

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 2009
Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 635 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Kip Averitt
Sen. Kip Averitt
Eddie Lucio Jr.
Sen. Eddie Lucio

Sen. Steve Ogden
Leticia Van de Putte
Sen. Leticia Van de Putte
Zaffirini
On the part of the Senate
Sen. Judith Zaffirini

Rep Guillen
GUILLEN,
CHAIR
Bryon Hughes
HUGHES
Tom Parker
PARKER
E. Rodriguez
RODRIGUEZ
Scott Hochberg
On the part of the House
HOCHBERG

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 635

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Education Agency to seek, accept, determine eligibility for, and distribute grants available for the benefit of public education and the establishment of professional development institutes and payment of grants to teachers who complete those institutes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 7, Education Code, is amended by adding Section 7.031 to read as follows:

Sec. 7.031. GRANTS. (a) The agency may seek, accept, and distribute grants awarded by the federal government or any other public or private entity for the benefit of public education, subject to the limitations or conditions imposed by the terms of the grants or by other law.

(b) Unless otherwise prohibited by federal law, the commissioner may determine, solely for purposes of the program's eligibility to receive federal grant funds, for the purpose of technology services and support, that a Head Start program operated in this state by a school district or a community-based organization serves the function of an elementary school by providing elementary education at one or more program facilities.

(c) A determination by the commissioner under Subsection (b):

(1) does not entitle a Head Start program to receive state funds for which the program would not otherwise be eligible;

(2) may not reduce the amount of federal grant funds available for school districts and open-enrollment charter schools;

and

(3) may not be appealed.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

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SECTION 1. Subchapter B, Chapter 7, Education Code, is amended by adding Section 7.031 to read as follows:

Sec. 7.031. GRANTS. (a) The agency may seek, accept, and distribute grants awarded by the federal government or any other public or private entity for the benefit of public education, subject to the limitations or conditions imposed by the terms of the grants or by other law.

(b) Unless otherwise prohibited by federal law, the commissioner may determine, solely for purposes of the program's eligibility to receive federal grant funds, for the purpose of technology services and support, that a Head Start program operated in this state by a school district or a community-based organization serves the function of an elementary school by providing elementary education at one or more program facilities.

(c) A determination by the commissioner under Subsection (b):

(1) does not entitle a Head Start program to receive state funds for which the program would not otherwise be eligible;

(2) may not reduce the amount of federal grant funds available for school districts and open-enrollment charter schools; and

(3) may not be appealed.

No equivalent provision.

SENATE VERSION

Same as House version.

CONFERENCE

SECTION 1. Same as House version.

SECTION __. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.461 to read as follows:

Sec. 21.461. PROFESSIONAL DEVELOPMENT

Same as House version.

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GRANTS REGARDING EDUCATION OF
STUDENTS WITH DISABILITIES.

(a) From funds appropriated for the purpose, as well as other available sources, the commissioner shall award a grant to each teacher or paraprofessional who completes a professional development institute developed under Subsection (c). The commissioner shall determine the amount of the grant awarded under this subsection.

(b) The commissioner shall, for each teacher or paraprofessional who completes training in an applied behavior analysis training program developed under Subsection (e), pay to the provider the cost of providing the program to the teacher or paraprofessional. The commissioner may determine a maximum amount that may be paid to provide the program under this subsection.

(c) The commissioner shall develop and make available professional development institutes for teachers and paraprofessionals relating to research-based instructional services for students with disabilities, including autism spectrum disorders.

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(d) A professional development institute developed under this section must address:

(1) disability-specific information necessary to enable a teacher or paraprofessional to work effectively in the classroom with students with disabilities;

(2) instructional techniques proven by scientifically based research, as defined by Section 9101, No Child Left Behind Act of 2001 (20 U.S.C. Section 7801), to be effective in teaching the curriculum required under Section 28.002 to students with disabilities; and

(3) appropriate management of behaviors related to a student's disability that may affect the student's performance.

(e) The commissioner shall develop one or more professional development institutes that offer applied behavior analysis training programs provided by or supervised by a person certified as a behavior analyst by the Behavior Analyst Certification Board. A training program under this subsection must provide:

(1) public access to lectures and training on the agency's Internet website and the appropriate regional education service center's Internet website;

(2) individual consultation in the classroom with students for at least six one-hour sessions;

(3) telephone or in-person video review for at least three

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one-hour sessions; and

(4) access to the teacher's mentor through telephone or videoconference consultation during the program.

