

3.B. Rider Revisions and Additions Request

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|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
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Capital Budget.⁴³

None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purposes of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103.

In order to maximize the use of federal matching, maintenance of effort and grant funds, the Texas Education Agency is hereby authorized to adjust amounts within the method of financing below, not to exceed the total Capital Budget method of financing except as provided elsewhere in this Act. General revenue and other state fund appropriations made herein may be offset with federal funds and fees collected.

| | | |
|------------------------------------------------------------------------------------------|-------------------------|-------------------------|
| a. Acquisition of Information Resource Technologies | <u>2008</u> | <u>2009</u> |
| (1) Hardware Software Infrastructure Technologies | \$ 1,319,810 | \$ 1,189,180 |
| (2) Texas Records Exchange— a.k.a. HB1 | 300,000 | 300,000 |
| (3) HB1 Public Access to PEIMS Data/Agency Internet Renovation | 100,000 | 100,000 |
| (4) FPS Re Write, a.k.a. HB1— Public School Finance & Property Tax Relief | 902,056 | 574,762 |
| (5) Consolidated Entitlement Management | 1,071,000 | 1,122,000 |
| (6) EMAT Redesign | 700,000 | 0 |
| (7) PEIMS Redesign | 4,800,000 | 0 |
| (8) ISAS Database Conversion | 1,633,531 | 0 |
| (9) Data Center Consolidation | 7,232,283 | 6,407,206 |
| Total, Acquisition of Information Resource Technologies | \$18,058,680 | \$9,693,148 |
| Total, Capital Budget | \$18,058,680 | \$9,693,148 |

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Method of Financing (Capital Budget):

| | | |
|-----------------------------------------------------------------|---------------------|--------------------|
| <u>General Revenue Fund</u> | <u>\$7,757,972</u> | <u>3346214</u> |
| <u>State Textbook Fund No. 003</u> | <u>903,357</u> | <u>181,054</u> |
| <u>Permanent School Fund No. 044</u> | <u>627,017</u> | <u>558,250</u> |
| <u>Federal Health, Education and Welfare Fund No. 148</u> | <u>6,797,161</u> | <u>3,862,535</u> |
| <u>Foundation School Fund No. 193</u> | <u>1,030,019</u> | <u>923,151</u> |
| <u>Federal Funds</u> | <u>146,676</u> | <u>112,816</u> |
| <u>Certification and Assessment Fees (General Revenue Fund)</u> | <u>796,478</u> | <u>709,128</u> |
| <u>Total, Method of Financing</u> | <u>\$18,058,680</u> | <u>\$9,693,148</u> |

| | | |
|----------------------------------------------------------------|---------------------|---------------------|
| | <u>2010</u> | <u>2011</u> |
| <u>a. Acquisition of Information Resource Technologies</u> | | |
| <u>(1) Data Center Consolidation</u> | <u>\$7,242,273</u> | <u>\$7,242,272</u> |
| <u>(2) Hardware Software Infrastructure</u> | <u>1,255,480</u> | <u>\$1,255,480</u> |
| <u>(3) Foundation School Program (FSP) Rewrite –Phase 2</u> | <u>902,056</u> | <u>574,762</u> |
| <u>(4) PEIMS Redesign – Phase 2</u> | <u>1,926,000</u> | <u>1,926,000</u> |
| <u>(5) Consolidated Entitlements Management System (CEMS)</u> | <u>1,096,500</u> | <u>1,096,500</u> |
| <u>(6) Budget Analysis Tool (BAT)</u> | <u>803,307</u> | <u>830,224</u> |
| <u>(7) SBEC Online Rewrite – Phase 2</u> | <u>473,040</u> | <u>0</u> |
| <u>(8) PSF Investment Accounting System</u> | <u>\$113,811</u> | <u>0</u> |
| <u>Total, Acquisition of Information Resource Technologies</u> | <u>\$13,812,467</u> | <u>\$12,925,238</u> |

Method of Financing (Capital Budget):

| | | |
|------------------------------------|------------------|------------------|
| <u>General Revenue Fund</u> | <u>5,503,555</u> | <u>4,712,749</u> |
| <u>State Textbook Fund No. 003</u> | <u>241,828</u> | <u>242,527</u> |

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|-----------------------------------------------------------------|-----------------------------|---------------------|
| <u>Permanent School Fund No. 044</u> | <u>932,304</u> | <u>820,862</u> |
| <u>Federal Health, Education and Welfare Fund No. 148</u> | | |
| <u>Foundation School Fund No. 193</u> | <u>5,137,727</u> | <u>5,146,986</u> |
| | 1,197,162 | <u>1,199,908</u> |
| <u>Certification and Assessment Fees (General Revenue Fund)</u> | <u>799,891</u> | <u>802,206</u> |
| <u>Total, Method of Financing</u> | <u> </u> | <u>\$12,925,238</u> |

¹³⁻ ~~Incorporates Article IX, § 18.02 (e), of this Act, relating to data center consolidation, which requires data center services expenditures to be categorized as a capital budget item.~~

Justification: Updated years, line items being requested and amounts.

\$13,812,467

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III-7 & III-8

Foundation School Program and Instructional Materials Funding.¹⁴ Out of the funds appropriated above, a total of ~~\$19,409,700,000~~ \$ ~~20,473,897,810~~ in fiscal year ~~2008~~2010 and ~~\$20,780,700,000~~ ~~20,415,442,525~~ in fiscal year ~~2009~~2011 shall represent the sum-certain appropriation to the Foundation School Program. The total appropriation may not exceed the sum-certain amount. This appropriation includes allocations under Chapters 41, 42 and 46 of the Texas Education Code, ~~as well as allocations for textbooks and, the technology allotment, and educator salary increases~~

Formula Funding: The Commissioner shall make allocations to local school districts under Chapters 41, 42 and 46 based on the March 200~~7~~8 estimates of average daily attendance and local district tax rates as determined by the Legislative Budget Board and the final 200~~8~~6 property values. Property values shall be increased by ~~7.095.0~~ percent for fiscal year 20~~09~~11.

For purposes of distributing the Foundation School Program basic tier state aid appropriated above and in accordance with §42.101 and §42.302(a-1)(1) of the Texas Education Code, the Basic Allotment is ~~\$3,135~~\$3,798 in ~~2008~~2010 and ~~\$3,218~~\$4,015 in ~~2009~~2011, and the Guaranteed Yield is ~~\$36.45~~\$44.16 in ~~2008~~2010 and ~~\$37.42~~\$46.69 in ~~2009~~2011.

For purposes of distributing the Foundation School Program enrichment tier state aid appropriated above and in accordance with §41.002(a)(2) and §42.302(a-1)(2) of the Texas Education Code, the Guaranteed Yield is ~~\$46.94~~\$54.08 in ~~2008~~2010 and ~~\$50.98~~\$56.04 in ~~2009~~2011.

Notwithstanding any other provision of this Act, the Texas Education Agency may make transfers as appropriate between Strategy A.1.1, FSP-Equalized Operations, and Strategy A.1.2, FSP-Equalized Facilities. The TEA shall notify the Legislative Budget Board and the Governor of any such transfers at least 45 days prior to the transfer.

State Cost of Property Tax Relief: Included in the appropriations above are amounts that represent the state cost of property tax relief under a state compression percentage of 0.6667, estimated to be ~~\$6,956,400,000~~ ~~3,782,871,000~~ in fiscal year ~~2008~~2010 and ~~\$7,234,700,000~~ ~~3,782,871,000~~ in fiscal year ~~2009~~2011.

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~~Textbooks and Technology Allotment: Included in the sum-certain amounts above in fiscal year 2008 is \$496,495,840 for textbooks, any unexpended balance of which, as of August 31, 2008, is hereby appropriated for fiscal year 2009 for the same purpose. Also included in the sum-certain amounts above is \$130,300,000 in fiscal year 2008 and \$132,700,000 in fiscal year 2009 for payment of the technology allotment to school districts.~~

Educator Salary Increases: Included in the sum-certain amounts above is \$138,600,000 in fiscal year ~~2008~~2010 and \$141,400,000 in fiscal year ~~2009~~2011 for educator salary increases.

The Texas Education Agency shall submit reports on the prior month's expenditures on programs described by this rider no later than the 20th day of each month to the Legislative Budget Board and the Governor's Office in a format determined by the Legislative Budget Board in cooperation with the agency.

¹⁴~~Rider modified to reflect incorporation of amounts appropriated by HB 2, 80th Legislature, Regular Session, relating to school district property tax relief.~~

Justification: Foundation School Program (FSP) entitlements are determined by formulas that are set forth in statute and provisions found in the General Appropriations Act. FSP funding formulas are adjusted by statute each biennium to reflect the 88th percentile of wealth and the wealth level of the Austin Independent School District. The appropriations set forth above also provide for student enrollment growth.

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III-8

Foundation School Program Set-Asides. The programs and their funding levels identified in this rider represent all programs at the Texas Education Agency and other state agencies that are funded with amounts set aside from the Foundation School Program. The amounts listed in this rider are for informational purposes only, and do not constitute an appropriation:

| | | |
|------------------------------------------------|-----------------------------------------------|-----------------------------------------------|
| | | <u>2011</u> |
| Gifted and Talented Performance Standards | \$437,500 | \$437,500 |
| Juvenile Justice Alternative Education Program | \$11,348,596 <u>\$11,496,326</u> | \$11,644,056 <u>\$11,496,326</u> |
| Early Childhood Intervention | \$16,498,102 | \$16,498,102 |
| Extended Year Programs | \$15,300,000 <u>\$19,797,748</u> | \$15,300,000 <u>\$19,797,748</u> |
| Investment Capital Fund | \$4,497,478 | \$4,497,478 |
| LEP Student Success Initiative | \$9,700,000 | \$9,700,000 |
| Communities in Schools | \$15,930,976 <u>\$15,630,976</u> | \$15,930,976 <u>\$15,630,976</u> |
| Teen Parenting Education Programs | \$10,000,000 | \$10,000,000 |
| TAKS Assessments and Study Guides | \$58,493,703 <u>\$55,993,703</u> | \$53,493,703 <u>\$55,903,703</u> |
| MATHCOUNTS Program | \$200,000 | \$200,000 |
| TOTAL, FSP Set-Asides | \$142,406,355 <u>\$139,754,085</u> | \$137,401,815 <u>\$139,754,085</u> |

Justification: Updated amounts to agree with base LAR submission and to transfer Investment Capital Funds to Extended Year Programs per changes requested in Riders 28 and 52.

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III-8

Transportation Cost Allotment. Pursuant to § 42.155 of the Texas Education Code, the appropriation for funding regular transportation programs for the ~~2007-08~~2009-10 and ~~2008-09~~2010-11 school years shall be calculated on the following basis:

| Density Grouping | Allocation Per Mile of Approved Route |
|------------------|------------------------------------------|
| and above | \$1.43 |
| to 2.40 | 1.25 |
| to 1.65 | 1.11 |
| | .97 |
| | .88 |
| | .79 |
| | .68 |

Linear

2.40

1.65

1.15

90 to 1.15

65 to .90

\$816 per pupil for both special education and isolated areas as defined in sub-sections 42.155(g) and 42.155(e).

40 to .65

up to .40

Justification: Updated years.

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III-8

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 ~~2008-09~~2010-11 biennium are the following: \$3.97558 for academic education, \$3.24582 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-~~first~~second Legislature regarding its effort and success in implementing this prioritization.

