

**Rider Comparison Packet**

**Conference Committee on Senate Bill 1**

**2010-11 General Appropriations Bill**

**Article III - Agencies of Public Education**

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

**Senate**

- 6. Windham Schools.** The funds appropriated above in Strategy B.2.4, Windham School District, are to be expended only for academic and vocational educational programs approved by the Texas Education Agency. The Commissioner of Education shall allocate funds to the Windham Schools based on contact hours for the best 180 of 210 school days in each year of the biennium. The contact hour rates for the 2010-11 biennium are the following: \$3.88180 for academic education and \$2.980595 for vocational education.

The Windham School District shall use funds appropriated above to serve those students whose participation will help achieve the goals of reduced recidivism and the increased success of former inmates in obtaining and maintaining employment. To achieve these goals, younger offenders with the lowest educational levels and the earliest projected release or parole eligibility dates should receive high priority. This policy shall not preclude the Windham School District from serving other populations according to needs and resources. The Windham School District will report to the Eighty-second Legislature regarding its effort and success in implementing this prioritization.

- 15. Reporting on Program Transfers to Regional Education Service Centers.** At the end of each fiscal year, the Commissioner shall submit a report to the Legislative Budget Board and the Governor describing all programs and funding amounts transferred to Regional Education Service Centers during the fiscal year. The report shall identify instances in which a transfer added to the administrative cost of a program and any evidence suggesting that a transfer delayed the distribution of program funds to school districts. No funds transferred to Regional Education Service Centers or to school districts may be used to hire a registered lobbyist.

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- 6. Windham Schools.** The funds appropriated above in Strategy B.2.4, Windham School District, are to be expended only for academic and vocational educational programs approved by the Texas Education Agency. The Commissioner of Education shall allocate funds to the Windham Schools based on contact hours for the best 180 of 210 school days in each year of the biennium. The contact hour rates for the 2010-11 biennium are the following: \$3.88349 for academic education, \$2.95885 for vocational education.

The Windham School District shall use funds appropriated above to serve those students whose participation will help achieve the goals of reduced recidivism and the increased success of former inmates in obtaining and maintaining employment. To achieve these goals, younger offenders with the lowest educational levels and the earliest projected release or parole eligibility dates should receive high priority. This policy shall not preclude the Windham School District from serving other populations according to needs and resources. The Windham School District will report to the Eighty-second Legislature regarding its effort and success in implementing this prioritization. The Windham School District will also report to the Eighty-second Legislature regarding the recidivism rates and employment rates during the 2010-11 biennium of district students who successfully complete the district's program.

- 15. Reporting on Program Transfers to and Contracts with Regional Education Service Centers.** At the end of each fiscal year, the Commissioner shall submit a report to the Legislative Budget Board, the Governor, and the chairmen of the standing committees of the Texas House of Representatives and the Texas Senate with primary jurisdiction over public education describing all programs and funding amounts transferred to Regional Education Service Centers during the fiscal year. The report shall identify instances in which a transfer added to the administrative cost of a program and any evidence suggesting that a transfer delayed the distribution of program funds to school districts. No funds transferred to Regional Education Service Centers or to school districts may be used to hire a registered lobbyist.

In addition to complying with all applicable laws, the Texas Education Agency may not enter into a contract with a Regional Education Service Center involving any funds appropriated above without any employee of the agency with decision-making authority regarding the contract disclosing in writing to the Commissioner and the General Counsel of the agency all

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personal, professional, business, or familial relationships with an owner, employee, or paid consultant or subcontractor of the Regional Education Service Center. The agency shall publish notice in the Texas Register not later than the 14<sup>th</sup> day before the agency enters into a contract with a Regional Education Service Center and shall publish notice not later than the 14<sup>th</sup> day after the date on which the contract is entered into that designates the Regional Education Service Center, the amount of the contract, and a description of services and terms of the contract. For contracts valued over \$25,000, the agency shall award contracts using competitive sealed proposals or other competitive procurement procedures. Professional services as defined in Texas Government Code, Chapter 2254, Subchapter A shall be procured in accordance with the provisions of that Subchapter.

- 27. Communities in Schools.** Out of funds appropriated above for Strategy A.2.4, School Improvement and Support Programs, \$15,630,976 in State Compensatory Education Funds, \$500,000 in General Revenue funds, and \$4,842,342 in TANF funds in fiscal year 2010, and \$15,630,976 in State Compensatory Education Funds, \$500,000 in General Revenue funds, and \$4,842,341 in TANF funds in fiscal year 2011 are allocated for the Communities in Schools Program.

Contingent on enactment of Senate Bill 2392 by the 81st Legislature or similar legislation relating to public school finance, an additional \$14,369,024 shall be allocated from State Compensatory Education Funds in each fiscal year of the biennium to support the Communities in Schools program. It is the intent of the legislature that the Communities in Schools program serve no fewer than 96,871 case-managed students per year.

Any unexpended balances as of August 31, 2010 are hereby appropriated to fiscal year 2011 for the same purpose.

