

**House Appropriations Committee
Article III Subcommittee
Public Education**

Adopted Riders

**March 16, 2017
Legislative Budget Board**

Texas Education Agency

Proposed Rider Modification: Limitation on the Transfer and Use of Funds

Overview

Modify Rider 25 Limitation on the Transfer and Use of Funds to allow federal discretionary funds to be used to support federal programs. While other states utilize these funds for administration of the programs, due to transfer limitations specific to the TEA, TEA is unable to maximize federal dollars for administrative purposes.

Required Action

(1) On page III-12 of the Texas Education Agency bill pattern, modify the following rider:

25. Limitation on the Transfer and Use of Funds. The restrictions of this rider, rather than those of the General Provisions of this Act, apply to the Texas Education Agency's transfer of appropriations between strategies. For the purposes of this rider, the Texas Education Agency's non-administrative strategies include all strategies in Goal A, Provide Education System Leadership, Guidance, and Resources, and Strategies B.1.1.- B.3.1. in Goal B, Provide System Oversight and Support; administrative strategies include Strategies B.3.2. through B.3.6. For the purposes of this rider, non-Foundation School Program strategies include Strategies A.2.1-A.2.4 in Goal A, Provide Education System Leadership, Guidance, and Resources, and Strategies B.1.1-B.3.1 in Goal B, Provide System Oversight and Support. For purposes of this rider, funds appropriated for the purpose of funding the Foundation School Program consist of the sum certain appropriation contained in Rider 3, Foundation School Program Funding.

Funds appropriated to the Texas Education Agency in non-administrative strategies may not be spent for administrative purposes unless they are first transferred to an administrative strategy in accordance with this rider. The agency shall not transfer out of a non-Foundation School Program strategy.

Funds appropriated to the Texas Education Agency for the purpose of funding the Foundation School Program may not be transferred to a non-Foundation School Program program item of appropriation or expended for a non-Foundation School Program program purpose unless the Commissioner of Education provides written notice to the Legislative Budget Board and to the Governor of intent to transfer such funds at least 45 days prior to the execution of the transfer. Such transfers from the Foundation School Program appropriation to other items of appropriation shall not exceed \$8 million in each fiscal year of the 2018-19 biennium.

The Commissioner of Education will provide written notice to the Legislative Budget Board and to the Governor of intent to transfer federal IDEA discretionary funds awarded to the Texas Education Agency that are allowed to be used for IDEA administrative purposes from non-administrative programs to IDEA administrative programs 45 days prior to the execution of the transfer. This transfer may not exceed \$5 million per biennium and is excluded from the \$8 million transfer limit referenced above.

From amounts included within the \$8 million transfer allowance, the Commissioner may annually transfer up to \$1 million of appropriated funds to an administrative strategy only upon approval of the Legislative Budget Board and the Governor's Office.

The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section.

By: Price

**Texas Education Agency, Article III
Proposed Rider
Contingency for House Bill 11**

Prepared by LBB Staff, 3/9/17

Overview

Add a rider which appropriates \$1,500,000 for the 2018-19 biennium from General Revenue for the purposes of implementing the provisions of House Bill 11, contingent upon its enactment.

Required Actions

- (1) Contingent on passage of House Bill 11, increase General Revenue in Strategy B.2.2, Health and Safety, by \$1,500,000 for the 2018-19 biennium.
- (2) On page III-25 of the bill pattern for the Texas Education Agency, add the following new rider:

Contingency for House Bill 11. Contingent on enactment of House Bill 11, or similar legislation relating to consideration of the mental health of public school students in school planning, educator training and curriculum requirements, educational programs, state and regional programs and services, and health care services for students, by the Eighty-fifth Legislature, Regular Session, included in amounts appropriated above in Strategy B.2.2, Health and Safety, to the Texas Education Agency is \$750,000 for fiscal year 2018 and \$750,000 for fiscal year 2019 from General Revenue to implement the provisions of the legislation during the 2018-19 biennium, to be allocated as follows:

- a) From amounts appropriated in Strategy B.2.2, Health and Safety, the Texas Education Agency shall distribute \$600,000 in fiscal year 2018 and \$600,000 in fiscal year 2019 to Regional Education Service Center 4 to work with the

a statewide travel voucher system to reimburse school districts for costs incurred for teachers travelling within their Service Region to receive mental health training, including a per-diem and mileage reimbursement, and to cover administrative costs of Regional Education Service Center 4 in administering the travel voucher system. These funds may not be used for airfare.

