

**Rider Comparison Packet**

**Conference Committee on House Bill 1**

**2012-13 General Appropriations Bill**

**Article III, Public Education**

**ARTICLE III - AGENCIES OF EDUCATION**  
**703 Texas Education Agency**  
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- 3. Foundation School Program Funding.** Out of the funds appropriated above, a total of \$17,382,000,000 in fiscal year 2012 and \$17,391,900,000 in fiscal year 2013 shall represent the sum-certain appropriation to the Foundation School Program. The total appropriation may not exceed the sum-certain amount. This appropriation includes allocations under Chapters 41, 42 and 46 of the Texas Education Code.

Formula Funding: The Commissioner shall make allocations to local school districts under Chapters 41, 42 and 46 based on the March 2011 estimates of average daily attendance and local district tax rates as determined by the Legislative Budget Board and the final tax year 2010 property values. Property values, and estimates of local tax collections on which they are based, shall be decreased by 3.47 percent for tax year 2011, then increased by 0.69 percent for tax year 2012.

For purposes of distributing the Foundation School Program basic tier state aid appropriated above and in accordance with §42.101 of the Texas Education Code, the Basic Allotment is projected to be \$4,765 in fiscal year 2012 and \$4,765 in fiscal year 2013.

For purposes of distributing the Foundation School Program enrichment tier state aid appropriated above and in accordance with §41.002(a)(2) and §42.302(a-1)(1) of the Texas Education Code, the Guaranteed Yield is \$59.97 in fiscal year 2012 and \$59.97 in fiscal year 2013.

Out of amounts appropriated above and allocated by this rider to the Foundation School Program, no funds are appropriated for the New Instructional Facilities Allotment under §42.158 of the Texas Education Code.

Notwithstanding any other provision of this Act, the Texas Education Agency may make transfers as appropriate between Strategy A.1.1, FSP-Equalized Operations, and Strategy A.1.2, FSP-Equalized Facilities. The TEA shall notify the Legislative Budget Board and the Governor of any such transfers at least 45 days prior to the transfer.

- 3. Foundation School Program Funding.** Out of the funds appropriated above, a total of \$19,287,500,000 in fiscal year 2012 and \$19,297,400,000 in fiscal year 2013 shall represent the sum-certain appropriation to the Foundation School Program. The total appropriation may not exceed the sum-certain amount. This appropriation includes allocations under Chapters 41, 42 and 46 of the Texas Education Code.

Formula Funding: The Commissioner shall make allocations to local school districts under Chapters 41, 42 and 46 based on the March 2011 estimates of average daily attendance and local district tax rates as determined by the Legislative Budget Board and the final tax year 2010 property values. Property values, and estimates of local tax collections on which they are based, shall be decreased by 3.47 percent for tax year 2011, then increased by 0.69 percent for tax year 2012.

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For purposes of distributing the Foundation School Program enrichment tier state aid appropriated above and in accordance with §41.002(a)(2) and §42.302(a-1)(1) of the Texas Education Code, the Guaranteed Yield is \$59.97 in fiscal year 2012 and \$59.97 in fiscal year 2013.

Out of amounts appropriated above and allocated by this rider to the Foundation School Program, no funds are appropriated for the New Instructional Facilities Allotment under §42.158 of the Texas Education Code.

Notwithstanding any other provision of this Act, the Texas Education Agency may make transfers as appropriate between Strategy A.1.1, FSP-Equalized Operations, and Strategy A.1.2, FSP-Equalized Facilities. The TEA shall notify the Legislative Budget Board and the Governor of any such transfers at least 45 days prior to the transfer.

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The Texas Education Agency shall submit reports on the prior month's expenditures on programs described by this rider no later than the 20th day of each month to the Legislative Budget Board and the Governor's Office in a format determined by the Legislative Budget Board in cooperation with the agency.

- 8. Textbooks and Instructional Materials.** Except as explicitly allowed elsewhere in this Act, any amount expended for Textbook Administration, including new textbooks, rebinding, and other related expenses, shall be paid out of the State Textbook Fund appropriated for that purpose. A transfer of funds from the Available School Fund to the State Textbook Fund is authorized in an amount which, together with other revenues of the State Textbook Fund, is sufficient to finance the sum-certain appropriation from the State Textbook Fund for each fiscal year. Penalties assessed by the State Board of Education shall be deposited to the credit of the Textbook Fund.

In accordance with Texas Education Code § 31.103(b), the Commissioner shall use a school district's enrollment growth or decline for the prior three years as the basis for determining the additional percentage of attendance for which a school district may requisition textbooks.

From funds appropriated from the State Textbook Fund, the Commissioner may set aside an amount not to exceed \$2,500,000 for the 2012-13 biennium for the continued support and delivery of online college readiness materials in English language arts and reading, mathematics, science, and social studies.

From funds appropriated above in Strategy B.2.1, Technology/Instructional Materials, \$308,131,436 from the State Textbook Fund is allocated in fiscal year 2012 for textbooks and instructional materials.