- 37. School Improvement and Parental Involvement Initiative.** Out of the funds appropriated above in Strategy A.2.4, School Improvement and Support Programs, the Commissioner shall

- 26. Communities in Schools.** Out of funds appropriated above for Strategy A.2.4, School Improvement and Support Programs, \$15,630,976 in State Compensatory Education Funds, \$500,000 in General Revenue funds, and \$4,842,342 in TANF funds in fiscal year 2010, and \$15,630,976 in State Compensatory Education Funds, \$500,000 in General Revenue funds, and \$4,842,341 in TANF funds in fiscal year 2011 are allocated for the Communities in Schools Program.

Notwithstanding any other limitation imposed elsewhere in this Act, the Texas Education Agency may transfer General Revenue funds identified above and appropriated for the purpose of providing grants under the Communities in Schools program to Strategies B.3.2-B.3.5 for the purpose of providing administrative support for the program. Transfers made under the authority of this rider may not exceed \$300,000 for the 2010-11 biennium.

Any unexpended balances as of August 31, 2010 are hereby appropriated to fiscal year 2011 for the same purpose.

- 36. School Improvement and Parental Involvement Initiative.** Out of the funds appropriated above in Strategy A.2.4, School Improvement and Support Programs, the Commissioner shall

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allocate \$850,000 in each fiscal year of the 2010-11 biennium to the AVANCE family support and education program.

Any unexpended balances as of August 31, 2010 are hereby appropriated to fiscal year 2011 for the same purpose.

- 43. Student Success Initiative.** Out of the funds appropriated above in Strategy A.2.1, Statewide Educational Programs, \$154,496,767 in fiscal year 2010 and \$154,496,767 in fiscal year 2011 are allocated for the Student Success Initiative to focus on reading, math, and postsecondary readiness. The Commissioner shall expend these funds for allocations to schools for the purpose of implementation of scientifically-validated and research-based instructional strategies on campuses at which students are identified as unlikely to achieve the TAKS reading standard by the end of the third grade, including those students with dyslexia and related disorders, students unlikely to achieve the TAKS reading or math standards by the end of the fifth grade, students unlikely to achieve TAKS reading or math standards by the end of the eighth grade, and/or students unlikely to meet the end-of-course Algebra I standards in the ninth grade/high school, and to ensure postsecondary readiness in all core content areas.
- a. From funds appropriated above, the Commissioner may allocate funding to continue teacher reading academies for previously untrained teachers in grades 6, 7 and 8, and training in teaching reading across content areas for grades 6-8 math, science and social studies teachers. Where applicable, the academies shall include training in the use of diagnostic instruments.
  - b. From funds appropriated for the Student Success Initiative, and from any available Federal Funds, the Commissioner shall allocate an amount not to exceed \$10,100,000 in each fiscal year of the 2010-11 biennium for math academies for grades 5 through 8.

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allocate \$850,000 in each fiscal year of the 2010-11 biennium to the AVANCE family support and education program. The Commissioner shall ensure that all of the funds allocated for this program are spent on service delivery within the state of Texas. It is the intent of the legislature that funds referenced in this rider shall not be used to supplant funding allocated for direct service delivery within the state of Texas under the AVANCE program.

Any unexpended balances as of August 31, 2010 are hereby appropriated to fiscal year 2011 for the same purpose.

- 42. Student Success Initiative.** Out of the funds appropriated above in Strategy A.2.1, Statewide Educational Programs, \$153,999,650 in fiscal year 2010 and \$153,999,650 in fiscal year 2011 are allocated for the Student Success Initiative. The Commissioner shall expend these funds for allocations to schools for the purpose of implementation of scientific, research-based programs for students who have been identified as unlikely to achieve the third grade TAKS reading standard by the end of the third grade, including those students with dyslexia and related disorders, students unlikely to achieve the TAKS reading or math standards by the end of the fifth grade, students unlikely to achieve TAKS reading or math standards in the eighth grade assessments administered in 2008, and students unlikely to achieve college readiness by the end of the 11th grade.
- a. From funds appropriated above, the Commissioner may allocate funding to continue teacher reading academies for previously untrained teachers in grades 6, 7 and 8, and training in teaching reading across content areas for grades 6-8 math, science and social studies teachers. Where applicable, the academies shall include training in the use of the diagnostic instruments and intensive reading instruction programs developed under the Adolescent Literacy Initiative.
  - b. From funds appropriated for the Student Success Initiative, and from any available Federal Funds, the Commissioner shall distribute the supplemental diagnostic screening instruments and intensive reading instruction programs developed under the Adolescent

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Where applicable, the academies shall include training in the use of diagnostic instruments and additional follow-up support for teachers.

Literacy Initiative to school districts and charter schools.

- c. From funds appropriated for the Student Success Initiative, and from any available Federal Funds, the Commissioner shall set aside an amount not to exceed \$1,700,000 in each fiscal year of the 2010-11 biennium for the development of a supplemental diagnostic screening instrument for students who do not perform at proficient levels in math in grades 5 through 8.
- d. From funds appropriated for the Student Success Initiative, the Commissioner shall set aside an amount not to exceed \$4,500,000 for the 2010-11 biennium for the establishment of online college readiness materials in mathematics, science, and social studies. Online materials must be made available to students by fall 2010 for mathematics and by fall 2011 for science and social studies.
- e. From funds appropriated for the Student Success Initiative, and from any available Federal Funds, the Commissioner shall set aside an amount not to exceed \$50,000,000 for the 2010-11 biennium to administer competitive grants aimed at improving student achievement in mathematics and preparing students to meet the Algebra I end-of-course standard to school districts and open-enrollment charter schools with students identified as unlikely to meet the end-of-course standard in Algebra I.
- f. Any balances as of August 31, 2010, are appropriated for fiscal year 2011 for the same purposes.

