three school levels within each school district in the state. The agency shall conduct the audit only at school levels for which the district has at least two campuses subject to the accountability system under this chapter. In districts in which a substantial difference exists between the performance levels of the highest and lowest performing campuses, the agency shall conduct a teacher qualifications equity audit. The audit must focus on the degree of equity in teacher qualifications across campuses in the district. If the audit reveals a substantial disparity in teacher qualifications across campuses at the same school level, the agency shall require the district to develop a five-year plan to equalize teacher qualifications across campuses within the district at the school level in which substantial disparities exist in student achievement. The district shall include wide representation of district and community stakeholders in the development of the plan. The district must submit the plan to the agency for approval and shall submit annual reports documenting the progress the district has made under the plan and any alterations to the plan. The agency shall conduct annual audits of the distribution of teacher qualifications in the district. If the district has not made substantial progress in improving the degree of equity in the measures of teacher qualifications after three years, the commissioner shall assign the district an accredited-warned status. If the district has not made substantial progress in improving the degree of equity in the measures of teacher qualifications after five years, the commissioner shall assign the district an accredited-probation status.

(c) Each teacher qualifications audit under this section must focus on the following measures of teacher qualifications:

(1) the three-year average of the percentage of core course full-time equivalent teachers who are assigned out-of-field;

(2) the three-year average of the percentage of core course full-time equivalent teachers who are not fully certified;

(3) the three-year average of the teacher turnover rate;

(4) the three year average of the percentage of full-time equivalent teachers who have less than three years of teaching experience;

(5) the three-year average of the percentage of full-time equivalent teachers who have failed the pedagogy and professional responsibilities test on the first attempt; and

(6) the three-year average of the percentage of full-time equivalent teachers who scored in the bottom 20 percent of test-takers on the first attempt on subject-matter tests.

Amendment No. 41 was withdrawn.

### **Amendment No. 42**

Representative Hartnett offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) as follows:

(1) On page 65, between lines 4 and 5, insert the following:

Sec. 39.084. POSTING OF DISTRICT GENERAL LEDGER. (a) A school district shall post on the district's Internet website the district's general ledger statement containing all asset, liability, capital, income, and expense accounts.

(b) The district shall:

(1) post an updated general ledger statement at least once each calendar quarter; and

(2) maintain each general ledger quarterly statement until the third anniversary of the date of that statement.

(c) The general ledger must be prepared according to generally accepted accounting principles.

Sec. 39.085. POSTING OF ADOPTED BUDGET. (a) On final approval of the budget by the board of trustees, the school district shall post on the district's Internet website a copy of the budget adopted by the board of trustees. The district's Internet website must prominently display the electronic link to the adopted budget.

(b) The district shall maintain the adopted budget on the district's Internet website until the third anniversary of the date the budget was adopted.

(2) On page 65, line 5, strike "39.084" and substitute "39.086".

### **Amendment No. 43**

Representative C. Turner offered the following amendment to Amendment No. 42:

Amend the Hartnett amendment to **CSHB 3** on page 1, line 9, of the amendment by striking "calendar quarter" and substituting "fiscal year".

Amendment No. 43 was adopted. (The vote was reconsidered later today, and Amendment No. 43 was withdrawn.)

Amendment No. 42, as amended, was adopted. (The vote was reconsidered later today, and Amendment No. 42, as amended by Amendment No. 92, was adopted.)

#### **Amendment No. 44**

Representative D. Howard offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

- (1) On page 68, line 25, strike "[~~2~~]" and substitute "1".
- (2) On page 68, line 26, strike "[~~(1) issue~~]" and substitute "(1) [issue]".
- (3) On page 69, line 27, strike "[~~5~~ or]" and substitute "; or".
- (4) Between page 69, line 27, and page 70, line 1, add the following:

(2) establish a school community partnership team composed of members of the campus-level planning and decision-making committee established under Section 11.251 and additional representatives as determined appropriate by the commissioner, such as members of the board of trustees of the district, administrators, educators, parents of district students, representatives of municipal and county governments in which the district is located, and community and business representatives, including representatives of nonprofit entities

(5) On page 72, line 22, between "conduct" and the colon, insert ", with the involvement and advice of the school community partnership team, if applicable".

(6) On page 73, line 23, between "contributing" and "[~~causal~~]", insert "education-related and other".

(7) On page 75, line 7, between "team" and "shall", insert ", with the involvement and advice of the school community partnership team, if applicable,".

(8) On page 75, line 23, between "(d-1)" and "In", insert the following: The commissioner may authorize a school community partnership team established under this subchapter to supersede the authority of and satisfy the requirements of establishing and maintaining a campus-level planning and decision-making committee under Subchapter F, Chapter 11.

(d-2) The commissioner may authorize a targeted improvement plan or updated plan developed under this subchapter to supersede the provisions of and satisfy the requirements of developing, reviewing, and revising a campus improvement plan under Subchapter F, Chapter 11.

(d-3)

Amendment No. 44 was adopted.

#### **Amendment No. 45**

Representative Y. Davis offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

- (1) On page 11, line 19, strike "and (b-5)" and substitute "(b-5), and (b-6)".
- (2) On page 12, line 10, between "agree" and "that", insert "in writing signed by each party".
- (3) On page 14, between lines 20 and 21, insert the following:



(b-6) For each campus in the district, a school district shall provide the number of students, disaggregated by major student subpopulations, agreeing under Subsection (b) to take courses under the minimum high school program to the agency for the development of:

- (1) campus report cards under Section 39.305; and
- (2) performance reports for the district under Section 39.306.
- (4) On page 107, line 24, strike "and" and substitute "[~~and~~]".
- (5) On page 108, line 1, strike the period and substitute "; and".
- (6) On page 108, between lines 1 and 2, insert the following:
  - (5) the number of students taking courses under the minimum high school program.
- (7) On page 109, line 10, strike "and" and substitute "[~~and~~]".
- (8) On page 109, line 13, strike the period and substitute "; and".
- (9) On page 109, between lines 13 and 14, insert the following:
  - (8) the number of students taking courses under the minimum high school program.

Amendment No. 45 was adopted.

#### **Amendment No. 46**

Representative Villarreal offered the following amendment to **CSHB 3**:

Amend **CSHB 3**, Section regarding Campus Intervention Teams, by replacing the Section with the following language:

Sec. 39.106 [~~39.1323~~]. CAMPUS INTERVENTION TEAM [~~PROCEDURES~~]. (a) If a campus performance is below any standard under Section 39.054(e), the commissioner shall assign a campus intervention team. A campus intervention team shall:

- (1) conduct:
  - (A) a targeted [~~comprehensive~~] on-site needs assessment relevant to an area of insufficient performance [~~evaluation~~] of the campus as provided by Subsection (b) [~~to determine the cause for the campus's low performance and lack of progress~~]; or
  - (B) if the commissioner determines necessary, a comprehensive on-site needs assessment, using the procedures provided by Subsection (b);
- (2) recommend appropriate actions as provided by Subsection (c); [~~including reallocation of resources and technical assistance, changes in school procedures or operations, staff development for instructional and administrative staff, intervention for individual administrators or teachers, waivers from state statute or rule, or other actions the team considers appropriate];~~
- (3) assist in the development of a targeted [~~school~~] improvement plan [~~for student achievement~~]; [~~and~~]
- (4) assist the campus in submitting the targeted improvement plan to the board of trustees for approval and presenting the plan in a public hearing as provided by Subsection (e-1); and
- (5) assist the commissioner in monitoring the progress of the campus in implementing the targeted [~~school~~] improvement plan [~~for improvement of student achievement~~].

(b) An ~~[A campus intervention team assigned under Section 39.1322 to a campus shall conduct a comprehensive]~~ on-site needs assessment of the campus under Subsection (a) ~~must [to]~~ determine the contributing [causal] factors resulting in the campus's low performance and lack of progress. The team shall use ~~any of all of the following guidelines and procedures relevant to any area of insufficient performance in conducting a targeted on-site needs assessment and shall use each of the following guidelines and procedures relevant to each area of insufficient performance in conducting a targeted on-site needs assessment and shall use each of the following guidelines and procedures in conducting a [the]~~ comprehensive on-site needs assessment [of the campus]:

(1) an assessment of the staff to determine the percentage of certified teachers who are teaching in their field, the percentage of teachers who are fully certified, the number of teachers with ~~less~~ more than three years of experience, and teacher ~~turnover~~ retention rates;

(2) compliance with the appropriate class-size rules and number of class-size waivers received;

(3) an assessment of the quality, quantity, and appropriateness of instructional materials, including the availability of technology-based instructional materials;

(4) a report on the parental involvement strategies and the effectiveness of the strategies;

(5) an assessment of the extent and quality of the mentoring program provided for new teachers on the campus;

(6) an assessment of the type and quality of the professional development provided to the staff;

(7) a demographic analysis of the student population, including student demographics, at-risk populations, and special education percentages;

(8) a report of disciplinary incidents and school safety information;

(9) financial and accounting practices;

(10) an assessment of the appropriateness of the curriculum and teaching strategies; ~~and~~

(11) compare the findings from (1) through (10) to other campuses serving the same grade levels within the district or to other campuses within the campus' comparison group if there are no other campuses within the district serving the same grade levels as the campus; and

~~(11)~~ (12) any other research-based data or information obtained from a data collection process that would assist the campus intervention team in:

(A) recommending an action under Subsection (c); and

(B) executing a targeted [school] improvement plan under Subsection (d-1) ~~[(c)]~~.

(c) On completing the on-site needs assessment [evaluation] under this section, the campus intervention team shall recommend actions relating to any area of insufficient performance, including:

(1) reallocation of resources;

(2) technical assistance;

(3) changes in school procedures or operations;

- (4) staff development for instructional and administrative staff;
- (5) intervention for individual administrators or teachers;
- (6) waivers from state statutes or rules; or
- (7) teacher recruitment and/or retention strategies and incentives provided by the district to attract and retain teachers with the characteristics included in Sec. 39.106(b)(1); or
- ~~(7)~~(8) other actions the campus intervention team considers appropriate.

(d) The campus intervention team shall assist the campus in submitting the targeted improvement plan to the commissioner for approval.

(d-1) In executing the targeted [a school] improvement plan [developed under Subsection (a)(3)], the campus intervention team shall, if appropriate:

- (1) assist the campus in implementing research-based practices for curriculum development and classroom instruction, including bilingual education and special education programs [~~, if appropriate,~~] and financial management; and
- (2) provide research-based technical assistance, including data analysis, academic deficiency identification, intervention implementation, and budget analysis, to strengthen and improve the instructional programs at the campus [~~and~~; and,
- (3) require the district to develop a teacher recruitment and retention plan to address the qualifications and retention of the teachers at the campus.

~~[(3) submit the school improvement plan to the commissioner for approval].~~

(e) For each year a campus is assigned an accreditation status below accredited, a [A] campus intervention team shall [appointed under Section 39.1322(b)]:

- (1) [shall] continue to work with a campus until:
  - (A) the campus satisfies all performance standards under Section 39.054(e) [is rated academically acceptable] for a two-year period; or
  - (B) the campus satisfies all performance standards under Section 39.054(e) [is rated academically acceptable] for a one-year period and the commissioner determines that the campus is operating and will continue to operate in a manner that improves student achievement; [and]
- (2) assist in updating the targeted improvement plan to identify and analyze areas of growth and areas that require improvement; and
- (3) submit each updated plan described by Subdivision (2) to the board of trustees of the school district [may continually update the school improvement plan, with approval from the commissioner, to meet the needs of the campus].

(e-1) After a targeted improvement plan or updated plan is submitted to the board of trustees of the school district, the board:

- (1) shall conduct a hearing for the purpose of:
  - (A) notifying the public of the insufficient performance, the improvements in performance expected by the agency, and the intervention measures or sanctions that may be imposed under this subchapter if the performance does not improve within a designated period; and
  - (B) soliciting public comment on the targeted improvement plan or any updated plan;

(2) may conduct one hearing relating to one or more campuses subject to a targeted improvement plan or an updated plan; and

(3) shall submit the targeted improvement plan or any updated plan to the commissioner for approval.

(f) Notwithstanding any other provision of this subchapter, if the commissioner determines that a campus for which an intervention is ordered under Subsection (a) [Section 39.1322(b)] is not fully implementing the campus intervention team's recommendations or targeted [school] improvement plan, the commissioner may order the reconstitution of the campus as provided by Section 39.107.

Amendment No. 46 was adopted.

#### **Amendment No. 47**

Representative Farias offered the following amendment to **CSHB 3**:

Amend **CSHB 3** on page 74, line 15, between "campus" and the semicolon, by inserting "and provided for experienced teachers on the campus who have less than two years of teaching experience in the subject or grade level to which the teacher is assigned".

Amendment No. 47 was adopted.

#### **Amendment No. 48**

Representative Farias offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 77, line 12, between "(2)" and "may", insert the following: shall provide a copy of the proposed targeted improvement plan or any proposed updated plan to each person who attends a hearing under this subsection;

(3) must post the targeted improvement plan on the district's Internet website before the hearing;

(4)

(2) On page 77, line 15, strike "(3)" and substitute "(5)".

Amendment No. 48 was adopted.

#### **Amendment No. 49**

Representative Farias offered the following amendment to **CSHB 3**:

Amend **CSHB 3**, on page 79, by striking lines 16-19 and substituting the following:

(2) submit the updated plan to:

(A) the board of trustees of the school district; and

(B) the parents of campus students; and

(3) assist in submitting the updated plan to the commissioner for approval.

(b-3) A district that operates a campus subject to Subsection (a) shall, in accordance with requirements of the commissioner, provide an e-mail address or telephone number that may be used by parents to provide comments to the school district about the targeted improvement plan. The school district shall publish comments provided by parents as required by the commissioner.

Amendment No. 49 was adopted.