Rep. VanDeaver

Overview

Amend Rider 41, Educator Quality and Leadership, to provide \$6.0 million in the biennium to support grants for tuition and fees for teachers enrolled in certain courses designed to provide mentoring and assistance.

Required Action

On page III-16 of the Texas Education Agency bill pattern, modify the following rider:

41. **Educator Quality and Leadership.** Out of General Revenue Funds appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Commissioner shall expend \$16,000,000 in fiscal year 2018 and \$16,000,000 in fiscal year 2019 for initiatives that will systematically transform educator quality and effectiveness statewide through improved teacher and principal hiring and recruitment, mentoring, preparation including standards related to educator preparation and program quality, induction, evaluation, professional development, career pathways, and retention; or for the purpose of administering the Educator Excellence Innovation Program in accordance with Texas Education Code Chapter 21, Subchapter O. The Commissioner shall ensure that funds directed by this rider are allocated in a manner that maximizes receipt of federal grant funding for similar purposes.

From amounts referenced in the paragraph above, the Commissioner shall set aside funds for the following purposes:

1. \$5,000,000 for the 2018-19 biennium to implement standards on educator quality, including standards related to educator preparation and principal quality; and
2. \$2,000,000 for the 2018-19 biennium for Humanities Texas to support the Teacher Institute program targeting teachers in their first or second year of service in geographic areas with low student achievement on state assessments; and
3. \$6,000,000 for the 2018-18 biennium for grants to pay the tuition and fees for teachers who enroll in an online professional development course designed to provide mentoring and subject specific assistance to that teacher. The Commissioner may only provide grant funds for a program providing funds to teachers in the first year of teaching; teaching a subject for which the teacher does not possess a bachelor's degree with an academic major or minor in that subject; or teaching at a campus assigned an overall rating of D or F under Education Code, Section 39.054.

Any unexpended balances as of August 31, 2018 are hereby appropriated to fiscal year 2019 for the same purpose.

By: González, Mary

Texas Education Agency
Proposed Funding and Rider
Professional Development for the Provision of Access to the General Curriculum for
Students with Disabilities in the Least Restrictive Environment

Prepared by LBB Staff, 3/6/17

Overview

Modify rider to require the Commissioner of Education to set aside 15.5 percent of the federal funds awarded through Individuals with Disabilities Education Act (IDEA), Part B, which are set aside and reserved for state-level activities, for capacity building projects and amend the types of activities included as part of the rider.

Required Action

On page III-10 of the Texas Education Agency bill pattern, amend the following rider:

17. **Professional Development for the Provision of Access to the General Curriculum for Students with Disabilities in the Least Restrictive Environment.** Out of the federal ~~discretionary~~ funds awarded to the Texas Education Agency through the Individuals with Disabilities Education Act (IDEA), Part B, which are set aside and reserved for state-level activities, and appropriated above, the Commissioner shall set aside 15.5 ~~10.5~~ percent during the biennium to fund capacity building projects, including professional development and support, Funding may support the development of educator training materials on Child Find requirements; the establishment of highly professional research-based academies for educational diagnosticians, school psychologists, and speech language pathologists using a curriculum focused on the linguistically and culturally appropriate evaluation of students with disabilities; and the development of parent training projects. The purpose of these activities is for school districts to appropriately identify students with disabilities, provide access to the general curriculum in the least restrictive environment for students with disabilities, and ensure appropriate parental participation and Response to Intervention (RtI) processes for struggling learners in general education settings.

By: Howard

**Texas Education Agency
Proposed Funding and Rider
Student Testing Program**

Prepared by LBB Staff, March 9, 2017

Overview

Modify Rider 12, Student Testing Program, to indicate the potential saving resulting from of legislation that reduces or eliminates certain assessment requirements by the Eighty-fifth Legislature, Regular Session.