From funds appropriated above in A.2.3, Students with Disabilities, an amount not to exceed \$13,500,000 in federal funds in the 2012-13 biennium is allocated for the purchase of Braille, large-type, and related materials for students with special needs.

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The Texas Education Agency shall submit reports on the prior month's expenditures on programs described by this rider no later than the 20th day of each month to the Legislative Budget Board and the Governor's Office in a format determined by the Legislative Budget Board in cooperation with the agency.

- 8. Textbooks and Instructional Materials.** Except as explicitly allowed elsewhere in this Act, any amount expended for Textbook Administration, including new textbooks, rebinding, and other related expenses, shall be paid out of the State Textbook Fund appropriated for that purpose. A transfer of funds from the Available School Fund to the State Textbook Fund is authorized in an amount which, together with other revenues of the State Textbook Fund, is sufficient to finance the sum-certain appropriation from the State Textbook Fund for each fiscal year. Penalties assessed by the State Board of Education shall be deposited to the credit of the Textbook Fund.

In accordance with Texas Education Code § 31.103(b), the Commissioner shall use a school district's enrollment growth or decline for the prior three years as the basis for determining the additional percentage of attendance for which a school district may requisition textbooks.

From funds appropriated from the State Textbook Fund, the Commissioner may set aside an amount not to exceed \$2,500,000 for the 2012-13 biennium for the continued support and delivery of online college readiness materials in English language arts and reading, mathematics, science, and social studies.

From funds appropriated above in Strategy B.2.1, Technology/Instructional Materials, \$697,131,436 from the State Textbook Fund is allocated in fiscal year 2012 for textbooks and instructional materials, limited to continuing contracts and materials included under Proclamation 2011, excluding Prekindergarten Systems.

From funds appropriated above in A.2.3, Students with Disabilities, an amount not to exceed \$13,500,000 in federal funds in the 2012-13 biennium is allocated for the purchase of Braille,

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The Commissioner shall provide juvenile justice alternative education programs with instructional materials necessary to support classroom instruction in those programs. The cost of the instructional materials shall be funded with State Textbook Funds appropriated to the agency for the 2012-13 biennium.

Revenue from fees collected under the authority of Texas Education Code § 31.0221 pertaining to the midcycle review and adoption of textbooks are hereby appropriated to the Texas Education Agency for the purpose of administering the midcycle review and adoption process.

Contingent on enactment of House Bill 6, or similar legislation relating to the establishment of the instructional materials allotment, and the adoption, review, and purchase of instructional materials and technological equipment for public schools, by the Eighty-second Legislature, Regular Session, 2011, the Texas Education Agency is hereby appropriated \$\_\_\_\_\_ in fiscal year 2012 and \$\_\_\_\_\_ in fiscal year 2013 from the Instructional Materials Fund for the purpose of funding the Instructional Materials Allotment.

Any unexpended balances as of August 31, 2012 are hereby appropriated for fiscal year 2013 for the same purposes.

- 24. Communities in Schools.** Out of funds appropriated above for Strategy A.2.4, School Improvement and Support Programs, \$10,000,000 in General Revenue and \$4,842,342 in TANF funds in fiscal year 2012 and \$10,000,000 in General Revenue and \$4,842,341 in TANF funds in fiscal year 2013 are allocated for the Communities in Schools Program.

Notwithstanding any other limitation imposed elsewhere in this Act, the Texas Education Agency may transfer General Revenue funds identified above and appropriated for the purpose of providing grants under the Communities in Schools program to Strategies B.3.2- B.3.5 for the purpose of providing administrative support for the program. Transfers made under the authority of this rider may not exceed \$100,000 for the 2012-13 biennium.

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large-type, and related materials for students with special needs.

The Commissioner shall provide juvenile justice alternative education programs with instructional materials necessary to support classroom instruction in those programs. The cost of the instructional materials shall be funded with State Textbook Funds appropriated to the agency for the 2012-13 biennium.

Revenue from fees collected under the authority of Texas Education Code § 31.0221 pertaining to the midcycle review and adoption of textbooks are hereby appropriated to the Texas Education Agency for the purpose of administering the midcycle review and adoption process.

Any unexpended balances as of August 31, 2012 are hereby appropriated for fiscal year 2013 for the same purposes.

- 24. Communities in Schools.** Out of funds appropriated above for Strategy A.2.4, School Improvement and Support Programs, \$10,000,000 in General Revenue and \$4,842,342 in TANF funds in fiscal year 2012 and \$10,000,000 in General Revenue and \$4,842,341 in TANF funds in fiscal year 2013 is allocated for the Communities in Schools Program.

Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.

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Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year for the same purpose.

