



From the Desk of
Representative
Dan Flynn



The Flynn Report

February 18, 2005

Greetings constituents, supporters and friends:

This week started off rather fast and the three committees I have been assigned to all met this week with mostly a review from the agencies that our committees have oversight over with only limited testimony on a few bills assigned to the committees.

Many of the legislators continue to be very busy preparing bills and getting them filed. I am told we are about 15% ahead of bill filings at this same time last session. There appears to be more legislative requests than last session slowing the process down and many feel it is because many of them are just converting bills to amendments for major pieces of legislation.

Other than the budget the major bill of this the 79th Legislative Session is House Bill 2 or better known as the “*Public Education reform bill*”.

Hearings started this week on this bill and as I have mentioned many times any member can file a bill and present amendments some of the bills can be very unsettling. I want to describe as briefly as possible sections of HB 2 as it was written and hopefully everyone will understand these are provisions as presented and a long way from becoming law. Remember the Senate will also have a Public Education Reform Bill.

I have not taken a position on any of the provisions at this time but rather view it as a document and a work in process. I welcome any comments you may have and will be sure the committee receives benefit of any input you provide.

The first section describes the general provisions of the Foundation School Program and it is generally current law with some exceptions. It discusses policy, eligibility, average daily attendance calculations, and equalized funding elements. The basic allotment is set for k-8 at \$4550 and at \$5550 for 9-12 students.

There would be special allotments for various special education programs and students. An allotment for Accelerated Programs. This allotment is \$665 times the Average Daily Attendance (ADA) times the percentage of children.

An allotment for bilingual education of \$450 per ADA.

The career and technology allotment is placed at \$178 for each credit hour of student enrollment.

A \$250 public education grant for a child attending a district not their home district.

The bill contains restrictions on the use of allotments. The bill also contains a requirement for maintenance of effort in all districts for special education, supplemental programs on assessment instruments, bilingual education, career and technology courses, and gifted and talented programs. This bill has revised language for the transportation allotment with a maximum cap of \$1000 per student. It also has an allotment for the school for the deaf.

There is a new facility allotment for instructional facilities, which provides \$250 for a student in the first year of a new facility and \$250 per new student in the 2nd year.

There is a pro-ratio allotment in case the total required exceeds the appropriations. There is a new technology allotment of \$150 per student.

The bill contains a guaranteed enrichment and a district local enrichment which is \$.02 per year starting in 2005 and goes up to \$.10 maximum. The increases are subject to voter approval. It also updates the cost of education allotment.

The CEI does have provision for an escalation in future years. The bill has a small and mid sized district adjustment. It also has a scarcity adjustment for small schools that are small by the necessity of where they are geographically located in low population areas. The sum of all the allotments previously mentioned is the tier one allotment.

The formulas have a state share and a local share of revenues. A school district that has an M+O rate sufficient to raise its total local share is eligible to receive the full amount of the tier one allotment. There is a part of the bill that helps a district that has a rapid reduction in the property values in their area. There is an adjustment to handle the schooling of children where a district does not offer all grades. There are transitional aid portions of the bill.

The bill does hold the maximum increase a district can receive to 108% in year one and an added 8% each year. The bill spells out how the money from the state is distributed and at what date the money comes to the district. Each district will be required to estimate daily attendance in their district and the TEA will give the legislature overall enrollment estimates. The bill contains punishment for falsification of information and for recovery of over allotted funds to the district. The bill retains some recapture (Robin Hood) for some districts. Robin Hood is limited to 35% of the districts M+O revenues.

The bill contains several incentive programs. The first is the educator excellence incentive program. This incentive program is set up so local districts can develop incentives for local educators.

The next section of the bill sets the local M+O tax rate at \$1.00 with maximum local enrichment of \$0.02 per year to a rate of \$1.10 with voter approval. The bill encourages cooperatives with the district and other districts to reduce costs and improve efficiencies in the entire state. The bill has language for temporary certificates for superintendents and principals. The bill also upgrades the salary scales for educators. It is my understanding the \$1000 for health care is rolled into these numbers. The bill also contains a mentoring program for teachers.

The bill improves on the PEIMS system and requires a review of the data and its collection. The state also sets up a statewide student enrollment and tracking system that many feel is badly needed. It will require confidentiality of student information. The bill moves election of school boards to the November uniform election date and sets terms at 4 years. It sets school start dates as the first Tuesday after Labor Day.

The bill sets up a best practices clearing house at TEA. The bill contains home rule provisions for exemplary campuses and districts. The bill adds end of course requirements to reciprocity agreements. The bill adds end of course examination requirements. It also defines and requires adequate yearly progress. There is also language that says in lieu of conflicts No Child Left Behind legislation rules. It also states the need for computer adaptive assessment instruments in the state and says how they are to be provided. The commissioner will do rules necessary to implement end of course requirements of the legislation.

The state in the future will fund college preparation achievement assessments and require they be administered to grades 8, 10 and 12. The state will measure value added student achievement on assessment instruments for each student. The state will also measure progress toward English language proficiency for limited English students. The report card on schools would include a summary of the district's significant non-instructional expenditures.

A tougher and quicker action will be taken to close poor performing schools including poor charter schools. It is believed that taking tougher action on low performing schools will give those students more alternatives.

The school bill requires added district reporting and adds campus-reporting requirements for financial management. There will be added requirements for non-instructional cost reporting including lobbying costs by the district. It was a surprise by many the amount of money some districts are spending to not have November election dates where more citizens would vote for school boards. There will be added collection of information for the progress towards English proficiency for all children in the district. There would be a restriction on bilingual non-instructional

costs to 15% and an allowance added for movement of kids out of bilingual if the student is equally able to participate in either English or their primary language. The commissioner is to develop a measure of progress toward English proficiency and it will be outlined in the law.

The law sets up some new high academic achievement programs including a new Governor's Schools program for summer residential programs for high achieving high school students in math, science, humanities, leadership and public policy. A college or university would run it.

There are new indicators for the State Board to adopt for gifted and talented programs and for the monitoring of participation in these programs. It also would track students in other high achievement programs. Each district would have added reporting requirements on high achievement programs. For exemplary rating of a district campus, or charter school the TEA shall consider the districts high academic achievement ratings. Also other ratings will be affected by the performance in high achievement areas.

There will be a required reporting of disciplinary campuses and programs and require reporting of the students scoring at the proficient and advanced levels on the National Assessment of Educational Progress. There is also a section that repeals parts of the current education code.

I recognize this is not a complete listing of the bill and many will not understand the importance of the many aspects of the bill and in many cases many will be very opposed to some of the provisions. Once again I trust everyone will understand this is not law and is only a work in process with a long road to go with many changes to be made and hopefully many improvements.

Wednesday, March 2nd is designated as Rains County Day in the Texas Legislature. And I look forward to visiting with all that have the opportunity to attend. All interested persons are invited. Call Barbara Eubanks at the Rains County Chamber of Commerce office, if you plan on attending. Her number is 903-473-3913 and email euby@direcway.com,

We continue to welcome your input and your questions. Contact our office located in the Capitol extension: E1.324. Mailing address: P. O. Box 2910, Austin, TX 78768. Phone 512-463-0880 or dan.flynn@house.state.tx.us. Anyone not receiving our report please forward it to them and allow us to include them in our list.

God bless you and God bless Texas,
Dan Flynn
State Representative, District – 2

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