Justification: Updated years and session.

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III-9 & III-10

Student Testing Program. The Commissioner shall use the Federal Funds appropriated above in Strategy B.1.1, Assessment and Accountability System, to cover the cost of preparing, administering and grading assessment instruments in the student testing program. In accordance with the provisions of § 42.152 and Chapter 39, Subchapter B of the Texas Education Code, the funds appropriated from the Foundation School Fund for the Compensatory Education allotment may be used for any remaining assessment costs, in amounts not to exceed the General Revenue amounts appropriated above in Strategy B.1.1, Assessment and Accountability System.

~~Out of funds appropriated above in Strategy B.1.1, Assessment and Accountability System, the Commissioner shall evaluate the cost effectiveness of the current system of study guide materials and applications. Based on the results of the evaluation, the Commissioner shall make any changes to the system that reduce its cost without impairing the ability of students to obtain necessary assistance in studying for the state assessments. The Commissioner shall report the results of the evaluation and any system changes made to the Eighty-first Legislature~~

Justification: Deleted one time rider provision.

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III-10

Reimbursement of Advisory Committee Members. Pursuant to Government Code § 2110.004 reimbursement of expenses for advisory committee members, out of the funds appropriated above, is limited to the following advisory committees:

- a. Title 1, Committee of Practitioners/Ed Flex State Panel
- b. Continuing Advisory Committee for Special Education
- c. Communities in Schools State Advisory Committee
- d. State Textbook Advisory Committee
- e. Policy Committee for Public Education Information
- f. [Select Committee on Accountability](#)

It is the intent of the Legislature that advisory committees of the Texas Education Agency use videoconferencing technology to conduct meetings in lieu of physical assembly whenever possible.

*Justification: Added the following advisory committee created by the 80th Legislature, Regular Session:
Select Committee on Accountability - established by SB 1031*

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III-10

Professional Development for the Provision of Access to the General Curriculum for Students with Disabilities in the Least Restrictive Environment.

Out of the federal discretionary funds awarded to the Texas Education Agency through the Individuals with Disabilities Education Act (IDEA), Part B and appropriated above, the Commissioner shall set aside 10.5 percent during the biennium to fund capacity building projects, including follow-up professional development and support, for school districts to provide access to the general curriculum in the least restrictive environment for students with disabilities and Response to Intervention(RtI) processes for struggling learners in general education settings. ~~in the least restrictive environment.~~

Justification: Based on current research, the implementation of RtI should improve the ability of local education agencies to meet the needs of struggling students in general education settings.

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III-11

Estimated Appropriation for Incentive Aid. Out of Foundation School Program funds appropriated ~~above,~~for Strategy A.2.4. School Improvement and Support Programs, the Commissioner may allocate an estimated amount of \$1,500,000 in each fiscal year for incentive aid payments under Subchapter G of Chapter 13 of the Texas Education Code.

Justification: add reference to strategy.

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III-11

Payments to Texas School for the Blind and Visually Impaired and Texas School for the Deaf.

Pursuant to § 30.003(g) of the Texas Education Code, the State Board of Education shall adopt rules that ensure that all local school districts whose students are placed at the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf shall share in the cost of each student's education as required by § 30.003(a). It is the intent of the Legislature that school districts subject to Chapter 41, Texas Education Code, reimburse the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf from the General Operating Fund of those districts within 60 days of receipt of a voucher from the receiving school.

For all discretionary grants of state or federal funds by the Texas Education Agency, the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf shall be considered independent school districts for purposes of eligibility determination, unless the Commissioner of Education and the school Superintendents mutually agree to an alternate consideration.

Out of federal IDEA-B discretionary funds appropriated above, the Texas Education Agency shall ~~transfer via interagency contract~~ allocate \$1,296,981 in fiscal year ~~2008~~2010 and \$1,297,581 in fiscal year ~~2009~~2011 to the Texas School for the Blind and Visually Impaired, and \$457,679 in each year of the ~~2008-09~~2010-11 biennium to the Texas School for the Deaf, to support classroom instruction.

Justification: Clarified language and updated years.

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III-11

Permanent School Fund. In its annual report on the Permanent School Fund, completed by February 28 of each year, the Texas Education Agency shall report on the actual and projected costs of administering the Permanent School Fund for the year covered by the report and the following three years.

The Commissioner may establish an incentive compensation plan for Permanent School Fund staff employed by the agency. Payments may be from amounts appropriated to the agency for purposes of administration of the Fund and must be based on investment performance standards set prior to the beginning of the period for which any additional compensation is paid. When warranted, total compensation for PSF staff may exceed the state classification salary schedule by virtue of incentive compensation payments.

~~The Commissioner shall notify the Legislative Budget Board and the Governor of adoption of a compensation plan under this rider at least 30 days before the initiation of the plan.~~ There is no intention for payments made pursuant to the plan to be eligible compensation for ERS pension plan purposes, and any payments made pursuant to the plan are to be considered fringe benefits and not base pay or otherwise eligible compensation for ERS pension plan purposes.

Any unexpended funds appropriated from the Permanent School Fund as of August 31, ~~2008~~2010 are hereby appropriated to fiscal year ~~2009~~2011 for the same purposes.

Justification: This sentence is recommended for deletion since the plan has already been initiated. Also updated years.

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III-11 & III-12

Texas Advanced Placement Incentive Program. Out of the funds appropriated above in Strategy A.2.1, ~~Student Success~~ Statewide Educational Programs, \$14,200,000 in fiscal year ~~2008~~2010 and \$14,200,000 in fiscal year ~~2009~~2011 is allocated for both the pre-Advanced Placement/International Baccalaureate activities and for the Advanced Placement Incentive Program. Any balances on August 31, ~~2008~~2010 are appropriated for the ~~2009~~2011 fiscal year.

In using funds allocated by this rider, the Texas Education Agency shall prioritize the examination fee subsidies for students. For funds allocated by this rider that are used for teacher training, the Texas Education Agency shall give funding priority to teachers at public school campuses that do not offer Advanced Placement/International Baccalaureate courses.

It shall be the goal of the Texas Education Agency that Advanced Placement/International Baccalaureate courses are available at as many public school campuses as possible, without regard to the rural/urban status of the campus and the socioeconomic characteristics of its students. For campus incentive awards given under this program, consideration may be given to school districts and charter schools in their 1st or 2nd year of operating an Advanced Placement/International Baccalaureate program.

Justification: Updated strategy description and years.

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III-12

MATHCOUNTS and Academic Competitions. Out of Foundation School Program Gifted and Talented funds appropriated in B.3.1, Improving ~~Teacher Quality~~ Educator Quality and Leadership, the Commissioner shall set aside \$200,000 in each year of the biennium for the MATHCOUNTS Program. In addition, out of funds appropriated in A.2.1, ~~Student Success~~ Statewide Educational Programs, not less than \$500,000 in each fiscal year of ~~2008-09~~ 2010-11 biennium shall be allocated to programs that foster academic competition for predominantly high school students.

Justification: Updated strategy descriptions and years.

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III-12

Communities in Schools.¹⁵ Out of funds appropriated above for Strategy A.2.4, School Improvement and Support Programs, ~~\$15,930,976~~\$15,630,976 in State Compensatory Education Funds, \$500,000 in General Revenue Funds, and \$4,842,342 in TANF funds in fiscal year ~~2008~~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 ~~2009~~2011 are allocated for the Communities ~~I~~n Schools Program.

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

~~From funds appropriated above, the Texas Education Agency shall conduct a review of the effectiveness of the Communities in Schools program in meeting the needs of at risk students. Expenditures for the review shall not exceed \$300,000 without the prior approval of the Legislative Budget Board and the Governor. The Texas Education Agency shall submit a report to the Legislature no later than January 15, 2009.~~

~~¹⁵⁻ Rider modified to include amounts appropriated by Article IX, § 19.114, of this Act, related to Communities in Schools.~~

Justification: The agency has redirected \$300,000 to strategy B.3.2. Agency Operations to provide state funded support for this program. The language referencing the evaluation was deleted because it was applicable only to FY08. The addition of UB authority is to ensure any funds not spent by the CIS grantees will be made available to CIS in the next fiscal year. Also updated years.

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III-12

Extended Year Programs. Out of Foundation School Program Compensatory Education Funds appropriated in Strategy A.2.4, School Improvement and Support Programs, the Commissioner shall distribute an amount not to exceed ~~\$15,300,000~~\$19,797,478 in fiscal year ~~2008~~2010 and ~~\$15,300,000~~\$19,797,478 in fiscal year ~~2009~~2011 to finance extended year programs under § 42.152(p), Texas Education Code.

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

Justification: The funding amount is increased because we are proposing to delete in Rider 52, the funding of \$4,497,478 for each year of the biennium for ICF and transfer to the Optional Extended Year Program funding. This will also require deletion in the TEC 7.024. Also updated years.

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III-12 & III-13

Appropriations Limited to Revenue Collections. It is the intent of the Legislature that, for the following fee-supported programs in Goals A, ~~Program Leadership~~ Provide Education System Leadership, Guidance and Resources, and B, ~~Operational Excellence~~ Provide System Oversight and Support, fees, fines, and other miscellaneous revenues as authorized and generated by the Texas Education Agency cover, at a minimum, the cost of the appropriations made to support the programs, as well as the "other direct and indirect costs" associated with those functions appropriated elsewhere in this Act. "Other direct and indirect costs" for these programs are estimated to be \$2,104,508 in fiscal year ~~2008~~ 2010 and \$2,133,533 in fiscal year ~~2009~~ 2011 including employee matching costs and other indirect operating costs:

Guaranteed Program for School District Bonds
General Education Development (GED)
Driver Training
Driver Education
Electronic Course Pilot Program
Educator Certification
Criminal History Background Check

For each individual fee program listed above ~~with the exception of State Board for Educator Certification functions funded in Strategies B.3.3, B.3.4, and B.3.5,~~ all fees collected in excess of the Comptroller of Public Accounts Biennial Revenue Estimate are hereby appropriated to the Texas Education Agency.

In the event that actual and/or projected fee revenue collections are insufficient to offset program costs, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided herein to be within the amount of fee revenue expected to be available.

Justification: Requesting additional appropriation authority for Educator Certification fees, if collections are in excess of the Biennial Revenue Estimate. Also adding criminal history background check fees authorized under Senate Bill 9 during the 80th legislative session .Also updated years and goal titles.

3.B. Rider Revisions and Additions Request (continued)

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III-13

Limitation: Transfer Authority. Notwithstanding the General Provisions of this Act, none of the funds appropriated above in Goal A, ~~Program Leadership~~ Provide Education System Leadership, Guidance, and Resources and Goal B, ~~Operational Excellence~~ Provide System Oversight and Support, Strategies B.1.1.-B.3.1., may be transferred to Goal B, Strategies B.3.2.-B.3.6.

None of the funds appropriated to the Texas Education Agency for the purpose of funding the Foundation School Program under Chapter 42 and 46, Texas Education Code, may be transferred to any other item of appropriation or expended for any other purpose unless the Commissioner of Education provides written notice to the Legislative Budget Board and to the Governor of intent to transfer such funds at least 45 days prior to the execution of the transfer. Such transfers from the Foundation School Program to other items of appropriation shall not exceed \$10 million in each fiscal year of the ~~2008-09~~ 2010-11 biennium. Any unexpended and unencumbered balances remaining after the last day of a fiscal year in any of the appropriations made for a purpose described by this provision shall lapse and accrue to the benefit of the unappropriated balance of the General Revenue Fund after taking into account the "settle-up" provision found in § 42.253 (i), Texas Education Code.