- 35. Adult Education.** Priority shall be given to adult literacy programs and may be given to adult literacy programs that include training in financial literacy and occupational foundation skills in the expenditure of adult education funds appropriated above. It is the intent of the Legislature that, in providing educational programs, the administering agency or agencies shall provide appropriate training to recipients of Temporary Assistance for Needy Families (TANF) in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Out of the \$12,135,700 in General Revenue Funds appropriated in each fiscal year of the 2012-13 biennium above in Strategy A.2.5, Adult Education and Family Literacy, an amount not less than \$2,000,000 each fiscal year shall be allocated to TEA's adult education cooperatives to provide education and training services to TANF recipients. In addition, out of the Federal TANF funds appropriated above in Strategy A.2.5, \$3,800,000 in fiscal year 2012 and \$3,800,000 in fiscal year 2013 shall be directed for services for adults who are eligible for TANF. Families that include a child living at home are deemed eligible for TANF-funded adult education services if a family member receives any of the following forms of assistance: Food Stamps, Medicaid, Children's Health Insurance Program, Child Care and Development Fund, or Free or Reduced Priced Child Nutrition Program meals. To implement these provisions, TEA shall enter into contracts or arrangements with the agency or agencies administering welfare reform and may work with other community-based organizations to offer services directly to adult TANF recipients. All providers of adult education shall meet the requirements defined in the Texas Education Code. Federal funds appropriated for this purpose shall be used for administrative expenditures only to the extent allowable under Federal regulations.

TEA shall coordinate with the Higher Education Coordinating Board in efforts to develop and implement an action plan to align Adult Basic Education and post-secondary education and in the provision of data necessary to analyze performance outcomes.

- 35. Adult Education.** Priority shall be given to adult literacy programs and may be given to adult literacy programs that include training in financial literacy and occupational foundation skills in the expenditure of adult education funds appropriated above. It is the intent of the Legislature that, in providing educational programs, the administering agency or agencies shall provide appropriate training to recipients of Temporary Assistance for Needy Families (TANF) in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Out of the \$11,385,700 in General Revenue Funds appropriated in each fiscal year of the 2012-13 biennium above in Strategy A.2.5, Adult Education and Family Literacy, an amount not less than \$2,000,000 each fiscal year shall be allocated to TEA's adult education cooperatives to provide education and training services to TANF recipients. In addition, out of the Federal TANF funds appropriated above in Strategy A.2.5, \$3,800,000 in fiscal year 2012 and \$3,800,000 in fiscal year 2013 shall be directed for services for adults who are eligible for TANF. Families that include a child living at home are deemed eligible for TANF-funded adult education services if a family member receives any of the following forms of assistance: Food Stamps, Medicaid, Children's Health Insurance Program, Child Care and Development Fund, or Free or Reduced Priced Child Nutrition Program meals. To implement these provisions, TEA shall enter into contracts or arrangements with the agency or agencies administering welfare reform and may work with other community-based organizations to offer services directly to adult TANF recipients. All providers of adult education shall meet the requirements defined in the Texas Education Code. Federal funds appropriated for this purpose shall be used for administrative expenditures only to the extent allowable under Federal regulations.

TEA shall coordinate with the Higher Education Coordinating Board in efforts to develop and implement an action plan to align Adult Basic Education and post-secondary education and in the provision of data necessary to analyze performance outcomes.

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It is the intent of the Legislature that the agency shall allocate state and federal adult basic education funds, other than federal funds set aside for state administration, special projects, and staff development, based both on need for persons 18 years of age or older who have not received a high school diploma and on performance, including contact hours as well as program and student progress. Funds available to a service area in which there is no eligible service provider in the county shall be distributed proportionally by the agency to other eligible service providers in the service area to serve the county. If there are no other eligible service providers to serve the county, the funds allocated for that county shall be distributed by the agency throughout the state to eligible service providers by service area.

- 38. Funding for Regional Education Service Centers.** Out of the funds appropriated above in Strategy A.2.4, School Improvement and Support, the Commissioner shall distribute \$16,888,266 in fiscal year 2012 and \$17,309,037 in fiscal year 2013 to Regional Education Service Centers to provide professional development and other technical assistance services to school districts. No more than one-third of the amounts identified in this rider shall be distributed by the Commissioner for core services based on criteria established in the Texas Education Code § 8.121. The remaining amounts shall be distributed through a formula based on:

- (1) geographic considerations, and
- (2) school districts serving less than 1,600 students and open-enrollment charter

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It is the intent of the Legislature that the agency shall allocate state and federal adult basic education funds, other than federal funds set aside for state administration, special projects, and staff development, based both on need for persons 18 years of age or older who have not received a high school diploma and on performance, including contact hours as well as program and student progress. Funds available to a service area in which there is no eligible service provider in the county shall be distributed proportionally by the agency to other eligible service providers in the service area to serve the county. If there are no other eligible service providers to serve the county, the funds allocated for that county shall be distributed by the agency throughout the state to eligible service providers by service area.

- 38. Reimbursement for Classroom Supplies.** The Commissioner shall establish a program to reimburse classroom teachers and campus library media specialists for personal funds spent on classroom supplies.

Funds for this purpose may be allocated out of available federal consolidated administrative funds. The agency and local school districts may also use any allowable unexpended balances in federal funds at the end of each fiscal year of the biennium to provide these reimbursements.

