

Issue Docket

Conference Committee on House Bill 1

2010-11 General Appropriations Bill

Article III - Public Education

Article III
ISSUE DOCKET
 Conference Committee on General Appropriations Bill

Agency/Item	<u>Senate</u>		<u>House</u>		Biennial Difference	Explanation
	2010	2011	2010	2011		
<u>TEXAS EDUCATION AGENCY</u>		III-1		III-1		
A.1.1, FSP- Equalized Operations	\$ 17,102,848,252	\$ 18,503,775,372	\$ 17,273,627,845	\$ 18,671,727,846	\$ 338,732,067	<p>1 House decreases Fund 193 appropriation for FSP by \$3 billion and increases Fund 304 (Property Tax Relief Fund) appropriation by \$3 billion in FY2010.</p> <p>2 House increases funds contingent on passage of school finance legislation by \$171.4 million per year. (See also Senate rider #89 and House rider #82.)</p> <p>3 Senate includes educator salary funding at 2008-09 rate of \$23.63 per WADA. House includes educator salary funding equivalent to two years of FY2009 funding level to provide the same level of funding to each school district and charter school as was provided in FY2009, which is \$4,723,624 less than the Senate amount; House includes \$337,117 per year to Windham School District for corresponding salary increases. (See also Senate Rider #80 and House Rider #75.)</p>

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A.1.2, FSP- Equalized Facilities	\$ 678,450,000	\$ 708,250,000	\$ 663,450,000	\$ 755,250,000	\$ 32,000,000	<p>1 Senate includes \$75 million in new IFA grant funding for the biennium (\$25 million in new grants per year). House includes \$87 million in new IFA grants in FY2011.</p> <p>2 House includes \$20 million increase in Science Lab Grants. (See also House Rider #72, Senate Rider #77, and House Article XI-6.)</p>
A.2.1, Statewide Educational Programs	\$ 475,562,820	\$ 476,320,229	\$ 465,435,703	\$ 466,193,112	\$ 20,254,234	<p>1 Senate includes an increase in Pre-kindergarten funding of \$32.5 million. House includes an increase in Pre-kindergarten funding of \$25 million. (See Senate Rider #46, House Rider #45, Senate Article XI-2, and House Article XI-6.)</p> <p>2 Senate includes \$32,080,000 million for Educator Professional Development. House includes \$20,000,000 million for a similar purpose. (See Senate Rider #94 and House Rider #86.)</p> <p>3 Senate includes \$308,993,534, for Student Success Initiative. House includes \$307,999,300 for Student Success Initiative. (See Senate Rider #43 and House Rider #42)</p> <p>4 House includes \$320,000 for a report on Best Practices in Dropout Prevention. (See House Rider #90.)</p>

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A.2.3, Students with Disabilities	\$ 986,487,532	\$ 986,487,532	\$ 986,502,532	\$ 986,502,532	\$ 30,000	<p>1 Senate includes a \$250,000 increase in funding for Dyslexia Coordinators. House includes a \$500,000 increase in funding for Dyslexia Coordinators. (See Senate Rider #36 and House Rider #35.)</p> <p>2 Senate includes \$220,000 in funds appropriated to TEA to be transferred to TSBVI and TSD. House appropriates \$220,000 directly to TSBVI and TSD. (See Senate Rider #21.)</p>
A.2.4, School Improvement & Support	\$ 161,327,508	\$ 192,402,513	\$ 161,227,508	\$ 161,302,513	\$ 31,200,000	<p>1 Senate includes \$200,000 for One Community One Child. (See Senate Rider #96.)</p> <p>2 Senate includes \$31 million to implement a school bus seat belt program (See Senate Rider #95.)</p>
A.2.5, Adult Education & Family Literacy	\$ 57,388,769	\$ 57,139,362	\$ 67,388,769	\$ 67,139,362	\$ 20,000,000	<p>1 House includes \$20 million in increased funding for Adult Basic Education. (See House Rider #46, Senate Rider #47, House Article XI-6, and Senate Article XI-2.)</p>
B.1.1, Assessment & Accountability System	\$ 87,427,635	\$ 88,727,635	\$ 93,315,662	\$ 94,615,662	\$ 11,776,054	<p>1 Senate reduces funding for TAKS study guides by \$11.8 million. House redirects \$22.4 million in study guide funding for the general purpose of improving student performance on assessments. (See Senate Rider #12 and House Rider #85.)</p>