- c. Any balances as of August 31, 2010, are appropriated for fiscal year 2011 for the same purposes.
- d. From funds appropriated above, the Commissioner shall allocate \$25 million for the biennium for targeted assistance to promote student success and close achievement gaps at campuses with disproportionately high numbers of students who have been identified as unlikely to achieve college readiness standards by the end of the 11th grade, including technical assistance from individuals with demonstrated expertise in improving student college readiness and innovative partnerships with institutions of higher education.
- e. From funds appropriated above, the Commissioner shall allocate \$2 million in fiscal year 2010 and \$2 million in fiscal year 2011 to reimburse school districts that extend Supplemental Education Services under the No Child Left Behind Act of 2001 (Pub. L. No. 107-110) by providing tutoring during the summer to improve reading and vocabulary acquisition to eligible students.

Notwithstanding the purposes described above by this rider, the Commissioner shall allocate \$153,999,650 in fiscal year 2010 and \$153,999,650 in fiscal year 2011 to implement programs that promote student success, minimize assessment failure, and close student achievement gaps consistent with the goals and provisions of the Texas Education Code as amended by any legislation enacted by the Eighty-first Legislature, Regular Session.

**47. Adult Education.** Priority shall be given to adult literacy programs in the expenditure of adult education funds appropriated above. It is the intent of the Legislature that, in providing educational programs, the administering agency or agencies shall provide appropriate training to recipients of Temporary Assistance for Needy Families (TANF) in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Out of the

**46. Adult Education.** Priority shall be given to adult literacy programs and may be given to adult literacy programs that include training in financial literacy and occupational foundation skills in the expenditure of adult education funds appropriated above. It is the intent of the Legislature that, in providing educational programs, the administering agency or agencies shall provide appropriate training to recipients of Temporary Assistance for Needy Families (TANF)

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\$8,885,700 in General Revenue Funds appropriated each year above in Strategy A.2.5, Adult Education and Family Literacy, an amount not less than \$2,000,000 each fiscal year shall be allocated to TEA's adult education cooperatives to provide education and training services to TANF recipients. In addition, out of the Federal TANF funds appropriated above in Strategy A.2.5, \$3,800,000 in fiscal year 2010 and \$3,800,000 in fiscal year 2011 shall be directed for services for adults who are eligible for TANF. Families that include a child living at home are deemed eligible for TANF-funded adult education services if a family member receives any of the following forms of assistance: Food Stamps, Medicaid, Children's Health Insurance Program, Child Care and Development Fund, or Free or Reduced Priced Child Nutrition Program meals. To implement these provisions, TEA shall enter into contracts or arrangements with the agency or agencies administering welfare reform and may work with other community-based organizations to offer services directly to adult TANF recipients. All providers of adult education shall meet the requirements defined in the Texas Education Code. Federal funds appropriated for this purpose shall be used for administrative expenditures only to the extent allowable under Federal regulations.

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

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in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Out of the \$18,885,700 in General Revenue Funds appropriated each year above in Strategy A.2.5, Adult Education and Family Literacy, an amount not less than \$2,000,000 each fiscal year shall be allocated to TEA's adult education cooperatives to provide education and training services to TANF recipients. In addition, out of the Federal TANF funds appropriated above in Strategy A.2.5, \$3,800,000 in fiscal year 2010 and \$3,800,000 in fiscal year 2011 shall be directed for services for adults who are eligible for TANF. Families that include a child living at home are deemed eligible for TANF-funded adult education services if a family member receives any of the following forms of assistance: Food Stamps, Medicaid, Children's Health Insurance Program, Child Care and Development Fund, or Free or Reduced Priced Child Nutrition Program meals. To implement these provisions, TEA shall enter into contracts or arrangements with the agency or agencies administering welfare reform and may work with other community-based organizations to offer services directly to adult TANF recipients. All providers of adult education shall meet the requirements defined in the Texas Education Code. Federal funds appropriated for this purpose shall be used for administrative expenditures only to the extent allowable under Federal regulations.

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

It is the intent of the legislature that the agency shall allocate state and federal adult basic education funds, other than federal funds set aside for state administration, special projects, and staff development, based on need for persons 18 years of age or older who have not received a high school diploma. Funds available to a service area in which there is no eligible service provider providing student contact hours shall be distributed proportionally by the agency to other eligible service providers in the county. If there are no other eligible service providers in the county, the funds allocated for that county shall be distributed proportionally by the agency throughout the state to eligible service providers by service area. Service providers providing student contact hours for the 2008-09 school year are entitled to at least the same level of student contact hours in the 2009-2010 and 2010-2011 school years as the service provider

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provided in the 2008-09 school year. It is the intent of the legislature that the agency by rule or the legislature by enactment of an Act of the Eighty-first Legislature, Regular Session, shall establish that service providers of adult education shall be paid on a student contact hour and student performance basis and shall require that the total number of eligible student contact hours must be based on the student's level of performance on a designated literacy or basic skills test so that the number of eligible student contact hours funded is increased for a student with a lower performance level.

