

**Rider Comparison Packet**  
**Conference Committee on House Bill 1**  
**2016-17 General Appropriations Bill**  
**Article III - Public Education**

**ARTICLE III - AGENCIES OF EDUCATION**  
**703 Texas Education Agency**  
**DIFFERENCES ONLY**

**House**

**Senate**

- 3. Foundation School Program Funding.** Out of the funds appropriated above, a total of \$20,788,300,000 in fiscal year 2016 and \$20,629,200,000 in fiscal year 2017 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 2015 estimates of average daily attendance and local district tax rates as determined by the Legislative Budget Board and the final tax year 2014 property values. Property values, and the estimates of local tax collections on which they are based, shall be increased by 5.71 percent for tax year 2015 and by 5.30 percent for tax year 2016.

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 established at \$5,213 in fiscal year 2016 and \$5,218 in fiscal year 2017.

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 \$72.94 in fiscal year 2016 and \$76.75 in fiscal year 2017.

For purposes of distributing the Foundation School Program Additional State Aid for Tax Reduction appropriated above and in accordance with §42.2516(i), the percentage applied for purposes of §§42.2516(b)(1), 42.2516(b)(2), and 42.2516(d)(1) is 92.63 percent for the 2015-16 and the 2016-17 school years.

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.

- 3. Foundation School Program Funding.** Out of the funds appropriated above, a total of \$21,397,616,919 in fiscal year 2016 and \$21,440,853,309 in fiscal year 2017 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 2015 estimates of average daily attendance and local district tax rates as determined by the Legislative Budget Board and the final tax year 2014 property values. Property values, and the estimates of local tax collections on which they are based, shall be increased by 5.71 percent for tax year 2015 and by 5.30 percent for tax year 2016.

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 established at \$5,134 in fiscal year 2016 and \$5,140 fiscal year 2017.

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 \$72.94 in fiscal year 2016 and \$76.75 in fiscal year 2017.

For purposes of distributing the Foundation School Program Additional State Aid for Tax Reduction appropriated above and in accordance with §42.2516(i), the percentage applied for purposes of §§42.2516(b)(1), 42.2516(b)(2), and 42.2516(d)(1) is 92.63 percent for the 2015-16 and the 2016-17 school years.

Out of amounts appropriated above and allocated by this rider to the Foundation School Program, \$23,750,000 in each fiscal year of the biennium is appropriated for the New Instructional Facilities Allotment under §42.158 of the Texas Education Code.

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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 15 days prior to the transfer.

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.

Contingent on the Commissioner of Education identifying a budget surplus of Foundation School Program funds appropriated above in either fiscal year of the 2016-17 biennium, the Commissioner shall notify the Legislative Budget Board and the Office of the Governor in writing no later than 30 calendar days before taking any action pursuant to the Education Code §§7.062, 42.2517, 42.2521, 42.2522, 42.2523, or 42.2524.

- 22. MATHCOUNTS and Academic Competitions.** Out of Foundation School Program Gifted and Talented funds appropriated in B.3.1, Improving Educator Quality and Leadership, the Commissioner shall set aside \$200,000 in each year of the biennium for the MATHCOUNTS Program. In addition, out of funds appropriated in A.2.1, Statewide Educational Programs, \$200,000 in each fiscal year of 2016-17 biennium may be allocated to the Academic Decathlon program that fosters academic competition predominantly for high school students.

**Senate**

Out of amounts appropriated above and allocated by this rider to the Foundation School Program, \$55,500,000 in fiscal year 2017 is appropriated for the Instructional Facilities Allotment under §46.003 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 15 days prior to the transfer.

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.

Contingent on the Commissioner of Education identifying a budget surplus of Foundation School Program funds appropriated above in either fiscal year of the 2016-17 biennium, the Commissioner shall notify the Legislative Budget Board and the Office of the Governor in writing no later than 30 calendar days before taking any action pursuant to the Education Code §§7.062, 42.2517, 42.2521, 42.2522, 42.2523, or 42.2524. It is the intent of the Legislature that any excess funds available under the Foundation School Program be first applied to adjustments under §42.2521 of the Texas Education Code for districts experiencing a property value decline in excess of 4 percent in taxable values.