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B.2.1, Technology and Instructional Materials	\$ 164,228,124	\$ 166,711,704	\$ 30,001,584	\$ 80,022,667	\$ 220,915,577	<p>1 Senate includes \$270.9 million in contingent ASF funds for the Technology Allotment. House includes \$50.0 million in contingent ASF funds for the Technology Allotment in Article III of SB 1.</p> <p>2 Senate includes \$3 million for Technology-based Supplemental Instruction in Mathematics. (See Senate Rider #92.)</p> <p>3 House includes \$3 million in increased funding for administration of the Virtual School Network. (See House Rider #78 and Senate Rider # 84.)</p> <p>4 See also: House includes \$758.1 million in federal ARRA funds for Textbooks and \$220.9 million in federal ARRA funds for the Technology Allotment in HB 4586 (page 15). Senate includes \$894.1 million for textbooks in Article XI (page XI-2).</p>
B.2.2, Health & Safety	\$ 59,888,739	\$ 53,947,120	\$ 42,844,129	\$ 42,582,029	\$ 28,409,701	<p>1 Senate includes \$6 million in funding for the Steroid Testing Program. (See Senate Rider #86.)</p> <p>2 Senate includes \$20 million for Middle School Physical Education. (See Senate Rider #83.)</p> <p>3 House reduces funding for TYC by \$2.4 million to reflect policy decisions in Article V. (See House Rider #34 and Senate Rider #35.)</p>

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B.2.4, Windham School District	\$ 64,058,448	\$ 64,058,447	\$ 61,539,041	\$ 61,539,040	\$ 5,038,814	<p>1 Senate includes \$1.2 million for operation of the San Saba and Marlin units.</p> <p>2 Senate includes \$3.2 million for expansion of Career and Technology Education programs.</p> <p>3 Senate includes \$0.7 million for industry certification examinations.</p>
B.3.1, Improving Educator Quality and Leadership	\$ 504,055,179	\$ 504,070,002	\$ 255,773,722	\$ 255,788,545	\$ 496,562,914	<p>1 Senate includes \$490.6 million in funding for incentive pay programs to maintain two years of baseline funding.</p> <p>House includes \$342.1 million in funding for incentive pay programs in Article XI (See Senate Rider #69, Senate Article XI-2, and House Article XI-6.)</p> <p>2 Senate includes \$8 million for Teach for America. House includes \$4 million for Teach for America. (See Senate Rider #88 and House Rider #81)</p> <p>3 Senate includes \$2 million for Humanities Texas. (See Senate Rider #93.)</p>
B.3.2, Agency Operations	\$ 57,909,544	\$ 57,909,544	\$ 57,834,544	\$ 57,834,544	\$ 150,000	<p>1 Senate includes \$150,000 to fund administration of the Communities in Schools program. House amends Rider 26 to allow TEA to transfer up to \$300,000 for the biennium from state funds appropriated for CIS to support the administration of the program. (See Senate Rider #27 and House Rider #26.)</p>