To the extent necessary to avoid reductions in state aid as authorized by § 42.253(h), Texas Education Code, the Commissioner of Education is authorized to transfer Foundation School Program funds from fiscal year ~~2009~~ 2011 to fiscal year ~~2008~~ 2010. Such transfers are subject to prior approval by the Governor and the Legislative Budget Board. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section.

Justification: Updated years and goal titles.

3.B. Rider Revisions and Additions Request (continued)

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III-13

Disciplinary Alternative Education Programs. Out of the funds appropriated above in Strategy B.2.2, ~~Safe Schools~~Health and Safety, there is hereby allocated the amount of \$4,750,000 for each fiscal year of the biennium for safe schools programs under Texas Education Code § 37.008.

Justification: Updated strategy description.

3.B. Rider Revisions and Additions Request (continued)

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III-13

Funding for Juvenile Justice Alternative Education Programs. Out of the funds appropriated above in Strategy B.2.2, ~~Safe Schools~~Health and Safety, \$~~11,348,596~~11,496,326 in fiscal year ~~2008~~2010 and \$~~11,644,056~~11,496,326 in fiscal year ~~2009~~2011 shall be set aside from the Compensatory Education allotment in each year and transferred to the Juvenile Probation Commission for the support of Juvenile Justice Alternative Education Programs. This set-aside shall not effect the calculation of the number of students in weighted average daily attendance under Texas Education Code § 42.302.

Justification: Updated strategy descriptions, years and amounts.

3.B. Rider Revisions and Additions Request (continued)

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III-13

FSP Funding for the Texas Youth Commission. Out of the funds appropriated above in Strategy B.2.2, ~~Safe Schools~~Health and Safety, the Texas Education Agency shall allocate to the Texas Youth Commission the basic allotment of the Foundation School Program minus the amounts allocated to the commission pursuant to Texas Education Code § 30.102 (a) for each student in average daily attendance. These amounts are estimated to be \$~~8,507,089~~7,605,690 in fiscal year ~~2008~~2010 and \$~~6,704,294~~7,605,690 in fiscal year ~~2009~~2011. This transfer shall not be subject to the limitation in Rider 31, Limitation: Transfer Authority.

Justification: Updated strategy description, years and amounts.

3.B. Rider Revisions and Additions Request (continued)

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37

III-13 & III-14

Regional Education Service Center Dyslexia and Related Disorders Coordinators. Out of the funds appropriated above in Strategy ~~B.3.1, Improving Teacher Quality~~A.2.3. Students with Disabilities, the Commissioner of Education may allocate \$~~15400~~,000 in each year of the biennium to assist the joint program of coordinators for dyslexia and related disorders services at the Regional Education Service Centers pursuant to § 38.003 of the Texas Education Code. The joint program shall not include regulatory oversight functions. The Regional Education Service Centers shall ensure that the program uses resources efficiently to provide a coordinator to any school district or charter school that needs one.

Justification: Redirection of state funds identified on one-time expenditure schedule to increase this program by \$250,000 in addition to the \$150,000 provided by federal special education funds and to correct the strategy.

3.B. Rider Revisions and Additions Request (continued)

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III-14

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 allocate \$850,000 in each fiscal year of the ~~2008-09~~2010-11 biennium to the AVANCE family support and education program.

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

Justification: Authority to appropriate unexpended balances: When one or more grantees do not fully expend funds, this authority allows TEA to appropriate unspent funds for the same purposes. Also updated the years.

3.B. Rider Revisions and Additions Request (continued)

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III-14

Special Foundation School Program Payments. The Texas Academy of Leadership in Humanities is entitled to Foundation School Program (FSP) allotments for each student enrolled in the academy as if it were a school district, except that the local share applied is equal to the Beaumont ISD's local share. The same methodology shall apply to the Texas Academy of Mathematics and Science with a local share equal to Denton ISD's. Out of funds appropriated in Strategy A.1.1, FSP - Equalized Operations, there is hereby transferred via interagency contract to the Adjutant General's Department the amount of \$175,000 for and to the Seaborne Conservation Corps, with a local share equal to Galveston ISD's. ChalleNGe Youth Program.

Justification: The Seaborne program moved to the Adjutant General's office several years ago, and their funding was established in a rider for that agency. These edits update the rider to reflect the current status of the program. The rider for the Adjutant General's Department also needs to be updated.

3.B. Rider Revisions and Additions Request (continued)

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III-14

Texas Reading, Math and Science Initiatives. Out of the funds appropriated above in Strategy A.2.1, ~~Student Success~~Statewide Educational Programs, \$8,068,730 in General Revenue Funds in fiscal year ~~2008~~2010 and \$8,068,73~~40~~ in General Revenue Funds in fiscal year ~~2009~~2011, with \$~~14,650,000~~17,000,000 in Federal Funds in fiscal year ~~2008~~2010 and \$~~14,650,000~~17,000,000 in Federal Funds in fiscal year ~~2009~~2011, shall be allocated to the Texas Reading, Math and Science Initiatives. These funds shall be allocated in the following manner:

- a. The Commissioner shall fund reading, math, and science diagnostic instruments to be made available to independent school districts and charter schools. The Commissioner also may fund the distribution of non-consumable materials, to include electronic formats, in reading, math, and science.
- b. Out of the Federal Funds identified above, the Commissioner shall allocate funds for the development and implementation of research-based training programs and materials in reading, math, and science. Out of the funds appropriated for this part, the Commissioner may allocate an amount not to exceed \$5,000,000 in each fiscal year of the biennium for the development of educator training programs at regional education service centers, in a manner that ensures access to training for small and mid-sized school districts and charter schools
- c. Funds shall be distributed by the Commissioner on a competitive grant basis to be used by schools for the implementation of scientific, research-based science programs designed to improve the academic science performance of students, including programs designed to address the gender gap in performance. To be eligible for funding, schools must demonstrate a high need for additional intervention as evidenced by student performance, and must partner with a science department of an institution of higher education.
- ed. Out of the amounts identified above, the Commissioner may use funds to support the State Marine Science Center in Palacios, in amounts not to exceed \$250,000 for the biennium.

3.B. Rider Revisions and Additions Request (continued)

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~~de~~. Out of the funds identified above, the Commissioner may distribute ~~an amount not to exceed \$1,500,000 a portion of such funds~~ in each fiscal year of the biennium for ~~Master Reading, Master Mathematics, and Master Science Teacher~~ stipends, incentives, and other programs to recruit and retain effective reading, math and science teachers to school districts with certified Master Reading, Master Mathematics, and/or Master Science Teachers.

~~ef~~. Any balances as of August 31, ~~2008~~2010, are appropriated for the ~~2009~~2011 fiscal year.

Justification: The change to section e will allow greater flexibility with this rider. Also updated strategy description and years.

3.B. Rider Revisions and Additions Request (continued)

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III-14

Funding for Tuition Credit Program. Out of the funds appropriated above in Strategy A.2.1 Statewide Educational Programs, and Strategy A.2.4, School Improvement and Support Programs, there is hereby transferred via interagency contract to the Texas Higher Education Coordinating Board an amount of funds, estimated to be ~~\$7,502,501~~ \$18,336,085 in each fiscal year of the biennium, from the Foundation School Fund sufficient to pay for the Early High School Graduation Scholarship Program, and tuition and fee exemptions in accordance with Texas Education Code, §§ 54.212, 54.214, and 56.202.

Justification: This rider was revised to match actual expended amounts for 2008 -09 and to identify strategies.

3.B. Rider Revisions and Additions Request (continued)

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| 42 | III-14 & III-15 | <p>Certification of Pre-kindergarten Expenditures. Out of the funds appropriated above in Strategy A.1.1, FSP - Equalized Operations, and Strategy A.2.1, Student Success <u>Statewide Educational Programs</u>, the Texas Education Agency shall certify each year of the biennium the maximum pre-kindergarten Expenditures allowable under federal law as maintenance of effort for Temporary Assistance for Needy Families (TANF) and state match for the Child Care Development Fund.</p> <p><i>Justification: Updated strategy description.</i></p> |
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3.B. Rider Revisions and Additions Request (continued)

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III-15

Early Childhood School Readiness Program. Out of the funds appropriated in Strategy A.2.1, ~~Student Success~~ Statewide Educational Programs, \$7,500,000 in fiscal year ~~2008~~ 2010 and \$7,500,000 in fiscal year ~~2009~~ 2011 shall be used for the Early Childhood School Readiness Program, for programs providing an educational component to public pre-kindergarten, Head Start, university early childhood programs, or private non-profit early childhood care programs that have entered into an integrated program with a public school. The Texas Education Agency shall expend these funds in accordance with the following provisions and the provisions of Texas Education Code § 29.156 ~~158, Grants for Educational Components of Head Start, Coordination of Services,~~ and with the following provisions:

a. Funds shall be distributed on a ~~competitive~~ targeted grant basis to preschool programs to provide scientific, research-based, pre-reading instruction, with the goal of directly improving the pre-reading skills of three- and four-year-old children and ~~identifying cost effective models for pre-reading interventions~~ implementing school readiness integration community collaborations. To be eligible for the grants, applicants must serve at least 75 percent low-income students, as determined by the Commissioner. The Commissioner may require applicants to participate in the School Readiness Certification System according to the provisions of Texas Education Code § 29.161. Grants may be awarded in two or more consecutive grant periods to an applicant provided the monies are used to expand the grant programs to additional facilities previously not receiving Early Childhood School Readiness grant funds in the immediate past grant cycle. It is the intent of the Legislature that the Texas Education Agency ~~participate~~ participates to the extent practicable in interagency early childhood education and care coordination initiatives. This includes but is not limited to participation in the Head Start collaboration project or any other interagency entity formed to address the coordination of early childhood care and education service delivery and funding.

b. Any balances as of August 31, ~~2008~~ 2010, are appropriated for the ~~2009~~ 2011 fiscal year.

Justification: Dates were changed to reflect new biennium. Statute citation was changed to more appropriately identify the operating statute for the program. Purpose statement was changed because the program has moved from the “identifying cost effective models” phase to the “implementation” phase. The

3.B. Rider Revisions and Additions Request (continued)

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School Readiness Certification System has been adopted by the P-16 Council and is now operational. Coordination of programs is beneficial to participating prekindergarten programs. Also updated strategy description.

3.B. Rider Revisions and Additions Request (continued)

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III-15 & III-16

Student Success Initiative. Out of the funds appropriated above in Strategy A.2.1, ~~Student Success~~Statewide Educational Programs, \$~~154,496,767~~\$169,446,767 in fiscal year ~~2008~~2010 and \$~~159,496,767~~169,446,767 in fiscal year ~~2009~~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~~ally-validated and~~, research-based ~~instructional strategies~~programs on campuses where for students ~~are 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 who are limited English proficient (LEP), students unlikely to achieve the TAKS reading or math standards by the end of the fifth grade, ~~and/or~~ students unlikely to achieve the TAKS reading or math standards ~~by the~~ in the end of eighth grade, and/or students unlikely to meet the end-of-course Algebra I standards in the ninth grade/high school, assessments administered in 2008, and to ensure postsecondary readiness in all core content areas.