- 22. MATHCOUNTS and Academic Competitions.** Out of Foundation School Program Gifted and Talented funds appropriated in B.3.1, Improving Educator Quality and Leadership, the Commissioner shall set aside \$200,000 in each year of the biennium for the MATHCOUNTS Program. In addition, out of funds appropriated in A.2.1, Statewide Educational Programs, \$200,000 in each fiscal year of 2016-17 biennium shall be allocated to the Academic Decathlon program that fosters academic competition predominantly for high school students.

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**House**

- 23. Communities in Schools.** Out of funds appropriated above for Strategy A.2.4, School Improvement and Support Programs, \$15,521,816 in General Revenue and \$4,842,342 in TANF funds in fiscal year 2016 and \$15,521,816 in General Revenue and \$4,842,341 in TANF funds in fiscal year 2017 is 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 2016-17 biennium. TANF funds may be expended for administrative purposes in accordance with the applicable limitations of the TANF state plan.

It is the intent of the Legislature that the Texas Education Agency fully utilize three FTEs employed by the agency for the purposes of providing expanded administrative services of the Communities in Schools program in the most efficient and effective manner possible to ensure the maximum level of service and support to each local Communities in Schools program and in full cooperation with Communities In Schools, Inc. consistent with Texas Education Code, §33.155 and other applicable law.

Any unexpended balances as of August 31, 2016 are hereby appropriated to fiscal year 2017 for the same purpose.

**Senate**

- 23. Communities in Schools.** Out of funds appropriated above for Strategy A.2.4, School Improvement and Support Programs, \$15,521,816 in General Revenue and \$4,842,342 in TANF funds in fiscal year 2016 and \$15,521,816 in General Revenue and \$4,842,341 in TANF funds in fiscal year 2017 is 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 2016-17 biennium. TANF funds may be expended for administrative purposes in accordance with the applicable limitations of the TANF state plan.

Any unexpended balances as of August 31, 2016 are hereby appropriated to fiscal year 2017 for the same purpose.

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- 32. Recorded Instructional Materials.** Out of the funds appropriated above in Strategy A.2.3, Students with Disabilities, the Commissioner shall expend \$200,000 in fiscal year 2016 and \$200,000 in fiscal year 2017 to continue a program of providing state-adopted textbooks using digital audio technology for students with visual impairment and other print disabilities as appropriate in kindergarten through 12th grade.

Out of the funds appropriated above in Strategy A.2.3, Students with Disabilities, the Commissioner shall expend \$1,500,000 in fiscal year 2016 and \$1,500,000 in fiscal year 2017 for the purpose of conducting an educational outreach program to provide instructional materials in accessible formats to individuals with print disabilities affording reading accommodation and providing instruction and training in the use of accessible instructional materials and related assistive technology.

- 38. Use of Federal Discretionary and Consolidated Administrative Funds.** Except as otherwise directed by this Act, the Commissioner may use 50 percent of available federal state-level discretionary and consolidated administrative funds to supplement state funds appropriated for state assessments; providing classroom support including teacher quality initiatives; professional development related to the TEKS; diagnostics, interventions, and targeted support to students needing supplemental remediation; and targeted support for Texas military-connected children.

Subject to the availability of sufficient funding and allowable use restrictions of the respective federal programs, the Commissioner may expend up to \$1,000,000 in each fiscal year of the 2016-17 biennium out of the Federal Discretionary and Consolidated Administrative Funds directed by this rider to support Texas military-connected children. Any unexpended balances as of August 31, 2016 are appropriated to fiscal year 2017 for the same purpose.

The Commissioner may make exceptions to this allocation only upon the prior approval of the Legislative Budget Board and the Governor.

**Senate**

- 32. Recorded Instructional Materials.** Out of the funds appropriated above in Strategy A.2.3, Students with Disabilities, the Commissioner shall expend an amount not to exceed \$200,000 in fiscal year 2016 and \$200,000 in fiscal year 2017 to continue a program of providing state-adopted textbooks using digital audio technology for students with visual impairment and other print disabilities as appropriate in kindergarten through 12th grade.