**Amendment No. 50**

Representative Dukes offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) as follows:

- (1) On page 81, line 20, after the semicolon insert "and".
- (2) On page 81, line 21, strike "; and" and substitute an underlined period.
- (3) Strike page 81, line 22, through page 82, line 10, and reletter the subsequent subsections accordingly.

(Speaker in the chair)

Amendment No. 50 was withdrawn.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today to attend a meeting of the Conference Committee on **SB 1**:

Otto on motion of Frost.

**CSHB 3 - (consideration continued)**

**Amendment No. 51**

Representatives Coleman and Walle offered the following amendment to **CSHB 3**:

Amend **CSHB 3** on page 82 as follows:

~~(b)~~ The commissioner shall solicit proposals from qualified ~~[nonprofit]~~ entities to assume management of a campus subject to this section or may appoint to assume management of a campus subject to this section a school district other than the district in which the campus is located that is located in the boundaries of the same regional education service center as the campus is located. A district appointed under this section shall assume management of a campus subject to this section in the same manner provided by this section for a qualified ~~[nonprofit]~~ entity or in accordance with commissioner rule. A for-profit entity may not operate as a qualified entity under this section.

Amendment No. 51 was adopted.

**Amendment No. 52**

Representative Farias offered the following amendment to **CSHB 3**:

Amend **CSHB 3**, on page 84, between lines 5 and 6, by inserting the following:

(k-1) For purposes of Subsection (k)(1), in demonstrating documented success, a managing entity must submit to the commissioner a side-by-side analysis of before and after conditions of campuses managed by individuals constituting the entity's management and leadership team that will participate in the management of the campus under consideration. The analysis must specify:

- (1) the status of each campus before management of the campus began and at the time the management of the campus ended; and
- (2) the demographic characteristics of each campus.

Amendment No. 52 was adopted.

#### **Amendment No. 53**

Representative Menendez offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 22, line 17, between "preparation" and "a", insert ", as established by scientifically validated research studies based on empirical evidence.".

(2) On page 23, line 8, strike "research studies" and substitute "scientifically validated research studies based on empirical evidence".

(3) On page 23, line 11, after the period, insert "The research studies conducted under this section must be publically available on the agency's Internet website.".

Amendment No. 53 was adopted.

#### **Amendment No. 54**

Representative Veasey offered the following amendment to **CSHB 3**:

Amend **CSHB 3** on page 90, line 15, by striking "other than closure".

Amendment No. 54 was adopted.

#### **Amendment No. 55**

Representative Bonnen offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 94, line 5, strike "and".

(2) On page 94, line 6, strike the period and substitute "; and".

(3) On page 94, between lines 6 and 7, insert the following:

- (6) library services.

(Harper-Brown in the chair)

Amendment No. 55 was withdrawn.

#### **Amendment No. 56**

Representative Castro offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (House Committee Report) as follows:

(1) On page 94, line 5, after the underlined semicolon, strike "and".

(2) On page 94, line 6, strike the underlined period and substitute the following:

; and

(6) recognized achievement in placing high school graduates in institutions of higher education.

Amendment No. 56 was adopted.

**Amendment No. 57**

Representative Rose offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) on page 95, between lines 11 and 12, by inserting the following:

Sec. 39.203. STUDY REGARDING ADDITIONAL CATEGORIES FOR DISTINCTION DESIGNATION. (a) The agency shall conduct a study on the feasibility and appropriateness of including additional categories of performance for a distinction designation under Section 39.201(d), including the campus learning environment.

(b) The study must include an analysis of the following campus learning environment indicators:

- (1) the percentage of teachers assigned out of field;
- (2) the percentage of teachers with less than three years' experience;
- (3) teacher turnover rates;
- (4) the number of class size waivers by grade level; and
- (5) the results of an organizational health survey that includes questions

relating to:

(A) the quality of professional development activities offered or for which attendance is supported;

(B) administrative support of teacher disciplinary actions and needs;

(C) consideration of teacher perspective in policy development and implementation;

(D) the extent to which noninstructional duties are minimized; and

(E) the extent to which collaborative and planning activities are supported and worthwhile.

(c) The agency shall adopt rules to include additional performance categories for a distinction designation under Section 39.201(d) if the agency determines that it is an appropriate category based on the results of the study.

Amendment No. 57 was withdrawn.

**Amendment No. 58**

Representatives S. Turner, Allen, Dutton, Edwards, and Walle offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) on page 111, between lines 7 and 8, by inserting the following:

(h) The report must include an additional evaluation of a campus that has significantly declined in enrollment due to voluntary transfers of students to other campuses in the district. The board of trustees shall develop a plan to attract students who reside in the campus attendance zone through the establishment of

innovative programs, magnet programs, or other programs. If the campus has been assigned an accreditation status below accredited, the board shall hold a hearing on the plan at the campus to discuss district support for the plan and resource allocation to support implementation of the plan. A campus intervention team shall incorporate a plan under this subsection into a targeted improvement plan required under Section 39.106.

Amendment No. 58 was adopted.

**Amendment No. 59**

Representative Swinford offered the following amendment to **CSHB 3**:

Amend **CSHB 3** on page 134, between lines 11 and 12, by inserting the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subtitle G, Title 3, Education Code, is amended by adding Chapter 134 to read as follows:

CHAPTER 134. JOBS AND EDUCATION FOR TEXANS (JET) GRANT PROGRAM

Sec. 134.001. DEFINITIONS. In this chapter:

(1) "Nonprofit organization" means an organization exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code.

(2) "Public junior college" and "public technical institute" have the meanings assigned by Section 61.003.

Sec. 134.002. JOBS AND EDUCATION FOR TEXANS (JET) FUND. (a) The comptroller shall establish and administer the Jobs and Education for Texans (JET) fund as a dedicated account in the general revenue fund.

(b) The following amounts shall be deposited in the fund:

(1) any amounts appropriated by the legislature for the fund for purposes of this chapter;

(2) interest earned on the investment of money in the fund; and

(3) gifts, grants, and other donations received for the fund.

Sec. 134.003. ADVISORY BOARD. (a) An advisory board of education and workforce stakeholders is created to assist the comptroller in administering this chapter.

(b) The advisory board is composed of seven members who serve two-year terms and are appointed as follows:

(1) one member appointed by the governor;

(2) one member appointed by the lieutenant governor;

(3) one member appointed by the speaker of the house of representatives;

(4) one member appointed by the Texas Higher Education Coordinating Board;

(5) one member appointed by the Texas Workforce Commission;

(6) one member of the public appointed by the comptroller; and

(7) the comptroller, who serves as the presiding officer.



(c) The advisory board shall meet at least once each quarter to review received applications and recommend awarding grants under this chapter.

Sec. 134.004. JOBS AND EDUCATION FOR TEXANS (JET) GRANT PROGRAM. The comptroller shall establish and administer the Jobs and Education for Texans (JET) Grant Program to provide grants to public junior colleges, public technical institutes, and eligible nonprofit organizations that apply to the advisory board in the manner prescribed by the advisory board. The comptroller shall award the grants on the advice and recommendations of the advisory board. Grants may be awarded under this chapter from the Jobs and Education for Texans (JET) fund for the following purposes:

(1) to develop, support, or expand programs of nonprofit organizations that meet the requirements of Section 134.005 and that prepare low-income students for careers in high-demand occupations;

(2) to defray the start-up costs associated with the development of new career and technical education programs at public junior colleges and public technical institutes that meet the requirements of Section 134.006; and

(3) to provide scholarships for students in career and technical education programs who meet the requirements of Section 134.007.

Sec. 134.005. GRANTS TO NONPROFIT ORGANIZATIONS FOR INNOVATIVE AND SUCCESSFUL PROGRAMS. (a) The comptroller may award a grant to a nonprofit organization eligible under Subsection (b) for the development, support, or expansion of programs to prepare low-income students for careers in high-demand occupations.

(b) To be eligible to receive a grant under this section, a nonprofit organization must:

(1) provide a program to offer assistance to low-income high school students in preparing for, applying to, and enrolling in a public junior college or public technical institute;

(2) be governed by a board or other governing structure that includes recognized leaders of broad-based community organizations and members of the local business community;

(3) demonstrate to the satisfaction of the advisory board that the organization's program has achieved or will achieve the following measures of success among program participants, to the extent applicable to the type of program the organization provides:

(A) above average completion of developmental education among participating public junior college or public technical institute students;

(B) above average persistence rates among participating public junior college or public technical institute students;

(C) above average certificate or degree completion rates by participating students within a three-year period compared to demographically comparable public junior college and public technical institute students; and

(D) employment of participating students at an average full-time starting wage that is equal to or greater than the prevailing wage for the occupation entered; and

(4) provide matching funds in accordance with rules adopted under Section 134.008.

(c) The matching funds required under Subsection (b)(4) may be obtained from any source available to the nonprofit organization, including in-kind contributions, community or foundation grants, individual contributions, and local governmental agency operating funds.

(d) Grants awarded under this section must be awarded in a manner that takes a balanced geographical distribution into consideration.

Sec. 134.006. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS. (a) The comptroller may award a grant for the development of new career and technical education courses or programs at public junior colleges and public technical institutes.

(b) A grant received under this section may be used only:

(1) to support courses or programs that prepare students for career employment in occupations that are identified by local businesses as being in high demand, including courses offered for dual credit;

(2) to finance initial costs of career and technical education course or program development, including the costs of constructing or renovating facilities, purchasing equipment, and other expenses associated with the development of a new course; and

(3) to finance a career and technical education course or program that leads to a license, certificate, or postsecondary degree.

(c) In awarding a grant under this section, the comptroller shall primarily consider the potential economic returns to the state from the development of the career and technical education course or program. The comptroller may also consider whether the course or program:

(1) is part of a new, emerging industry or high-demand occupation;

(2) offers new or expanded dual credit career and technical educational opportunities in public high schools; or

(3) is provided in cooperation with other public junior colleges or public technical institutes across existing service areas.

(d) To be eligible to receive a grant under this section, a public junior college or public technical institute must provide matching funds in accordance with rules adopted under Section 134.008. The matching funds may be obtained from any source available to the junior college or technical institute, including in-kind contributions, industry consortia, community or foundation grants, individual contributions, and local governmental agency operating funds.

Sec. 134.007. SCHOLARSHIPS. (a) The comptroller may award a scholarship to a public junior college or public technical institute student.

(b) To be eligible to receive a scholarship under this section, a student must:

(1) demonstrate financial need; and

(2) be enrolled in a training program for a high-demand occupation, as determined by the comptroller on the recommendation of the advisory board.

Sec. 134.008. RULES. The comptroller shall adopt rules as necessary for the administration of this chapter.

Amendment No. 59 was adopted.

**Amendment No. 60**

Representative Marquez offered the following amendment to **CSHB 3**:

Amend **CSHB 3** by inserting the following new SECTION, appropriately numbered, and renumbering the subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 1.005, Education Code, is amended by adding Subsection (l) to read as follows:

(l) The commissioner of education shall contract with a center to conduct a study of the changes made by **HB 3**, Acts of the 81st Legislature, Regular Session, 2009, to the public school accountability system under Chapter 39, curriculum under Section 28.002, and high school graduation requirements under Section 28.025. The study must include an analysis of the effect of those changes on student academic performance, dropout rates, and high school graduation rates and must disaggregate student data by sex, socioeconomic status, ethnicity and race. Not later than December 1, 2012, the center shall report the results of the study to the commissioner of education, the governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the standing committees of the senate and house of representatives with primary jurisdiction over the public education system. This subsection expires January 15, 2013.

Amendment No. 60 was withdrawn.

**Amendment No. 61**

Representative Martinez Fischer offered the following amendment to **CSHB 3**:

Amend **CSHB 3** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.163 to read as follows:

Sec. 11.163. CAMPUS CLOSURES. (a) If the board of trustees of a school district proposes to close a campus, the board must:

(1) at least 10 days before the date of the first public meeting required under Subdivision (4), send written notice of the proposed closure, including a translation of the text of the notice into Spanish, by regular mail to:

(A) the parent of each child who would otherwise attend the campus during the first school year that the campus is proposed to be closed; and

(B) each elected official who represents territory included in the boundaries of the school district;

(2) provide a period of at least 90 days after the date notice is sent under Subdivision (1) for soliciting and considering public comment regarding the proposed closure;

(3) promptly make district documents associated with the proposed closure, other than documents that are confidential under law, available to the public through the Internet and by other means for persons without Internet access; and

(4) hold at least two public meetings during the period described by Subdivision (2) at which the district superintendent and board members are available to answer questions and receive comments, including questions and comments relating to the documents made available under Subdivision (3).

(b) If, after conclusion of the period described by Subsection (a)(2) and consideration of public comments, the board of trustees continues to conclude that the campus should be closed, the district must develop a written closure plan that:

(1) describes the ways in which each affected child's education will be altered as a result of the closure;

(2) identifies each educational program available at the campus being closed that will not be available at each campus to which students will be transferred as a result of the closure;

(3) describes the effect of the closure on student safety, including such elements as the number of registered sex offenders residing in the vicinity of each campus to which students will be transferred as a result of the closure; and

(4) addresses questions and comments raised by the public during the period described by Subsection (a)(2).

(c) The district must make the closure plan required by Subsection (b) available to the public through the Internet and by other appropriate means for persons without Internet access.

Amendment No. 61 was adopted.

### **Amendment No. 62**

Representative Isett offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (House Committee Report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 12.013, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (b)(3)(P), a home-rule school district is not subject to provisions of this title relating to public school accountability under Subchapters B, C, D, and G, Chapter 39, or to rules adopted under those provisions if:

(1) the district submits to the commissioner an alternative accountability plan developed by the district that:

(A) includes use of assessment instruments developed or adopted by the district to measure individual student progress; and

(B) provides for accountability indicators that are consistent with the goals identified in the district's charter; and

(2) the alternative accountability plan is approved by the commissioner.