- a. From funds appropriated for the Student Success Initiative, the Commissioner shall allocate an amount not to exceed \$~~18,140,677~~2,100,000 in fiscal year ~~2008~~2010 and \$~~18,140,677~~2,100,000 in fiscal year ~~2009~~2011 for K-8 online teacher reading academies in grades 6, 7 and 8, English and Language Arts TEKS revision training in grades K-12, 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, the Commissioner ~~shall~~may set aside funds for the continuation of the middle school adolescent literacy academies evaluation for Grades 7-8 and stipends for teachers attending and completing the academies. ~~\$15 million for intensive reading instruction programs for schools that have failed to improve student performance in reading and \$5 million for intensive math instruction programs for schools that have failed to improve student performance in math. The Commissioner shall determine which schools have achieved the least gains in reading or math performance, and shall require those schools to submit a reading or math improvement plan detailing proposed efforts to improve reading or math performance as a~~

3.B. Rider Revisions and Additions Request (continued)

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~~condition of receiving funding. The reading or math improvement plan must establish the performance outcome of literacy or numeracy among its student population and outline specific steps that will be taken to achieve that goal. The plan may include the use of technology to achieve reading or math goals. A school identified as in need of improvement in reading or math instruction shall implement only those assessments, progress monitoring instruments, reading or math strategies and programs approved by the Commissioner. Programs must demonstrate a record of proven success in improving student reading or math achievement.~~

- c. 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 fiscal year 2010 and \$10,100,000 in fiscal year 2011 for math academies for Grades 5-8. Where applicable, the academies shall include training in the use of the diagnostic instruments and additional follow up support for teachers. ~~distribute the supplemental diagnostic screening instruments and intensive reading instruction programs developed under the Adolescent Literacy Initiative to school districts and charter schools.~~
- d. From funds appropriated for the Student Success Initiative, and from any available Federal Funds, the Commissioner shall set aside \$1.7 million for fiscal year 2010 and \$1.7 million for fiscal year 2011 for the development of a supplemental diagnostic screening instrument for students who do not perform at the proficient levels in math in Grades 5- 8.
- e. Funds shall be provided for the establishment of the online college readiness materials in mathematics, science and social studies. Online student materials must be in the classrooms for mathematics, Fall 2010, science and social studies, Fall 2011.
- f. Out of the funds appropriated above, \$9,700,000 in each fiscal year of the 2010-11 biennium shall be set aside from the Compensatory Education allotment and allocated for the purpose of funding intensive programs of instruction for limited English-proficient (LEP) students and teacher training resources specific to instruction of LEP students, pursuant to Texas Education Code § 39.024(e). A portion of the funds may be used to perform an evaluation and review of student performance and

3.B. Rider Revisions and Additions Request (continued)

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improvement.

d.g. Any balances as of August 31, ~~2008~~2010, are appropriated for fiscal year ~~2009~~2011 for the same purposes.

Justification: The revised rider provides a systemic approach to reading, math and postsecondary readiness for all students. Having access to the reading academies K-8 online will give teachers and other educators scientific-based reading instruction proven to have an impact on student performance. Funds for continuation of the middle school reading academies are imperative to the reading initiative.

Funding math academies for Grades 5-8 will provide scientific-based math instruction which is the foundation for math success for those students who are unlikely to meet the end-of-course Algebra I standards and will provide instructional strategies for teachers to help these students meet the requirements of the 4 X 4 curriculum. Also updated strategy descriptions and years.

We have incorporated Rider 65 “LEP Student Success Initiative” to reflect the agency’s strategic approach to ensuring the success of all students.

3.B. Rider Revisions and Additions Request (continued)

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III-16

Arts Education. Out of the Foundation School Program funds appropriated ~~to the Texas Education Agency in this Act~~above in Strategy A.1.1, FSP-Equalized Operations, \$300,000 in fiscal year ~~2008~~2010, and \$300,000 in fiscal year ~~2009~~2011 shall be directed to and expended by the Commission on the Arts under the commission's Strategy A.1.2, Arts Education Grants, for the purpose of awarding grants for arts education. ~~It is the intent of the Legislature that grantees receiving funds under this program fulfill a 1:1 match requirement.~~ These amounts shall be directed and expended in addition to funds separately appropriated under this Act to the Commission on the Arts under Strategy A.1.2, Arts Education Grants.

Justification: Updated years and added strategy reference. The agency respectfully requests deletion of the section relating to the matching requirements for grantees. The Texas Education Agency is not the grantor agency and, therefore, does not have the ability to monitor grantees for compliance with this section. This provision is more applicable to the Commission on the Arts, which as the granting agency would have the ability to monitor grantees for the match requirement.

3.B. Rider Revisions and Additions Request (continued)

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III-16

Learning Through Listening. Out of the funds appropriated above in Strategy A.2.3, Students with Disabilities, the Commissioner shall expend \$200,000 in fiscal year ~~2008~~2010 and \$200,000 in fiscal year ~~2009~~2011 to continue a program of providing state-adopted textbooks using recorded material technology for students with visual impairment, reading disabilities and other disabilities as appropriate in kindergarten through 12th grade.

Out of the funds appropriated above in Strategy A.2.3, Students with Disabilities, the Commissioner shall expend \$1,500,000 in fiscal year ~~2008~~2010 and \$1,500,000 in fiscal year ~~2009~~2011 for the purpose of implementing an educational outreach program tied to digital audio textbooks which assists individuals with print disabilities affording reading accommodation by providing instruction and training using digitally recorded audiobooks, playback equipment, and other resources. The program shall target economically disadvantaged students in kindergarten through 12th grade with learning disabilities, dyslexia, vision impairment, and physical disabilities.

Justification: Updated years.

3.B. Rider Revisions and Additions Request (continued)

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III-16

Pre-Kindergarten Early Start Grant Programs. Out of the funds appropriated above in Strategy A.2.1, ~~Student Success~~Statewide Educational Programs, the Commissioner of Education shall allocate \$82,620,000 in General Revenue in each year of the ~~2008-09~~2010-11 biennium, and \$9,180,000 in federal Temporary Assistance for Needy Families (TANF) funds in each year of the ~~2008-09~~2010-11 biennium, for the purpose of providing grants for pre-kindergarten programs consistent with the provisions of Texas Education Code § 29.155. Any unexpended balances as of August 31, ~~2008~~2010, are appropriated for any early childhood programs authorized by this Act for the ~~2009~~2011 fiscal year, subject to the approval of the Commissioner of Education. A portion of the funds may be used to perform an evaluation and review of student performance and improvement.

~~a. Out of any state or federal funds available to the agency for this purpose, the Commissioner may set aside an amount not to exceed \$3 million to implement a competitive procurement system to award two-year contracts to government organizations, public nonprofit agencies, or community-based organizations to implement multi-age programs serving 3-, 4-, and 5-year-olds that assure that English language learning children receive appropriate activities to enter school prepared to succeed. The pilot programs must provide many opportunities for the acquisition of English, while supporting the child's first language including social services, appropriate training and modeling, and research-based curricula and supplies to enhance the development of both languages. Instruction must be in both languages so children can learn concepts in the language they understand while developing their English skills. Programs must include bilingual education specialists and continued professional education to support the teachers. Priority shall be given to entities that serve a high percentage of limited English proficient children.~~

~~b. A portion of the funds received by entities participating in this pilot shall be used to perform an evaluation and review of student performance and improvement. These results shall be reported to the Legislature by the agency no later than January 1, 2009.~~

Justification: Elimination of (a) and (b) is recommended because the activities are duplicative of Rider 43 Early Childhood School Readiness Program and Rider 65 LEP Student Success Initiative Funds. Also updated strategy description and years.

3.B. Rider Revisions and Additions Request (continued)

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III-16 & III-17

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 \$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 ~~2008~~2010 and \$3,800,000 in fiscal year ~~2009~~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.

Justification: Updated years.

3.B. Rider Revisions and Additions Request (continued)

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III-17

Local Educational Agency Risk Pool. Out of the funds appropriated above in Strategy A.2.3, Students with Disabilities, the Commissioner shall implement the provisions of the Individuals with Disabilities Education Act (IDEA) of 2004, pertaining to a local educational agency risk pool. The Commissioner shall allocate allowable amounts under the Act for the 20082010 fiscal year and the 20092011 fiscal year to establish the high cost fund to assist districts with high need students with disabilities. It is the intent of the Legislature that the use of these funds by school districts and charter schools does not violate the least restrictive environment requirements of IDEA of 2004, relating to placement and state funding systems that distribute funds based on type of setting.

Justification: Updated years.

3.B. Rider Revisions and Additions Request (continued)

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III-17

Early Childhood Intervention. Out of the funds appropriated above in Strategy A.2.3, Students with Disabilities, \$16,498,102 in [20082010](#) and \$16,498,102 in [20092011](#) shall be set aside from the Special Education allotment and transferred to the Department of Assistive and Rehabilitative Services to support Early Childhood Intervention eligibility determination, and comprehensive and transition services. This set-aside shall not affect the calculation of the number of students on weighted average daily attendance under Texas Education Code § 42.302.

Justification: Updated years.

3.B. Rider Revisions and Additions Request (continued)

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|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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III-17

Average Daily Attendance Decline. Out of the funds appropriated above in Strategy A.1.1, FSP-Equalized Operations, \$11 million in each year of the ~~2008-09~~2010-11 biennium shall be used to implement § 42.005, Texas Education Code. Expenditures pursuant to this provision shall not exceed \$22 million for the ~~2008-09~~2010-11 biennium.

Justification: Updated years.

3.B. Rider Revisions and Additions Request (continued)

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|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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III-17

~~**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 \$172,078,050, for the 2008-09 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.~~

~~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 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.~~

Justification: Recommend deletion because rider authority is not required to address 21st CCLC funding. In addition, the funding for ICF is transferred to rider 28 for Extended Year Programs and the reference to the rider language for ICF is deleted. This will also require deletion in the TEC 7.024 of ICF. AVANCE was deleted due to the proposal to delete funding.

3.B. Rider Revisions and Additions Request (continued)

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|----------------------|----------------------------------------|---------------------------------|------------------|------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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III-18

~~Contingency for House Bill 2237:~~ **Texas High School Completion and Success Initiative.** ~~Contingent on passage and enactment of House Bill 2237, or similar legislation establishing the Texas High School Completion and Success Initiative, by the Eightieth Legislature, Regular Session, out~~ Out of the funds appropriated above in Strategy A.2.1, ~~Student Success~~ Statewide Educational Programs, the Texas Education Agency:

- a. shall allocate ~~\$28,710,000~~ \$2,937,500 in General Revenue in each year of the ~~2008-09~~ 2010-11 biennium to support ~~the improvement of high school graduation rates and post secondary readiness, pursuant to the provisions of the legislation;~~ 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 the legislation.
- ~~b. shall allocate \$25,000,000 in General Revenue in each year of the 2008-09~~ 2010-11 biennium to provide research-based instructional support and professional development to secondary high schools serving students at risk of dropping out of school, with the goals of improving secondary high schools and reducing dropouts, pursuant to the provisions of the legislation;
- ~~c. shall have the agency's limit on full-time equivalents increased by 13~~ 4 in each year of the 2008-09 biennium;
- ~~e. may reimburse the allowable expenses of members of advisory committees established by that legislation; and~~
- b. shall continue to enter into a memorandum of understanding with the Texas Higher Education Coordinating Board for the transfer of appropriations ~~and full-time equivalents~~ from the Texas Education Agency to the Texas Higher Education Coordinating Board to implement the provisions of the legislation. ~~A signed copy of the memorandum of understanding shall be provided to the Legislative Budget Board and the Governor no later than December 31, 2007.~~

3.B. Rider Revisions and Additions Request (continued)

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Any unexpended balances as of August 31, ~~2008~~2010 ~~and are~~ hereby appropriated to fiscal year ~~2009~~2011 for the same purposes.