Out of the funds appropriated above in Strategy A.2.3, Students with Disabilities, the Commissioner shall expend an amount not to exceed \$1,500,000 in fiscal year 2016 and \$1,500,000 in fiscal year 2017 for the purpose of conducting an educational outreach program to provide instructional materials in accessible formats to individuals with print disabilities affording reading accommodation and providing instruction and training in the use of accessible instructional materials and related assistive technology.

- 38. Use of Federal Discretionary and Consolidated Administrative Funds.** Except as otherwise directed by this Act, the Commissioner may use 50 percent of available federal state-level discretionary and consolidated administrative funds to supplement state funds appropriated for state assessments; providing classroom support including teacher quality initiatives; professional development related to the TEKS; diagnostics, interventions, and targeted support to students needing supplemental remediation. The Commissioner may make exceptions to this allocation only upon the prior approval of the Legislative Budget Board and the Governor.

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- 46. Student Success Initiative.** Out of funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall expend \$15,850,000 in General Revenue in fiscal year 2016 and \$15,850,000 in General Revenue in fiscal year 2017 for the Student Success Initiative. Funds shall be distributed directly to school districts by a formula based on the number of students requiring accelerated instruction. Funds shall be distributed directly to school districts to fund programs from a *Commissioner's List of Approved Evidence-based Programs* designed to target the prevention of academic failure in reading and mathematics, which may include Bilingual Education/English as a Second Language programs.

To the extent possible, the Commissioner shall minimize duplication and maximize efficiency between the supplemental mathematics and reading instruction provided through the Student Success Initiative and other similar state-funded reading and mathematics programs. The Commissioner shall ensure that mathematics and reading instruction programs funded by this Act contain diagnostic tools with which the impact and effectiveness of programs may be assessed.

Any unexpended balances as of August 31, 2016 are hereby appropriated to fiscal year 2017 for the same purpose.

**Senate**

- 46. Student Success Initiative.** Out of funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall expend \$15,850,000 in General Revenue in fiscal year 2016 and \$15,850,000 in General Revenue in fiscal year 2017 for the Student Success Initiative. Funds shall be distributed directly to school districts by a formula based on the number of students requiring accelerated instruction. Funds shall be distributed directly to school districts to fund scientifically validated and research-based programs with a proven track record of improving individual student achievement.

To the extent possible, the Commissioner shall minimize duplication and maximize efficiency between the supplemental mathematics and reading instruction provided through the Student Success Initiative and other similar state-funded reading and mathematics programs. The commissioner shall ensure that mathematics and reading instruction programs funded by the Act contain diagnostic tools with which the impact and effectiveness of the programs may be assessed.

The Commissioner shall collect from school districts and open-enrollment charter schools information on the programs selected with the funds directed by this rider and student data on the impact and effectiveness of the programs selected through the Student Success Initiative.

The Commissioner shall collect information from school districts and open-enrollment charter schools regarding interest in purchasing similar scientifically validated and research-based programs funded by this rider through a cooperative arrangement. The Commissioner shall determine the best value for purchases of eligible programs, including a request for offers method, for which at least 100 districts specify an interest in purchasing using funds appropriated by this rider. Beginning in fiscal year 2017, the Commissioner shall facilitate the purchase of eligible programs on behalf of interested districts and open-enrollment charter schools under the prices established through the cooperative arrangements.

Any unexpended balances as of August 31, 2016 are hereby appropriated to fiscal year 2017 for the same purpose.

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- 47. Campus and District 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 \$1,750,000 in General Revenue in fiscal year 2016 and \$1,750,000 in General Revenue in fiscal year 2017 to provide campus and district intervention and turnaround assistance services to districts and campuses with identified performance concerns 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.

Any unexpended balances as of August 31, 2016 are hereby appropriated to fiscal year 2017 for the same purpose.

**Senate**

- 47. Campus and District 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 \$2,100,000 in General Revenue in fiscal year 2016 and \$2,100,000 in General Revenue in fiscal year 2017 to provide campus and district intervention and turnaround assistance services to districts and campuses with identified performance concerns 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.

Any unexpended balances as of August 31, 2016 are hereby appropriated to fiscal year 2017 for the same purpose.

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**50. Teach for America.** From funds appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Commissioner shall expend \$5,500,000 in General Revenue in fiscal year 2016 and \$5,000,000 in General Revenue in fiscal year 2017 to support the Teach for America program in Texas.