(f) The commissioner shall develop a list of providers approved to conduct an applied behavior analysis training program under Subsection (e). A training program may be provided by a regional education service center, district specialist, university, private entity, private consultant, or other entity that provides training.

(g) The commissioner shall adopt criteria for selection of teachers and paraprofessionals authorized to attend a professional development institute, including an applied behavior analysis training program, developed under this section. The commissioner must give priority to teachers and paraprofessionals who have a significant level of professional contact with students with autism spectrum disorders.

(h) Not later than January 1 of each odd-numbered year, the commissioner shall submit a report *regarding the success of the institutes developed under this section, including recommendations for changes*, to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each legislative committee with primary jurisdiction over public education.

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No equivalent provision.

SECTION __. Section 21.461, Education Code, as added by this Act, does not make an appropriation. Section 21.461, Education Code, as added by this Act, takes effect only if a specific appropriation for the implementation of the section is provided in a general appropriations act of the 81st Legislature.

Same as House version.

The following row was presented as identical to the language of the engrossed version of Senate Bill 382, relating to a competitive grant program to fund promotion of early literacy programs in certain communities in this state.

No equivalent provision.

SECTION __. (a) Chapter 73, Education Code, is amended by adding Subchapter I to read as follows:
SUBCHAPTER I. COMPETITIVE GRANT PROGRAM TO PROMOTE EARLY LITERACY
Sec. 73.601. DEFINITIONS. In this subchapter:
(1) "Competitive grant program" means the competitive grant program to promote early literacy established under this subchapter.
(2) "Health care practitioner" has the meaning assigned by Section 112.001, Occupations Code.
(3) "Health science center" means The University of Texas Health Science Center at Houston.
(4) "Literacy program" means a program to promote early literacy.
Sec. 73.602. ESTABLISHMENT OF COMPETITIVE GRANT PROGRAM TO PROMOTE EARLY LITERACY. (a) The University of Texas Health

Same as House version.

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Science Center at Houston shall establish a competitive grant program to promote early literacy through which the health science center will award grants for the implementation of literacy programs, or the expansion of existing programs, and for the operation of those programs for a period of not less than two years.

(b) The health science center shall award grants under the program to applicants, including applicants operating existing programs, in a manner that ensures that the literacy programs collectively:

(1) operate in multiple communities that are geographically distributed throughout this state; and

(2) provide program services to approximately 50,000 children.

Sec. 73.603. LITERACY PROGRAM REQUIREMENTS. (a) A literacy program funded through a grant awarded under this subchapter must:

(1) strictly adhere to the program model developed by the Reach Out and Read National Center, including any clinical, programmatic, and data collection requirements of that model;

(2) provide matching funds in an amount equal to the amount of the grant funds awarded under this subchapter;

(3) require that health care practitioners volunteer to:

(A) in conjunction with performing well-child examinations, provide books to children and encourage parents to read to their children to develop preliteracy skills;

(B) maintain waiting rooms that encourage children to read; and

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(C) provide services designed to increase the school readiness of children receiving program services; and
(4) partner with local adult literacy providers to encourage parent literacy in appropriate circumstances.

(b) Matching funds under Subsection (a)(2) may include in-kind contributions.

Sec. 73.604. APPLICATION. (a) A public or private entity, including a county, municipality, or other political subdivision of this state, may apply for a grant under this subchapter.

(b) To apply for a grant, an applicant must submit a written application to the health science center on a form prescribed by the health science center in consultation with the Reach Out and Read National Center.

Sec. 73.605. ADDITIONAL CONSIDERATIONS IN AWARDING GRANTS. In addition to the factors described by Sections 73.602(b) and 73.603, in determining whether to award a grant to an applicant under this subchapter, the health science center may consider:

(1) the demonstrated need for a literacy program in the community in which the applicant proposes to operate or expand the program, which the health science center shall determine by considering:

(A) the poverty rate, the crime rate, the number of births to Medicaid recipients, the rate of poor birth outcomes, and the incidence of referrals of elementary school students for remedial instruction or special education services, and of child abuse and neglect, during a prescribed period in the community; and

(B) the need to enhance school readiness in the

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community;

(2) the applicant's ability to participate in ongoing monitoring and performance evaluations under Section 73.608, including the applicant's ability to collect and provide information requested by the health science center under Section 73.608(d);

(3) the applicant's ability to adhere to the literacy program guidelines published under Section 73.606;

(4) the applicant's ability to develop broad-based community support for implementing or expanding a literacy program, as applicable; and

(5) the applicant's history of developing and sustaining innovative, high-quality programs that meet the needs of families and communities.