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B.3.3. State Board For Educator Certification	\$ 11,226,385	\$ 11,226,385	\$ 9,726,385	\$ 9,726,385	\$ 3,000,000	1 Senate includes \$3 million to provide administrative support for criminal history background checks for educators.
B.3.5, Information Systems- Technology	\$ 32,888,562	\$ 31,647,813	\$ 33,070,302	\$ 31,529,553	\$ 63,480	1 Senate includes \$236,520 for capital budget project SBEC Rewrite, Phase 2. House includes \$300,000 for the same purpose. (See Rider #2 in both bills.)
RIDERS						
Windham School District	III-7, Rider #6 Rider Packet Page III-1		III-7, Rider #6 Rider Packet Page III-1			House includes requirement that WSD report on recidivism and employment rates among students who complete the program.
Reporting on Program Transfers to (and Contract with) Regional Education Service Centers	III-9, Rider #15 Rider Packet Page III-1		III-9, Rider #15 Rider Packet Page III-1			House includes disclosure requirements and posting requirements related to contracts between TEA and the RESCs.
Communities in Schools	III-10, Rider #27 Rider Packet Page III-2		III-10, Rider #26 Rider Packet Page III-2			Senate includes language that would increase CIS funding by \$14,369,024 per year contingent on passage of SB 2392 or similar school finance legislation. House includes language permitting a transfer of up to \$300,000 for the biennium from state funds appropriated for CIS programs to agency administration for purposes of administering the program.

Agency/Item	<u>Senate</u>		<u>House</u>		Biennial Difference	Explanation
	2010	2011	2010	2011		
School Improvement and Parental Involvement Initiative	III-12, Rider #37 Rider Packet Page III-2		III-12, Rider #36 Rider Packet Page III-2			House includes language requiring the Commissioner to ensure funds are spent for direct services in Texas and clarifying intent that funds are not to supplant funding allocated for direct services under the AVANCE program.
Student Success Initiative	III-14, Rider #43 Rider Packet Page III-3		III-14, Rider #42 Rider Packet Page III-3			Senate includes end-of-course Algebra I standards and postsecondary readiness as purposes of the program. Senate carves out \$20.2 million for math academies, \$3.4 million for development of a math diagnostic instrument, \$4.5 million to establish college readiness materials in math, science, and social studies, and \$50 million for competitive grants related to Algebra I. House includes language adding college readiness as a purpose of the program. House carves out \$25 million for college readiness grants and \$4 million for supplemental summer tutoring programs. House includes language nullifying purposes described in the rider and directing allocation of funding to programs that promote student success, minimize failure on assessments, and close student achievement gaps consistent with the Texas Education Code, as amended by the 81st legislature.

Agency/Item	<u>Senate</u>		<u>House</u>		Biennial Difference	Explanation
	2010	2011	2010	2011		
Adult Education	III-15, Rider #47 Rider Packet Page III-4		III-15, Rider #46 Rider Packet Page III-4			House includes programs including financial literacy and occupational foundation skills as permissible uses of adult basic education funding. House includes language specifying intent that the distribution of funding be based on need, providing guidance regarding the geographic distribution of funding, and specifying intent that funding be distributed on a contact hour basis, weighted for students with lower performance on literacy or basic skills tests.
Academic Enrichment/Investment Capital Fund	III-16, Rider #51 Rider Packet Page III-6		III-16, Rider #50 Rider Packet Page III-6			House strikes language pertaining to the federal 21st Century Community Learning Centers Grants in the first two paragraphs and renames the rider to reflect the remaining language pertaining to the Investment Capital Fund.
Texas High School Completion and Success Initiative	III-16, Rider #52 Rider Packet Page III-7		III-16, Rider #51 Rider Packet Page III-7			House requires study regarding high rate of dropout among LEP students and students with parents with limited English proficiency.
Per Pupil Allotment	III-17, Rider #59 Rider Packet Page III-7		N/A			Senate retains current rider describing the allocation of \$110 per WADA in the Foundation School Program.