**51. Academic Enrichment.** Out of funds appropriated in Strategy A.2.4, School Improvement and Support Programs, the Commissioner shall distribute the amount appropriated in Federal 21st Century Community Learning Centers (CCLC) funds, estimated to be \$151,629,082, for the 2010-11 biennium to be distributed through competitive grants to support the establishment and implementation of supplemental services, programs, and activities designed to enrich or extend student learning experiences outside of the regular school day. In awarding grants pursuant to this rider, the Commissioner shall give emphasis to schools with high concentrations of economically disadvantaged students.

**50. Investment Capital Fund.** The Commissioner shall allocate an amount not to exceed \$4,497,478 in each year of the biennium to the Investment Capital Fund. Of that total, an amount not to exceed \$2,500,000 in each year shall be set aside from the Compensatory Education allotment, and an amount not to exceed \$1,997,478 in each year shall be allocated directly from the Foundation School Program. Grants made from the Investment Capital Fund pursuant to this rider are subject to the provisions contained in § 7.024 of the Texas Education Code, and grants may only be made to entities that meet the criteria set forth in that section.

Entities eligible to receive Federal 21st CCLC Funds are those entities identified in United States Code, Title 20, Chapter 70, Subchapter IV, Part B, 21st Century Community Learning Centers, including, but not limited to, districts that qualify for the Optional Extended Year Program, districts that contain zip codes with high juvenile crime rates, the Alliance Organizations, AVANCE, Do Something, Communities in Schools, Area Interfaith, and One Community/One Child, Best Buddies, as well as other organizations identified as eligible by statute, provided all entities comply with the 21st CCLC statutory requirements. It is the intent of the Legislature that the Commissioner give funding priority to existing collaborations between school districts and community organizations.

In addition to the amount identified above, the Commissioner shall allocate an amount not to exceed \$4,497,478 in each year of the biennium to the Investment Capital Fund. Of that total, an amount not to exceed \$2,500,000 in each year shall be set aside from the Compensatory

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Education allotment, and an amount not to exceed \$1,997,478 in each year shall be allocated directly from the Foundation School Program. Grants made from the Investment Capital Fund pursuant to this rider are subject to the provisions contained in § 7.024 of the Texas Education Code, and grants may only be made to entities that meet the criteria set forth in that section.

**52. Texas High School Completion and Success Initiative.** Out of funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Texas Education Agency:

- a. shall allocate \$50,812,500 in General Revenue in each year of the 2010-11 biennium to support research-based instructional support and professional development to secondary schools with students at-risk of dropping out of school and for programs to support the improvement of high school graduation rates and postsecondary readiness, pursuant to the provisions of House Bill 2237, 80th Legislature, Regular Session, 2007; and
- b. shall continue to enter into a memorandum of understanding with the Texas Higher Education Coordinating Board for the transfer of appropriations from the Texas Education Agency to the Texas Higher Education Coordinating Board to implement the provisions of House Bill 2237, 80th Legislature, Regular Session, 2007. A signed copy of the memorandum of understanding shall be provided to the Legislative Budget Board and the Governor no later than December 31, 2009.

Any unexpended balances as of August 31, 2010 are hereby appropriated to fiscal year 2011 for the same purposes.

**59. Per Pupil Allotment.** Funds allocated above in Strategy A.1.1, FSP - Equalized Operations, include funds sufficient to ensure the maintenance of the \$110 per weighted student allocation

**51. Texas High School Completion and Success Initiative.** Out of funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Texas Education Agency:

- a. shall allocate \$50,812,500 in General Revenue in each year of the 2010-11 biennium to support research-based instructional support and professional development to secondary and middle schools with students at-risk of dropping out of school, conduct a study to be reported to the legislature regarding the high dropout rates of students with limited English proficiency and students with parents with limited English proficiency, and for programs to support the improvement of high school graduation rates and postsecondary readiness, pursuant to the provisions of House Bill 2237, 80th Legislature, Regular Session, 2007; and
- b. shall continue to enter into a memorandum of understanding with the Texas Higher Education Coordinating Board for the transfer of appropriations from the Texas Education Agency to the Texas Higher Education Coordinating Board to implement the provisions of House Bill 2237, 80th Legislature, Regular Session, 2007. A signed copy of the memorandum of understanding shall be provided to the Legislative Budget Board and the Governor no later than December 31, 2009.

Any unexpended balances as of August 31, 2010 are hereby appropriated to fiscal year 2011 for the same purposes.



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authorized in Rider 82, page III-23, 2003 General Appropriations Act, as modified by House Bill 3459, Seventy-eighth Legislature, 2003.

The total amount of payment under this section is subject to reduction to the extent that districts not otherwise entitled to state aid from the Foundation School Fund receive a benefit from the change in the distributions from the Available School Fund caused by the adoption of amendments to the Texas Constitution, Article VII, § 5, at the election held September 13, 2003.