Required Action

On page III-9 of the Texas Education Agency bill pattern, amend the following rider:

12. **Student Testing Program.** The Commissioner shall use the Federal Funds appropriated above in Strategy B.1.1, Assessment and Accountability System to cover the cost of developing, administering, and scoring assessment instruments in the student testing program. Any remaining costs associated with developing, administering, or scoring the assessment instruments required under Texas Education Code, Chapter 39, Subchapter B shall be paid from amounts appropriated above from General Revenue in Strategy B.1.1, Assessment and Accountability System.

Unexpended and unobligated balances remaining in General Revenue appropriations to Strategy B.1.1, Assessment and Accountability System, as of August 31, 2017, estimated to be ~~\$4,300,000~~ \$1,000,000, are appropriated for the same purpose in fiscal year 2018.

It is the intent of the Legislature that the student testing program shall realize savings resulting from legislation enacted by the by the Eighty-fifth Legislature, Regular Session, reducing or eliminating certain assessment requirements, resulting in a reduction to the amount of funding required for developing, administering, and scoring assessment instruments.

Any unexpended balances as of August 31, 2018 are hereby appropriated for fiscal year 2019 for the same purposes.

By: Howard

Proposed Rider Modification: Communities in Schools Affected Agency: Texas Education Agency

Overview

Modify Rider 22. Removing the word "In addition" out of the language to add clarity.

Required Action

~~23~~ 22. 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~~ \$3,898,450 in TANF funds in fiscal year ~~2016~~ 2018 and \$15,521,816 in General Revenue and ~~\$4,842,341~~ \$3,898,450 in TANF funds in fiscal year ~~2017~~ 2019 is allocated for the Communities in Schools Program. ~~In addition, out of funds appropriated above, \$943,892 in TANF funds is allocated in Strategies B.3.2- B.3.5 for administrative purposes in each fiscal year of the 2018-19 biennium.~~

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~~ 2018-19 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~~ 2018 are hereby appropriated to fiscal year ~~2017~~ 2019 for the same purpose.

Rep. Simmons

Overview

Add a new rider that provides \$5.0 million in each fiscal year out of the federal Individuals with Disabilities Education Act (IDEA), Part B funds from Strategy A.2.3, Students with Disabilities, for programs for advanced social and behavioral skills development for children with autism.

Required Action

On page III-25 of the Texas Education Agency bill pattern, add the following rider:

_____. **Programs for Advanced Social and Behavioral Skills Development for Children with Autism.** Out of the federal funds awarded to the Texas Education Agency through the Individuals with Disabilities Education Act (IDEA), Part B, which are set aside and reserved for state-level activities, and appropriated above, the Commissioner shall set aside \$5,000,000 in each year of the biennium for programs that use interactive humanoid robotics for social and behavioral skills development in the advanced treatment of autism to maximize accessibility to the general education curriculum for children with disabilities. The Commissioner may only provide funds to a program with a research-based curriculum with embedded evidence based practices, existing installations within school districts or charter schools in Texas, and a comprehensive facilitator and activity manual for learners with autism. The TEA shall ensure that the program uses resources efficiently to provide interactive humanoid robotics for social and behavioral skills development in the advanced treatment of autism to any school district or charter school that needs one.

Rep. Howard

Overview

Include performance measures in the Texas Education Agency (TEA) bill pattern related to the Foundation School Program (FSP), and prepare a rider, which requires TEA to report certain information related to the FSP post on its external website.

Required Action

(1) On page III-3 of the bill pattern for the Texas Education Agency, add the following new performance measures:

- (a) Estimated Total School District Foundation School Program State Aid Per School District Student in Average Daily Attendance
- (b) Estimated Percentage of Foundation School Program Funding Consisting of Recapture Payments

(2) On page III-26 of the bill pattern for the Texas Education Agency, add the following new rider:

Public Education State Funding Transparency. Out of funds appropriated above to the Texas Education Agency, the agency shall evaluate, for the existing and prior four biennia, state aid provided through the Foundation School Program for school districts per student in average daily attendance and per student in weighted average daily attendance. In its evaluation, the agency shall compare state aid with the rate of inflation and other factors impacting school district costs. The agency shall report its findings to the Governor, the Legislative Budget Board, and the appropriate legislative education standing committees by January 1, 2018.