It is the intent of the Legislature that at least 1,800 Teach for America teachers and public school employees be employed in Texas schools that serve a proportion of economically disadvantaged students that is above the state average.

Funding shall be allocated in such a manner as to prioritize employment of Teach for America teachers in the field of mathematics to the extent practicable.

Not later than November 1 of each fiscal year of the biennium, Teach for America shall submit a yearly accountability report to the Commissioner of Education outlining the use of the funds provided under this section. The accountability report must identify:

- (1) the number of Teach for America teachers in the state who:
  - (A) are still employed at a campus in the school district to which the teacher was assigned while serving as a Teach for America teacher after the first and second years of employment, including the job title of each individual, and the school district and campus in which the individual is employed;
  - (B) are employed at charter schools, organized by the geographic location of the teacher's Teach for America assignment in the state;
  - (C) were recruited in the state for Teach for America and who are assigned and currently teaching at a campus in the state, organized by the geographic location of the teacher's Teach for America assignment in the state; and
  - (D) are bilingual and state the languages spoken by the teacher; and
- (2) the ethnicity of all Teach for America teachers in the state, organized by the geographic location of the teacher's Teach for America assignment in the state.

**Senate**

**50. Teach for America.** From funds appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Commissioner shall expend \$6,000,000 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 1,800 Teach for America public school employees be employed in Texas schools that serve a proportion of economically disadvantaged students that is above the state average.

As a condition of receipt of these funds, the Commissioner shall require Teach for America to work jointly with the Texas Education Agency and representatives of districts which employ Teach for America graduates on a plan to improve retention rates of Teach for America teachers. The Commissioner shall require Teach for America to provide any expenditure and performance data deemed necessary to assess the success of Teach for America in meeting the requirements identified in this rider. The Commissioner shall submit a report to the Legislative Budget Board and the Office of the Governor on the teacher retention plan and success of the program by September 1, 2016.

Funding shall be allocated in such a manner as to prioritize employment of Teach for America teachers in the field of mathematics to the extent practicable.



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**51. Early College High School and T-STEM.** Out of funds appropriated above for Strategy A.2.1, Statewide Educational Initiatives, \$3,000,000 in General Revenue in fiscal year 2016 and \$3,000,000 in General Revenue in fiscal year 2017 is allocated to support Early College High School and T-STEM programs.

Any unexpended balances as of August 31, 2016 are hereby appropriated to fiscal year 2017 for the same purpose.

**51. Texas Science, Technology, Engineering and Mathematics (T-STEM).** Out of funds appropriated above for Strategy A.2.1, Statewide Educational Initiatives, \$2,500,000 in General Revenue in fiscal year 2016 and \$2,500,000 in General Revenue in fiscal year 2017 is allocated to support T-STEM programs.

Any unexpended balances as of August 31, 2016 are hereby appropriated to fiscal year 2017 for the same purpose.

**52. Early College High School.** Out of funds appropriated above for Strategy A.2.1, Statewide Educational Initiatives, \$5,000,000 in General Revenue in fiscal year 2016 and \$5,000,000 in General Revenue in fiscal year 2017 is allocated to support Early College High School programs.

Any unexpended balances as of August 31, 2016 are hereby appropriated to fiscal year 2017 for the same purpose.

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**House**

**52. 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 2016-17 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 Lone Star 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, 2016 are hereby appropriated to fiscal year 2017 for the same purpose.

**53. Texas Academic Innovation and Mentoring.** From funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall allocate \$1,500,000 in General Revenue in each fiscal year of the 2016-17 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, 2016 are hereby appropriated for fiscal year 2017 for the same purpose.

**Senate**

**53. Amachi Texas.** From funds appropriated above in Strategy A.2.2, Achievement of Students at Risk, the Commissioner shall allocate \$2,000,000 in General Revenue in each fiscal year of the 2016-17 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 Lone Star 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, 2016 are hereby appropriated to fiscal year 2017 for the same purpose.

**54. Texas Academic Innovation and Mentoring.** From funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall allocate \$3,000,000 in General Revenue in each fiscal year of the 2016-17 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, 2016 are hereby appropriated for fiscal year 2017 for the same purpose.