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Career and Technology Education Allotment	III-17, Rider #60 Rider Packet Page III-8		N/A			Senate retains current rider reflecting the SBOE rule limiting school district expenditure of funding received through the career and technology allotment for indirect costs at 10 percent of the allotment.
Renewing Our Communities	III-19, Rider #68 Rider Packet Page III-8		N/A			Senate retains current rider describing the appropriation and allowable uses of funds from the Renewing Our Communities account.
Student Achievement and Educator Excellence Awards Programs	III-19, Rider #69 Rider Packet Page III-8		N/A			Senate includes rider directing use of funds for incentive pay programs.
Evaluations for General Revenue Programs	III-20, Rider #73 Rider Packet Page III-9		III-19, Rider #68 Rider Packet Page III-9			House includes language allowing the Commissioner to exempt certain programs from evaluation requirements established by the rider and related reporting requirements.
Educator Salary Increase	III-21, Rider #80 Rider Packet Page III-10		III-20, Rider #75 Rider Packet Page III-10			House rider allocates funding at based on FY2009 allocation to school districts and charter schools and includes an allocation of \$337,117 per year for Windham School District. Senate rider allocates funding at a rate of \$23.63 per WADA.

Agency/Item	<u>Senate</u>		<u>House</u>		Biennial Difference	Explanation
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Teach for America	III-22, Rider #88 Rider Packet Page III-11		III-21, Rider #81 Rider Packet Page III-11			House includes language specifying that 15 percent of funds appropriated be used to expand services to new counties as of January 2009.
Foundation School Program Funds for Improving Equity, Reducing Recapture, (and Providing Educator Salary Increases)	III-22, Rider #89 Rider Packet Page III-11		III-21, Rider #82 Rider Packet Page III-11			<p>1 Senate and House reflect different funding levels (House adds \$342 million for the biennium.)</p> <p>2 House includes the provision of educator salary increases as a goal of the legislation described by the rider and directs the additional \$342 million in contingent funding for recruiting/retaining teachers in certain campuses and subject areas, providing teacher induction and mentoring support, and supporting previously developed incentive pay programs.</p>
(Additional) Funding Contingent on a PSF Distribution	III-23, Rider #90 Rider Packet Page III-13		III-22, Rider #83 Rider Packet Page III-13			<p>Senate includes contingent appropriations from the ASF for the FSP (\$267.2 million) and the Technology Allotment (\$270.9 million).</p> <p>House includes contingent appropriations from the ASF for the FSP (\$267.2 million) and the Technology Allotment (\$50.0 million). House specifies that if ASF funding is available, any federal ARRA, 2009 funding provided for the purposes described in the rider is to be distributed to school districts based on a Title I basis.</p>

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Initiatives to Improve Student Performance on Assessments		N/A	III-22, Rider #85 Rider Packet Page III-10			House includes rider directing use of assessment funds for improving student performance on assessments.
Educator Professional Development	III-23, Rider #94 Rider Packet Page III-14		III-22, Rider #86 Rider Packet Page III-14			1 Senate and House versions reflect respective funding levels. 2 Senate carves out \$1 million for the biennium for training in the integration of science, mathematics, and the arts.
Capital Budget Expenditures from Federal and Other Funding Sources		N/A	III-22, Rider #87 Rider Packet Page III-11			House includes rider exempting from Article IX limitations on capital budget expenditures, capital budget projects funded with gifts, grants, or federal funds received in excess of amounts identified in the agency's capital budget rider for which capital projects are an allowable use. The House limits the exemption to projects related to revision of major state data systems or projects funded from ARRA.
Child Nutrition Outreach Plan		N/A	III-22, Rider #88 Rider Packet Page III-11			House requires the Commissioner of Education, in consultation with the Commissioner of Agriculture, to develop a plan to increase enrollment in Child Nutrition Programs and specifies a related reporting requirement regarding actual increases in enrollment.