The reduction will be calculated according to rules set forth in the Texas Administrative Code, § 61.1016.

- 60. Career and Technology Education Allotment.** With regard to funds appropriated above in Strategy A.1.1, FSP - Equalized Operations, no more than 10 percent of each school district's Foundation School Program Career and Technology Education allotment under the Texas Education Code § 42.154 may be expended for indirect costs related to the career and technology education programs.
- 68. Renewing Our Communities.** The Texas Education Agency is hereby appropriated all amounts deposited into the Renewing Our Communities Account, an account hereby established in the General Revenue fund. The account is eligible to receive gifts, grants, or donations from public or private sources and shall be administered by the Texas Education Agency. Funds deposited into this account are to be used to increase the organizational capacity of faith and community-based organizations to deliver charitable and social services to persons in this state.
- 69. Student Achievement and Educator Excellence Awards Programs.** Out of Educator

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Excellence Funds (General Revenue) appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Commissioner shall expend an amount not to exceed \$245,281,457 in fiscal year 2010 and \$245,281,457 in fiscal year 2011 for the purpose of administering the Awards for Student Achievement and Educator Excellence Awards programs in accordance with Texas Education Code Chapter 21, Subchapters N and O.

Of these amounts, the Commissioner shall expend an amount not to exceed \$97,500,000 in fiscal year 2010 and \$97,500,000 in fiscal year 2011 for the Awards for Student Achievement program. The Commissioner may set aside funds, in amounts not to exceed \$800,000 in fiscal year 2010 and \$1,000,000 in fiscal year 2011, to evaluate the Educator Excellence Grants. The Commissioner may set aside funds in an amount not to exceed \$1,000,000 in each year of the 2010-11 biennium to provide districts with technical assistance in implementing Educator Excellence Grants.

In each fiscal year, the Commissioner shall expend the remaining amounts identified by this rider not allocated for the Awards for Student Achievement program on the Educator Excellence Awards program.

- 73. Evaluations for General Revenue Programs.** Unless otherwise directed by this Act, the Texas Education Agency shall conduct a performance evaluation of any General Revenue-funded program initiated by the 80<sup>th</sup> or 81st Legislature, and deliver a report to the Legislature in January of the first odd-numbered year after the 4<sup>th</sup> fiscal year of the program's implementation. The agency shall include the Student Success Initiative in the list of programs to be evaluated for a report to the legislature in January, 2011.

An amount not to exceed 5 percent of the funds appropriated for each program to be evaluated may be used to perform the evaluation of each program, the actual amount to be determined by the Commissioner.

- 68. Evaluations for General Revenue Programs.** Unless otherwise directed by this Act, the Texas Education Agency shall conduct a performance evaluation of any General Revenue-funded program initiated by the 80<sup>th</sup> or 81st Legislature, and deliver a report to the Legislature in January of the first odd-numbered year after the 4<sup>th</sup> fiscal year of the program's implementation. The Commissioner is authorized to exempt from this requirement any program that is not suitable for formal evaluation and shall provide a list of exempt programs to the Legislative Budget Board and the Office of the Governor by the end of the first fiscal year in which an exempted program is implemented. The agency shall include the Student Success Initiative in the list of programs to be evaluated for a report to the legislature in January, 2011.

An amount not to exceed 5 percent of the funds appropriated for each program to be evaluated

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- 80. Educator Salary Increase.** Out of General Revenue funds appropriated above in Strategy A.1.1., FSP - Equalized Operations, the Commissioner shall allocate \$23.63 per student in weighted average daily attendance in each year of the 2010-11 biennium to each school district and charter school in the state for the purpose of providing increased educator salary. Each district and charter school shall annually report to the Texas Education Agency information on the use of the educator salary funds identified by this rider. The Commissioner may adopt rules to implement the provisions of this rider.

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may be used to perform the evaluation of each program, the actual amount to be determined by the Commissioner.

- 75. Educator Salary Increase.** Out of General Revenue funds appropriated above in Strategy A.1.1., FSP - Equalized Operations, the Commissioner shall allocate \$141,400,000 in General Revenue funds in fiscal year 2010 and \$141,400,000 in General Revenue funds in fiscal year 2011 to school districts and charter schools for the purpose of providing increased educator salary. The Commissioner shall allocate funds to each school district and charter school so that the amounts received in each fiscal year of the 2010-11 biennium are equal to the amounts received in fiscal year 2009 in association with similar provisions contained in Texas Education Agency, Rider 86. Educator Salary Increase in the 2008-09 General Appropriations Act, 80th Legislature, Regular Session, 2007. Each district and charter school shall annually report to the Texas Education Agency information on the use of the educator salary funds identified by this rider. The Commissioner may adopt rules to implement the provisions of this rider.

Out of General Revenue funds appropriated above in Strategy A.1.1, FSP - Equalized Operations, the Commissioner shall allocate \$337,117 in General Revenue funds in fiscal year 2010 and \$337,117 in General Revenue funds in fiscal year 2011 to the Windham School District for the purpose of providing increased educator salary.