Justification: Deleted reference to contingency language and FTEs since HB 2237 was passed and enacted. Section a and b of the rider were combined to reflect the agency's systemic approach to dropout prevention and postsecondary readiness. Also, updated years, strategy description and amounts.

The agency respectfully requests that this rider be renumbered to follow Rider 44 "Student Success Initiative" to emphasize the relationship between the two initiatives.

3.B. Rider Revisions and Additions Request (continued)

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|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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55

III-18

Life Skills Program for Student Parents. Out of Foundation School Program funds appropriated above in Strategy A.2.4, School Improvement and Support Programs, \$10,000,000 in each fiscal year of the biennium is allocated for the Life Skills Program for Student Parents, Texas Education Code § 29.085. The Texas Education Agency shall distribute funds for this program directly to eligible school districts. Any balances as of August 31, ~~2008~~2010 are appropriated to the ~~2009~~2011 fiscal year for the same purpose.

Justification: Updated years.

3.B. Rider Revisions and Additions Request (continued)

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|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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56

III-18

Funding for Regional Education Service Centers. Out of the funds appropriated above in Strategy ~~B.3.1, Improving Teacher Quality~~ A.2.4, School Improvement and Support Programs, the Commissioner shall distribute \$21,375,000 in fiscal year ~~2008~~2010 and \$21,375,000 in fiscal year ~~2009~~2011 to Regional Education Service Centers to provide professional development and other technical assistance services to school districts. The formula for distribution shall be determined by the Commissioner but shall provide enhanced funding to Regional Education Service Centers that primarily serve small and rural school districts. The Commissioner shall obtain approval for the distribution formula from the Legislative Budget Board and the Governor.

Justification: Updated strategy and years.

3.B. Rider Revisions and Additions Request (continued)

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|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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58

III-19

Textbook Purchases. Of the Federal Funds appropriated above in A.2.3, Students with Disabilities, an amount not to exceed \$8,500,000 \$13,500,000 in the 2008-09 2010-11 biennium shall be used for the purchase of Braille, large-type and related materials for students with special needs.

In accordance with Texas Education Code § 31.103(b), the Commissioner shall use a school district's enrollment growth or decline for the prior three years as the basis for determining the additional percentage of attendance for which a school district may requisition textbooks.

The Commissioner shall provide juvenile justice alternative education programs with instructional materials necessary to support classroom instruction in those programs. The cost of the instructional materials shall be covered by State Textbook Funds appropriated to the agency for the 2008-09 2010-11 biennium.

Justification: Proclamation 2010 for English Language Arts and Reading contains significantly more materials that will need to be provided in Braille, large-type and related form.

3.B. Rider Revisions and Additions Request (continued)

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|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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60

III-19

Receipt and Use of Grants, Federal Funds, and Royalties. The Commissioner of Education is authorized to apply for, receive and disburse funds in accordance with plans or applications acceptable to the responsible federal agency or other public or private entity that are made available to the State of Texas for the benefit of education and such funds are appropriated to the specific purpose for which they are granted. For the ~~2008-09~~2010-11 biennium, the Texas Education Agency is appropriated any royalties and license fees from the sale or use of education products developed through federal and state funded contracts managed by the agency. The Texas Education Agency shall report on a quarterly basis to the Legislative Budget Board and to the Governor on grants or earnings received pursuant to the provisions of this rider, and on the planned use of those funds.

Any grant or royalty balances as of August 31, ~~2008~~2010 are appropriated for the ~~2009~~2011 fiscal year for the same purpose.

Justification: Updated years.

3.B. Rider Revisions and Additions Request (continued)

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| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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61

III-19

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 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.~~

Justification: We recommended deleting the language that directs us to make adjustments to the allotment for increases in the per capita rate. The adjustments are meaningless in the context of the current school finances system. Any reductions that are made to this allotment are offset by hold harmless provisions in TEC §42.2516 and thus have no net effect on the district's funding.

3.B. Rider Revisions and Additions Request (continued)

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|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
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III-19 & III-20

Motor Vehicle Fees for Specially Designed License Plates. Pursuant to the Texas Transportation Code, Chapter 504, Subchapter G, revenues generated from the sale of specialty license plates identified below in excess of amounts appropriated above in Strategy A.2.1, ~~Student Success~~ Statewide Educational Programs, are hereby appropriated to the agency for the purpose of distribution as required by that statute:

Read to Succeed -- § 504.607
Texas YMCA -- § 504.623
100th Football Season of Stephen F. Austin High School -- § 504.624
Share the Road -- § 504.633
Knights of Columbus -- § 504.638
Star Day School Library Readers Are Leaders -- § 504.643
Keeping Texas Strong -- § 504.650
Anthropos Arts -- § 501(c) 3

Any remaining balances as of August 31, 20072009 are appropriated for the 2008-092010-11 biennium. Any remaining balances as of August 31, 20082010 are appropriated for fiscal year 20092011.

Justification: Added Anthropos Arts license plate and updated strategy descriptions and years.

3.B. Rider Revisions and Additions Request (continued)

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III-20

Use of Federal Discretionary ~~and Consolidated Administrative~~ Funds. Except as otherwise directed by this Act, the Commissioner may use 50 percent of available federal state-level discretionary ~~and consolidated administrative~~ funds to supplement state funds appropriated for teacher mentoring, recruitment and retention, or the Student Success Initiative. The Commissioner may make exceptions to this allocation only upon the prior approval of the Legislative Budget Board and the Governor.

Justification: Eliminate reference to consolidated administrative funds since there are no excess funds available above those required to be spent on administering and providing technical assistance for NCLB grants.

3.B. Rider Revisions and Additions Request (continued)

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| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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III-20

~~**LEP Student Success Initiative.** Out of the funds appropriated above in Strategy A.2.1, Student Success, \$9,700,000 in each fiscal year of the 2008-09 biennium shall be set aside from the Compensatory Education allotment and allocated for the purpose of funding intensive programs of instruction for limited English-proficient (LEP) students and teacher training resources specific to instruction of LEP students, pursuant to Texas Education Code § 39.024(e).~~

Justification: Deleting separate rider and incorporating language into Rider 44.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
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III-20

Child Nutrition Program. It is the intent of the Legislature that the Child Nutrition Program payments to independent school districts be budgeted at the Texas Education Agency. Included in the amounts appropriated above to the Texas Education Agency for the ~~2008-09~~2010-11 biennium is ~~\$2,707,368,183~~\$2,978,564,501 out of Federal Funds and \$28,800,000 out of the General Revenue Fund to provide reimbursements for the School Lunch, Breakfast, After School Snack, and Seamless Summer programs.

It is also the intent of the Legislature that the Texas Department of Agriculture administer the Child Nutrition Program. Included in the amounts appropriated elsewhere in this Act to the Texas Department of Agriculture for the ~~2008-09~~2010-11 biennium is \$21,400,000 out of Federal Funds and \$398,248 out of the General Revenue Fund in Strategy D.1.1, Support Nutrition Programs, to administer the Child Nutrition Program.

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

Justification: Added unexpended balance provision to allow any remaining balances at the end of fiscal year 2010 to be applied to additional reimbursements in fiscal year 2011 Also updated years and amounts.

3.B. Rider Revisions and Additions Request (continued)

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III-20

~~**Intensive Reading Instruction and English Language Proficiency Pilot Program.** From the funds appropriated for the Student Success Initiative and from state and Federal ESL/LEP funds, the Commissioner may set aside an amount not to exceed \$1 million for establishing an intensive reading instruction and English language proficiency pilot program for schools that have failed to improve student performance in reading and English language proficiency. The pilot program shall require the use of neuroscience-based, scientifically validated programs, interventions of instructional tools that are proven to accelerate learning, cognitive ability and English language proficiency. The pilot program shall provide for participating schools to perform assessments on participating students prior to entering the program, and upon completion of the program to measure improvements in both their reading and English language proficiency. A school identified as eligible to participate in the pilot program shall implement only those interventions, programs or instructional tools approved by the Commissioner.~~

Justification: The pilot has been implemented and this rider is no longer required.

3.B. Rider Revisions and Additions Request (continued)

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III-21

Student Achievement and Educator Excellence Awards Programs. Out of Educator Excellence Funds (General Revenue) appropriated above in Strategy ~~A.2.4, School Improvement & Support Programs~~ B.3.1, Improving Educator Quality and Leadership, the Commissioner shall expend an amount not to exceed \$~~171,390,729~~ 97,500,000 in fiscal year ~~2008~~ 2010 and \$~~171,390,728~~ 245,281,457 in fiscal year ~~2009~~ 2011 for the purpose of ~~establishing~~ administering the Awards for Student Achievement and Educator Excellence Awards programs in accordance with Texas Education Code Chapter 21, Subchapters N and O, ~~and the Governor's Educator Excellence Grants.~~

Of these amounts, the Commissioner shall expend an amount not to exceed \$97,500,000 in fiscal year ~~2008~~ 2010 and \$97,500,000 in fiscal year ~~2009~~ 2011 for the Awards for Student Achievement program.

The Commissioner may set aside funds ~~from the Awards for Student Achievement Program~~, in amounts not to exceed \$~~500,000~~ 800,000 in fiscal year ~~2008~~ 2010 and \$~~3,100,000~~ 1,000,000 in fiscal year ~~2009~~ 2011, to complete and evaluate the ~~Governor's~~ Educator Excellence Grants. The Commissioner may set aside funds in an amount not to exceed \$1,000,000 in each year of the 2010-2011 biennium to provide campuses and 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.

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

Justification: The wording was changed to reflect the fact that this program is now in the implementation stage. The amounts for evaluation were reduced to reflect actual costs of future evaluation contracts (two more years for TEEG Cycle 4 and 5; and DATE Cycle 2 and 3).

Authority for technical assistance will provide Texas school districts and charter schools with ongoing applied guidance in developing and implementing successful, research-based educator performance pay systems and to build capacity for long term support of these programs across the state.

3.B. Rider Revisions and Additions Request (continued)

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Authority to appropriate unexpended balances will allow unspent funds to be reallocated back to the districts and campuses for teacher awards, mentor stipends, master teacher stipends, professional development and improved data systems.

Also updated strategy and years.

3.B. Rider Revisions and Additions Request (continued)

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III-21

Teacher Mentor Program. Out of the funds appropriated above in Strategy B.3.1, Improving ~~Teacher~~Educator Quality and Leadership, the Commissioner shall expend \$15,000,000 in fiscal year ~~2008~~2010 and \$15,000,000 in fiscal year ~~2009~~2011 for the teacher mentor program in accordance with Texas Education Code § 21.458(c).

Justification: Updated strategy description and dates.

3.B. Rider Revisions and Additions Request (continued)

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III-21

JJAEP Accountability. The Commissioner shall provide information to the Juvenile Probation Commission for the purpose of preparing the juvenile justice alternative education program performance assessment report, to be submitted to the Legislative Budget Board and the Governor by May 1, ~~2008~~2010. The Commissioner shall provide the requested information if the request provides a minimum of 20 business days in which to respond.