SECTION \_\_\_\_\_. Section 12.016, Education Code, is amended to read as follows:

Sec. 12.016. CONTENT. Each home-rule school district charter must:

(1) describe the educational program to be offered;

(2) provide that continuation of the home-rule school district charter is contingent on:

(A) acceptable student performance on assessment instruments adopted under Subchapter B, Chapter 39, or alternative assessment instruments approved for that purpose under Section 12.013(c); and

(B) compliance with other applicable accountability provisions under Chapter 39 or an alternative accountability plan approved under Section 12.013(c);

(3) specify any basis, in addition to a basis specified by this subchapter, on which the charter may be placed on probation or revoked;

(4) describe the governing structure of the district and campuses;

(5) specify any procedure or requirement, in addition to those under Chapter 38, that the district will follow to ensure the health and safety of students and employees;

(6) describe the process by which the district will adopt an annual budget, including a description of the use of program-weight funds;

(7) describe the manner in which an annual audit of financial and programmatic operations of the district is to be conducted, including the manner in which the district will provide information necessary for the district to participate in the Public Education Information Management System (PEIMS) to the extent required by this subchapter; and

(8) include any other provision the charter commission considers necessary.

SECTION \_\_\_\_\_. Section 12.056, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (b)(2)(I), a campus or program for which a charter is granted under this subchapter is not subject to provisions of this title relating to public school accountability under Subchapters B, C, D, and G, Chapter 39, or to rules adopted under those provisions if:

(1) the campus or program submits to the commissioner an alternative accountability plan developed by the campus or program that:

(A) includes use of assessment instruments developed or adopted by the campus or program to measure individual student progress; and

(B) provides for accountability indicators that are consistent with the goals identified in the charter of the campus or program; and

(2) the alternative accountability plan is approved by the commissioner.

SECTION \_\_\_\_\_. Section 12.059, Education Code, is amended to read as follows:

Sec. 12.059. CONTENT. Each charter granted under this subchapter must:

(1) describe the educational program to be offered, which may be a general or specialized program;

(2) provide that continuation of the charter is contingent on satisfactory student performance under Subchapter B, Chapter 39, or under an alternative accountability plan approved under Section 12.056(c) and on compliance with other applicable accountability provisions under Chapter 39 or the alternative accountability plan;

(3) specify any basis, in addition to a basis specified by this subchapter, on which the charter may be placed on probation or revoked;

(4) prohibit discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability;

(5) describe the governing structure of the campus or program;

(6) specify any procedure or requirement, in addition to those under Chapter 38, that the campus or program will follow to ensure the health and safety of students and employees; and

(7) describe the manner in which an annual audit of financial and programmatic operations of the campus or program is to be conducted, including the manner in which the campus or program will provide information necessary for the school district in which it is located to participate, as required by this code or by State Board of Education rule, in the Public Education Information Management System (PEIMS).

Amendment No. 62 was withdrawn.

### **Amendment No. 63**

Representative Heflin offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

Section 21.054(b), Education Code, is repealed.

SECTION 2. This repeal applies beginning with the 2009-2010 school year.

Amendment No. 63 was adopted.

### **Amendment No. 64**

Representative Dunnam offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.172 to read as follows:

Sec. 11.172. SCHOOL DISTRICT GROOMING POLICY. (a) This section may be cited as "Mason's Measure".

(b) The board of trustees of a school district may not adopt a policy that restricts the length of a student's hair.

(c) This section applies only to students who:

(1) have performed satisfactorily on assessment instruments administered under Section 39.023 in the preceding school year; and

(2) for the most recent grading period:

(A) have not been subject to disciplinary action under Chapter 37;

(B) meet the grade criteria established by the school district for inclusion on the district's honor roll; and

(C) have no unexcused absences.

Amendment No. 64 was adopted. (Harper-Brown and Phillips recorded voting no.)

**Amendment No. 65**

Representative Isett offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (House Committee Report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 12.013, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (b)(3)(P), a home-rule school district is not subject to provisions of this title relating to public school accountability under Subchapters B, C, D, and G, Chapter 39, or to rules adopted under those provisions if:

(1) the district submits to the commissioner an alternative accountability plan developed by the district that:

(A) includes use of assessment instruments developed or adopted by the district to measure individual student progress; and

(B) provides for accountability indicators that are consistent with the goals identified in the district's charter; and

(2) the alternative accountability plan is approved by the commissioner.

SECTION \_\_\_\_\_. Section 12.016, Education Code, is amended to read as follows:

Sec. 12.016. CONTENT. Each home-rule school district charter must:

(1) describe the educational program to be offered;

(2) provide that continuation of the home-rule school district charter is contingent on:

(A) acceptable student performance on assessment instruments adopted under Subchapter B, Chapter 39, or alternative assessment instruments approved for that purpose under Section 12.013(c); and

(B) compliance with other applicable accountability provisions under Chapter 39 or an alternative accountability plan approved under Section 12.013(c);

(3) specify any basis, in addition to a basis specified by this subchapter, on which the charter may be placed on probation or revoked;

(4) describe the governing structure of the district and campuses;

(5) specify any procedure or requirement, in addition to those under Chapter 38, that the district will follow to ensure the health and safety of students and employees;

(6) describe the process by which the district will adopt an annual budget, including a description of the use of program-weight funds;

(7) describe the manner in which an annual audit of financial and programmatic operations of the district is to be conducted, including the manner in which the district will provide information necessary for the district to participate in the Public Education Information Management System (PEIMS) to the extent required by this subchapter; and

(8) include any other provision the charter commission considers necessary.

SECTION \_\_\_\_\_. Section 12.056, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (b)(2)(I), a campus or program for which a charter is granted under this subchapter is not subject to provisions of this title relating to public school accountability under Subchapters B, C, D, and G, Chapter 39, or to rules adopted under those provisions if:

(1) the campus or program submits to the commissioner an alternative accountability plan developed by the campus or program that:

(A) includes use of assessment instruments developed or adopted by the campus or program to measure individual student progress; and

(B) provides for accountability indicators that are consistent with the goals identified in the charter of the campus or program; and

(2) the alternative accountability plan is approved by the commissioner.

SECTION \_\_\_\_\_. Section 12.059, Education Code, is amended to read as follows:

Sec. 12.059. CONTENT. Each charter granted under this subchapter must:

(1) describe the educational program to be offered, which may be a general or specialized program;

(2) provide that continuation of the charter is contingent on satisfactory student performance under Subchapter B, Chapter 39, or under an alternative accountability plan approved under Section 12.056(c) and on compliance with other applicable accountability provisions under Chapter 39 or the alternative accountability plan;

(3) specify any basis, in addition to a basis specified by this subchapter, on which the charter may be placed on probation or revoked;

(4) prohibit discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability;

(5) describe the governing structure of the campus or program;

(6) specify any procedure or requirement, in addition to those under Chapter 38, that the campus or program will follow to ensure the health and safety of students and employees; and

(7) describe the manner in which an annual audit of financial and programmatic operations of the campus or program is to be conducted, including the manner in which the campus or program will provide information necessary for the school district in which it is located to participate, as required by this code or by State Board of Education rule, in the Public Education Information Management System (PEIMS).

Amendment No. 65 was adopted.

### **Amendment No. 66**

Representative Olivo offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 4, lines 26, strike "(c-1) and (c-2)" and substitute "(c-1), (c-2), and (q)".

(2) On page 5, between lines 11 and 12, insert the following:



(q) Notwithstanding any other provision of this title, a school district may not vary the curriculum for a course in the required curriculum under Subsection (a) based on whether a student is enrolled in the minimum, recognized, or advanced high school program.

Amendment No. 66 was adopted.

#### **Amendment No. 67**

Representative Olivo offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 5, line 1, strike "the foundation curriculum or".

(2) On page 5, line 3, between "credit" and "for", insert "in the enrichment curriculum or in the enrichment curriculum and the foundation curriculum".

Amendment No. 67 was adopted.

#### **Amendment No. 68**

Representative Olivo offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 5, line 19, between "Subsections" and "(d-1)", insert "(c-1)".

(2) On page 8, between lines 4 and 5, insert the following:

(c-1) A school district shall implement an accelerated instruction program required under Subsection (c) immediately following the student's failure to perform satisfactorily on an assessment instrument specified under Subsection (b).

(3) On page 9, line 7, between the period and "The", insert the following:

If the student participates in a district's special education program under Subchapter A, Chapter 29, or bilingual education or special language program under Subchapter B, Chapter 29, the student's special education or bilingual education or special language program teacher must be included on the grade placement committee.

(4) On page 10, line 6, strike "promoted" and substitute "retained [promoted]".

Amendment No. 68 was withdrawn.

#### **Amendment No. 69**

Representative Olivo offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 11, line 18, strike "(b-1), and (b-2)" and substitute "and (b-1)".

(2) On page 13, strike lines 6-24.

Representative Rose moved to table Amendment No. 69.

The motion to table prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Strama requested permission for the Committee on Technology, Economic Development, and Workforce to meet while the house is in session, at 4:35 p.m. today, in 3W.9, for a formal meeting.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Technology, Economic Development, and Workforce, 4:35 p.m. today, 3W.9, for a formal meeting, to consider pending business.

**CSHB 3 - (consideration continued)****Amendment No. 70**

Representative Y. Davis offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) The State Board of Education shall establish the Dallas Independent School District Education Improvement Commission to examine the following issues:

(1) the potential efficiencies realized in the administrative operations of a small or medium size school district compared to a large size school district;

(2) the potential improvements in the systematic management of a small or medium size school district compared to large size school district;

(3) the financial stability of operating a small or medium size school district in Dallas County, including bond structure, tax revenue, and state assistance;

(4) the ability of the Dallas County School District to provide for the overall transportation or other general needs of multiple school districts located in Dallas County;

(5) any increase in parent accessibility to school district administration in a small or medium size district;

(6) the effects of a small or medium size district on enhancing feeder pattern continuity; and

(7) the effect of a projected student's enrollment on the ability of the current school district to meet the educational needs of the student.

(b) The commission is composed of:

(1) one person appointed by the board of trustees of the Dallas Independent School District;

(2) one person appointed by the Greater Dallas Chamber of Commerce;

(3) one person appointed by the Dallas Black Chamber of Commerce;

(4) one person appointed by the Greater Dallas Asian Chamber of Commerce;

(5) one person appointed by the Greater Dallas Hispanic Chamber of Commerce;

- (6) one person appointed by the mayor of the City of Dallas;
  - (7) one person appointed by the mayor of the City of Seagoville;
  - (8) one person who lives in the district of a state representative whose territory includes territory located in Dallas Independent School District, appointed by the governor;
  - (9) one person who lives in the district of a state senator whose territory includes territory located in the Dallas Independent School District, appointed by the governor;
  - (10) one representative from the Dallas Council of the Parent-Teacher Association.
  - (11) one person appointed by Dallas County Commissioners Court;
  - (12) one representative appointed by the Dallas County Tax Appraisal District;
  - (13) a dean or representative from the college of education - University of North Texas-Dallas;
  - (14) a dean or representative of the college of education - Southern Methodist University;
  - (15) a dean or representative of the college of education - Paul Quinn College;
  - (16) a dean or representative of the college of education - Dallas Baptist University;
  - (17) one person appointed by the Region 10 Education Service Center;
  - (18) one person appointed by the Dallas Achieve Commission;
  - (19) the State Board of Education member that represents District 13;
  - (20) one member appointed by the Texas Education Agency; and
  - (21) the comptroller.
- (c) The State Board of Education member serves as the chair of the commission.
- (d) The Texas Education Agency shall provide all necessary administrative and research support.
- (e) The commission may seek research support from the Council of Greater Cities School and the North Texas Central Council of Governments or any other entity.
- (f) Not later than September 1, 2010, the commission shall submit a preliminary report regarding the commission's findings to the governor, lieutenant governor, speaker of the house of representatives, the presiding officer of each legislative standing committee with primary jurisdiction over primary and secondary education, Dallas Independent School District, Dallas County, the City of Seagoville, and the City of Dallas. Not later than December 31, 2010, a final report must be submitted to the entities listed above.

Amendment No. 70 was adopted.

**Amendment No. 71**

Representative Rose offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

- (1) On page 15, strike lines 22-26 and substitute the following:

(c) The board shall evaluate each application and associated information and give consideration to the recommendation under Subsection (e) regarding the application made by the task force established under Subsection (d). The board must take action approving or denying an application on or before the 180th day after the date the district submitted the application and all associated information. The board may begin evaluation of an application or take any associated administrative action, including posting an agenda item for a public meeting, before the board receives the task force's recommendation.

(d) The commissioner, in consultation with the commissioner of higher education, shall establish a Career and Technical Education Course Review Task Force to make recommendations to the board regarding approval or disapproval of courses submitted under this section. The task force must consist of five members as follows:

- (1) one representative of business and industry;
- (2) one secondary educator and one postsecondary educator who provide instruction in career and technical education; and
- (3) one secondary educator and one postsecondary educator who provide instruction in an academic discipline.

(e) The task force established under Subsection (d) must make its recommendation to the board regarding approval or disapproval of a course not later than the 90th day after the date the district submitted the application and all associated information.

(2) On page 15, line 27, strike "(d)" and substitute "(f)".

(3) On page 16, line 7, strike "(e)" and substitute "(g)".

(4) On page 16, line 9, strike "(f)" and substitute "(h)".

Amendment No. 71 was withdrawn.

### **Amendment No. 72**

Representatives Rose and Bonnen offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) on page 95, between lines 11 and 12, by inserting the following:

Sec. 39.203. STUDY REGARDING ADDITIONAL CATEGORIES FOR DISTINCTION DESIGNATION. (a) The agency shall conduct a study on the feasibility and appropriateness of including additional categories of performance for a distinction designation under Section 39.201(d), including library services and the campus learning environment.