- 85. Initiatives to Improve Student Performance on Assessments.** Out of funds appropriated above in Strategy B.1.1, Assessment & Accountability System, the Commissioner shall allocate \$11,414,896 in General Revenue funds in fiscal year 2010 and \$11,414,897 in General Revenue funds in fiscal year 2011 for the purpose of improving student performance on state assessments.

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**87. Capital Budget Expenditures from Federal and Other Funding Sources.** The Texas Education Agency is hereby exempted from the capital budget rider provisions contained in Article IX of this Act when gifts, grants, inter-local funds, and federal funds are received in excess of the amounts identified in the agency's capital budget rider and such funds are designated by the donor, grantor, or federal agency for the purchase of specific capital items, limited to projects related to revision of major state data systems or projects funded with amounts received through the federal American Recovery and Reinvestment Act of 2009.

Amounts expended from these funding sources shall not count against the limitation imposed by capital budget provisions elsewhere in this Act. The TEA shall notify the Legislative Budget Board and the Governor upon receipt of such funds of the amount received and the planned expenditures. It is the intent of the legislature that projects funded in any part under the authority of this rider not be exempt from any requirements of the Quality Assurance Team.

**88. Child Nutrition Outreach Plan.** Out of funds appropriated in Strategy B.2.3, Child Nutrition Programs, the Commissioner of Education, in consultation with the Commissioner of Agriculture, shall create a plan to increase enrollment in the Child Nutrition Program. The Texas Education Agency shall include the annual percentage increase or decrease in enrollment in the Child Nutrition Program in an annual report to the legislature.

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

**81. Teach for America.** From funds appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Commissioner shall expend \$2,000,000 in General Revenue in each fiscal year of the biennium to support the Teach for America program. It is the intent of the legislature that no less than 15 percent of funds appropriated be expended for services in counties other than those served by Teach for America prior to January 1, 2009.

**89. Foundation School Program Funds for Improving Equity and Reducing Recapture.**

**82. Foundation School Program Funds for Improving Equity, Reducing Recapture, and**

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Contingent on passage and enactment of legislation by the Eighty-first Legislature, Regular Session, relating to the return to a formula-driven public school finance system that improves equity and reduces recapture, out of the Foundation School Funds appropriated above in Strategy A.1.1., FSP - Equalized Operations and A.1.2, FSP - Equalized Facilities, \$933,000,000 in each fiscal year of the 2010-11 biennium is allocated for the purposes of the legislation.

Should legislation relating to the return to a formula-driven public school finance system that improves equity and reduces recapture fail to pass, appropriations of Foundation School Funds to Strategy A.1.1, FSP - Equalized Operations and A.1.2, FSP - Equalized Facilities, are hereby reduced by \$933,000,000 in each year of the 2010-11 biennium.

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**Providing Educator Salary Increases.** Contingent on passage and enactment of legislation by the Eighty-first Legislature, Regular Session, relating to the return to a formula-driven public school finance system that improves equity, reduces recapture, and provides for increases to educator salaries, out of the Foundation School Funds appropriated above in Strategy A.1.1., FSP - Equalized Operations and A.1.2, FSP - Equalized Facilities, \$1,104,390,728 in fiscal year 2010 and \$1,104,390,729 in fiscal year 2011 is allocated for the purposes of the legislation. Consistent with this allocation, \$171,390,728 in fiscal year 2010 and \$171,390,729 in fiscal year 2011 is further allocated for the following purposes:

1. recruiting and retaining highly qualified teachers for campuses serving a disproportionately high number of economically disadvantaged students;
2. recruiting and retaining teachers certified in mathematics, science, special education, bilingual education, or English as a second language;
3. providing teacher induction and mentoring support;
4. previously developed incentive programs.

The Texas Education Agency shall notify school districts of the amount of formula funding that is intended for the purposes identified by sections 1, 2, and 3 of this rider.

Should legislation relating to the return to a formula-driven public school finance system that improves equity and reduces recapture fail to pass, appropriations of Foundation School Funds to Strategy A.1.1, FSP - Equalized Operations and A.1.2, FSP - Equalized Facilities, are hereby reduced by \$933,000,000 in each year of the 2010-11 biennium, and Strategy B.3.1, Improving Educator Quality and Leadership, is hereby increased by \$171,390,728 in fiscal year 2010 and \$171,390,729 in fiscal year 2011.

**89. Prohibition on Vouchers.**

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

Senate

House

- a. It is the intent of the legislature that none of the funds appropriated above may be spent to pay for a public education voucher program or a public education voucher pilot program if the program uses federal funds or state tax dollars to pay tuition for children in any grades between grades 1 and 12 to attend a private school. Appropriated state or federal funds may not be used, directly or indirectly, for grants or programs for children to attend private schools or private educational programs that substitute for a regular education program provided by a school district or open-enrollment charter school.
- b. This section does not prohibit:
  - 1. payments for services to a private or nonprofit entity so long as students receiving the services remain enrolled in public school; or
  - 2. payments, including tuition, for students with disabilities placed in a private school by a local admission, review, and dismissal committee to the extent required under federal law.