- 39. Funding for Regional Education Service Centers.** Out of the funds appropriated above in Strategy A.2.4, School Improvement and Support, the Commissioner shall distribute \$10,000,000 in fiscal year 2012 and \$10,000,000 in fiscal year 2013 to Regional Education Service Centers to provide professional development and other technical assistance services to school districts. Effective for the allocation of state funds beginning in fiscal year 2012, the formula for distribution shall be revised by the Commissioner to prioritize funding to Regional Education Service Centers that primarily serve small and rural school districts. The funding formula must exclude receipt of state funds if a Regional Education Service Center's undesignated, unreserved fund balance exceeds five percent of total operating expenditures over the biennium. The Commissioner shall obtain approval for the distribution formula from the Legislative Budget Board and the Governor.

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schools.

The formula for distribution shall be determined by the Commissioner but shall provide enhanced funding to Regional Education Service Centers that primarily serve small and rural school districts. The Commissioner shall obtain approval for the distribution formula from the Legislative Budget Board and the Governor.

Each Regional Education Service Center shall annually report to the Commissioner, by a date and in a format established by the Commissioner, the following data as relates to expenditures in the prior state fiscal year:

- a. the amount of savings provided to school districts as a result of services provided by a Regional Education Service Center, by total amount and on a per student in weighted average daily attendance (WADA) served basis;
- b. services provided by the Regional Education Service Centers and a cost comparison to similar services provided by alternative providers; and
- c. for each service provided by the Regional Education Service Center, the number of full-time equivalent Regional Education Service Center positions, total salaries, and the method of financing associated with the service.

The Commissioner shall provide a consolidated report of the data described above no later than December of each year, beginning in 2011, to the Legislative Budget Board, the Governor's Office, and to the presiding officers of the standing committees with primary jurisdiction over public education in the Texas House and the Texas Senate.

**49. Foundation School Program Reduction.** Appropriations made above in Strategy A.1.1, FSP - Equalized Operations assume the passage of legislation by the Eighty-second Legislature, Regular Session, that enacts reductions to school district entitlements in the 2012-13 biennium such that amounts appropriated above for the Foundation School Program would represent full funding of the state's obligations under the school finance formulas.

**50. Contingency for SB 22, Foundation School Program.** Of the amounts appropriated above in Strategy A.1.1, FSP - Equalized Operations, \$2,655,500,000 in General Revenue (Foundation School Fund) in each fiscal year of the 2012-13 biennium is contingent on passage and enactment of Senate Bill 22, or similar legislation relating to public school finance. Should that legislation fail to pass and be enacted, appropriations made above in A.1.1, FSP - Equalized Operations, are hereby reduced by \$2,655,500,000 in General Revenue (Foundation School Fund) in each fiscal year of the 2012-13 biennium.

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**51. Amachi Texas.** From funds appropriated above in Strategy A.2.2, Achievement of Students at Risk, the Commissioner shall allocate \$1,250,000 in General Revenue in each fiscal year of the 2012-13 biennium to the Amachi Texas program for mentoring children of incarcerated parents. To the extent possible, in the administration of the Amachi Texas program, Big Brothers Big Sisters shall coordinate with other community-based entities providing training for mentors and mentoring services and shall seek additional funding from other private and public sources in order to expand services to more eligible children. Any unexpended balances available as of August 31, 2012 are hereby appropriated for fiscal year 2013 for the same purpose.

**52. Texas Academic Innovation and Mentoring.** From funds appropriated above in Strategy A.2.4, School Improvement and Support Programs, the Commissioner shall allocate \$750,000 in General Revenue in each fiscal year of the 2012-13 biennium to the Texas Alliance of Boys and Girls Clubs for statewide operation of the Texas Academic Innovation and Mentoring program (Texas AIM).

Any unexpended balances as of August 31, 2012 are hereby appropriated for fiscal year 2013 for the same purpose.

**52. Steroid Testing.** From funds appropriated above in Strategy B.2.2, Health and Safety, \$1,750,000 in General Revenue in fiscal year 2012 shall be used for the purpose of administering the statewide steroid testing program in accordance with Texas Education Code, § 33.091. Prior to expenditure of funds, the University Interscholastic League shall provide a report and implement resulting recommendations regarding the most cost-efficient method of effectively detecting steroid use allowed under current law.

Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.



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- 53. Teach for America.** From funds appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Commissioner shall allocate \$1,500,000 in General Revenue in each fiscal year of the 2012-13 biennium to support the Teach for America program in Texas, limited only to the subject of mathematics.

It is the intent of the Legislature that at least 375 Teach for America teachers be employed in Texas schools that serve a proportion of economically disadvantaged students that is above the state average.

- 54. Perkins Reserve Fund Distribution.** In the distribution of federal funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the agency shall include the percentage of a school district's Career and Technical Education courses that meet a regional labor market need as defined by the Local Workforce Development Board for the district's region as one of the criteria for distribution of Reserve Funds from the Perkins Basic Grant to school districts, in accordance with federal law. A region is defined as the Workforce Development Areas organized by the Texas Workforce Commission.