(b) The study must include an analysis of the following campus learning environment indicators:

- (1) the percentage of teachers assigned out of field;
- (2) the percentage of teachers with less than three years' experience;
- (3) teacher turnover rates;
- (4) the number of class size waivers by grade level; and
- (5) the results of an organizational health survey that includes questions relating to:

(A) the quality of professional development activities offered or for which attendance is supported;

(B) administrative support of teacher disciplinary actions and needs;

(C) consideration of teacher perspective in policy development and implementation;

(D) the extent to which noninstructional duties are minimized; and

(E) the extent to which collaborative and planning activities are supported and worthwhile.

(c) The agency shall adopt rules to include additional performance categories for a distinction designation under Section 39.201(d) if the agency determines that it is an appropriate category based on the results of the study.

Amendment No. 72 was adopted.

(Speaker in the chair)

**Amendment No. 73**

Representative Villarreal offered the following amendment to **CSHB 3**:

Amend **CSHB 3** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0253 to read as follows:

Sec. 28.0253. PILOT PROGRAM: HIGH SCHOOL DIPLOMAS FOR STUDENTS WHO DEMONSTRATE EARLY READINESS FOR COLLEGE.

(a) In this section:

(1) "Institution of higher education" has the meaning assigned by Section 61.003.

(2) "Research university" means an institution of higher education that is designated as a research university under the coordinating board's accountability system.

(b) A research university that chooses to participate in the pilot program shall:

(1) not later than September 1 of each year, make available on the university's Internet website detailed standards for use in the program regarding:

(A) the specific competencies that demonstrate a student's mastery of each subject area for which the coordinating board and the commissioner have adopted college readiness standards;

(B) the specific competencies that demonstrate a student's mastery of a language other than English; and

(C) acceptable assessments or other means by which a student may demonstrate the student's early readiness for college with respect to each subject area and the language described by this subdivision, subject to Subsection (c);

(2) partner with at least 10 school districts that reflect the geographic diversity of this state and the student compositions of which reflect the socioeconomic diversity of this state; and

(3) assist school administrators, school counselors, and other educators in each of those school districts in designing the specific requirements of and implementing the program in the district.

(c) The assessments or other means filed by a research university under Subsection (b)(1)(C) must be equivalent to the assessments or other means the university uses to place students at the university in courses that may be credited toward a degree requirement.

(d) A research university that partners with a school district under this section shall enter into an agreement with the district under which the university and district agree that the district will assess a student's mastery of the subject areas described by Subsection (b)(1) and a language other than English in accordance with the standards the university filed under Subsection (b)(1). The district may issue a high school diploma to a student under the program only if, using the standards, the student demonstrates mastery of and early readiness for college in each of those subject areas and in a language other than English.

(e) A student who receives a high school diploma through the pilot program is considered to have completed the recommended high school program adopted under Section 28.025(a). The student is not guaranteed admission to any institution of higher education or to any academic program at an institution of higher education solely on the basis of having received the diploma through the program.

(f) A research university that participates in the pilot program shall enter into an agreement with an education research center established under Section 1.005 to conduct an evaluation of the program with respect to that university and the school districts with which the university partners. Not later than January 1, 2013, the education research center shall provide a written report of the evaluation to the commissioner and the commissioner of higher education and make the report available on the center's Internet website. The report may include an analysis of the effects of the program on the university's admissions review process.

Amendment No. 73 was adopted.

#### **Amendment No. 74**

Representative Phillips offered the following amendment to **CSHB 3**:

Amend **CSHB 3** by adding the following appropriately numbered SECTION to the bill and renumbering appropriately numbered SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0221 to read as follows:

Sec. 39.0221. REQUIREMENTS FOR CERTAIN CONTRACTS FOR ASSESSMENT INSTRUMENTS. If the agency issues a request for proposal for a contract relating to services regarding assessment instruments under this chapter or accountability reporting and the request for proposal results in only one qualified proposal, the agency may not enter into the contract without the approval of the Legislative Budget Board.

Amendment No. 74 was withdrawn.

**Amendment No. 75**

Representative Villarreal offered the following amendment to **CSHB 3**:

Amend **CSHB 3** on page 34, between lines 3 and 4, by inserting the following new SECTION, appropriately numbered, and renumbering the subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 39.0262(a), Education Code, is amended to read as follows:

(a) In a subject area for which assessment instruments are administered under Section 39.023, a school district may not administer to any student on more than eight instructional days in any school year locally-required ~~[district required]~~ assessment instruments designed to prepare students for state-administered assessment instruments ~~[to any student on more than 10 percent of the instructional days in any school year].~~

Amendment No. 75 was adopted.

**Amendment No. 76**

Representative Callegari offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

On page \_\_\_\_, between lines \_\_\_\_ and \_\_\_\_, add new SECTION \_\_\_\_ of the bill and renumber subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Section 25.0811, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), to accommodate state and national assessment calendars and federal reporting requirements for assessment data, a school district that is subject to assessment and accountability standards under Chapter 39 may begin instruction, including instruction to prepare for college readiness standards, for students for a school year not before the third Monday in August, provided that the district ends instruction for students for a school year by June 1, unless the district operates a year-round system under Section 25.084.

Amendment No. 76 was withdrawn.

**Amendment No. 77**

Representative Marquez offered the following amendment to **CSHB 3**:

Amend **CSHB 3**, on page 20, between lines 15 and 16, by inserting the following:

Sec. 39.002. STUDY OF ACCOUNTABILITY SYSTEM AND RELATED EDUCATIONAL ELEMENTS. (a) The commissioner shall contract with a qualified, experienced research entity to conduct a study of the changes made by **HB 3**, Acts of the 81st Legislature, Regular Session, 2009, to the public school accountability system this chapter, curriculum under Section 28.002, and high school graduation requirements under Section 28.025.

(b) The study must:

(1) include an analysis of the effect of those changes on student academic performance, dropout rates, and high school graduation rates; and

(2) disaggregate student data by sex, socioeconomic status, ethnicity, and race.

(c) Not later than December 1, 2012, the research entity shall report the results of the study to the commissioner, the governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the standing committees of the senate and house of representatives with primary jurisdiction over the public education system.

(d) This section expires January 15, 2013.

Amendment No. 77 was adopted.

### **Amendment No. 78**

Representative Olivo offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 5, line 19, between "Subsections" and "(d-1)", insert "(c-1)".

(2) On page 8, between lines 4 and 5, insert the following:

(c-1) A school district shall implement an accelerated instruction program required under Subsection (c) immediately following the student's failure to perform satisfactorily on an assessment instrument specified under Subsection (b).

(3) On page 9, line 7, between the period and "The", insert the following:

If the student participates in a district's special education program under Subchapter A, Chapter 29, or bilingual education or special language program under Subchapter B, Chapter 29, the student's special education or bilingual education or special language program teacher must be included on the grade placement committee.

Amendment No. 78 was adopted.

### **Amendment No. 79**

Representative Olivo offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 11, line 19, strike "and (b-5)" and substitute "(b-5), and (b-6)".

(2) On page 14, between lines 20 and 21, insert the following:

(b-6) A student agreeing to take courses under the minimum high school program as provided by Subsection (b) may, upon request, resume taking courses under the recommended high school program.

Amendment No. 79 was adopted.

### **Amendment No. 80**

Representative Olivo offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 13, line 2, strike "and" and substitute "[~~and~~]".

(2) On page 13, line 5, strike the period and substitute "; and".

(3) On page 13, between lines 5 and 6, insert the following:



(3) the curriculum requirements for the minimum high school program under Subsection (a) include a requirement that students successfully complete:

(A) four courses in English language arts;

(B) three courses in mathematics;

(C) three courses in science; and

(D) three courses in social studies.

Amendment No. 80 was adopted.

### **Amendment No. 81**

Representative Patrick offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill:

SECTION \_\_\_\_\_. Section 29.917, Education Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) From funds appropriated for the purpose, the commissioner may award grants to organizations that provide volunteers to teach classroom or after-school programs to students enrolled in a school district or open-enrollment charter school to enhance:

- (1) college readiness;
- (2) workforce readiness;
- (3) dropout prevention; or
- (4) personal financial literacy.

(d) This section does not authorize the commissioner to award a grant to an organization to provide a comprehensive educational program to students that serves as a substitute for a regular educational program provided by a school district or open-enrollment charter school. This section authorizes the commissioner to award a grant to an organization only for the provision of supplemental programs described by Subsection (a).

SECTION \_\_\_\_\_. It is the intent of the legislature that the grants that may not be awarded to an organization or nonprofit organization under Sections 29.917(d) and 39.417, Education Code, as added by this Act, include dropout recovery grants, such as the grants awarded in 2008 in response to the Texas Education Agency's Request for Applications (RFA) 701-08-116.

(2) On page 128, line 13, strike "The" and substitute "To meet the goals of the council's strategic plan, the [~~The~~]".

(3) On page 128, lines 15 and 16, between "grants" and "to school", insert "listed in Subsection (a)".

(4) On page 128, lines 18 and 19, strike "to meet the goals of the council's strategic plan" and substitute "that provide technical assistance, professional development, case-managed student services, and programs for the benefit of students enrolled in school districts or open-enrollment charter schools[~~to meet the goals of the council's strategic plan~~]".

(5) On page 130, between lines 16 and 17, insert the following:

Sec. 39.417. CERTAIN GRANTS TO NONPROFIT ORGANIZATIONS NOT AUTHORIZED. This subchapter does not authorize the commissioner to award a grant to a nonprofit organization for services provided as a private school or to a private school.

(6) Renumber subsequent SECTIONS of the bill accordingly.

Amendment No. 81 was adopted.

### **Amendment No. 82**

Representative Martinez offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 39.0301(a), Education Code, is amended to read as follows:

(a) The commissioner:

(1) shall establish procedures for the administration of assessment instruments adopted or developed under Section 39.023, including procedures designed to ensure:

(A) the security of the assessment instruments; and

(B) to ensure the appropriate local implementation of those procedures, including instructions for classroom monitoring during testing; and

(2) may establish record retention requirements for school district records related to the security of assessment instruments.

Amendment No. 82 was adopted.

### **Amendment No. 83**

Representative Solomons offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 28.0021, Education Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) School districts and open-enrollment charter schools shall incorporate instruction in personal financial literacy into any course meeting a requirement for an economics credit under Section 28.025, using materials approved by the board. The materials must include instruction on:

(1) the types of bank accounts available to consumers and the benefits of maintaining a bank account;

(2) balancing a checkbook;

(3) determining credit scores and the manner in which credit scores are used;

(4) issues associated with the use of debit and credit cards, including avoiding and eliminating credit card debt;

(5) understanding the rights and responsibilities of renting or buying a home;

(6) managing money to make the transition from renting a home to home ownership;

(7) starting a small business;

(8) being a prudent investor in the stock market and using other investment options;

(9) beginning a savings program;

(10) bankruptcy; and

(11) the types of loans available to consumers, including mortgage loans and motor vehicle loans, and becoming a low-risk borrower.

(c) The State Board of Education shall ensure that the essential knowledge and skills for social studies address personal financial literacy, including the topics listed in Subsection (b), in kindergarten and in each grade level from first through eighth grade, as appropriate.

(d)  ~~[School districts and open enrollment charter schools shall comply with Subsection (b) beginning with the 2006-2007 school year.]~~ The board shall adopt essential knowledge and skills that include  ~~[for a course including]~~ the requirements of Subsection (b)  ~~[(a)]~~ not later than the 2010-2011  ~~[2008-2009]~~ school year. This subsection expires September 1, 2011  ~~[and Subsection (b) expire September 1, 2009].~~

Amendment No. 83 was adopted. (The vote was reconsidered later today, and Amendment No. 83 was withdrawn.)

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

Representatives Dukes, Rodriguez, and Strama offered the following amendment to **CSHB 3**:

Amend **CSHB 3**, by striking page 81, line 22 through page 82, line 8, and substituting the following:

(3) the principal assigned to the campus has reviewed the performance of all teachers employed at the campus in the school year immediately preceding the repurposing of the campus and determined, after consulting with the community and the campus intervention team assigned to the campus, which teachers may be retained at the campus, giving preference to teachers certified in the subject matter taught by those teachers.

Amendment No. 84 was adopted.

#### **Amendment No. 85**

Representative Giddings offered the following amendment to **CSHB 3**:

Amend **CSHB 3** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 44.008, Education Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) If a school district has not filed a copy of the school district's annual audit report in compliance with Subsection (d) by the 180th day after the date specified by that subsection:

(1) the agency shall promptly report the school district's failure to comply to each member of the legislature whose district contains any portion of the territory included in the school district;

(2) the agency shall provide a written notification to the district that specifies the date on which the audit report was required by this section to be filed with the agency; and

(3) the district shall:

(A) if the district has an Internet website:

(i) post a statement on the website informing interested persons that the district is more than six months late in filing the district's audit report as required by this section; and

(ii) maintain the statement described by Subparagraph (i) on the website until the district files the district's audit report in compliance with this section; and

(B) conduct a public meeting specifically for the purpose of:

(i) publicizing, by reading into the record of the meeting, the notification received by the district from the agency under Subdivision (1); and

(ii) discussing the date on which the district anticipates the audit report will be filed, as well as the reasons for the district's failure to comply with the filing requirement in a timely manner.

Amendment No. 85 was adopted.

#### **Amendment No. 86**

Representative Guillen offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

1. On page 4, line 26, strike "and (c-2)" and substitute "(c-2) and (q)"

2. On page 5, between lines 11 and 12, insert the following:

(q) The State Board of Education shall ensure that all career and technology courses adopted under this section that are part of a coherent sequence of courses allow a student to obtain industry certification or licensure in a career and technology profession or college credit for coursework. Career and technology courses that are not part of a coherent sequence of courses are not required to comply with this section.