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- 56. Sunset Contingency.** Pursuant to Government Code Chapter 325, the Texas Education Agency was the subject of review by the Sunset Advisory Commission.
- 1.) Funds appropriated above are contingent on such action continuing the Texas Education Agency by the Eighty-fourth Legislature.
  - 2.) In the event the legislature does not choose to continue the agency, the funds appropriated for fiscal year 2016, or as much thereof as may be necessary, are to be used to provide for the phase out of agency operations or to address the disposition of agency programs and operations as provided by legislation.
- 61. Houston ISD and North Forest ISD Consolidation.** The Commissioner of Education may use all appropriate statutory authority to assist in the consolidation of Houston Independent School District (ISD) and North Forest ISD.
- 64. Adult Charter School Pilot.** From General Revenue funds appropriated above in Strategy A.2.1, Statewide Educational Programs, \$500,000 is allocated in each fiscal year for the adult high school diploma and industry certification charter school pilot program for adults 19 to 50 years of age as authorized under Texas Education Code, §29.259.

- 57. Sunset Contingency.** Pursuant to Government Code Chapter 325, the Texas Education Agency was the subject of review by the Sunset Advisory Commission and a report pertaining to the Texas Education Agency was delivered to the Eighty-fourth Legislature. Government Code 325.015 provides that the legislature may be law continue the Texas Education Agency for up to 12 years, if such a law is passed before the sunset date for the Texas Education Agency.
- 1) Funds appropriated above are contingent on such action continuing the Texas Education Agency by the Eighty-fourth Legislature.
  - 2) In the event the legislature does not choose to continue the agency, the funds appropriated for fiscal year 2016, or as much thereof as may be necessary, are to be used to provide for the phase out of agency operations or to address the disposition of agency programs and operations as provided by legislation.
- 64. Adult Charter School Pilot.** From General Revenue funds appropriated above in Strategy A.2.1, Statewide Educational Programs, \$1,000,000 is allocated in each fiscal year for the adult high school diploma and industry certification charter school pilot program for adults 19 to 50 years of age as authorized under Texas Education Code, §29.259.

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**66. Foundation School Program Funds for Improving Equity, Reducing Recapture, and Increasing State Share: Allocation of Funds to the Basic Allotment.** Included in amounts appropriated above in Strategy A.1.1., FSP - Equalized Operations, is \$1,105,700,000 in fiscal year 2016 and \$1,107,000,000 in fiscal year 2017 out of the Foundation School Fund No. 193 to be allocated to school districts and charter schools through the Basic Allotment or other changes to the Foundation School Program to be determined by the Eighty-fourth Legislature for the purposes of improving equity, reducing recapture, and increasing the state share of the Foundation School Program.

**65. Public School Teachers Survey and Audit.** Out of funds appropriated above for Strategy B.3.1, Improving Educator Quality/Leadership, the Commissioner shall expend \$800,000 in fiscal year 2016 and \$300,000 in fiscal year 2017 in General Revenue Funds for the purposes of administering the teaching and learning conditions survey, in accordance with Education Code §7.064, the professional development requirements audit in accordance with Education Code §21.4513, and reporting on the effectiveness of school district mentoring programs, in accordance with Education Code §21.458.

**67. FitnessGram Program.** From funds appropriated above in Strategy B.2.2, Health and Safety, the Commissioner of Education shall allocate \$2,000,000 in the 2016-17 biennium from General Revenue Funds for the purposes of physical fitness assessments and related analysis. Notwithstanding any other provision of this Act, no amount of this funding may be expended for any other purpose except as described in this rider.

Out of amounts appropriated above and allocated by this rider, the Texas Education Agency may expend an amount not to exceed \$500,000 to use in managing and analyzing physical fitness assessment data provided by school districts, as required by §38.104 of the Texas Education Code. All other funding directed by this rider shall be used to provide grants to school districts to support the administration of physical fitness assessments and related activities required by §§38.101 and 38.103 of the Texas Education Code.

Any unexpended balances as of August 31, 2016 are hereby appropriated to fiscal year 2017 for the same purpose.

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67.