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	2010	2011	2010	2011		
Prohibition on Vouchers		N/A	III-23, Rider #89 Rider Packet Page III-12			House establishes intent that appropriated funds not be spent for public education vouchers for students in grades 1 through 12. Language specifies the prohibition does not include services provided by private entities for students enrolled in public schools or payments related to services provided to special education students on the recommendation of the ARD committee in compliance with federal law.
Best Practices for Public School Dropout Prevention and Recovery		N/A	III-23, Rider #90 Rider Packet Page III-13			House allocates \$320,000 from funds appropriated for SSI to collect best practices in dropout prevention and to make those practices available through the best practices clearinghouse.
	See also Article XI Senate, page XI-2		See also Article XI House, page XI-6-7			

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	2010	2011	2010	2011		
TEXAS SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED		III-23		III-23		
A.1.1. Classroom Instruction	\$ -	\$ -	\$ -	\$ -	\$ -	House appropriates \$29,423 per year in General Revenue and reduces Appropriated Receipts by same amount to offset previous funding through the TEA Rider 21 (Senate bill) for ASF hold harmless funding.
A.1.2. Residential Program	\$ 3,537,785	\$ 3,548,284	\$ 3,239,785	\$ 3,250,284	\$ 596,000	Senate provides \$298,000 per year in General Revenue for residential instructor salary increases. See also Article XI House, page XI-8.
B.1.1. Technical Assistance	\$ 3,459,888	\$ 3,459,888	\$ 3,059,888	\$ 3,059,888	\$ 800,000	Senate provides \$400,000 per year in General Revenue to support the Teacher Preparation Program in partnership with Texas Tech University and Stephen F. Austin University.
Teacher Preparation Consortium		III-26, Rider #3 Rider Packet, III-15		III-26, Rider #3 Rider Packet, III-15		Senate rider directs \$800,000 in General Revenue to support the Teacher Preparation Program for teachers of students with visual impairments.
				See also Article XI House, page XI-8		

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	2010	2011	2010	2011		
<u>SCHOOL FOR THE DEAF</u>		III-27		III-27		
A.1.1. Classroom Instruction	\$ 7,802,712	\$ 7,769,280	\$ 7,621,712	\$ 7,638,280	\$ 312,000	<p>Senate provides General Revenue for the following:</p> <ul style="list-style-type: none"> a. \$81,000 per year to improve direct services to address the growth in the age 18+ transition population and authority for 3.8 FTEs. (Part of Senate decision to appropriate \$221,000 per year across strategies for 18+ program). See also Article XI House, page XI-8. b. \$50,000 per year to fund one new data system FTE. See also Article XI House, page XI-8. b. \$50,000 in fiscal year 2010 to fund two Drivers' Ed cars. See also Article XI House, page XI-8. <p>House appropriates \$80,577 per year in General Revenue and reduces Appropriated Receipts by same amount to offset previous funding through the TEA Rider 21 for ASF hold harmless funding.</p>
A.1.2. Residential Program	\$ 4,073,854	\$ 4,090,422	\$ 4,033,854	\$ 4,050,422	\$ 80,000	<p>Senate provides \$40,000 per year in General Revenue to improve direct services to address the growth in the age 18+ transition population and authority for 1.8 FTEs. (Part of Senate decision to appropriate \$221,000 per year across strategies for 18+ program). See also Article XI House, page XI-8.</p>

Agency/Item	<u>Senate</u>		<u>House</u>		Biennial Difference	Explanation
	2010	2011	2010	2011		
A.1.3. Related and Support Services	\$ 5,609,476	\$ 5,414,318	\$ 5,217,125	\$ 5,227,231	\$ 579,438	<p>Senate provides General Revenue for the following:</p> <ul style="list-style-type: none"> a. \$100,000 per year to improve direct services to address the growth in the age 18+ transition population and authority for 1.8 FTEs. (Part of Senate decision to appropriate \$221,000 per year across strategies for 18+ program). See also Article XI House, page XI-8. b. \$159,438 for homegoing costs for students via charter bus contract and air travel. c. \$220,000 in fiscal year 2010 to fund two school buses and two passenger vans. See also Article XI House, page XI-8.
	See also Article XI Senate, page XI-2		See also Article XI House, page XI-8			

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<u>SPECIAL PROVISIONS FOR THE SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED AND SCHOOL FOR THE DEAF</u>		III-30		III-29		
Appropriation of Funds		III-30, Rider #3 Rider Packet, page III-16		III-29, Rider #3 Rider Packet, page III-16		House revises language by substituting the word "recyclables" for the word "garbage".