Amendment No. 86 was adopted.

#### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

#### **CSHB 3 - (consideration continued)**

#### **Amendment No. 87**

Representative Phillips offered the following amendment to **CSHB 3**:

Amend **CSHB 3** by adding the following appropriately numbered SECTION to the bill and renumbering appropriately numbered SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0221 to read as follows:

Sec. 39.0221. REQUIREMENTS FOR CERTAIN CONTRACTS FOR ASSESSMENT INSTRUMENTS. If the agency issues a request for proposal for a contract relating to services regarding assessment instruments under this chapter or accountability reporting and the request for proposal results in only one qualified proposal, the agency may not enter into the contract without the approval of the Legislative Budget Board.

Amendment No. 87 was adopted.

**Amendment No. 83 - Vote Reconsidered**

Representative Solomons moved to reconsider the vote by which Amendment No. 83 was adopted.

The motion to reconsider prevailed.

Amendment No. 83 was withdrawn.

**Amendment No. 88**

Representative Solomons offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 28.0021, Education Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) School districts and open-enrollment charter schools shall incorporate instruction in personal financial literacy into any course meeting a requirement for an economics credit under Section 28.025, using materials approved by the board. The materials must include instruction on:

(1) the types of bank accounts available to consumers and the benefits of maintaining a bank account;

(2) balancing a checkbook;

(3) determining credit scores and the manner in which credit scores are used;

(4) issues associated with the use of debit and credit cards, including avoiding and eliminating credit card debt;

(5) understanding the rights and responsibilities of renting or buying a home;

(6) managing money to make the transition from renting a home to home ownership;

(7) starting a small business;

(8) being a prudent investor in the stock market and using other investment options;

(9) beginning a savings program;

(10) bankruptcy; and

(11) the types of loans available to consumers, including mortgage loans and motor vehicle loans, and becoming a low-risk borrower.

(c) The State Board of Education shall ensure that the essential knowledge and skills for social studies address personal financial literacy, including the topics listed in Subsection (b), in kindergarten and in each grade level from first through eighth grade, as appropriate.

~~(d) [School districts and open enrollment charter schools shall comply with Subsection (b) beginning with the 2006-2007 school year.] The board shall adopt essential knowledge and skills that include [for a course including] the requirements of Subsection (b) [(a)] not later than the 2010-2011 [2008-2009] school year. [This subsection expires September 1, 2011 and Subsection (b) expire September 1, 2009].~~

Amendment No. 88 was adopted.

#### **Amendment No. 14 - Vote Reconsidered**

Representative Guillen moved to reconsider the vote by which Amendment No. 14 was adopted.

The motion to reconsider prevailed.

Amendment No. 14 was withdrawn.

(Farabee in the chair)

#### **Amendment No. 89**

Representative Olivo offered the following amendment to **CSHB 3**:

Amend **CSHB 3** (house committee report) as follows:

(1) On page 15, line 8, strike "board" and substitute "committee established under this section".

(2) On page 15, line 21, strike "board" and substitute "committee".

(3) On page 15, strike lines 22 through 26 and substitute:

"(c) The agency, the Texas Higher Education Coordinating Board, and the State Board of Education shall create a committee composed of representatives of those entities and industry representatives. The committee shall evaluate each application and the associated materials that are submitted. The committee shall approve or deny each application on or before the 180th day after the date the district submitted the application.

(c-1) A course developed for purposes of this section must:

(1) cover the essential knowledge and skills identified under Section 28.002 for the subject for which the career and technical course is offered as an alternative;

(2) provide content that enables a student to develop the relevant and critical skills needed to be prepared for employment or additional training in a high-demand occupation;

(3) incorporate college and career readiness skills as part of the curriculum;

(4) satisfy a mathematics or science requirement under the minimum, recommended, or advanced high school program as provided by Section 28.025; and

(5) be taught by a teacher certified in the subject for which the career and technical course is offered as an alternative.

(4) On page 132, line 13, strike "and".

(5) On page 132, line 16, between "28.025" and the period insert the following:

; and

(5) be taught by a teacher certified in the subject for which the career and technical course is offered as an alternative.

Amendment No. 89 was withdrawn.

### **Amendment No. 90**

Representative Rose offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 15, strike lines 22-26 and substitute the following:

(c) The board shall evaluate each application and associated information and give consideration to the recommendation under Subsection (e) regarding the application made by the task force established under Subsection (d). The board must take action approving or denying an application on or before the 180th day after the date the district submitted the application and all associated information. The board may begin evaluation of an application or take any associated administrative action, including posting an agenda item for a public meeting, before the board receives the task force's recommendation.

(d) The commissioner, in consultation with the commissioner of higher education, shall establish a Career and Technical Education Course Review Task Force to make recommendations to the board regarding approval or disapproval of courses submitted under this section. The task force must consist of five members as follows:

(1) one representative of business and industry;

(2) one secondary educator and one postsecondary educator who provide instruction in career and technical education; and

(3) one secondary educator and one postsecondary educator who provide instruction in an academic discipline.

(e) The task force established under Subsection (d) must make its recommendation to the board regarding approval or disapproval of a course not later than the 90th day after the date the district submitted the application and all associated information.

(2) On page 15, line 27, strike "(d)" and substitute "(f)".

(3) On page 16, line 7, strike "(e)" and substitute "(g)".

(4) On page 16, line 9, strike "(f)" and substitute "(h)".

### **AMENDMENT NO. 90 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE CASTRO: Mr. Rose, can you explain exactly how this committee will work and how it will interact with the school district?

REPRESENTATIVE ROSE: Well, a school district will submit to the state board for approval, on an expedited 180-day basis, a career in technology course. This task force, which is embodied in the bill, that's already in the bill. This

amendment offers a task force which will advise the State Board of Education. That task force will be composed of, will be appointed by the TEA commissioner, in consultation with the Higher Ed. Coordinating Board commissioner. Those two individuals will work with this five member task force, and this five member task force will make recommendations to the state board.

CASTRO: And ultimately these career technical education classes will be adopted and implemented?

ROSE: Either approved or denied within 180 days. The point in the bill and why I think Section 9 of the bill is so needed is we need an expedited review of these courses. If, for example, a local school district in San Antonio works with industry to develop a rigorous, relevant career technology course, they need to get that approved, but the state board hadn't been doing that on an expedited basis. What this would do would require a 180-day review for approval of that course and, if approved, it would last for three years.

CASTRO: Okay, and is it the intention of this legislation, as you understand it, is it the purpose of this legislation to specify within school districts which high school campuses within those districts—I have, I represent parts of large districts. Northside school district for instance, in San Antonio, which is something like the sixth largest district in the state—that the school districts specify where these courses will be placed, which campuses? Is that the intent of this piece of legislation?

ROSE: It is and it's very important that each individual school district who's considering this option, the state board who's considering review, the task force members who are considering these courses, that they understand that the intent of myself, Chairman Eissler, yourself, and this legislature is that any proposed course be very specific as to which campuses, which high school campuses, that proposed course would be offered in.

### REMARKS ORDERED PRINTED

Representative Castro moved to print remarks between Representative Rose and Representative Castro.

The motion prevailed.

#### **Amendment No. 91**

Representative Olivo offered the following amendment to Amendment No. 90:

Amend the Rose amendment to **CSHB 3** on page 1 of the amendment, between lines 14 and 15, by inserting the following:

(c-1) A course developed for purposes of this section must:

(1) cover the essential knowledge and skills identified under Section 28.002 for the subject for which the career and technical course is offered as an alternative;

(2) provide content that enables a student to develop the relevant and critical skills needed to be prepared for employment or additional training in a high-demand occupation;



(3) incorporate college and career readiness skills as part of the curriculum;

(4) satisfy a mathematics or science requirement under the minimum, recommended, or advanced high school program as provided by Section 28.025; and

(5) be taught by a teacher who holds a valid teaching certificate.

Amendment No. 91 was adopted.

Amendment No. 90, as amended, was adopted.

**Amendment No. 42 - Vote Reconsidered**

Representative C. Turner moved to reconsider the vote by which Amendment No. 42, as amended, was adopted.

The motion to reconsider prevailed.

**Amendment No. 43 - Vote Reconsidered**

Representative C. Turner moved to reconsider the vote by which Amendment No. 43 was adopted.

The motion to reconsider prevailed.

Amendment No. 43 was withdrawn.

**Amendment No. 92**

Representative C. Turner offered the following amendment to Amendment No. 42:

Amend the Hartnett amendment to **CSHB 3** as follows:

(1) On page 1, line 9, of the amendment strike "calendar quarter" and substitute "fiscal year".

(2) On page 1, line 10, of the amendment strike "quarterly".

Amendment No. 92 was adopted.

Amendment No. 42, as amended, was adopted.

(Speaker in the chair)

**CSHB 3**, as amended, was passed to engrossment.

**HB 3 ON THIRD READING**

(by Eissler, Hochberg, Keffer, Dutton, Raymond, et al.)

**CONSTITUTIONAL RULE SUSPENDED**

Representative Menendez moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 3** on its third reading and final passage.

The motion prevailed by (Record 407): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte;

Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mallory Caraway.

Absent, Excused, Committee Meeting — Otto.

The speaker laid **HB 3** before the house on its third reading and final passage.

**HB 3** was read third time and was passed by (Record 408): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mallory Caraway.

Absent, Excused, Committee Meeting — Otto.

Absent — Smithee.

**STATEMENT OF VOTE**

When Record No. 408 was taken, my vote failed to register. I would have voted yes.

Smithee

**HB 3 - RULES SUSPENDED**

Representative Dunnam moved to suspend Rule 2, Section 1(a)(9) of the House Rules to permit **HB 3** to be sent to the senate in the form of engrossed riders in lieu of a full engrossment.

The motion prevailed.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 3496 ON SECOND READING  
(by S. Miller and Christian)**

**CSHB 3496**, A bill to be entitled An Act relating to the establishment of the Texas Nursery and Floral Advisory Council and the promotion of Texas nursery and floral industries.

**CSHB 3496** was passed to engrossment.

**CSHB 3330 ON SECOND READING  
(by Aycok)**

**CSHB 3330**, A bill to be entitled An Act relating to a disease surveillance program for elk.

**CSHB 3330** was passed to engrossment.

**HB 4590 ON SECOND READING  
(by Pitts)**

**HB 4590**, A bill to be entitled An Act relating to transfers from the permanent school fund to the available school fund.

**Amendment No. 1**

Representative D. Howard offered the following amendment to **HB 4590**:

Amend **HB 4590** on page 1, line 23, between "Education" and the comma, by inserting "or its successor in function for purposes of this section".

Amendment No. 1 was adopted.

**HB 4590**, as amended, was passed to engrossment.

**CSHB 3461 ON SECOND READING**  
**(by Orr)**

**CSHB 3461**, A bill to be entitled An Act relating to the powers and duties of the School Land Board and the commissioner of the General Land Office.

**Amendment No. 1**

On behalf of Representative Orr, Representative Pitts offered the following amendment to **CSHB 3461**:

Amend **CSHB 3461** by adding the following SECTION, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 32, Natural Resources Code, is amended by adding Section 32.003 to read as follows:

Sec. 32.003. APPLICATION OF SUNSET ACT. The School Land Board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2017.

Amendment No. 1 was adopted.

**CSHB 3461**, as amended, was passed to engrossment.

**HB 2439 ON SECOND READING**  
**(by McCall)**

**HB 2439**, A bill to be entitled An Act relating to compensation for the use of the public transportation system of a regional transportation authority.

Representative McCall moved to postpone consideration of **HB 2439** until 10 a.m. Wednesday, May 6.

The motion prevailed.

**HB 3454 ON SECOND READING**  
**(by Otto, et al.)**

**HB 3454**, A bill to be entitled An Act relating to the determination of the value of property for ad valorem tax purposes.

**Amendment No. 1**

On behalf of Representative Otto, Representative Darby offered the following amendment to **HB 3454**:

Amend **HB 3454** by adding the following SECTIONS to the bill, appropriately numbered, and renumbering existing SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 23.24, Tax Code, is amended to read as follows:

Sec. 23.24. FURNITURE, FIXTURES, AND EQUIPMENT. (a) If real property is appraised by a method that takes into account the value of furniture, fixtures, and equipment in or on the real property, the furniture, fixtures, and equipment shall not be subject to additional appraisal or taxation as personal property.

(b) In determining the market value of the real property, the chief appraiser may not separately appraise or take into account any personal property valued as a portion of the income of the real property, and the market value of the real property must include the combined value of the real property and the personal property.

SECTION \_\_\_\_\_. Section 23.014, Tax Code, is repealed.

Amendment No. 1 was adopted.

### **Amendment No. 2 (Committee Amendment No. 1)**

Representative Hilderbran offered the following committee amendment to **HB 3454**:

Amend **HB 3454** by adding the following SECTIONS to the bill, appropriately numbered, and renumbering existing SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 23.24, Tax Code, is amended to read as follows:

Sec. 23.24. FURNITURE, FIXTURES, AND EQUIPMENT. (a) If real property is appraised by a method that takes into account the value of furniture, fixtures, and equipment in or on the real property, the furniture, fixtures, and equipment shall not be subject to additional appraisal or taxation as personal property.

(b) In determining the market value of the real property, the chief appraiser may not separately appraise or take into account any personal property valued as a portion of the income of the real property, and the market value of the real property must include the combined value of the real property and the personal property.

SECTION \_\_\_\_\_. Section 23.014, Tax Code, is repealed.

Amendment No. 2 was withdrawn.

### **Amendment No. 3**

Representative Aycock offered the following amendment to **HB 3454**:

Amend **HB 3454** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Subchapter D, Chapter 23, Tax Code, is amended by adding Section 23.522 to read as follows:

Sec. 23.522. TEMPORARY CESSATION OF AGRICULTURAL USE DURING DROUGHT. The eligibility of land for appraisal under this subchapter does not end because the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area if:

(1) a drought declared by the governor creates an agricultural necessity to extend the normal time the land remains out of agricultural production; and

(2) the owner of the land intends that the use of the land in that manner and to that degree of intensity be resumed when the declared drought ceases.