Justification: Updated year.

3.B. Rider Revisions and Additions Request (continued)

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III-21 & III-22

Permanent School Fund Distribution Rate. At least 45 days prior to the adoption of the distribution rate from the Permanent School Fund to the Available School Fund by the State Board of Education, the Texas Education Agency shall report to the Legislative Budget Board and the Governor on the following:

- a. The distribution rate or rates under consideration;
- b. The assumptions and methodology used in determining the rate or rates under consideration;
- c. The annual amount ~~per student~~ the distribution rate or rates under consideration are estimated to provide, and the difference between them and the annual distribution amounts ~~per student~~ for the preceding three biennia; and
- d. The optimal distribution amount for the preceding biennium, based on an analysis of intergenerational equity, and the difference between it and the actual distribution amount.

Justification: This would provide the total dollar distribution instead of distribution per student.

3.B. Rider Revisions and Additions Request (continued)

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III-22

~~**Training to Improve and Expand Shared Service Arrangements.** Out of the funds appropriated above in Strategy, B.3.2, Agency Operations, the Commissioner shall develop a training program that will improve the training program that will improve the management of existing shared service arrangements and encourage the creation of new arrangements. During the 2008-09 biennium, no more than \$180,000 shall be expended to provide this training for Education Service Center regions 1, 2, 4, 5, 7, 8, 10, 11, 13, and 19. The Commissioner shall submit a report to the Eighty-first Legislature by January 8, 2009 on the implementation and effectiveness of this program.~~

Justification: Recommend deletion since training has been accomplished.

3.B. Rider Revisions and Additions Request (continued)

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III-22

~~**Align Adult Basic Education and Postsecondary Education.** Out of the funds appropriated above in Strategy, A.2.5, Adult Education & Family Literacy, the Texas Education Agency shall coordinate with the Texas Higher Education Coordinating Board to develop and implement immediate and long-range coordinated action plans to align Adult Basic Education and postsecondary education. To increase the number, success and persistence of students transitioning to postsecondary education, these action plans shall address at a minimum:~~

- ~~a. Outreach and advising;~~
- ~~b. Assessment, curriculum, and instruction;~~
- ~~c. Persistence interventions;~~
- ~~d. State-level accountability systems to monitor performance;~~
- ~~e. Service provider level performance measures and program evaluation;~~
- ~~f. Standards to enhance data quality and sharing among state agencies and service providers;~~
- ~~g. Needs assessment of students and service providers to identify other structural issues and barriers; and~~
- ~~h. Grants (including Federal Funds and other funds) to maximize effective use of limited General Revenue funds.~~

~~The Texas Education Agency and the Texas Higher Education Coordinating Board shall develop and agree to, consistent with Texas Workforce Investment Council provisions under Texas Government Code 2308.1016, a revised memorandum of understanding that establishes the respective responsibilities of each agency for the implementation of action plans necessary to successfully transition students enrolled in adult basic education into postsecondary education. The memorandum of understanding shall establish a point of responsibility and identify sufficient resources within each agency for implementation by that agency of the requirements of the memorandum of understanding. A signed copy of the memorandum of understanding shall be provided to the Legislative Budget Board and the Governor, no later than December 31, 2007.~~

~~Out of funds appropriated above, the Texas Education Agency and the Texas Workforce Commission shall assist the Texas Higher Education Coordinating Board in assessing the current and projected future demand for adult education in Texas, the types of programs and instruction necessary to serve current and projected~~

3.B. Rider Revisions and Additions Request (continued)

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~~future populations of adult learners, and the instruction necessary to serve current and projected future populations of adult learners, and the social and economic outcomes of providing varying levels of adult education services in Texas. The report shall include a comparative analysis of adult basic education programs offered in other states and shall identify best practices in adult education. The report shall study the current organizational structure and agency roles in providing adult education and make recommendations for achieving state goals efficiently and effectively.~~

~~For the purposes of this rider, the Texas Higher Education Coordinating Board shall be considered the lead agency and shall report on the implementation of these provisions to the Texas Workforce Investment Council, the Governor and the Legislative Budget Board by September 1, 2008.~~

Justification: Recommend deletion since rider is not applicable to 2010-2011 biennium.

3.B. Rider Revisions and Additions Request (continued)

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III-22 & III-23

~~State Office of Administrative Hearings. Out of General Revenue funds appropriated above in Strategy B.3.4, Central Administration, the Commissioner shall allocate \$500,000 in fiscal year 2008 for costs associated with educator certification disciplinary cases at the State Office of Administrative Hearings. Any unexpended balances as of August 31, 2008 are hereby appropriated to fiscal year 2009 for the same purpose.~~

Justification: Recommend deleting this rider since funding is in the base request and does not require a rider to authorize the expenditure for SOAH.

3.B. Rider Revisions and Additions Request (continued)

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III-23

Evaluations for General Revenue Programs. Unless otherwise directed by this Act, the Texas Education Agency (TEA) shall conduct an ~~performance~~ evaluation of any General Revenue-funded TEA grant program initiated by the 79th80th or 810^{thst} Legislature, and deliver a report to the Legislature in January of the first odd-numbered year after the 4th fiscal year of the program's ~~existence~~implementation. The Commissioner is authorized to exempt from this requirement any program that is not suitable for formal evaluation. The agency shall include the Student Success Initiative in the list of programs to be evaluated for a report to the legislature in January 200911.

An amount not to exceed 5% of the funds appropriated in the corresponding rider appropriation for each grant program to be evaluated under this rider shall be used to perform the evaluation of each program, the actual amount to be determined by the Commissioner.

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

Justification: Added language to clarify that this program refers only to TEA initiated grant programs funded with General Revenue and gives the Commissioner the flexibility in determining which programs are suitable for evaluation. Also updated years and modified reporting dates and added language to clarify that reporting dates are based on the implementation date of the program. The final two sentences were added to specify the means of funding for the evaluations and provide UB authority for the designated funds.

3.B. Rider Revisions and Additions Request (continued)

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III-23

Campus Turnaround Team Support. Out of funds appropriated above in Strategy ~~B.3.1, Improving Teacher Quality~~ A.2.4. School Improvement and Support Programs, the Commissioner shall allocate \$750,000 in General Revenue and \$750,000 in Federal Funds in each year of the ~~2008-09~~2010-11 biennium to ~~create~~implement a regional network of technical assistance providers to address the needs of low-performing campuses subject to assistance and intervention efforts under Chapter 39 of the Texas Education Code.

Justification: A Request for Applications (RFA) was developed after this rider was added in the 2008-09 GAA, and the project will be granted to the winning entity on July 2, 2008 at which point a Turnaround Center will initiate operations to support a regional network of technical assistance providers (turnaround teams) at each regional education service center (ESC). For 2010-11, the regional network will exist; therefore, the goal will be to implement (vs. create) a regional network of turnaround teams. Also updated strategy and years.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

81

III-23

~~**Agency Administrative Budget By Division.** The amounts presented in this rider are estimated allocations of the All Funds appropriations for the agency's administrative budget, as contained in strategies B.3.2, Agency Operations, through B.3.6, Certification Exam Administration, to the functional administrative divisions of the agency. These amounts are informational purposes only; this rider does not constitute an appropriation or a limit on agency administrative expenditures.~~

| | 2008 | 2009 | |
|---------------------------------------------------|--------------------------|--------------------------|------------------|
| Agency Division: | | | |
| Central Administration | 6,437 | \$20,556,437 | 117.0 |
| School District Services | \$7,375,709 | \$7,323,709 | 98.1 |
| Standards and Programs | \$14,591,450 | \$14,235,802 | FTEs |
| Finance and Operations | \$36,319,468 | \$29,135,937 | 215.2 |
| Accountability and Data Quality | | \$12,969,830 | 203.0 |
| Planning, Grants, and Evaluation | \$6,182,630 | \$6,182,630 | 74.5 |
| Council for Developmental Disabilities | \$1,189,509 | \$1,189,509 | 17.0 |
| Educator Quality and Standards | \$20,215,508 | \$20,288,507 | 49.0 |
| Miscellaneous Costs | \$1,078,183 | \$1,078,183 | 0.0 |
| Total, Agency Administration | \$120,978,723 | \$112,960,543 | 946.3 |

Justification: The agency respectfully requests deletion of this rider. The amounts of administrative functions are more accurately captured in strategies B.3.2-B.3.6 by appropriated amounts.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

82

III-23

Amachi. Out of federal Temporary Assistance for Needy Families (TANF) funds appropriated above in Strategy A.2.2, Achievement of Students At Risk, the Commissioner shall allocate not more than \$2,500,000 in each year of the ~~2008-09~~2010-11 biennium to the Amachi Texas program for mentoring children of incarcerated parents. To the extent possible, in the administration of the Amachi program, Big Brothers Big Sisters shall coordinate with other community-based entities providing training for mentors and mentoring services and shall seek additional funding from other private and public sources in order to expand service to more eligible children. Any balances ~~as of August 31, 2010 available as of August 31, 2008~~2010 are hereby appropriated for fiscal year ~~2009~~2011 for the same purposes.

Justification: modified language to be consistent with other riders.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

83

III-23

Science Laboratory Grants. Out of the funds appropriated for Strategy A.1.2, ~~FSP -Equalized Facilities,~~ the commissioner may spend an amount not to exceed \$20 million in each fiscal year of the biennium for the purpose of providing funds to school districts under the Science Laboratory Grant program as authorized in Section 7.062, Education Code. Such expenditures may be made only upon certification by the commissioner that the amount appropriated for Strategy A.1.2 exceeds the entitlements of school districts for the purpose of Subchapters A and B, Chapter 46, for that state fiscal year.

Contingency for Senate Bill 1700: State Funding for Science Labs.¹⁶ ~~Contingent upon passage and enactment of Senate Bill 1700, or similar legislation relating to the refinancing of school district bonded indebtedness, by the Eightieth Legislature, Regular Session, the Commissioner shall allocate Foundation School Funds appropriated above in Strategy A.1.2, FSP -Equalized Facilities, in an amount not to exceed the amount by which the provision of the bill relating to the refinancing of school district debt reduces the state's current law obligations in funding the Existing Debt Allotment and Instructional Facilities Allotment, to fund competitive grants for high school science labs. The Commissioner may adopt rules as necessary to implement this program. The Commissioner shall not make any distribution of funds under this rider without the prior approval from the Legislative Budget Board and the Governor.~~

~~Any balances available as of August 31, 2008 are appropriated for fiscal year 2009 for the same purpose.~~

¹⁶ ~~SB 1700, 80th Legislature, Regular Session, did not pass.~~

Justification: SB 1700 did not pass. HB 2237 provides authority for the commissioner to make science lab grants if there are surplus funds available Strategy A.1.2.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

84

III-24

School-based Prevention Services. The Texas Education Agency shall enter into an interagency contract with the Department of State Health Services for the purpose of the reduction and prevention of the use of tobacco products among school-aged children in grades 4 through 12. Out of funds appropriated above in Strategy ~~A.2.4, School Improvement and Support~~B.2.2. Health and Safety, the Commissioner shall allocate \$3,000,000 in Interagency Contract funds in fiscal year ~~2008~~2010 and \$3,000,000 in Interagency Contract funds in fiscal year ~~2009~~2011 for services provided under the required contract. The Texas Education Agency shall track implementation and report on the use of these funds to the Governor and the Legislative Budget Board no later than August 31, 200911.