The agency shall include information on the impact of this provision to the distribution of

- 56. Teach for America.** From funds appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Commissioner shall expend \$4,000,000 in General Revenue in each fiscal year of the biennium to support the Teach for America program in Texas.

It is the intent of the Legislature that at least 1,000 Teach for America teachers be employed in Texas schools that serve a proportion of economically disadvantaged students that is above the state average.

- 53. Contingency for Amendment to the Federal Education Jobs Fund.** Contingent upon the enactment of federal legislation amending Public Law No. 111-226, Education Jobs Fund, Section 101, by striking paragraph 11 relating to additional requirements for the State of Texas, and contingent upon the provision of the Texas allocation, estimated at \$830,820,460, to the State by the U.S. Secretary of Education, these federal funds are hereby appropriated to the Texas Education Agency for distribution to public local educational agencies according to the provisions of that Act, as amended.

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Reserve Funds to Texas school districts in its Perkins Consolidated Annual Report to the U.S. Department of Education.

- 54. District Awards for Teacher Excellence.** From Educator Excellence Funds (General Revenue) appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Commissioner shall expend an amount not to exceed \$62,500,000 in fiscal year 2012 and \$62,500,000 in fiscal year 2013 for the purpose of administering the District Awards for Teacher Excellence program (Educator Excellence Awards) in accordance with Texas Education Code, Chapter 21, Subchapter O.

The Commissioner may set aside funds, in an amount not to exceed \$5,000,000 for the 2012-13 biennium, to implement standards on educator quality, including standards related to educator preparation and principal quality.

Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.

- 55. Early Childhood School Readiness Program.** Out of funds appropriated above in Strategy A.2.1, Statewide Educational Programs, \$7,500,000 in fiscal year 2012 and \$7,500,000 in fiscal year 2013 shall be used for the Early Childhood School Readiness Program, for programs providing an educational component to public prekindergarten, Head Start, university early childhood programs, or private non-profit early childhood care programs that have entered into an integrated program with a public school. The Texas Education Agency shall expend these funds in accordance with the provisions of Texas Education Code § 29.156, Grants for Educational Components of Head Start, and with the following provisions:
- a. Funds shall be distributed on a competitive grant basis to preschool programs to provide scientific, research-based pre-reading instruction with the goal of directly improving the pre-reading skills of three- and four-year-old children and

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implementing school readiness integration community collaborations. To be eligible for the grants, applicants must serve at least 75 percent low income students, as determined by the Commissioner. The Commissioner may require applicants to participate in the School Readiness Certification System according to the provisions of Texas Education Code §29.161. It is the intent of the Legislature that the Texas Education Agency participate to the extent practicable in interagency early childhood education and care coordination initiatives. This includes, but is not limited to, participation in the Head Start collaboration project or any other interagency entity formed to address the coordination of early childhood care and education service delivery and funding.

- b. In the expenditure of funds referenced above, the Texas Education Agency or any entity with which the Texas Education Agency contracts for purposes of administering programs under this rider shall comply with contract management requirements pursuant to Texas Government Code, Chapter 2262.
- c. The Texas Education Agency or any entity with which the Texas Education Agency contracts for purposes of administering programs under this rider shall submit a report to the Governor, the Lieutenant Governor, the Speaker of the House, the Legislative Budget Board, and the presiding officers of the standing committees of the Legislature with primary jurisdiction over public education not later than December 1 of each year providing detailed information on the expenditure of state funds in the prior fiscal year for purposes of programs administered under this rider.

Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.

- 55. Contingency Appropriation for House Bill 275: Priority for Additional Funding in Article III.** Contingent upon the passage and enactment of House Bill 275, relating to making an appropriation of money from the Economic Stabilization Fund for expenditure during the

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current state fiscal biennium, or similar legislation, by the Eighty-second Legislature, Regular Session, 2011, the Texas Education Agency is appropriated above in Strategy A.1.1, FSP - Operations, \$1,000,000,000 in General Revenue (Foundation School Fund) in each fiscal year of the 2012-13 biennium to provide funding to school districts and charter schools through the Foundation School Program.

- 56. Public School Counselor Report.** It is the intent of the Legislature that, out of funds appropriated above, the Texas Education Agency shall conduct a comprehensive statewide study of the duties public school counselors perform. In conducting the study, the Texas Education Agency shall:
- (1) include all full-time public school counselors, part-time public school counselors, and teachers who perform the functions of a public school counselor;
  - (2) determine the percentage of total employment time public school counselors spend in performing:
    - (a) duties relating to:
      - i. assessment and testing,
      - ii. schedule changes,
      - iii. group counseling,
      - iv. individual counseling,
      - v. parent conferences,
      - vi. teacher conferences,
      - vii. admission, review, and dismissal meetings, and
      - viii. provision of information concerning institutions of higher education;
    - (b) each duty described by Texas Education Code §§ 33.005, 33.006, or 33.007 that is not addressed by subsection (a) above; and