**90. Best Practices for Public School Dropout Prevention and Recovery.** Out of the funds appropriated above in Strategy A.2.1, Statewide Educational Programs to support the Student Success Initiative, the Texas Education Agency shall allocate the amount of \$160,000 for the fiscal year ending August 31, 2010, and \$160,000 for the fiscal year ending August 31, 2011, for the purpose of collecting and making available best practices information concerning public school dropout prevention and recovery through the online clearinghouse of best practices information established under Texas Education Code, § 7.009.

**90. Additional Funding Contingent on a PSF Distribution.** Distributions from the Permanent School Fund (PSF) to the Available School Fund (ASF) in the 2010-11 biennium are hereby appropriated in the following manner:

**83. Funding Contingent on a PSF Distribution.** Distributions from the Permanent School Fund (PSF) to the Available School Fund (ASF) in the 2010-11 biennium are hereby appropriated in the following manner:

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

**Senate**

- a. Foundation School Program. In addition to the amounts appropriated above to the Foundation School Program in Strategy A.1.1, FSP- Equalized Operations, distributions from the PSF to the ASF in the 2010-2011 biennium are appropriated to Strategy A.1.1, FSP - Equalized Operations, for the purpose of funding the Foundation School Program. Amounts appropriated for this purpose shall not exceed \$267,191,144 for the 2010-11 biennium.
- b. Technology Allotment. Any PSF distributions to the ASF in excess of the amounts appropriated by this rider for the Foundation School Program are appropriated to the Technology Allotment and shall not exceed \$134,226,540 in fiscal year 2010 and \$136,710,120 in fiscal year 2011.

**94. Educator Professional Development.** Out of funds appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Commissioner shall spend \$16,040,000 in General Revenue funds in each fiscal year of the 2010-11 biennium for the purpose of implementing professional development programs for educators. From amounts identified above, the Commissioner shall allocate \$1,000,000 in the 2010-11 biennium for the purpose of providing training to teachers of mathematics, science, and the arts aimed at the integration of learning in mathematics, science, and the arts through the coordination of lesson plans, instructional strategies, and curricula.

**House**

- a. Foundation School Program. In addition to the amounts appropriated above to the Foundation School Program in Strategy A.1.1, FSP- Equalized Operations, distributions from the PSF to the ASF in the 2010-2011 biennium are appropriated to Strategy A.1.1, FSP - Equalized Operations, for the purpose of funding the Foundation School Program. Amounts appropriated for this purpose shall not exceed \$267,191,144 for the 2010-11 biennium.
- b. Technology Allotment. Any PSF distributions to the ASF in excess of the amounts appropriated by this rider for the Foundation School Program are appropriated to the Technology Allotment and shall not exceed \$50,021,083 in fiscal year 2011.
- c. In the event funds are available from the Available School Fund for the purposes identified in subsections a and b of this rider in the 2010-11 biennium, the Texas Education Agency shall distribute any American Recovery and Reinvestment Act of 2009 funds appropriated for these purposes to local education agencies based on their relative shares of funding under Part A of Title I of the Elementary and Secondary Education Act of 1965.

**86. Educator Professional Development.** Out of funds appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Commissioner shall spend \$10,000,000 in General Revenue funds in each fiscal year of the 2010-11 biennium for the purpose of implementing professional development programs for educators.

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

**Senate**

**House**

**3. Teacher Preparation Consortium.** Out of the funds appropriated above in Strategy B.1.1, Technical Assistance, \$900,000 in each year of the biennium is Federal CFDA 84.027, Special Education Grants and \$400,000 in each year of the biennium is General Revenue Funds. These funds shall be used to support professional preparation for teachers of students with visual impairments. The funds shall be expended under the provisions of a memorandum of understanding executed by Texas School for the Blind and Visually Impaired, Texas Tech University, and Stephen F. Austin University.

**3. Teacher Preparation Consortium.** Out of the funds appropriated above in Strategy B.1.1, Technical Assistance, \$900,000 in each year of the biennium is Federal CFDA 84.027, Special Education Grants. These funds shall be used to support professional preparation for teachers of students with visual impairments. The funds shall be expended under the provisions of a memorandum of understanding executed by Texas School for the Blind and Visually Impaired, Texas Tech University, and Stephen F. Austin University.



**ARTICLE III - AGENCIES OF EDUCATION**  
**S20 Special Provisions- Schools for Blind and Deaf**  
**DIFFERENCES ONLY**

Senate

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- 3. Appropriation of Funds.** With respect to the following funds held outside the State Treasury, any balances remaining at the end of the fiscal years ending August 31, 2009 and 2010, plus all receipts deposited to each fund's credit and income received on the fund during the biennium, are appropriated for the continued purpose for which the fund was established subject to the approval of the respective governing board: the Expendable Trust Fund; the Student Trust Fund; the Student Activity Fund; and the Student Aid Fund.

- 3. Appropriation of Funds.** With respect to the following funds held outside the State Treasury, any balances remaining at the end of the fiscal years ending August 31, 2009 and 2010, plus all receipts deposited to each fund's credit and income received on the fund during the biennium, are appropriated for the continued purpose for which the fund was established subject to the approval of the respective governing board: the Expendable Trust Fund; the Student Trust Fund; the Student Activity Fund; and the Student Aid Fund.