**Performance and Operations of Year-Round Schools.** Out of funds appropriated above, the Texas Education Agency shall conduct an evaluation of the performance and operations of schools operating on a year-round system under Education Code §25.084. The evaluation shall include an assessment of the number of schools operating under the year-round system; compare the performance on state assessment instruments under Education Code §39.023 and the SAT or ACT of students attending schools that operate on a year-round system with the performance of students attending schools that operate on a traditional school year calendar; and examine the manner in which the academic calendars of year-round schools are structured. The agency shall issue 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 about the performance and operations of schools operating on a year-round system no later than January 1, 2017.
68.

**Reporting on Year-Round Schools.** Out of funds appropriated above, the Texas Education Agency shall study and maintain a list of the schools who operate on a year-round system under Education Code §25.084. The agency shall report this information 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 no later than January 1 of fiscal year 2016 and 2017.

68.

**Texas Principal Evaluation Support System (T-PESS) and the Texas Teacher Evaluation Support System (T-TESS).** Out of the General Revenue funds appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Commissioner shall expend \$2,000,000 in fiscal year 2016 and \$2,000,000 in fiscal year 2017 to develop resources and training to support districts and charter schools in T-PESS and T-TESS implementation.

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**69. Norm-Referenced Assessments.** From General Revenue Funds appropriated above in Strategy B.1.1, Assessment and Accountability System, the Commissioner shall allocate up to \$7,000,000 in each fiscal year of the 2016-17 biennium to pay costs associated with administering norm-referenced assessments for eighth and tenth graders. The allocation directed by this rider is subject to the availability of sufficient funding and secondary in priority to the agency's other appropriations directed in Strategy B.1.1., Assessment and Accountability System.

**69. Open Source Instructional Materials.** Out of funds appropriated in Strategy B.2.1, Technology and Instructional Materials, the Commissioner shall set aside \$5,000,000 from the State Instructional Materials Fund in each fiscal year of the biennium to issue a request for proposals for state-developed open-source instructional materials under Texas Education Code §31.071. It is the intent of the Legislature that the request should prioritize advanced secondary courses supporting the study of science, technology, engineering, and mathematics.

**70. Report on Fees Paid by Students of Open-Enrollment Charter Schools.** Out of funds appropriated above, the Texas Education Agency shall annually collect information from each open-enrollment charter school concerning fees collected from students by the open-enrollment charter school under the authority of Section 12.108 (b), Education Code, for the purpose of producing and submitting to the legislature an annual report that details the amount each open-enrollment charter school collects for each type of fee listed by Section 11.158 (a), Education Code.

**70. Office of Complaints, Investigations, and Enforcement.** Out of funds appropriated in B.3.2, Agency Operations, the Commissioner shall allocate \$875,000 in General Revenue Funds in each fiscal year of the 2016-17 biennium for the Office of Complaints, Investigations, and Enforcement.

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**Senate**

**71. Report on Number of Charter School Students Who Do Not Complete a School Year.**  
Out of funds appropriated above, the Texas Education Agency shall annually collect information from each open-enrollment charter school concerning the number of students enrolled in the charter school who do not complete the school year at the school.

71.

**Math Achievement Academies.** Out of General Revenue Funds appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Texas Education Agency shall use \$15,000,000 each fiscal year to create highly professional, research-based, four-day Math Achievement Academies for teachers of kindergarten through third grade, utilizing a curriculum focused on how to teach core numeracy skills.
72.

**Literacy Achievement Academies.** Out of General Revenue Funds appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Texas Education Agency shall use \$15,000,000 each fiscal year to host highly professional, research-based, four-day Literacy Achievement Academies for kindergarten through third grade teachers with a curriculum focused on how to teach core reading and writing skills.
73.

**Contingency for Legislation Relating to College and Career Readiness in Middle Grades.** Included in amounts appropriated above in Strategy A.2.1, Statewide Educational Programs, is \$25 million out of General Revenue in the 2016-17 biennium contingent on enactment of legislation by the Eighty-fourth Legislature, Regular Session, relating to requiring students in either 7th or 8th grade to take a college and career readiness course offered in accordance with the provisions on the legislation. The Commissioner shall expend these funds as necessary on curriculum materials and educator professional development related to college and career readiness courses.