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<u>TEACHER RETIREMENT SYSTEM</u>		III-31		III-30		
A.1.3. Administrative Operations	\$ 62,283,841	\$ 62,233,841	\$ 58,633,841	\$ 58,633,841	\$ 7,250,000	Senate provides for a method of finance swap to shift pension-related costs from TRS Pension Trust Fund No. 960 to General Revenue as follows: <ul style="list-style-type: none"> a. \$3.9 million increase in Pension Trust Fund No. 960 to annualize investment staff salaries for 2010-11. See also Article XI House, page XI-8. b. \$3.3 million increase in Pension Trust Fund No 960 to expand the Investment Division and adds 20 FTEs. See also Article XI House, page XI-8. c. \$50,000 increase in General Revenue to conduct a Medicare Part D Study. See Senate Article IX, Sec. 10.09. d. Method of finance swap of \$7.4 million to fund TRS exempt staff salary positions from General Revenue instead of Pension Trust Fund No. 960. See Senate Rider #11.
Travel Expenditures		III-33, Rider #9 Rider Packet, page III-17		III-33, Rider #9 Rider Packet, page III-17		Senate provides authority for an additional \$100,000 per year from Pension Trust Fund No. 960 to increase the out-of-state travel cap from \$525,000 to \$625,000. See also Article XI House, page XI-8.

Agency/Item	<u>Senate</u>		<u>House</u>		Biennial Difference	Explanation
	2010	2011	2010	2011		
Use of General Revenue Appropriation to Fund Teacher Retirement System (TRS) Exempt Staff Salaries	III-34, Rider #11 Rider Packet, page III-17					Senate provides \$3.7 million per year in General Revenue to fund 11 exempt positions and if TRS Board adopts a Fiduciary Finding prior to LBB approval, same amount adopted by the Fiduciary Finding will be reduced from General Revenue.
Study on Directly Contracting with Medicare for Prescription Drug Coverage (Senate) - Medicare Part D Study (House)	IX-47, Sec. 10.09		III-33, Rider #11 Rider Packet, page III-17			Senate provides for a rider in Article IX and \$50,000 in General Revenue to the Teacher Retirement System to conduct a study related to directly contracting with Medicare for retiree prescription drug coverage and determining whether such contracting is cost-effective. House provides for a similar rider in the agency's bill pattern without funding.
Full-Time Equivalent Positions Intern Exemption	III-34, Rider #12 Rider Packet, page III-18					Senate provides a rider to exempt undergraduate and graduate interns in the TRS Intern Program from the Article IX, Sec. 6.10. Limitations on State Employment Levels.
Emerging Fund Managers			III-33, Rider #12 Rider Packet, page III-18			House adopts a rider that directs TRS to make a good faith effort to hire qualified emerging fund managers, and report back to the Legislature on the methods and results of the system's efforts to hire emerging fund managers.
Limitation on Funds Appropriated to the Teacher Retirement System (TRS)	III-34, Rider #13 Rider Packet, page III-18					Senate provides rider to disallow the use of TRS Pension Trust Funds for the purpose of hiring an external communications consultant.

Agency/Item	<u>Senate</u>		<u>House</u>		Biennial Difference	Explanation
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Teacher Retirement System Supplemental Annuity Payment			Article IX-69, Sec. 17.03			House provides \$217.4 million in General Revenue to fund a one-time supplemental annuity payment not to exceed \$1,000 per annuitant.
EXEMPT POSITIONS	III-31		III-30			Senate adds salary authority for five new exempt salary positions in the Investment Division for 2010-11.
	See also Article XI Senate, page XI-3		See also Article XI House, page XI-8			

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<u>OPTIONAL RETIREMENT PROGRAM</u>						
No issues.	III-34		III-33			