



Chair, Rep. Garnet Coleman

Treasurer, Rep. Elliott Naishtat

Vice Chair, Rep. Lon Burnam

LSG Floor Report for House Bill 5—March 26, 2013

Bill Analysis for HB 5 Recommendation: Favorable

HB 5 seeks to establish a better assessment and curricula method that promotes the unique needs of each Texas student. Texas's public education system has gone through dramatic changes over the past 10 years and the Legislature has examined these changes with the intent to reform the structure and curriculum and create a system that is high in rigor, quality, and accountability, and provides students with the advantage of pursuing higher education or moving directly into a competitive workforce. **HB 5 seeks to ensure that the educational system of this state is innovative and accountable to improving the knowledge and readiness of Texas children.** However, it is vital that the Legislature work continuously on creating a system that focuses more on the education of students and not just the testing of them.

The State of Texas Assessments of Academic Readiness (STAAR) testing was first implemented in 2011 in an attempt to improve upon the Texas Assessment of Knowledge and Skills (TAKS) test and to extend the state's accountability system based primarily on those and previous tests. In less than 2 years the STAAR testing structure has received negative feedback from Texas education agencies, schools, parents, and students. Under current law, Texas students must take 15 STAAR End-Of-Course (EOC) assessments in order to graduate from high school. The scores of the assessments count as 15 percent of students' final grade. **HB 5 will decrease the number of EOC assessments from 15 to five and eliminate the 15 percent final grade requirement, potentially providing students and educators greater opportunity to focus on coursework instead of test preparation.** The bill returns to local districts the authority to decide if the EOC assessment scores count towards a student's final grade.

Currently, campuses and districts are required to be rated based on three areas: student scores on the state standardized exams, dropout rates, and graduation rates. HB 5 directs the commissioner of education to develop three additional indicators of student achievement; however the bill provides no direction about the components of those new indicators. Depending on what the commissioner adopts in related rules, providing more indicators when evaluating academic performance could allow TEA to examine, assess, and potentially recognize a broader variety of achievements and correct a broader range of deficits that impact a school's rating. The new indicators could give schools an opportunity to improve areas of low performance but not be penalized solely based on STAAR testing and completion rates. However, should the commissioner choose to base the new indicators on standardized test results, the influence of STAAR will be even more greatly emphasized.

The bill also changes the performance rating scale to A, B, C or F and requires the ratings be available to the public. The A through C ratings would be considered acceptable at varying degrees and F would label the school as unacceptable. **Regardless of the rating changes, the Legislature must continue to work collaboratively with districts, educators, parents, educational institutions, and organizations to ensure that a truly sufficient and viable accountability system is created.**

Public schools and open-enrollment charter schools are held accountable for poor financial performance as well. Under HB 5, they would undergo a Sunset review process with a requirement that those schools not meeting prescribed standards develop a corrective strategy, meet standards sanctioned by TEA, and be evaluated every three years for financial solvency.

In addition to testing and rating regulations, students must currently navigate through the choice of three high school program options, the Advanced, Recommended and Minimum high school program. **In order to create continuity and eliminate confusion, the bill would dissolve all three high school programs into one program called the Foundation High School Program.** Within this program, students would take a total of 24 credits to receive a high school diploma. Moreover, the proposed Foundation High School Program no longer requires students to undergo a laborious curriculum that is geared towards fulfilling testing requirements. It allows students to take core math (3 credits), English (4 credits), science (3 credits), social studies (3 credits) with the option of world geography or world history, physical education (1 credit), foreign language (2 credits), and fine art (1 credit) courses as well as 7 elective credits that are rigorous yet achievable.

In this bill, local districts can work with community representatives to develop and provide endorsements in the areas of: Science, Technology Engineering and Mathematics (STEM) including computer science, Business &

Industry including agricultural science, Public Service, Arts and Humanities and Multi-disciplinary Studies. **Endorsements create a unique experience for students who are engaged and interested in a specific career or higher education area.** Equipping students with practical knowledge and skills better prepares them for life after high school and potentially enables them to expedite job-qualifying training.