With respect to the following funds held within the State Treasury, any balances remaining at the end of the fiscal years ending August 31, 2009 and 2010, plus all receipts deposited to each fund's credit and income received on the fund during the biennium, are appropriated for the continued purpose for which the fund was established: Vocational Programs Fund; Technology Lending Fund; Curriculum Publications Fund; Independent School District Fund; State and County Available Fund and other funds brought into the State Treasury under Texas Government Code, Chapter 404.

With respect to the following funds held within the State Treasury, any balances remaining at the end of the fiscal years ending August 31, 2009 and 2010, plus all receipts deposited to each fund's credit and income received on the fund during the biennium, are appropriated for the continued purpose for which the fund was established: Vocational Programs Fund; Technology Lending Fund; Curriculum Publications Fund; Independent School District Fund; State and County Available Fund and other funds brought into the State Treasury under Texas Government Code, Chapter 404.

Funds received from sale of food and garbage and from the use of facilities of the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf by organizations and other entities, including the Recording for the Blind, Inc., and any daycare center provider using the facilities, are appropriated for the use of the respective school subject to the approval of the governing board.

Funds received from sale of food and recyclables and from the use of facilities of the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf by organizations and other entities, including the Recording for the Blind, Inc., and any daycare center provider using the facilities, are appropriated for the use of the respective school subject to the approval of the governing board.

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

**9. Travel Expenditures.** Notwithstanding the limitations on travel expenditures contained in Article IX of this Act, the annual out-of-state travel cap for the Teacher Retirement System is hereby set at \$625,000 for each year of the biennium. The additional authority is provided to allow TRS' investment professionals greater personal access to financial centers, investment experts, and investor information.

**9. Travel Expenditures.** Notwithstanding the limitations on travel expenditures contained in Article IX of this Act, the annual out-of-state travel cap for the Teacher Retirement System is hereby set at \$525,000 for each year of the biennium. The additional authority is provided to allow TRS' investment professionals greater personal access to financial centers, investment experts, and investor information.

**11. Medicare Part D Study.** The Teacher Retirement System is directed to conduct an in-depth study to analyze the options of contracting directly with the Centers for Medicare and Medicaid Services (CMS) for retiree prescription drug coverage instead of the 28 percent retiree drug subsidy. The study should include projections of administrative or other costs, estimates of additional revenues from CMS, possible legal issues, and should examine alternative models to determine the most cost-effective model for the state of Texas to use. A report regarding the findings of the study shall be provided to the Legislative Budget Board and the Governor by no later than March 31, 2010.

After the Medicare Part D Study is finalized and if it concludes that contracting directly with the Centers for Medicare and Medicaid Services (CMS) is cost effective, then the Teacher Retirement System may begin applications and negotiations with CMS to become a sponsor of an Employer Group Waiver Plan in fiscal year 2011. The Teacher Retirement System may notify the Legislative Budget Board and the Governor within 45 days of implementing the process.

**11. Use General Revenue Appropriations to Fund Teacher Retirement System (TRS) Exempt Staff Salaries.** Out of the funds appropriated above in A.1.3, Administrative Operations, \$3.7 million in each year of the 2010-11 biennium is allocated to fund all TRS exempt staff salary positions. TRS exempt staff salaries shall be paid only from General Revenue appropriations. It is the intent of the Legislature that any increases funded with Teacher Retirement System Trust Account Fund No. 960 in excess of amounts appropriated in Strategy A.1.3, Administrative Operations shall be subject to prior approval by the Legislative Budget Board. In the event the TRS Board of Trustees adopts a fiduciary finding resolution pursuant to Government Code §825.313(d) that increases the agency's administrative budget without receiving prior approval of the Legislative Budget Board, the General Revenue appropriations in Strategy A.1.3, Administrative Operations are hereby reduced by an amount equal to the amount of the administrative funding increase contained in the fiduciary finding.

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

**Senate**

**House**

**12. Full-Time Equivalent Positions Intern Exemption.** The number of Full-Time Equivalent (FTE) positions held by undergraduate and graduate students in the Intern Program of the Teacher Retirement System (TRS) shall be exempt from Article IX, Sec. 6.10. Limitation on State Employment Levels. This provision will not change the cap on the Number of Full-Time Equivalents (FTE) for TRS listed elsewhere in this Act. TRS shall provide to the Legislative Budget Board, the Governor, the Comptroller of Public Accounts, and the State Auditor's Office a report of the number of FTEs associated with the Intern Program each fiscal year.

**12. Emerging Fund Managers.** From money appropriated under Goal A, the Teacher Retirement System shall make a good faith effort to expand its program to hire qualified emerging fund managers. The Teacher Retirement System of Texas shall report back to the Eighty-second Legislature on the methods and results of the system's efforts to hire emerging fund managers, including data disaggregated by race, ethnicity, gender, and fund size.

**13. Limitation on Funds Appropriated to the Teacher Retirement System (TRS).** It is the intent of the Legislature that none of the funds appropriated by this Act or from Teacher Retirement Pension Trust Fund Account No. 960 may be used for the purpose of hiring an external communications consultant.