(b) Section 23.522, Tax Code, as added by this Act, applies only to the appraisal of land for ad valorem tax purposes for a tax year that begins on or after the effective date of this Act.

Amendment No. 3 was adopted.

**HB 3454**, as amended, was passed to engrossment.

**HB 4152 ON SECOND READING**  
**(by Rose and Martinez Fischer)**

**HB 4152**, A bill to be entitled An Act relating to certification of an educator in Texas who is certified in another state or country.

Representative Phillips moved to postpone consideration of **HB 4152** until the end of today's calendar.

The motion prevailed.

**HB 3900 ON SECOND READING**  
**(by Oliveira)**

**HB 3900**, A bill to be entitled An Act relating to the taxation of motor fuels.

Representative Phillips moved to postpone consideration of **HB 3900** until the end of today's calendar.

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative McCall requested permission for the Committee on Calendars to meet while the house is in session, at 6:15 p.m. today, 2W.6, for a formal meeting, to consider the Committee on Calendars rule.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 6:15 p.m. today, 2W.6, for a formal meeting, to consider the Committee on Calendars rule.

**CSHB 2488 ON SECOND READING**  
**(by Hochberg)**

**CSHB 2488**, A bill to be entitled An Act relating to open-source textbooks for public schools.

Representative Hochberg moved to postpone consideration of **CSHB 2488** until 6 p.m. today.

The motion prevailed.

**HB 3721 ON SECOND READING**  
**(by Ortiz)**

**HB 3721**, A bill to be entitled An Act relating to the training and certification of certain members or former members of the military as correctional officers.

**Amendment No. 1**

Representatives Madden and McReynolds offered the following amendment to **HB 3721**:

Amend **HB 3721** (house committee printing) on page 1 by striking lines 11 through 15 and substituting the following:

(1) a member of a reserve component of the United States armed forces; or

(2) a former member of the United States armed forces or a reserve component of the United States armed forces who has received an honorable or general discharge.

Amendment No. 1 was adopted.

**HB 3721**, as amended, was passed to engrossment.

**HB 4767 ON SECOND READING**  
**(by Homer and Phillips)**

**HB 4767**, A bill to be entitled An Act relating to the designation of days, weeks, and months for recognition by concurrent resolution of the legislature.

**HB 4767** was passed to engrossment.

**HB 4054 ON SECOND READING**  
**(by Allen and Leibowitz)**

**HB 4054**, A bill to be entitled An Act relating to the use of state institutions of higher education to provide training to state agency employees.

**HB 4054** was passed to engrossment.

**CSHB 497 ON SECOND READING**  
**(by Zerwas, Corte, et al.)**

**CSHB 497**, A bill to be entitled An Act relating to a study to determine the effect on the health care infrastructure in this state if the state Medicaid program is abolished or a severe reduction in federal matching money under the program occurs.

**CSHB 497** was passed to engrossment.

**CSHB 610 ON SECOND READING**  
**(by Naishtat, Herrero, Edwards, Menendez, Leibowitz, et al.)**

**CSHB 610**, A bill to be entitled An Act relating to the establishment of the Legislative Committee on Aging and other initiatives relating to the aging population of this state.

**Amendment No. 1**

Representative Naishtat offered the following amendment to **CSHB 610**:

Amend **CSHB 610** as follows:

(1) On page 1, line 23, strike "and one public member".

(2) On page 1, line 24, strike "and".

(3) On page 2, lines 1 and 2, strike "and one public member".

(4) On page 2, line 3, strike the underlined period and insert the following:

; and

(3) two public members appointed by the governor.

(5) On page 2, line 13, between "meet" and "at", insert "at least biannually".

(6) On page 2, line 15, between "population" and ";", insert "; including issues that are affected by the demographic and geographic diversity of the aging population in this state".

(7) On page 3, line 8, between "senate and" and "house", insert "the".

(8) On page 3, line 26, between "issues" and ";", insert "; including issues that are affected by the demographic and geographic diversity of the aging population in this state".

(9) On page 4, strike lines 5 through 15.

(10) On page 4, line 16, strike "(c) A contract entered into under this section may include" and substitute "(b) If a contract entered into under this section includes".

(11) On page 4, line 19, strike "reimbursement for the reasonable" and substitute "to be reimbursed for".

(12) On page 4, line 20, between "duties" and "at the same rate", insert "; the per diem and reimbursement for travel expenses incurred must be paid".

(13) Strike page 4, line 22, through page 5, line 7, and substitute the following:

Sec. 161.303. ESTABLISHMENT AND ADMINISTRATION OF FUND.

(a) The Chris Kyker Endowment for Seniors Fund is a special fund outside the state treasury held by the comptroller.

(b) The comptroller shall deposit in the fund:

(1) money appropriated to the fund;

(2) grants, gifts, and donations from any other public or private source;

and

(3) income and interest, including depository interest, as provided by Subsection (f).

(c) The comptroller shall administer and manage the assets of the fund in accordance with this section and the rules adopted by the executive commissioner under Section 161.304(c). In managing the assets of the fund, the comptroller may acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions the comptroller considers appropriate, any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment.



(d) The expenses of managing fund investments shall be paid from the fund.

(e) On request, the comptroller shall fully disclose all details concerning the investments of the fund.

(f) Interest earned on the fund shall be credited to the fund.

(14) On page 5, line 9, strike "appropriated" and substitute "used".

(15) On page 5, line 16, strike "appropriated" and substitute "used".

(16) Strike SECTION 2 of the bill (page 5, lines 20 through 23) and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. (a) Not later than the 30th day after the effective date of this Act:

(1) the governor, lieutenant governor, and speaker of the house of representatives shall appoint members of the Legislative Committee on Aging, as established by Section 161.252, Human Resources Code, as added by this Act; and

(2) the lieutenant governor shall appoint the initial presiding officer under Subsection (c), Section 161.253, Human Resources Code, as added by this Act.

(b) The Legislative Committee on Aging established by Section 161.252, Human Resources Code, as added by this Act, shall convene its initial meeting not later than November 1, 2009.

Amendment No. 1 was adopted.

#### **Amendment No. 2**

Representative Naishtat offered the following amendment to **CSHB 610**:

Amend **CSHB 610**, on page 3, line 16, after "recommendations" and before "for", add ", if any,"

Amendment No. 2 was adopted.

**CSHB 610**, as amended, was passed to engrossment. (Anderson, B. Brown, Cook, Flynn, Harper-Brown, C. Howard, and Laubenberg recorded voting no.)

#### **HB 653 ON SECOND READING (by Bonnen)**

**HB 653**, A bill to be entitled An Act relating to the inclusion on the exterior of an ad valorem tax bill of a statement directing the United States Postal Service to return the bill if it is not deliverable as addressed.

Representative Bonnen moved to postpone consideration of **HB 653** until 9:07 a.m. Monday, May 4.

The motion prevailed.

#### **CSHB 705 ON SECOND READING (by Rose and Naishtat)**

**CSHB 705**, A bill to be entitled An Act relating to providing certain documents and training to children in the conservatorship of the Department of Family and Protective Services.

Representative Rose moved to postpone consideration of **CSHB 705** until 10 a.m. Monday, May 4.

The motion prevailed.

**CSHB 2283 ON SECOND READING**  
**(by Truitt)**

**CSHB 2283**, A bill to be entitled An Act relating to increasing state employee participation in the TexasSaver program.

**Amendment No. 1**

Representative Truitt offered the following amendment to **CSHB 2283**:

Amend **CSHB 2283** (committee printing) on page 2, line 23, by striking "retirement system" and substituting "trust fund".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Herrero offered the following amendment to **CSHB 2283**:

Amend **CSHB 2283** by striking SECTION 5 and renumbering subsequent SECTIONS accordingly.

Amendment No. 2 was adopted.

**CSHB 2283**, as amended, was passed to engrossment.

**HB 923 ON SECOND READING**  
**(by Dutton)**

**HB 923**, A bill to be entitled An Act relating to prohibiting the disposition of a decedent's remains by a person charged with certain criminal conduct against the decedent.

**HB 923** was passed to engrossment.

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**CSHB 2488 ON SECOND READING**  
**(by Hochberg)**

**CSHB 2488**, A bill to be entitled An Act relating to open-source textbooks for public schools.

**CSHB 2488** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Patrick offered the following amendment to **CSHB 2488**:

Amend **CSHB 2488** (house committee report) on page 2, line 16, between "list" and "and" by inserting "based on the extent to which the textbook covers the essential knowledge and skills identified under Section 28.002 for the subject for which the textbook is written".

Amendment No. 1 was adopted.

**CSHB 2488**, as amended, was passed to engrossment. (B. Brown recorded voting no.)

**GENERAL STATE CALENDAR**  
(consideration continued)

**HB 1012 ON SECOND READING**  
(by Gonzalez Tourelles)

**HB 1012**, A bill to be entitled An Act relating to the conservatorship or possession of, or access to, a child in a suit affecting the parent-child relationship.

**Amendment No. 1**

Representative Gonzalez Tourelles offered the following amendment to **HB 1012**:

Amend **HB 1012** by adding a new appropriately numbered SECTION to read as follows:

SECTION \_\_\_\_\_. Section 153.605, Family Code, is amended by amending Subsection (b) and adding a new Subsection (d) to read as follows:

(b) The court may not appoint a parenting coordinator unless, after notice and hearing, the court makes a specific finding that:

(1) the case is a high-conflict case[;] or

[~~(2)~~] there is good cause shown for the appointment of a parenting coordinator and the appointment is in the best interest of any minor child in the suit; and

(2) the person appointed has the minimum qualifications required by Section 153.610, as documented by the person.

(d) A parenting coordinator may not draft a settlement agreement described by Section 154.071, Civil Practice and Remedies Code.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Martinez offered the following amendment to **HB 1012**:

Amend **HB 1012** by adding the following appropriately numbered section and renumbering the sections of the bill accordingly:

SECTION \_\_\_\_\_. Section 107.0511, Family Code, is amended by adding Subsections (g), (h), and (i) to read as follows:

(g) The minimum qualifications prescribed by this section do not apply to an individual who, before September 1, 2007:

(1) lived in a county that has a population of 500,000 or more and is adjacent to two or more counties each of which has a population of 50,000 or more;

(2) received a four-year degree from an accredited institution of higher education;

(3) worked as a child protective services investigator for the Department of Family and Protective Services for at least four years;

(4) worked as a community supervision and corrections department officer; and

(5) conducted at least 100 social studies in the previous five years.

(h) A person described by Subsection (g) who performs a social study must:

(1) complete at least eight hours of family violence dynamics training provided by a family violence service provider; and

(2) participate annually in at least 15 hours of continuing education for child custody evaluators that meets the Model Standards of Practice for Child Custody Evaluation adopted by the Association of Family and Conciliation Courts as those standards existed May 1, 2009, or a later version of those standards if adopted by rule of the executive commissioner of the Health and Human Services Commission.

(i) Subsections (g) and (h) and this subsection expire September 1, 2017.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative P. King offered the following amendment to **HB 1012**:

Amend **HB 1012** by adding a new appropriately numbered SECTIONS to read as follows:

SECTION \_\_\_\_\_. Section 153.432, Family Code, is amended by adding a new Subsection (c) to read as follows:

(c) In a suit described by Subsection (a), the person filing the suit must execute and attach an affidavit on knowledge or belief that contains, along with supporting facts, the allegation that denial of possession of or access to the child by the petitioner would significantly impair the child's physical health or emotional well-being. The court shall deny the relief sought and dismiss the suit, unless the court determines, on the basis of the affidavit, that the facts stated in the affidavit, if true, would be sufficient to support the relief authorized under Section 153.433.

SECTION \_\_\_\_\_. Section 153.433, Family Code, is amended to read as follows:

Sec. 153.433. POSSESSION OF OR ACCESS TO GRANDCHILD. (a) The court ~~shall~~ may order reasonable possession of or access to a grandchild by a grandparent if:

(1) at the time the relief is requested, at least one biological or adoptive parent of the child has not had that parent's parental rights terminated;

(2) the grandparent requesting possession of or access to the child overcomes the presumption that a parent acts in the best interest of the parent's child by proving by a preponderance of the evidence that denial of possession of or access to the child would significantly impair the child's physical health or emotional well-being; and

(3) the grandparent requesting possession of or access to the child is a parent of a parent of the child and that parent of the child:

(A) has been incarcerated in jail or prison during the three-month period preceding the filing of the petition;

(B) has been found by a court to be incompetent;

(C) is dead; or

(D) does not have actual or court-ordered possession of or access to the child.

(b) An order granting possession of or access to a child by a grandparent that is rendered over a parent's objections must state, with specificity:

(1) that at the time the relief was requested, at least one biological or adoptive parent of the child had not had that parent's parental rights terminated;

(2) the evidence that supports the conclusion that the grandparent requesting possession of or access to the child has overcome the presumption that a parent acts in the best interest of the parent's child;

(3) the evidence that supports the conclusion that the denial of possession of or access to the child would significantly impair the child's physical health or emotional well-being; and

(4) that the grandparent requesting possession of or access to the child is a parent of a parent of the child and that parent of the child:

(A) has been incarcerated in jail or prison during the three-month period preceding the filing of the petition;

(B) has been found by a court to be incompetent;

(C) is dead; or

(D) does not have actual or court-ordered possession of or access to the child.

Amendment No. 3 was adopted.

**HB 1012**, as amended, was passed to engrossment.

**CSHB 2757 ON SECOND READING**  
**(by Truitt)**

**CSHB 2757**, A bill to be entitled An Act relating to elements of offenses under or violations of the Alcoholic Beverage Code.