Sec. 73.606. LITERACY PROGRAM GUIDELINES. The health science center, with the assistance of the Reach Out and Read National Center, shall publish guidelines for the literacy programs funded under this subchapter. The guidelines must adhere to the Reach Out and Read national program model standards and guidelines that have been tested and replicated in multiple communities.

Sec. 73.607. USE OF PROGRAM FUNDS. (a) In addition to awarding grants under this subchapter, the health science center may use program funds to:

(1) administer the competitive grant program; and

(2) purchase or contract to purchase discounted books for use by grant recipients.

(b) A grant recipient may use grant funds awarded under this subchapter only to cover costs related to implementing or expanding and operating a literacy

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program, including costs related to:

- (1) administering the literacy program;
- (2) training and managing health care practitioners who volunteer to participate in the literacy program; and
- (3) purchasing or contracting to purchase discounted books for use in the literacy program.

Sec. 73.608. PROGRAM MONITORING AND EVALUATION; ANNUAL COMMITTEE REPORTS.

(a) The health science center, with the assistance of the Reach Out and Read National Center, shall publish performance indicators that are designed to measure a grant recipient's performance with respect to the literacy program guidelines published under Section 73.606.

(b) The health science center shall:

- (1) use the performance indicators published under Subsection (a) to continuously monitor and formally evaluate on an annual basis the performance of each grant recipient; and
- (2) prepare and submit an annual report, not later than December 1 of each year, to the Senate Committee on Education, or its successor, and the House Public Education Committee, or its successor, regarding the performance of each grant recipient during the preceding state fiscal year with respect to providing literacy program services.

(c) The report required under Subsection (b)(2) must include:

- (1) the number of low-income children receiving literacy program services;
- (2) the number of health care practitioners who participate in the program and the estimated value of the

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services provided by those practitioners under the program; and

(3) the extent to which each grant recipient adhered to the Reach Out and Read national program model.

(d) On request, each grant recipient shall timely collect and provide data and any other information required by the health science center to monitor and evaluate the recipient or to prepare the report required by this section.

Sec. 73.609. COMPETITIVE GRANT PROGRAM FUNDING. (a) The health science center shall actively seek and apply for any available federal funds to assist in financing the competitive grant program established under this subchapter.

(b) The health science center may use appropriated funds from the state government and may accept gifts, donations, grants of money, and in-kind contributions from the federal government, local governments, private corporations, or other persons to assist in financing the competitive grant program.

(b) The University of Texas Health Science Center at Houston shall:

(1) as soon as practicable, apply for any available federal funds to assist in financing the competitive grant program under Subchapter I, Chapter 73, Education Code, as added by this section, as required by Section 73.609, Education Code, as added by this section;

(2) not later than December 1, 2009, submit a report to the Senate Committee on Education, or its successor, and the House Public Education Committee, or its successor, regarding the implementation and status of the competitive grant program required by Subchapter I,

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Chapter 73, Education Code, as added by this section;

(3) not later than September 1, 2010, establish and implement the competitive grant program required by Subchapter I, Chapter 73, Education Code, as added by this section, and, with the assistance of the Reach Out and Read National Center, publish the guidelines required by Section 73.606, Education Code, as added by this section; and

(4) not later than December 1, 2011, submit the initial annual report required by Subdivision (2), Subsection (b), Section 73.608, Education Code, as added by this section.

(c) This section does not make an appropriation. A provision in this section that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Same as House version.

Same as House version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

**TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives**

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB635 by Guillen (relating to the authority of the Texas Education Agency to seek, accept, determine eligibility for, and distribute grants available for the benefit of public education and the establishment of professional development institutes and payment of grants to teachers who complete those institutes.), Conference Committee Report

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.


Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JSp, JGM, JSc

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 635 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.


(name)

5/30/09
(date)