No later than January 1, 2019, the Texas Education Agency shall report on its external website the following information related to the Foundation School Program for fiscal years 2008 through 2018:

1. the average daily attendance for charter holders;
2. the average daily attendance for school districts;
3. local revenue for public education;
4. state aid for public education;
5. the amount of state aid provided per student in average daily attendance for school districts, represented in constant dollars;
6. the amount of state aid provided per student in average daily attendance for charter holders, represented in constant dollars;
7. the amount of recapture revenue, represented in constant dollars; and
8. the total funding provided to school districts, represented in constant dollars

RIDER REQUEST

Member Name: Rep. Helen Giddings

Affected Agency: TEA

Purpose: Amendment to the Rider # 54 Texas Gateway and Online Resources.

Amount Requested (if applicable): \$2,000,000

Method of Finance (if applicable): [Click here to enter text.](#)

Rider Language:

The Commissioner shall set aside \$1,000,000 in each fiscal year of the 2018-19 biennium to support reimburse districts costs related to professional development provided by UTeach and other providers, focused on improving blended-learning teacher preparation.

By: _____

Texas Education Agency

Modify Rider and Add New Rider:

Administrative Support School Improvement and Governance

Overview:

Decrease funding by \$150,000 each year of the biennium from Strategy A.2.4 School Improvement and Support Programs and increase funding of a like amount to Strategy B.3.2 Agency Operations and add new Rider directing the administrative funds to be used to support the agency's transformation of D and F rated campuses in the state's A-F accountability system.

In support of HB 1842 (84th Legislature), TEA would like to hire school turnaround experts to develop and implement innovative and transformational turnaround efforts and effectively work with school boards and administrators on school governance.

Currently, TEA is prohibited from using programmatic funds in this Rider to hire technical experts. By transferring some funds to Agency Administration, TEA could build upon the highly effective and important work of its Lone Star Governance training.

Required Actions:

(1) Decrease General Revenue by \$150,000 each year of the biennium from Strategy A.2.4 School Improvement and Support Programs and increase General Revenue by \$150,000 to Strategy B.3.2 Agency Operations:

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|--|---------------------------|---------------------------|
| Strategy B.3.2 Agency Operations | \$ 65,504,744 | \$ 65,542,769 |
| | <u>\$ 65,354,744</u> | <u>\$ 65,392,769</u> |
| Strategy A.2.4, School Improvement and Support Programs | \$ 151,216,717 | \$ 151,216,717 |
| | <u>\$ 151,366,717</u> | <u>\$ 151,366,717</u> |

(2) On page III-18 of the Texas Education Agency bill pattern, modify the following rider:

44. **School Improvement and Governance Support.** Out of General Revenue funds appropriated above in Strategy A.2.4, School Improvement and Support Programs, the Commissioner shall expend ~~\$1,750,000~~ \$1,600,000 in fiscal year 2018 and ~~\$1,750,000~~ \$1,600,000 in fiscal year 2019 to provide intervention, governance and turnaround assistance, and technical assistance to campuses, districts and 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, the Commissioner shall set aside funds for the following purposes:

- a. to provide campus, charter, and district intervention;
 - b. to provide governance and turnaround assistance services to districts and campuses with identified student performance or financial concerns; and
 - c. to provide technical or governance assistance to charter schools.,
- Any unexpended balances as of August 31, 2018 are hereby appropriated to fiscal year 2019 for the same purpose.

(3) On page III-25 of the Texas Education Agency bill pattern, add the following new rider:

72. Administrative Support for School Improvement and Governance. Out of funds appropriated in Strategy B.3.2 Agency Operations, the Commissioner shall allocate \$150,000 in General Revenue funds in each fiscal year of the 2018-19 biennium to develop and implement innovative and transformational turnaround efforts and continue agency efforts with school boards and administrators to provide governance and turnaround assistance services to districts and campuses with identified student performance or financial concerns and provide technical or governance assistance to charter schools.