In addition to creating a more tolerable number of test assessments, potentially offering a higher quality accountability system, and a broader curriculum, the bill also provides recognition to students who perform at a distinguished level. If a student chooses to take an additional math and science course, they receive a distinguished endorsement which makes them eligible for admission to Texas Higher Education institutions under the Top 10% law. **It is important to note that the foundation level does not qualify students for automatic admission under the Top 10% law.** All graduates under the Foundation School Program would be eligible to receive Texas Grants. We must develop a curriculum and graduation path that would allow all students the opportunity to attend an institution under the top 10% law and not just those who have opted in to the distinguished level. Amendments are expected to protect and preserve the efficacy of the Top 10% Law and Texas Grant Program. These programs were developed to increase racial and geographic diversity among Texas state universities as well as improve GPA rates and 4-year graduation rates.

It is imperative that Texas creates a more supportive environment for students. HB 5 will require school counselors to work with students and help them navigate through the Foundation High School Program successfully. Students will be informed of endorsement and distinguished level opportunities. The counselors will also provide students with higher education information from the 9th grade to the 12th grade in order to make the student fully cognizant of the resources available to them after they graduate.

The Legislative Budget Board reports that HB 5 would have a positive fiscal impact of \$25 million. The Higher Education Coordinating Board estimates that the adoption of HB 5 could potentially increase the number of students attending junior colleges or universities, leading to an increase of \$1.7 million each year starting in 2015. The bill would also generate an estimated \$1 million in additional general revenue by 2016.

HB 5 addresses issues that are statewide. **Reorganization of the public education assessment system and curriculum, especially in high schools, will serve as a great advantage to students and the state as a whole.** Overall, the bill intends to limit excessive testing, to create opportunities for local district flexibility, and to provide opportunities for students to take courses that better prepare them for college and the workforce.

Recommendation:

Favorable

Evaluated by:

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LSG Floor Report For General State Calendar – Tuesday, March 26, 2013

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 281 by Rep. Lucio III	Relating to the right of one immediate family member of certain deceased peace officers to make an oral statement regarding the terms of a plea bargain agreement.	Criminal Jurisprudence	<p>In cases concerning the death of peace officers in the line of duty, prosecutors often offer a plea bargain to defendants in order to ensure a guaranteed conviction. Surviving family members of the peace officer typically do not agree that the punishment fits the crime and would rather see the case move to trial. HB 281 amends the Code of Criminal Procedure to allow one family member designated by the peace officer's immediate family to make an oral statement to the court about whether they support or oppose the plea bargain. This bill requires the court to consider their statement before sentencing and allows the defendant's council to cross-examine this family member in the case of factual inaccuracy.</p> <p>HB 281 advocates for victim's rights and gives the families of peace officers a voice during court proceedings. The ultimate discretion by the presiding judge still remains, and if the judge does not accept the plea bargain, there is no "admission" of guilt by the defendant in the event that the case goes to trial.</p>	<p>Favorable</p> Evaluated by: Muna Javaid 512-763-0031 muna@texaslsg.org
HB 677 by Rep. Geren	Relating to the regulation and enforcement of dam safety by the Texas Commission of Environmental Quality.	State Affairs	<p>Currently, the Texas Commission on Environmental Quality (TCEQ) exempts private dam owners from meeting regulatory requirements included in the Dam Safety Program as long as they meet specific private dam safety specifications. To meet current specifications, a private dam must be located in a county with a population less than 215,000. Additionally, the dam must be classified as "low" or "significant" hazard, meaning the dam presents no hazard relating to public safety and poses improbable threat to economic or environmental loss. There are presently 3,056 dams in 233 counties that qualify.</p> <p>HB 677 expands this exemption to include counties with a population of up to 350,000 people, which would encompass an additional 135 dams in 8 additional counties. The bill also repeals the Sunset date of August 31, 2015 for these exemption requirements to be included in the Water Code, thus permanently exempting the owners whose dams presently meet TCEQ requirements.</p> <p>This bill creates a permanent balance of private property rights and public safety matters regulated by the TCEQ for counties of 350,000 people or less. The privately owned dams under consideration are typically found on small family farms and ranches that are used as stock and fish ponds. They do not face the same safety challenges as larger dams in more populated counties.</p> <p>Although the Dam Safety Program is aimed to mitigate the risk of dam failure and safety concerns, these requirements are excessive for private dams and burden landowners with expensive and unnecessary repairs and engineering costs.</p>	<p>Favorable</p> Evaluated by: Amanda Williams 512-763-0031 amanda.williams@texaslsg.org

OK for Distribution – Rep. Garnet Coleman