Justification: Updated years and strategy.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

85

III-24

Science and Math Outreach. Out of General Revenue funds appropriated above in Strategy A.2.1, ~~Student Success~~ Statewide Educational Programs, the Commissioner shall allocate \$300,000 in each year of the ~~2008-09~~ 2010-11 biennium for a competitive grant program for public and private entities conducting outreach programs providing interactive educational experiences for public school students in science and mathematics. Grants recipients may include, but are not limited to: museums, planetariums, nature preserves and traveling exhibitions providing science and math education to public school audiences.

Justification: Updated strategy description and years.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

86

III-24

Educator Salary Increase. Out of General Revenue funds appropriated above in Strategy A.1.1., FSP - Equalized Operations, the Commissioner shall allocate ~~\$23.63~~\$23.12 per student in weighted average daily attendance in ~~fiscal year 2010 and 23.14 in fiscal year 2011 -each year of the 2008-09 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.

Justification: Maintaining funding at base level from the 08/09 biennium results in a decreased rate per WADA

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

87

III-24

Limitation on Funding for Property Tax Relief and Foundation School Program. From the amount appropriated above to the Texas Education Agency for Strategy A.1.1, FSP - Equalized Operations, for the ~~2009~~2011 fiscal year, the Commissioner may not spend more than the amount that, together with all other amounts appropriated from the Foundation School Fund or another source for the Foundation School Program or for paying the costs of school property tax relief, is necessary to achieve a state compression percentage, as defined by Section 42.2516, Texas Education Code, of 66.67 percent and fully fund the school funding formulas under Chapters 41 and 42, Texas Education Code, without the prior approval of the Legislative Budget Board.

Justification: Updated year.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

88

III-24

Library Resources. Out of the amounts appropriated above in Strategy ~~A.1.1, FSP-Equalized Operations~~B.2.1, Technology and Instructional Material, for the technology allotment, the Commissioner shall transfer via interagency contract amounts not to exceed \$2,500,000 in fiscal year ~~2008~~2010 and \$2,500,000 in fiscal year ~~2009~~2011 to the State Library and Archives Commission for the purpose of acquiring online research and information resources for libraries in public schools, and for administrative expenses related to this particular service.

Justification: Updated year and strategy.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

89

III-24

Middle School Physical Education and Fitness Programs. Contingent upon the Comptroller certifying at least an additional \$20,000,000 over the Biennial Revenue Estimate, out of the funds appropriated above in Strategy ~~A.2.1., Student Success~~ **B.2.2. Health and Safety**, the Texas Education Agency shall allocate \$10,000,000 for fiscal year ~~2008~~2010 and \$10,000,000 for fiscal year ~~2009~~2011 to make grants to school districts for the support of in-school physical education and fitness programs for students in grades six through eight. The Commissioner and the Comptroller jointly shall adopt eligibility and other criteria for awarding these grants. The criteria must: (1) further the goal of reducing childhood obesity and Type II diabetes in school districts that have proportionately high numbers of economically disadvantaged students; and (2) ensure that school districts of all sizes have access to the grants. A school district may use a grant received under this rider only for the purposes specified in this rider.

Justification: Updated strategy descriptions and years.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

Sec 13.10

IX-57

~~Anthropos Specialty Plates.~~

~~From revenues generated from the sale of the anthropos specialty license plates issued as authorized by Subchapters I and J, Chapter 504, Transportation Code, the Texas Education Agency is hereby appropriated all funds received from the sale of the anthropos specialty license plate (estimated to be \$25,000 in fiscal year 2009) to support Anthropos Arts, a 501(c) 3 in Austin, Texas dedicated to providing free, private music education to children in Title I public schools.~~

Justification: Delete article IX provision and add to agency rider 63.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

Sec 19.25

IX-57

Contingency for Senate Bill 9.²⁶

~~Contingent on passage and enactment of Senate Bill 9 or similar legislation related to criminal history record information review for public education employees, the Texas Education Agency is hereby appropriated an additional \$5,415,367 in Certification Fee revenue, \$429,000 in Criminal History Background Check Fee revenue, and \$1,000,000 in General Revenue in fiscal year 2008 and \$5,959,367 in Certification Fee revenue and \$429,000 in Criminal History Background Check Fee revenue in fiscal year 2009, and the agency's FTE cap is increased by 29.0 for the 2008-09 biennium for the purpose of implementing requirements for criminal history record information review. Of the amounts appropriated herein from Criminal History Background fee revenue, those amounts are contingent upon the Texas Education Agency assessing sufficient fees to generate \$429,000 in each year of the biennium. The Texas Education Agency, upon completion of necessary actions to assess such fee revenue, shall provide sufficient evidence supporting the estimated revenues to be generated for the 2008-09 biennium under the new fee structure to the Comptroller of Public Accounts. If the Comptroller of Public Accounts finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued, and the contingent appropriation shall be made available for the intended purpose.~~

~~For fee amounts identified by this rider, all revenues collected in excess of amounts appropriated are hereby appropriated to the Texas Education Agency for the purpose of implementing requirements for criminal history record information review. In the event that actual and/or projected fee revenue collections are insufficient to offset program costs, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided herein to be within the amount of fee revenue expected to be available.~~

~~Contingent upon Senate Bill 9 or similar legislation related to criminal history record information review for public education employees failing to pass or to be enacted, the appropriation to the Texas Education Agency made in B.3.3. Strategy: State Board for Educator Certification Operations is hereby increased by \$4,700,000 in Certification Fee revenue in each year of the 2008-09 biennium, and the agency's FTE cap is increased by 10.0 for the purpose of conducting criminal history record information reviews of certified educators actively employed by public school districts and open enrollment charter schools in Texas who~~

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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~~have not previously been subject to a criminal history record information review as a condition of certification.~~

~~²⁶These Article IX appropriations and changes have been incorporated into applicable agency bill patterns.~~

Justification: Recommended for deletion since contingency rider is no longer required. Agency will request addition of specific rider in bill pattern to address legislation.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

Sec. 19.53

IX-83

~~Contingency for House Bill 2864.~~⁴²

~~Contingent on passage and enactment of House Bill 2864, or similar legislation related to a pilot program for technology-based supplemental instruction in rural school districts by the Eightieth Legislature, Regular Session, 2007, the Texas Education Agency in Strategy B.2.1, Educational Technology is hereby appropriated \$4,000,000 in General Revenue in fiscal year 2008 and \$4,150,000 in General Revenue in fiscal year 2009 for the purpose of administering grants and conducting an evaluation of the pilot project.~~

~~⁴²These Article IX appropriations and changes have been incorporated into applicable agency bill patterns.~~

Justification: Recommended for deletion since contingency rider is no longer required. Agency will request addition of specific rider in bill pattern to address legislation. See proposed new rider # 704

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

Sec 19.85

IX-95

~~Contingency for Senate Bill 4.~~⁵⁶

~~Contingent upon the enactment of Senate Bill 4, or similar legislation relating to open enrollment charter schools and the creation of public charter districts, by the Eightieth Legislature, Regular Session, the Texas Education Agency is appropriated \$4,288,140 in General Revenue funds in fiscal year 2008 and \$5,711,860 in General Revenue in fiscal year 2009 to implement the provisions of the bill. Also contingent upon the enactment of Senate Bill 4 or similar legislation, the "Number of Full-time Equivalent Positions (FTE)" for the Texas Education Agency in this Act is hereby increased by 7.0 for each year of the 2008-09 biennium.~~

~~Out of the funds appropriated by this rider, the Commissioner shall expend not more than \$3,788,140 in fiscal year 2008~~2010~~ and \$4,166,953 in fiscal year 2009 to provide instructional facilities allotments to eligible public charter districts. Out of funds appropriated by this rider, the Commissioner shall expend not more than \$500,000 in fiscal year 2008~~2010~~ and \$1,544,907 in fiscal year 2009 on administrative costs related to the provisions of Senate Bill 4.~~

~~Any balances available as of August 31, 2008 are appropriated for fiscal year 2009 for the same purpose.~~

~~⁵⁶SB 4, 80th Legislature, Regular Session, or similar legislation did not pass.~~

Justification: Recommendation deletion of rider since legislation did not pass.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

Sec 19.86

IX-95 & IX-96

~~Contingency Appropriation for Senate Bill 7.~~⁵⁵

~~Contingent upon the enactment of Senate Bill 7, or similar legislation relating to the requirement that school districts acquire automated external defibrillators (AEDs), by the Eightieth Legislature, Regular Session, the Texas Education Agency is appropriated \$10.0 million in General Revenue for the 2008-09 biennium for the following purposes:~~

~~(a) Automated External Defibrillators.~~

~~(1) Out of the funds identified by this rider, the Commissioner shall allocate not more than \$9,000,000 in fiscal year 2008 to reimburse school districts for costs associated with the purchase of AEDs. The Commissioner shall require that school districts and charter schools, in the application for funds, demonstrate need for reimbursement, and give funding priority based on greatest need. The Commissioner may adopt rules as necessary to implement this program. The Commissioner shall use any available federal funds to offset the General Revenue cost, and is authorized to receive and expend private grants or donations for this purpose.~~

~~(2) Out of the funds identified by this rider, the Commissioner shall reimburse private schools for costs associated with the purchase of AEDs. The Commissioner may adopt rules as necessary to implement this program.~~

~~(b) Early Cardiovascular Detection Pilot Program. Out of the funds identified by this rider, the Commissioner shall direct \$500,000 in General Revenue in each year of the 2008-09 biennium to a pilot cardiovascular health screening program targeted to students in the 6th grade. The students in the pilot program must be selected in such a way as to ensure ethnic diversity. The screening program shall include EKG and echocardiogram evaluation. The Commissioner may accept private grants to support the program. The agency shall submit a report on the program to the Eighty-first Legislature.~~

~~Any balances available as of August 31, 2008 are appropriated for fiscal year 2009 for the same purposes.~~

3.B. Rider Revisions and Additions Request (continued)

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|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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⁵⁵ ~~These Article IX appropriations and changes have been incorporated into applicable agency bill patterns.~~

Justification: Recommend deletion of rider since legislation passed and program has been implemented. See current one-time expenditure schedule for details on use of this funding in the 2010-2011 biennium.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

Sec 19.92

IX-97

~~Contingency for House Bill 2238.~~⁶⁰

~~Contingent upon the enactment of House Bill 2238, or similar legislation relating to the establishment of the Texas Education Data System (TEDS), by the Eightieth Legislature, Regular Session, the Texas Education Agency is hereby appropriated \$1,000,000 in General Revenue to contract with one or more education research centers to develop recommendations for establishing indicators for identifying students who are likely to drop out of school, pursuant to the provisions of the legislation.~~

⁶⁰~~HB 2238, 80th Legislature, Regular Session, or similar legislation did not pass.~~

Justification: Recommend deletion of rider since legislation did not pass.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