**ARTICLE III - AGENCIES OF EDUCATION**  
**703 Texas Education Agency**  
**DIFFERENCES ONLY**  
(Continued)

**House**

**Senate**

- 74. Contingency for Legislation Relating to Maintenance and Operations Tax Rate Conversion.** Included in amounts appropriated above in Strategy A.1.1., FSP - Equalized Operations is \$200,000,000 out of the Foundation School Fund No. 193 in the 2016-17 biennium contingent on enactment of legislation by the Eighty-fourth Legislature, Regular Session, relating to the conversion of portions of certain district tax rates currently equalized at the rate described in Education Code §42.302(a-1)(2) to instead be included in the rate used to calculate the district basic allotment under Education Code §42.101, the Tier 1 Local Fund Assignment under Education Code §42.252, and the wealth equalization provision of Education Code §41.002(a)(1).
- 75. Contingency for Legislation Providing Tax Relief through Franchise Tax Reform: Maintaining a Fully Funded Foundation School Program.** Contingent on enactment of Senate Bills 7 and 8, or other legislation by the Eighty-fourth Legislature, Regular Session, that provides tax relief through changes to the franchise tax that result in tax relief to taxpayers in an amount estimated to total \$1,175,000,000 in fiscal year 2016 and \$1,175,000,000 in fiscal year 2017, included above in Strategy A.1.1, FSP - Equalized Operations, out of Foundation School Fund No. 193 the Texas Education Agency is appropriated the amount by which the revenues in the Property Tax Relief Fund decrease as a result of the legislation, in order to maintain full funding in the Foundation School Program, estimated to be \$2,350 million for the 2016-17 biennium. Changes to the franchise tax enacted by the legislation may include:
- a. decreasing the rate applied to a taxable entity's taxable margin;
  - b. increasing the total revenue exemption for a taxable entity; or
  - c. any method of reduction enacted by the Eighty-fourth Legislature.



**ARTICLE III - AGENCIES OF EDUCATION**  
**703 Texas Education Agency**  
**DIFFERENCES ONLY**  
(Continued)

House

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76.

**Contingency for Legislation Providing Property Tax Relief: Maintaining a Fully Funded Foundation School Program.** Contingent on enactment of Senate Bill 1, or other legislation by the Eighty-fourth Legislature, Regular Session, that provides school district property tax relief to Texas taxpayers in an amount estimated to be \$1,000,000 in fiscal year 2016 and \$1,150,000,000 in fiscal year 2017, and contingent upon legislation that holds school districts and charter schools harmless for the revenue impact of this tax relief, included above in Strategy A.1.1, FSP - Equalized Operations and A.1.2, FSP - Equalized Facilities, out of Foundation School Fund No. 193 the Texas Education Agency is appropriated the amount necessary to implement this or related legislation, estimated to be \$2,150,000,000 for the 2016-17 biennium.
77.

**Contingency for Senate Bill 750: Windstorm and Hail Insurance Allotment.** Contingent on passage and enactment of SB 750, or similar legislation relating to an allotment under the public school finance system for the cost of windstorm and hail insurance, by the Eighty-fourth Legislature, Regular Session, 2015, the Commissioner of Education shall prioritize the use of any excess funds available under the Foundation School Program to first fund the allotment created by the legislation.

**ARTICLE III - AGENCIES OF EDUCATION**  
**771 School for the Blind and Visually Impaired**  
**DIFFERENCES ONLY**

**House**

**Senate**

- 4. Educational Professional Salary Increases.** The funds appropriated in Strategy C.1.1, Educational Professional Salary Increases, are estimated General Revenue amounts and are contingent upon the increases granted to comparable educational professionals in the Austin Independent School District, pursuant to Texas Education Code §30.024(b)(1). No later than November 1 of each year of the biennium, the Texas School for the Blind and Visually Impaired shall submit, in a form acceptable to the Legislative Budget Board and the Governor, a computation of the salary increases. The school is directed to include in each year of the subsequent biennium baseline budget request the actual amount expended for salary increases in the second year of the previous biennium.

- 4. Educational Professional Salary Increases.** The funds appropriated in Strategy C.1.1, Educational Professional Salary Increases, are estimated General Revenue amounts and are contingent upon the increases granted to comparable educational professionals in the Austin Independent School District, pursuant to Texas Education Code §30.024(b)(1). Should Austin ISD adopt a salary increase in school years 2015-16 or 2016-17, appropriations in Strategy C.1.1, Educational Professional Salary Increases, are adjusted to fully fund salary increases at the school. Any funds appropriated in Strategy C.1.1. not used for professional salary increases pursuant to AISD adopting an increase shall lapse to the General Revenue Fund.