**CSHB 2757** was passed to engrossment.

**HB 1360 ON SECOND READING**  
**(by Anchia)**

**HB 1360**, A bill to be entitled An Act relating to the effect under the public information law of the disclosure of certain information by a prosecutor to defense counsel.

Representative Phillips moved to postpone consideration of **HB 1360** until 10 a.m. tomorrow.

The motion prevailed.

**CSHB 2820 ON SECOND READING**  
**(by Chisum and Chavez)**

**CSHB 2820**, A bill to be entitled An Act relating to contracts by governmental entities for professional services relating to geoscience and landscape architecture.

Representative Chisum moved to postpone consideration of **CSHB 2820** until 10 a.m. Friday, May 1.

The motion prevailed.

**HB 1423 ON SECOND READING**  
**(by Guillen, Hochberg, Leibowitz, and Legler)**

**HB 1423**, A bill to be entitled An Act relating to granting charters to public junior colleges for open-enrollment charter schools.

**HB 1423** was passed to engrossment.

**HB 3068 ON SECOND READING**  
**(by Bohac)**

**HB 3068**, A bill to be entitled An Act relating to the manner in which certain state officials request and receive notice of the residence of certain sex offenders.

**HB 3068** was passed to engrossment.

**CSHB 2236 ON SECOND READING**  
**(by Moody, Hartnett, Ortiz, and Leibowitz)**

**CSHB 2236**, A bill to be entitled An Act relating to the right of certain crime victims to be considered with respect to a defendant's motion for continuance.

**CSHB 2236** was passed to engrossment.

**HB 2985 ON SECOND READING**  
**(by Phillips, Harless, and Leibowitz)**

**HB 2985**, A bill to be entitled An Act relating to the registration of for-hire motor carriers of passengers by the Texas Department of Transportation.

**Amendment No. 1**

On behalf of Representative Harless, Representative Phillips offered the following amendment to **HB 2985**:

Amend **HB 2985** (House Committee Printing) by adding the following SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 501.023, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) An application filed by the owner or lessee of a foreign commercial motor vehicle, as defined by Section 648.001, must be accompanied by a copy of the applicable federal declaration form required by the Federal Motor Carrier Safety Administration or its successor in connection with the importation of a motor vehicle or motor vehicle equipment subject to the federal motor vehicle safety, bumper, and theft prevention standards.

SECTION \_\_\_\_\_. Section 502.352(c), Transportation Code, is amended to read as follows:

(c) A person may obtain a permit under this section by:

(1) applying to the county assessor-collector, the department, or the department's wire service agent, if the department has a wire service agent;

(2) paying a fee of \$25 for a 72-hour permit or \$50 for a 144-hour permit:

(A) in cash;

(B) by postal money order;

(C) by certified check;

(D) by wire transfer through the department's wire service agent, if any;

(E) by an escrow account; or

(F) where the service is provided, by a credit card issued by:

(i) a financial institution chartered by a state or the United States; or

(ii) a nationally recognized credit organization approved by the Texas Transportation Commission;

(3) paying a discount or service charge for a credit card payment or escrow account, in addition to the fee; ~~and~~

(4) furnishing to the county assessor-collector, the department, or the department's wire service agent, evidence of financial responsibility for the vehicle that complies with Sections 502.153(c) and 601.168(a) and is written by an insurance company or surety company authorized to write motor vehicle liability insurance in this state; and

(5) submitting a copy of the applicable federal declaration form required by the Federal Motor Carrier Safety Administration or its successor in connection with the importation of a motor vehicle or motor vehicle equipment subject to the federal motor vehicle safety, bumper, and theft prevention standards.

SECTION \_\_\_\_\_. Section 643.052, Transportation Code, is amended to read as follows:

Sec. 643.052. APPLICATION. To register under this subchapter a motor carrier must submit to the department an application on a form prescribed by the department. The application must include:

(1) the name of the owner and the principal business address of the motor carrier;

(2) the name and address of the legal agent for service of process on the carrier in this state, if different;

(3) a description of each vehicle requiring registration the carrier proposes to operate, including the motor vehicle identification number, make, and unit number;

(4) a statement as to whether the carrier proposes to transport household goods or a hazardous material;

(5) a declaration that the applicant has knowledge of all laws and rules relating to motor carrier safety, including this chapter, Chapter 644, and Subtitle C;

(6) a certification that the carrier is in compliance with the drug testing requirements of 49 C.F.R. Part 382, and if the carrier belongs to a consortium, as defined by 49 C.F.R. Part 382, the names of the persons operating the consortium; ~~and~~

(7) a valid identification number issued to the motor carrier by or under the authority of the Federal Motor Carrier Safety Administration or its successor;  
and

(8) any other information the department by rule determines is necessary for the safe operation of a motor carrier under this chapter.

SECTION \_\_\_\_\_. Subchapter B, Chapter 643, Transportation Code, is amended by adding Section 643.064 to read as follows:

Sec. 643.064. ISSUANCE OF UNITED STATES DEPARTMENT OF TRANSPORTATION NUMBERS. The department by rule shall provide for the issuance to a motor carrier of an identification number authorized by the Federal Motor Carrier Safety Administration. A rule must conform to rules of the Federal Motor Carrier Safety Administration or its successor.

SECTION \_\_\_\_\_. Subchapter F, Chapter 643, is amended by adding Section 643.256 to read as follows:

Sec. 643.256. CEASE AND DESIST ORDER. The department may issue a cease and desist order if the department determines that the action is necessary to:

(1) prevent a violation of this chapter; and

(2) protect the public health and safety.

SECTION \_\_\_\_\_. The Texas Department of Transportation shall adopt rules under Section 643.064, Transportation Code, as added by this Act, not later than March 1, 2010.

SECTION \_\_\_\_\_. The changes in law made by this Act to Sections 501.023 and 643.052, Transportation Code, apply only to an application submitted under those sections to the Texas Department of Transportation on or after the effective date of this Act. An application submitted under those sections to that department before the effective date of this Act is covered by the law in effect on the date the application was submitted, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted.

**HB 2985**, as amended, was passed to engrossment.

#### **HB 2328 ON SECOND READING**

**(by Guillen, Moody, Riddle, Leibowitz, and Marquez)**

**HB 2328**, A bill to be entitled An Act relating to the punishment for certain fraud offenses committed against elderly individuals.

**HB 2328** was passed to engrossment.

#### **CSHB 4353 ON SECOND READING**

**(by Gonzales)**

**CSHB 4353**, A bill to be entitled An Act relating to the licensing of certain nurses who will practice in border counties.



**CSHB 4353** was passed to engrossment. (Anderson, Harper-Brown, Laubenberg, Morrison, Phillips, and Riddle recorded voting no.)

**HB 4110 ON SECOND READING**  
(by Martinez Fischer)

**HB 4110**, A bill to be entitled An Act relating to the purchase, donation, and sale of promotional items by the Texas Water Development Board.

**HB 4110** was passed to engrossment. (Anderson, B. Brown, Cook, Harper-Brown, and Laubenberg recorded voting no.)

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**HB 3900 ON SECOND READING**  
(by Oliveira)

**HB 3900**, A bill to be entitled An Act relating to the taxation of motor fuels.

**HB 3900** was read second time earlier today and was postponed until this time.

Representative Oliveira moved to postpone consideration of **HB 3900** until 10 a.m. Monday, May 4.

The motion prevailed.

(Kolkhorst in the chair)

**HB 4152 ON SECOND READING**  
(by Rose and Martinez Fischer)

**HB 4152**, A bill to be entitled An Act relating to certification of an educator in Texas who is certified in another state or country.

**HB 4152** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Rose offered the following amendment to **HB 4152**:

Amend **HB 4152** as follows:

(1) On page 1, line 6, strike "and (g)" and substitute "(g), and (h)".

(2) On page 1, line 8, strike "shall [~~may~~]" and substitute "may".

(3) On page 1, line 18, strike "[~~and~~]" and substitute "and".

(4) On page 2, lines 1 and 2, strike "; and" and substitute a period.

(5) On page 2, strike lines 3-6.

(6) On page 2, line 9, strike "second" and substitute "first".

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

(h) This subsection applies only to an applicant who holds a certificate or other credential issued by another state or country in mathematics, science, special education, or bilingual education, or another subject area that the commissioner determines has a shortage of teachers. In any state fiscal year, the board shall accept or reject, not later than the 14th day after the date the board

receives the completed application, at least 90 percent of the applications the board receives for a certificate under this subsection, and shall accept or reject all completed applications the board receives under this subsection not later than the 30th day after the date the board receives the completed application. An applicant under this subsection must submit:

(1) a letter of good standing from the state or country in which the teacher is certified on a form determined by the board;

(2) information necessary to complete a national criminal history record information review; and

(3) an application fee as required by the board.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Christian offered the following amendment to **HB 4152**:

Amend **HB 4152** as follows:

On page 1, line 23, strike "or country".

On page 2, line 4, strike "or other country"

Amendment No. 2 was adopted.

**HB 4152**, as amended, was passed to engrossment.

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, during bill referral today, in E2.028, for a public hearing, to consider **SB 1832** and the previously posted agenda.

Permission to meet was granted.

### **FIVE-DAY POSTING RULE SUSPENDED**

Representative Gallego moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence to consider **SB 1832** and previously posted items.

The motion prevailed.

### **COMMITTEES GRANTED PERMISSION TO MEET**

Representative Y. Davis requested permission for the Committee on Urban Affairs to meet while the house is in session, during bill referral today, in E1.026, to consider pending business.

Permission to meet was granted.

Representative Deshotel requested permission for the Committee on Licensing and Administrative Procedures to meet while the house is in session, during bill referral today, in E2.016, for a public hearing, to consider posted bills.

Permission to meet was granted.

Representative Keffer requested permission for the Committee on Energy Resources to meet while the house is in session, during bill referral today, in E1.010, for a public hearing, to consider the posted agenda.

Permission to meet was granted.

Representative Cook requested permission for the Committee on Environmental Regulation to meet while the house is in session, during bill referral today, in E1.014, for a public hearing, to consider the posted agenda.

Permission to meet was granted.

### **PROVIDING FOR RECESS**

Representative P. King moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 10 a.m. tomorrow in memory of John Edward Peacock of Austin.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Merritt in the chair)

### **RECESS**

In accordance with a previous motion, the house, at 7 p.m., recessed until 10 a.m. tomorrow.

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### **ADDENDUM**

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### **REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

#### **List No. 1**

**HB 4830** (By Eiland), Relating to the confirmation of the Galveston County Municipal Utility District No. 67.

To Natural Resources.

**HCR 204** (By Berman), Congratulating the Tyler Morning Telegraph on its 100th anniversary.

To Rules and Resolutions.

**HCR 205** (By Peña), Congratulating Dr. Larry N. Balli on the 24th anniversary of his Edinburg dental practice.

To Rules and Resolutions.

**HR 1624** (By Gattis), In memory of Billy Jack Stiles of Thorndale.

To Rules and Resolutions.

**HR 1625** (By Gattis), Honoring Bonnie Simpson on the event of her retirement as an employee of the Texas House of Representatives.

To Rules and Resolutions.

**HR 1626** (By Marquez), Recognizing James N. Valenti for his achievements as chief executive officer of Thomason Hospital in El Paso.

To Rules and Resolutions.

**HR 1627** (By Marquez), In memory of Ernest Berlanga Sosa of San Antonio.

To Rules and Resolutions.

**HR 1628** (By Marquez), Honoring Blanca Landeros and Eugene Flournoy for their work with the Treatment Resources for Youth program at Aliviane, Incorporated, in El Paso.

To Rules and Resolutions.

**HR 1629** (By Y. Davis), Honoring the Greater Dallas Section of the National Council of Jewish Women for its outstanding community service.

To Rules and Resolutions.

**HR 1630** (By Alvarado), Honoring Michael Jeffrey Bosworth II on his graduation from the U.S. Naval Academy.

To Rules and Resolutions.

**HR 1631** (By Allen), Commemorating the 40th anniversary of the founding of the City of Prairie View.

To Rules and Resolutions.

**HR 1632** (By C. Howard), Congratulating the band of Fort Settlement Middle School in Sugar Land on its receipt of the 2009 Sudler Silver Cup from the John Philip Sousa Foundation.

To Rules and Resolutions.

**HR 1633** (By Rose), Honoring J. David Bamberger of Blanco County for his outstanding contributions to the cause of nature conservancy and commemorating the 40th anniversary of the establishment of the Bamberger Ranch.

To Rules and Resolutions.

**HR 1634** (By Flynn), Congratulating K. W. and Joyce Shipp of Emory on the occasion of their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1635** (By Flynn), Congratulating the Independent Bankers Association of Texas on its 35th anniversary.

To Rules and Resolutions.

**HR 1636** (By Chavez), In memory of U.S. Navy Airman Adrian M. Campos of El Paso.

To Rules and Resolutions.

**HR 1637** (By Chavez), In memory of U.S. Air Force Major Rodolpho Ivan Rodriguez of El Paso.

To Rules and Resolutions.

**HR 1638** (By Chavez), In memory of U.S. Army Specialist Quincy J. Green of El Paso.

To Rules and Resolutions.

**HR 1639** (By Coleman), Honoring the Texas Legislative Internship Program and its participants during the 81st Legislative Session.

To Rules and Resolutions.

**HR 1640** (By Coleman), Honoring Tressie Bates for her participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1641** (By Coleman), Honoring Rebecca Cohen for her participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1642** (By Coleman), Honoring Kimberly M. Freeman for her participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1643** (By Coleman), Commending Rahsaan J. Coefield on his service as a legislative intern in the office of Representative Abel Herrero.

To Rules and Resolutions.