Sec 19.100

IX-98

~~Contingency for Senate Bill 1031.~~⁶⁵

~~Contingent upon the enactment of Senate Bill 1031, or similar legislation relating to the administration of certain assessment instruments in public schools, by the Eightieth Legislature, Regular Session, the Texas Education Agency is hereby appropriated \$6,000,000 in General Revenue in fiscal year 2008 and \$10,000,000 in General Revenue in fiscal year 2009, to implement the provisions of the legislation. Also contingent upon passage of Senate Bill 1031 or similar legislation, the Texas Education Agency's limit on full-time equivalent positions is hereby increased by 15.0 in fiscal year 2008 and by 23.0 in fiscal year 2009, and the agency may reimburse the allowable expenses of members of advisory committees established by that legislation. Funds unexpended as of August 31, 2008 are hereby appropriated to fiscal year 2009 for the same purposes.~~

~~⁶⁵These Article IX appropriations and changes have been incorporated into applicable agency bill patterns.~~

Justification: Recommended for deletion since contingency rider is no longer required. Agency will request addition of specific rider in bill pattern to address legislation. See proposed new rider # 705

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

Sec 19.107

IX-99

~~Contingency for House Bill 2237.~~⁶⁸

~~Contingent upon the failure of House Bill 2237, by the Eightieth Legislature, Regular Session, to be passed and enacted into law, out of General Revenue funds appropriated in Strategy A.2.1, Student Success, the Texas Education Agency may expend \$53,710,000 in each year of the 2008–09 biennium only upon the development by the agency of a plan to implement programs to support high school improvement and dropout prevention. The plan must receive the approval of the Legislative Budget Board and the Governor prior to the expenditure of funds identified by this rider. Any unexpended balances as of August 31, 2008 are hereby appropriated to fiscal year 2009 for the same purposes.~~

⁶⁸~~HB 2237, 80th Legislature, Regular Session, passed and became law.~~

Justification: Recommend deletion of contingency rider since legislation passed and amounts have been incorporated into base bill. Also, see Rider 53.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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Sec 19.109

IX-99

~~Contingency Appropriation for Senate Bill 8.~~⁶⁸

~~Contingent upon the enactment of Senate Bill 8, or similar legislation relating to the requirement that school districts test students for steroid use, by the Eightieth Legislature, Regular Session, the Texas Education Agency is appropriated \$6 million in General Revenue in fiscal year 2008 to reimburse school districts for costs associated with this testing. The Commissioner shall require that school districts and charter schools, in the application for funds, demonstrate need for reimbursement, and give funding priority based on greatest need. The Commissioner may adopt rules as necessary to implement this program. The Commissioner shall use any available federal funds to offset the General Revenue cost, and is authorized to receive and expend private grants or donations for this purpose.~~

~~Any balances available as of August 31, 2008 are appropriated for fiscal year 2009 for the same purpose.~~

~~⁶⁸ HB 2237, 80th Legislature, Regular Session, passed and became law.~~

Justification: Recommended for deletion since contingency rider is no longer required. Agency will request addition of specific rider in bill pattern to address legislation. See proposed new rider # 706.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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Sec 19.110

IX-100

~~**Contingency for Senate Bill 1788.** ⁶⁹ Contingent on passage and enactment of Senate Bill 1788 or similar legislation related to the creation and operation of a state virtual school network to provide education to students through electronic means, by the Eightieth Legislature, Regular Session, 2007, the Texas Education Agency is hereby appropriated revenue collected from fees authorized by the legislation.~~

~~⁶⁹ These Article IX appropriations and changes have been incorporated into the applicable agency bill patterns.~~

Justification: Recommended for deletion since contingency rider is no longer required. Agency will request addition of specific rider in bill pattern to address legislation. See proposed new rider # 703.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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Sec 19.111

IX-100

~~Early Childhood Education.~~⁶⁹

~~The Texas Workforce Commission is appropriated \$10,000,000 in fiscal year 20082010 and \$10,000,000 in fiscal year 20092011 in CCDF Federal Funds for the purpose of increasing child care reimbursement rates for certain child care providers that participate in a school readiness integration project established under Section 29.160, Education Code, or obtain certification under the school readiness certification system established under Section 29.161, Education Code or meet the Texas Rising Star Provider criteria described by 40 T.A.C. Section 809.15(b). Providers are eligible for enhanced reimbursement rates for services provided to children who are younger than six years of age at a level to be determined by each board but at least equal to the designated vendor rate provided by Section 2308.315, Government Code. A provider that receives increased reimbursement rates under this subsection is encouraged to use the funds to obtain certification under the school readiness certification system established under Section 29.161, Education Code if certification has not been obtained.~~

~~Out of CCDF Federal Funds identified above, the Texas Workforce Commission shall transfer via interagency contract \$1,000,000 in fiscal year 20082010 and \$1,000,000 in fiscal year 20092011 to the Texas Education Agency to fund the management of early childhood education partnership projects, including the award of stipends, to facilitate increased participation in professional development by early childhood education professionals and encourage those professionals to seek additional education.~~

~~⁶⁹ These Article IX appropriations and changes have been incorporated into the applicable agency bill patterns.~~

Justification: Recommend deletion of article IX provision and the addition of specific rider in agency bill pattern. See proposed new rider # 707.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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Sec 19.114

IX-100

~~**Contingency Appropriation for House Bill 1609.**⁶⁹ Contingent upon the enactment of House Bill 1609, or similar legislation relating to the Communities in Schools program, by the Eightieth Legislature, Regular Session, the Texas Education Agency is hereby appropriated \$500,000 in General Revenue in each year of the 2008-09 biennium to support the Communities in Schools Program.~~

~~⁶⁹ These Article IX appropriations and changes have been incorporated into the applicable agency bill patterns.~~

Justification: This contingency should be deleted because the funding will become a permanent part of the rider and is currently listed there.

3.B. Rider Revisions and Additions Request (continued)

| | | | | |
|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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701

III-

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.

Amounts expended from these funding sources shall not count towards 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 items to be purchased.

Justification: Addition of this rider would allow the agency the flexibility to maximize the use of additional federal and other funding sources to address capital budget needs above the constraints of capital budget provisions when such amounts are designated by the donor or grantor for the specific purchase of capital budget items.

3.B. Rider Revisions and Additions Request (continued)

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|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

702

III-

Midcycle Review and Adoption. In accordance with TEC §31.0221, the State Board of Education rules may require the publisher of textbooks to pay a fee to cover the cost of the midcycle review and adoption of the textbook. The Texas Education Agency is hereby appropriated revenue collected from fees authorized by this statute.

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

Justification: HB188 passed by the Eightieth Legislature, Regular Session, 2007, authorized the collection of the fee but did not appropriate revenue collected from the fees to support the midcycle review process.

3.B. Rider Revisions and Additions Request (continued)

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|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

703

III -

Virtual School Networks. Out of the funds appropriated above in Strategy B.2.1, Technology and Instructional Materials, \$1,150,000 in each year of the 2010-2011 biennium shall be used for the operation of a state virtual school network as authorized under Chapter 30A of the Texas Education Code.

In addition to the amounts above, all revenues received under §30A of Texas Education Code are hereby appropriated to the Texas Education Agency for the 2010-2011 biennium.

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

Justification: Addition of specific rider for the 2010-2011 biennium to provide continued appropriation authority for program authorized by Senate Bill 1788 during the 80th legislative session and funded with Rider 31 transfers during the 2008-09 biennium. Also added unexpended balance provision to maximize use of funds during the 2010-2011 biennium.

3.B. Rider Revisions and Additions Request (continued)

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|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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704 **III** **Rural School Technology.** Out of the funds appropriated above in Strategy B.2.1, Technology and Instructional Materials, \$3,975,000 in General Revenue in each year of the 2010-2011 biennium shall be used for the purposes of administering technology based supplemental instruction in rural school districts as authorized under §29.919 of the Texas Education Code.

Justification: Addition of specific rider for the 2010-11 biennium to address funding for technology based instruction as provided for in House Bill 2864 during the 80th legislative session.

3.B. Rider Revisions and Additions Request (continued)

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|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

705

III

End of Course Assessments. Out of the funds appropriated above in Strategy B.1.1, Assessment and Accountability System, \$6,400,000 in General Revenue in each year of the 2010-2011 biennium shall be used for the purposes of administering end of course assessment instruments in public schools.

Justification: Addition of specific rider for the 2010-2011 biennium to address funding for student assessments as provided for in Senate Bill 1031 during the 80th legislative session.

3.B. Rider Revisions and Additions Request (continued)

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|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

706

III

Steroid Testing. Out of the funds appropriated above in Strategy B.2.2, Health and Safety, \$6,000,000 in General Revenue in fiscal year 2010 is appropriated for the purposes of administering the state-wide steroid testing program as authorized under §33.091 of the Texas Education Code.

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

Justification: Addition of specific rider for the 2010-2011 biennium to address funding for steroid testing as provided for in Senate Bill 8 during the 80th legislative session.

3.B. Rider Revisions and Additions Request (continued)

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| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

707

III

Early Childhood Education. Out of CCDF Federal Funds appropriated above in Strategy A.2.1. Statewide Educational Programs, the Texas Workforce Commission shall transfer via interagency contract \$1,000,000 in fiscal year 2010 and \$1,000,000 in fiscal year 2011 to the Texas Education Agency to fund the management of early childhood education partnership projects, including the award of stipends, to facilitate increased participation in professional development by early childhood education professionals and encourage those professionals to seek additional education.

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

Justification: Addition of specific agency rider for the 2010-2011 biennium to address the portion of Article IX sec19.111"Early Childhood Education" relating to the Texas Education agency. Also, added authority to appropriate unexpended balances when one or more grantees do not fully expend funds.

3.B. Rider Revisions and Additions Request (continued)

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|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

708

III

Charter School Technical Assistance. Out of the funds appropriated above in Strategy A.2.4. School Improvement and Support Programs, \$ \$500,000 in fiscal year 2010 shall be used to administer the Charter School Technical Assistance Program. These funds will be used to provide financial technical assistance to new charters and those identified as having financial difficulty.

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

Justification: Based on several identified financial problems with charters, it is evident that assistance is needed to correct these problems and move the charters to more sound financial positions. It is also appropriate to help the new charter operators begin financial operations in a way to avoid potential problems.

3.B. Rider Revisions and Additions Request (continued)

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|-----------------------------|-----------------------------------------------|----------------------------------------|-------------------------|-------------------------------|
| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
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709

III

Teach for America. Out of the funds appropriated above in Strategy B.3.1. Improving Educator Quality and Leadership, \$1,500,000 in fiscal year 2010 shall be used to administer the Teach for America program in the Rio Grande Valley and Houston area. These funds will support teacher recruitment, placement efforts and professional development

Justification: The program anticipates 600 participants will be identified to teach in these two critical areas of the state and receive research-based instructional strategies for elementary and secondary bilingual/ESL, science, math students.

3.B. Rider Revisions and Additions Request (continued)

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| Agency Code: 701 | Agency Name: Texas Education Agency | Prepared By: Budget Division | Date: 8/26/08 | Request Level: Base |
| Current Rider Number | Page Number in 2008-09 GAA | Proposed Rider Language | | |

710

III

One Community One Child/ Best Buddies. Out of funds appropriated in Strategy A.2.4, School Improvement and Support Programs, \$400,000 shall be appropriated in fiscal year 2010 for the support of the One Community/One Child and Best Buddies programs. One Community/ One Child is designed to increase parental and community involvement in school activities. Best Buddies is designed to enhance the lives of middle and high school children with intellectual disabilities.

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

Justification: Based on demonstrated need for individual and community support for students and schools, these programs provide opportunities for student, parent and community participation in environments that enhance lifelong, academic and social skills of students.