- 64. Public School Counselor Report.** It is the intent of the Legislature that, out of funds appropriated above, the Texas Education Agency shall conduct a comprehensive statewide study of the duties public school counselors perform. Expenditures for this purpose shall not exceed \$250,000 for the 2012-13 state fiscal biennium. In conducting the study, the Texas Education Agency shall:
- (1) include a representative sample of public school counselors;
  - (2) determine the percentage of total employment time public school counselors spend in performing:
    - (a) duties relating to:
      - i. assessment and testing,
      - ii. individual counseling,
      - iii. parent conferences,
      - iv. teacher conferences,
      - v. admission, review, and dismissal meetings, and
      - vi. provision of information concerning institutions of higher education;
    - (b) each duty described by Texas Education Code §§ 33.005, 33.006, or 33.007 that is not addressed by subsection (a) above; and
    - (c) each additional duty not addressed by subsections (a) or (b) above that public school counselors perform, as identified by the Texas Education Agency; and

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(c) each additional duty not addressed by subsections (a) or (b) above that public school counselors perform, as identified by the Texas Education Agency; and

(3) determine the public school counselor-to-student ratio statewide and in each school district at the elementary, middle or junior high school, and high school levels.

The Texas Education Agency shall prepare a report for the Eighty-third Legislature containing the findings and any recommendations resulting from the study.

(3) determine the public school counselor-to-student ratio statewide and in each school district at the elementary, middle or junior high school, and high school levels.

The Texas Education Agency shall prepare a report for the Eighty-third Legislature containing the findings and any recommendations resulting from the study.

**57. Teacher Mentoring Program.** Out of the funds appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Commissioner shall expend \$5,000,000 in fiscal year 2012 and \$5,000,000 in fiscal year 2013 for the teacher mentor program in accordance with Texas Education Code, Chapter 21.

Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.

**58. Student Success Initiative.** Out of the funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall expend \$97,000,000 in fiscal year 2012 and \$97,000,000 in fiscal year 2013 for the Student Success Initiative. Funds shall be distributed to school districts to fund activities aimed at prevention of academic failure and intervention with students failing to meet standards on state assessments.

From the amounts referenced in this rider, the Commissioner may set aside up to \$90,000,000 for the 2012-13 biennium to fund programs that have demonstrated effective results based on past performance targeting the prevention of academic failure, which may include, but are not limited to, Algebra Readiness, Literacy Academies, Math Academies, professional development, middle grades initiatives, and other assistance aimed at improving student performance on state assessments.

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Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.

- 59. Dropout Prevention and Intervention Programs.** Out of the General Revenue funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall expend \$25,000,000 in fiscal year 2012 and \$25,000,000 in fiscal year 2013 for dropout prevention and intervention programs that have demonstrated effective results based on past performance and that focus on extended learning time, mentoring for students, and/or campus-based social and academic services that engage the community and parents.

Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.

- 60. Campus Intervention and Turnaround Assistance and Technical Assistance for Charter Schools.** Out of the General Revenue funds appropriated above in Strategy A.2.4, School Improvement and Support Programs, the Commissioner shall expend \$3,250,000 in fiscal year 2012 and \$3,250,000 in fiscal year 2013 to provide campus intervention and turnaround assistance services and to provide technical assistance to charter schools, in accordance with provisions related to the state accountability system under Texas Education Code, Chapter 39, and federal law related to school accountability.

From amounts referenced above in this rider, the Commissioner may spend an amount not to exceed \$1,500,000 for the 2012-13 biennium to develop financial and productivity tools.

Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.

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- 61. Virtual School Network.** From funds appropriated above in Strategy B.2.1, Technology and Instructional Materials, \$4,500,000 in General Revenue in each year of the 2012-13 biennium shall be used for the operation of a state virtual school network in accordance with Texas Education Code, Chapter 30A.

From amounts referenced above in this rider, the Commissioner shall spend an amount not to exceed \$1,000,000 for the 2012-13 biennium to establish virtual high schools.

In addition to the amounts above, all revenue received under the authority of Texas Education Code, Chapter 30A are hereby appropriated to the Texas Education Agency for the 2012-13 biennium for the purpose of administering the state virtual school network.

Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.

- 62. High School Initiatives.** Out of the General Revenue funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall spend \$16,000,000 in fiscal year 2012 and \$16,000,000 in fiscal year 2013 to fund early college high schools, T-STEM activities, and the Texas Advanced Placement Initiative.

In the administration of the Texas Advanced Placement Initiative, funding shall be allocated for both the pre-Advanced Placement/International Baccalaureate activities and for the Advanced Placement Incentive Program. In the allocation of funding for the Texas Advanced Placement Initiative, the Texas Education Agency shall prioritize the examination fee subsidies for students. For funds that are used for teacher training, the Texas Education Agency shall give funding priority to teachers at public school campuses that do not offer Advanced Placement/International Baccalaureate courses.

It shall be the goal of the Texas Education Agency that Advanced Placement/International Baccalaureate courses are available at as many public school campuses as possible, without

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regard to the rural/urban status of the campus and the socioeconomic characteristics of its students. For campus incentive awards given under this program, consideration may be given to school districts and charter schools in the 1<sup>st</sup> or 2<sup>nd</sup> year of operating an Advanced Placement/International Baccalaureate program.

Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.

- 63. Windham School District: Pilot Programs and Alternative Organization Report.** From funds appropriated above in Strategy B.2.4, Windham School District, and notwithstanding the allocation of those funds made elsewhere in this Act, the Commissioner of Education shall identify amounts to be set aside by the Windham School District and expended for each of the following purposes:
- a. a pilot in computer adaptive intensive math and reading intervention programs that address individual needs and develop skills from elementary levels through high school, and a pilot in virtual learning options that allow a student to earn a high school diploma, high school equivalent certification, certification and/or college credit. The Windham School District shall report progress and findings of the pilot programs in improving educational attainment to the Eighty-third Legislature, and produce a final report for the Eighty-fourth Legislature;
  - b. a pilot in evidence-based substance abuse treatment and behavioral health programs. The Windham School District shall report on the efficacy of these programs to the Eighty-third Legislature; and
  - c. an investigation on alternative organizational structures for the Windham School District that would promote efficiencies and improve the achievement of its mission. The Windham School District shall report its findings to the Eighty-third Legislature.
- 65. Online College and Career Pilot Program.** Out of the funds appropriated above, the Texas



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Education Agency may allocate \$1,500,000 for fiscal year 2012 and \$1,500,000 for fiscal year 2013 to continue the Online College and Career Pilot Program to provide online college preparation assistance to students, parents, and high school counselors. The Texas Education Agency shall continue to implement the pilot program in collaboration with the Texas Higher Education Coordinating Board.

Any unexpended balances as of August 31, 2012 are hereby appropriated for fiscal year 2013 for the same purposes.

- 66. Contingency for SB 6.** Contingent on passage and enactment of Senate Bill 6, or similar legislation by the Eighty-second Legislature, relating to the establishment of the instructional materials allotment, and the adoption, review, and purchase of instructional materials and technological equipment for public schools, the amount referenced above in Texas Education Agency Rider 8, Textbooks and Instructional Materials, \$697,131,436 from the State Textbook Fund (Instructional Materials Fund) is hereby reallocated for the purpose of funding the Instructional Materials Allotment for the purchase of continuing contracts, instructional materials that will assist districts in satisfying performance standards under § 39.0241 of the Texas Education Code, and other allowable expenditures under the provisions of the legislation.

Any unexpended balances as of August 31, 2012 are hereby appropriated for fiscal year 2013 for the same purposes.

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- 4. State Contribution to Teacher Retirement Program.** The amounts specified above in A.1.1, TRS-Public Education Retirement, \$1,349,515,880 in fiscal year 2012 and \$1,376,506,198 in fiscal year 2013, and A.1.2, TRS-Higher Education Retirement, 252,389,009 in fiscal year 2012 and \$259,771,256 in fiscal year 2013, are based on a state contribution of 6.0 percent of payroll for each fiscal year, estimated.

Contingent on enactment of legislation by the Eighty-second Legislature, Regular Session, relating to state retirement contributions for public education and higher education, funds referenced above expended for the purpose of state retirement contributions shall be limited to the provisions of the legislation.

- 5. State Contribution to Texas Public School Retired Employees Group Insurance Program.** The amounts specified above in A.2.1, Retiree Health-Statutory Funds, \$136,349,002 in fiscal year 2012 and \$139,075,982 in fiscal year 2013 are based on a state contribution rate of 0.50 percent of payroll for each fiscal year, estimated.

Contingent on enactment of legislation by the Eighty-second Legislature, Regular Session, relating to state insurance contributions for TRS-Care retiree insurance, funds referenced above expended for the purpose of TRS-Care retiree insurance shall be limited to the provisions of the legislation.

The retirement system shall notify the Legislative Budget Board, the Governor, and its membership prior to establishing premiums, regarding the impact such premiums will have on retiree costs for TRS-Care insurance.

It is the intent of the Legislature that the Teacher Retirement System control the cost of the retiree insurance program by not providing rate increases to health care providers and pharmacy providers during the 2012-13 biennium without providing 60 days notice to the Legislative Budget Board.

- 4. State Contribution to Teacher Retirement Program.** The amounts specified above in A.1.1, TRS-Public Education Retirement, \$1,323,054,784 in fiscal year 2012 and \$1,411,258,437 in fiscal year 2013, and A.1.2, TRS-Higher Education Retirement, \$245,202,085 in fiscal year 2012 and \$265,348,271 in fiscal year 2013, are based on a state contribution of 6.0 percent of payroll in fiscal year 2012 and 6.4 percent of payroll in fiscal year 2013, estimated.

Contingent on enactment of legislation by the Eighty-second Legislature, Regular Session, relating to state retirement contributions for public education and higher education, funds referenced above expended for the purpose of state retirement contributions shall be limited to the provisions of the legislation.