**HR 1644** (By Coleman), Honoring Dimetrius Holland for his participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1645** (By Coleman), Honoring John Hefley for his participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1646** (By Coleman), Congratulating Kierah Weber on her participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1647** (By Coleman), Honoring Morris Williams for his participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1648** (By Coleman), Honoring Miles Stiles for his participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1649** (By Coleman), Honoring Eronn Putman for her participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1650** (By Coleman), Commending Robert Edrozo for his service in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1651** (By Coleman), Honoring Jonathan "JJ" Lietzke for his participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1652** (By Coleman), Honoring Diana Cruz for her participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1653** (By Coleman), Commending John White for his service in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1654** (By Coleman), Congratulating Brittany Rosales on her participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1655** (By Coleman), Honoring Chani Seals for her participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1656** (By Coleman), Honoring Maria Molina for her participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1657** (By Coleman), Commending Resha Thomas on her service as a legislative intern in the office of Representative Jim McReynolds.

To Rules and Resolutions.

**HR 1658** (By Coleman), Honoring Stephen Rispoli for his participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1659** (By Coleman), Honoring Amber Goodwin for her participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1660** (By Coleman), Honoring Carlos Dantes Mejias for his participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1661** (By Coleman), Commending Joshua Bekerman for his service in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1662** (By Coleman), Honoring Curtis Smith for his participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1663** (By Coleman), Commending Tanya Gripton on her service as a legislative intern in the office of Representative Helen Giddings.

To Rules and Resolutions.

**HR 1664** (By Coleman), Commending Alexis Dugger for her service in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1665** (By Coleman), Honoring Sandra Marek for her participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1666** (By Coleman), Honoring Jorge Lopez for his participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1667** (By Coleman), Congratulating Gloria E. Lopez on her participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1668** (By Coleman), Honoring Rebecca Reyes for her participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1669** (By Coleman), Honoring Tommy Micah for his participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1670** (By Coleman), Honoring Sharonda Joy Thomas for her participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1671** (By Coleman), Commending Melinda Griffith on her service as a legislative intern in the office of Representative Norma Chavez.

To Rules and Resolutions.

**HR 1672** (By Coleman), Honoring Alejandro Martinez for his participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1673** (By Coleman), Honoring Natasha Egharevba for her participation in the Texas Legislative Internship Program.

To Rules and Resolutions.

**HR 1674** (By Anderson), Congratulating James and Nancy Swor of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1675** (By Anderson), Congratulating Johnny Mynar of West on his retirement from the McLennan County Sheriff's Office.

To Rules and Resolutions.

**HR 1676** (By Anderson), In memory of Margaret Gilder Nesbitt of Waco.

To Rules and Resolutions.

**HR 1677** (By Anderson), In memory of Nancy Elaine Hagemann Frazier of Waco.

To Rules and Resolutions.

**HR 1678** (By Anderson), Congratulating Jane and Hubert Z. Shannon of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1679** (By Anderson), In memory of John D. Cabaniss of Waco.

To Rules and Resolutions.

**HR 1680** (By Anderson), In memory of U.S. Marine Lieutenant Corporal Johnny Ray Strong.

To Rules and Resolutions.

**HR 1681** (By Anderson), Congratulating Willie and Maxine Hammonds of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1682** (By Anderson), Congratulating Dr. Debra Bishop on being named the 2008 Hazel Harvey Peace Educator of the Year.

To Rules and Resolutions.

**HR 1683** (By Anderson), Congratulating Lewis and Mary Propst of Hewitt on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1684** (By Anderson), Congratulating Robert and Doris Bray of Woodway on their 55th wedding anniversary.

To Rules and Resolutions.

**HR 1685** (By Anderson), Congratulating Jack and Cathryn Garrison of Elm Mott on their 70th wedding anniversary.

To Rules and Resolutions.

**HR 1686** (By Anderson), Congratulating Melton and Julie Connell of Woodway on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 1687** (By Anderson), Congratulating Jimmy and Margie Voiles of Hewitt on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1688** (By Anderson), Congratulating Bill and Stella Ellis of Waco on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 1689** (By Kleinschmidt), Honoring Mary Jane Carter and the late Clifton C. Carter for their support of the Smithville Public Library.

To Rules and Resolutions.

**HR 1690** (By Ortiz), Congratulating Gabi Canales-Morgan and Gordon Morgan of Corpus Christi on the birth of their son, Praxedis Blaine Morgan.

To Rules and Resolutions.

**HR 1691** (By Strama), Recognizing May 12, 2009, as Fibromyalgia Awareness Day.

To Rules and Resolutions.



**HR 1692** (By Leibowitz), Congratulating Ty Garret Huckaby on becoming an Eagle Scout.

To Rules and Resolutions.

**HR 1693** (By Martinez), Commemorating the dedication of the Pete Abrigo Agricultural Science Complex in Weslaco.

To Rules and Resolutions.

**HR 1694** (By Martinez), In memory of Rosa Maria Pena Marquez of Weslaco.

To Rules and Resolutions.

**HR 1696** (By Merritt), Welcoming members of the Oak Forest Montessori School community in Longview to the State Capitol.

To Rules and Resolutions.

**HR 1697** (By Woolley), Honoring Dru Torian for her achievements in competitive tennis.

To Rules and Resolutions.

**SB 11** to Criminal Jurisprudence.

**SB 12** to Defense and Veterans' Affairs.

**SB 31** to Higher Education.

**SB 42** to Higher Education.

**SB 62** to Judiciary and Civil Jurisprudence.

**SB 96** to State Affairs.

**SB 174** to Higher Education.

**SB 181** to Defense and Veterans' Affairs.

**SB 187** to Human Services.

**SB 329** to Public Safety.

**SB 332** to Corrections.

**SB 350** to Insurance.

**SB 366** to Criminal Jurisprudence.

**SB 367** to Criminal Jurisprudence.

**SB 369** to Criminal Jurisprudence.

**SB 371** to Criminal Jurisprudence.

**SB 379** to Border and Intergovernmental Affairs.

**SB 388** to Public Safety.

**SB 419** to Insurance.

**SB 423** to Criminal Jurisprudence.

**SB 495** to Culture, Recreation, and Tourism.

**SB 537** to Criminal Jurisprudence.

**SB 551** to Judiciary and Civil Jurisprudence.  
**SB 563** to Elections.  
**SB 585** to Urban Affairs.  
**SB 650** to Public Safety.  
**SB 712** to Criminal Jurisprudence.  
**SB 719** to Natural Resources.  
**SB 743** to Criminal Jurisprudence.  
**SB 787** to Criminal Jurisprudence.  
**SB 819** to Higher Education.  
**SB 858** to Public Safety.  
**SB 865** to Judiciary and Civil Jurisprudence.  
**SB 867** to Agriculture and Livestock.  
**SB 871** to Public Health.  
**SB 873** to Ways and Means.  
**SB 882** to Transportation.  
**SB 892** to Public Education.  
**SB 893** to Human Services.  
**SB 894** to Pensions, Investments, and Financial Services.  
**SB 897** to Transportation.  
**SB 909** to Culture, Recreation, and Tourism.  
**SB 921** to State Affairs.  
**SB 929** to Natural Resources.  
**SB 930** to Natural Resources.  
**SB 931** to Natural Resources.  
**SB 932** to Natural Resources.  
**SB 935** to Judiciary and Civil Jurisprudence.  
**SB 936** to Defense and Veterans' Affairs.  
**SB 1540** to State Affairs.  
**SB 1969** to State Affairs.  
**SCR 65** to Rules and Resolutions.  
**SCR 66** to Rules and Resolutions.

**SIGNED BY THE SPEAKER**

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

**House List No. 21**

**HB 1484, HCR 122**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, April 29, 2009

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 117** Brown, Fred

In memory of Professor Robert Osborne Reid of College Station.

**HCR 134** Davis, John SPONSOR: Lucio  
Honoring Roy Earl Reed, Sr., of Brownsville on his 80th birthday.

**SB 20** Williams

Relating to ad valorem taxation.

**SB 256** Estes

Relating to an intercollegiate athletics fee at Midwestern State University.

**SB 324** Shapleigh

Relating to the tuition rebate program for certain undergraduate students at general academic teaching institutions.

**SB 644** Shapiro

Relating to modifications, adjustments, and reimbursements under the public school finance system and contract delegation authority for a school district located in a disaster area.

**SB 783** Shapiro

Relating to the Texas emerging technology fund, including transfers between the fund and the Texas Enterprise Fund.

**SB 1002** Deuell

Relating to the continuation and functions of the Texas State Affordable Housing Corporation; providing penalties.

**SB 1062** Shapiro

Relating to creating an online resource center for individuals handling child abuse and neglect cases.

- SB 1329** Nelson  
Relating to regulation of certain license holders to control food-borne illnesses.
- SB 1350** Carona  
Relating to the creation, administration, financing, and use of a Texas Transportation Revolving Fund; granting the authority to issue bonds.
- SB 1406** Shapleigh  
Relating to the consideration of the effects of climate variability on water supplies in regional and state water plans.
- SB 1411** West  
Relating to financial assistance programs in connection with certain children in the conservatorship of the Department of Family and Protective Services and to certain training for caregivers of children.
- SB 1492** Williams  
Relating to the delay of retail electric competition in the areas of the state covered by the Southeastern Electric Reliability Council and to the recovery of certain transmission costs by electric utilities in those areas and to the provision of power during a natural disaster or declared emergency.
- SB 1508** Carona  
Relating to the authority of certain transportation and transit authorities to enforce compliance with high occupancy vehicle lane restrictions by an automated enforcement system; providing for the imposition of penalties.
- SB 1548** Ogden  
Relating to the monitoring and oversight of certain public retirement systems and public investments; providing civil penalties.
- SB 1862** Ellis  
Relating to state purchasing of certain environmentally friendly items.
- SB 1929** Watson  
Relating to the designation of qualified media production locations in media production development zones and to exemptions from the sales and use tax for items used for media production facilities in qualified media production locations.
- SB 2046** Williams  
Relating to requiring criminal history background checks for employees of public institutions of higher education.
- SB 2236** Seliger  
Relating to the exemption of certain electric cooperatives from certain regulations.
- SB 2323** Carona  
Relating to the functions of the Texas School Safety Center and safety and security at public educational institutions.
- SB 2479** Jackson, Mike  
Relating to the creation of the Country Place Management District; providing authority to impose an assessment, impose a tax, and issue bonds.
- SB 2514** Hegar

Relating to the powers of the North Fort Bend Water Authority.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**April 28**

Agriculture and Livestock - **SB 1027**

Business and Industry - **HB 1976, HB 1977, HJR 76**

County Affairs - **HB 2772, HB 4279, HB 4724**

Criminal Jurisprudence - **HB 3680, HB 3769**

Culture, Recreation, and Tourism - **HB 3799**

Defense and Veterans' Affairs - **HB 1026, HB 4409**

Elections - **HB 3445, HB 3924**

Higher Education - **HB 65, HB 103, HB 708, HB 2504, HB 2518**

Human Services - **HB 2084**

Insurance - **HB 739, HB 1138, HB 1696, HB 1932, HB 2456, HB 2586**

Natural Resources - **HB 2698, HB 3550, HB 3695, HB 4734, HB 4737, HB 4744, HB 4751, HB 4761**

Pensions, Investments, and Financial Services - **HB 1259**

Public Education - **HB 130, HB 466, HB 474, HB 1313, HB 1410, HB 4091**

Public Health - **HB 233, HB 643, HB 1233, HB 1357, HB 4276, SB 381**

Public Safety - **HB 3389**

State Affairs - **HB 1243, HB 3544, HB 4414, HB 4644**

Transportation - **HB 805, HB 2854, HB 3095, HB 3457, HB 3524, HB 3758, HB 3988, SB 1373**

Urban Affairs - **HB 434, HB 871, HB 1146, HB 1254, , HB 1384, HB 1913, HB 2121, HB 2212, HB 2308, HB 2344, HB 2888, HB 2940, HB 3001, HB 3163, HB 3240, HB 3358, HB 3558, HB 3668, HB 3677, HB 3686**

Ways and Means - **HB 637, HB 2628, HB 3477, HB 3927, HJR 17, HJR 40**

**ENGROSSED**

**April 28 - HB 10, HB 144, HB 408, HB 529, HB 768, HB 774, HB 807, HB 887, HB 960, HB 1029, HB 1093, HB 1109, HB 1134, HB 1183, HB 1272, HB 1286, HB 1325, HB 1366, HB 1452, HB 1462, HB 1506, HB 1509, HB 1517, HB 1623, HB 1680, HB 1721, HB 1770, HB 1945, HB 2031, HB 2037, HB 2065, HB 2082, HB 2307, HB 2314, HB 2385, HB 2389, HB 2401, HB 2436, HB 2447, HB 2465, HB 2480, HB 2507, HB 2515, HB 2521, HB 2530, HB 2532, HB 2549, HB 2571, HB 2572, HB 2580, HB 2667, HB 2729, HB 2748, HB 2779, HB 2806, HB 2808, HB 2908, HB 3041, HB 3103, HB 3231, HB 3340, HB 3479, HB 3595, HB 3597, HB 3611, HB 3612, HB 3613, HB 3625, HB 3632, HB 3851, HB 3961, HB 4293, HB 4577, HB 4712, HB 4718, HJR 36, HJR 77**

**RECOMMENDATIONS FILED WITH THE SPEAKER**

**April 28 - HB 4726, HB 4731, HB 4732, HB 4734, HB 4735, HB 4736, HB 4737, HB 4738, HB 4739, HB 4740, HB 4743, HB 4744, HB 4747, HB 4748, HB 4749, HB 4751, HB 4752, HB 4753, HB 4754, HB 4755, HB 4756, HB 4757, HB 4758, HB 4759, HB 4761, HB 4762, HB 4763, HB 4764**