No later than November 1 of each year of the biennium, the Texas School for the Blind and Visually Impaired shall submit, in a form acceptable to the Legislative Budget Board and the Governor, a computation of the salary increases. The school is directed to include in each year of the subsequent biennium baseline budget request the actual amount expended for salary increases in the second year of the previous biennium.

- 8. Contingency for Senate Bill 1.** Contingent on enactment of Senate Bill 1, or similar legislation relating to local property tax relief that results in decreased funding to The Texas School for the Blind and Visually Impaired, by the Eighty-fourth Legislature, Regular Session, included in amounts appropriated above in Strategy A.1.1, Classroom Instruction, is \$44,692 for fiscal year 2016 and \$44,692 for fiscal year 2017 in General Revenue Funds.

**ARTICLE III - AGENCIES OF EDUCATION**  
**772 School for the Deaf**  
**DIFFERENCES ONLY**

**House**

**Senate**

**3. Educational Professional Salary Increases.** The funds appropriated in Strategy C.1.1, Educational Professional Salary Increases, are estimated General Revenue amounts and are contingent upon the increases granted to comparable educational professionals in the Austin Independent School District, pursuant to Texas Education Code §30.055(b)(1). No later than November 1 of each year of the biennium, the Texas School for the Deaf shall submit, in a form acceptable to the Legislative Budget Board and the Governor, a computation of the salary increases. The school is directed to include in each year of the subsequent biennium baseline budget request the actual amount expended for salary increases in the second year of the previous biennium.

**3. Educational Professional Salary Increases.** The funds appropriated in Strategy C.1.1, Educational Professional Salary Increases, are estimated General Revenue amounts and are contingent upon the increases granted to comparable educational professionals in the Austin Independent School District, pursuant to Texas Education Code §30.055(b)(1). Should Austin ISD adopt a salary increase in school years 2015-16 or 2016-17, appropriations in Strategy C.1.1, Educational Professional Salary Increases, are adjusted to fully fund salary increases at the school. Any funds appropriated in Strategy C.1.1. not used for professional salary increases pursuant to AISD adopting an increase shall lapse to the General Revenue Fund.

No later than November 1 of each year of the biennium, the Texas School for the Deaf shall submit, in a form acceptable to the Legislative Budget Board and the Governor, a computation of the salary increases. The school is directed to include in each year of the subsequent biennium baseline budget request the actual amount expended for salary increases in the second year of the previous biennium.

**4. One-time Funding for the Purchase of Buses and Vans.** Out of funds appropriated above, \$125,000 in General Revenue Funds in each year of the 2016-17 biennium, appropriated in the Capital Budget (a) Transportation Items for the purchase of buses and vans, is funded on a one-time basis and will not be included in the agency's future base budget.

**5. Contingency for Senate Bill 1.** Contingent on enactment of Senate Bill 1, or similar legislation relating to local property tax relief that results in decreased funding to The Texas School for the Deaf, by the Eighty-fourth Legislature, Regular Session, included in amounts appropriated above in Strategy A.1.1, Classroom Instruction, is \$100,633 for fiscal year 2016 and \$100,633 for fiscal year 2017 in General Revenue Funds.

**ARTICLE III - AGENCIES OF EDUCATION**  
**323 Teacher Retirement System**  
**DIFFERENCES ONLY**

**House**

**Senate**

- 18. Contingent Appropriation of Pension Trust Funds for GASB Statement Implementation.**  
Upon a finding of fact by the Teacher Retirement System Board of Trustees that additional resources are necessary to implement accounting guidelines related to Governmental Accounting Standards Board statements and pronouncements, the Teacher Retirement System is appropriated such additional funds as approved by the Board from the Teacher Retirement System Pension Trust Fund Account No. 960 to communicate such guidelines to affected members and employers, and to acquire additional audit and actuarial services as needed for implementation.
- Within thirty days of such a finding, the Teacher Retirement System Board of Trustees shall provide written notification to the Legislative Budget Board and the Governor of the amounts anticipated to be necessary to achieve these purposes.