- 5. State Contribution to Texas Public School Retired Employees Group Insurance Program.** The amounts specified above in A.2.1, Retiree Health-Statutory Funds, \$267,350,984 in fiscal year 2012 and \$133,675,493 in fiscal year 2013 are based on a state contribution of 1.0 percent of payroll for fiscal year 2012 and 0.5 percent of payroll for fiscal year 2013, estimated.

Contingent on enactment of legislation by the Eighty-second Legislature, Regular Session, relating to state insurance contributions for TRS-Care retiree insurance, funds referenced above expended for the purpose of TRS-Care retiree insurance shall be limited to the provisions of the legislation.

The retirement system shall notify the Legislative Budget Board, the Governor, and its membership prior to establishing premiums, regarding the impact such premiums will have on retiree costs for TRS-Care insurance.

It is the intent of the Legislature that the Teacher Retirement System control the cost of the retiree insurance program by not providing rate increases to health care providers and pharmacy providers during the 2012-13 biennium without providing 60 days notice to the Legislative Budget Board.

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- 13. Limitation on General Revenue Fund Retirement Contributions to Public Community/Junior Colleges.** For each public community/junior college district, the combined annual General Revenue Fund contributions to the Teacher Retirement System shall not exceed 6.0 percent of each district's unrestricted General Revenue appropriation in fiscal year 2012 and fiscal year 2013.

Contingent on enactment of legislation by the Eighty-second Legislature, Regular Session, relating to state retirement contributions for public community/junior colleges, funds referenced above expended for the purpose of state retirement contributions shall be limited to the provisions of the legislation.

- 13. Limitation on General Revenue Fund Retirement Contributions to Public Community/Junior Colleges.** For each public community/junior college district, the combined annual General Revenue Fund contributions to the Teacher Retirement System shall not exceed 6.0 percent in fiscal year 2012 and 6.4 percent in fiscal year 2013 of each district's unrestricted General Revenue appropriation.

Contingent on enactment of legislation by the Eighty-second Legislature, Regular Session, relating to state retirement contributions for Public Community/Junior Colleges, funds referenced above expended for the purpose of state retirement contributions shall be limited to the provisions of the legislation.

- 15. Enterprise Application Modernization.** Upon approval of the Legislative Budget Board (LBB), the Teacher Retirement System Board of Trustees may enter into contracts to modernize the System's legacy computer systems and may fund the program from the Teacher Retirement System Trust Account Fund No. 960. Such amounts as may be necessary to make payments for services under the approved program plan are appropriated above in Strategy A.1.3, Administrative Operations, from the Teacher Retirement System Trust Account Fund No. 960, estimated to be \$25 million for the biennium.

Prior to issuing an RFP for the Pension Administration System, the Teacher Retirement System (TRS) shall submit a program plan and estimated project budgets to the LBB for review. The LBB shall review and approve the plan or provide recommended modifications to the plan to TRS. If modifications to the plan are recommended, TRS shall revise and resubmit the plan. If the LBB takes no action pertaining to the plan within 45 days of submission or resubmission by TRS it shall be deemed approved.

- 16. Texas Public School Retired Employees Group Insurance Program Study.** From administrative funds appropriated above, the Teacher Retirement System shall conduct a study of the current Texas Public School Retired Employees Group Insurance Program. The study

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shall include a comprehensive review of potential plan design and other changes that would improve the long-term sustainability of the health insurance program. A report of the findings and recommendations shall be submitted by the Teacher Retirement System to the Legislative Budget Board and the Governor no later than September 1, 2012.

- 17. Contingency Appropriation: Funding for the Teacher Retirement System for Public Education and Higher Education Retirement.** Contingent upon passage of legislation by the Eighty-second Legislature, Regular Session, 2011 relating to the state contribution rate for public education and higher education retirement that would amend Government Code, Section 825.404 by temporarily suspending the requirement that the state contribution rate to the TRS Pension Trust Fund be no less than the contribution rate required by active members, the Teacher Retirement System is appropriated above in Strategy A.1.1, TRS-Public Education Retirement and A.1.2, TRS-Higher Education Retirement amounts that would provide for a state contribution rate of 6.0 percent in fiscal year 2012 and 6.4 percent in fiscal year 2013.
- 18. Contingency Appropriation: Funding for the Texas Public School Retired Employees Group Insurance Program.** Contingent upon passage of legislation by the Eighty-second Legislature, Regular Session, 2011 that would reduce the statutory contribution rate from 1.0 percent to 0.5 percent to the Texas Public School Retired Employees Group Insurance Trust Fund, all estimated General Revenue appropriations made above in A.1.1, TRS - Public Education Retirement, and A.1.2, TRS - Higher Education Retirement, for fiscal year 2012 in excess of the state's actual statutory obligations for retirement and retiree insurance contributions are hereby re-appropriated to Strategy A.2.1, Retiree Health - Statutory Funds, for deposit to the Texas Public School Retired Employees Group Insurance Trust Fund.
- 19. Legislative Intent Relating to Retiree Health Insurance Premiums.** It is the intent of the Legislature that the Teacher Retirement System Board of Trustees shall not increase retiree health insurance premiums for the 2012-13 biennium.

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