



INTERIM REPORT

to the 87th Texas Legislature



HOUSE COMMITTEE ON
PUBLIC EDUCATION



DECEMBER 2020

**HOUSE COMMITTEE ON PUBLIC EDUCATION
TEXAS HOUSE OF REPRESENTATIVES
INTERIM REPORT 2020**

**A REPORT TO THE
HOUSE OF REPRESENTATIVES
87TH TEXAS LEGISLATURE**

**DAN HUBERTY
CHAIRMAN**

**COMMITTEE CLERK
RYAN MARQUESS**



Committee On
PUBLIC EDUCATION

December 28, 2020

DAN HUBERTY
Chairman

P.O. Box 2910
Austin, Texas 78768-2910

The Honorable Dennis Bonnen
Speaker, Texas House of Representatives
Members of the Texas House of Representatives
Texas State Capitol, Rm. 2W.13
Austin, Texas 78701

Dear Mr. Speaker and Fellow Members:

The Committee on Public Education of the Eighty-sixth Legislature hereby submits its interim report including recommendations and drafted legislation for consideration by the Eighty-seventh Legislature.

Respectfully submitted,

Dan Huberty, Chair

Diego Bernal, Vice Chair

Steve Allison

Keith Bell

Mary Gonzalez

Morgan Meyer

James Talarico

Alma Allen

Trent Ashby

Harold Dutton

Ken King

Scott Sanford

Gary VanDeaver

Diego Bernal
Vice-Chairman

Alma Allen • Steve Allison • Trent Ashby • Keith Bell • Harold Dutton • Mary González
Ken King • Morgan Meyer • Scott Sanford • James Talarico • Gary VanDeaver

TABLE OF CONTENTS

PUBLIC EDUCATION	5
Report Introduction.....	5
CHARGE 1: IMPLEMENTATION OF LEGISLATION	7
Introduction.....	7
House Bill 3	9
Background.....	9
Information	10
Compensatory Education Allotment.....	10
Teacher Incentive Allotment.....	10
Early Education Allotment	10
Career and Technology Allotment.....	11
College, Career, and Military Readiness Bonus	11
Questions.....	11
Recommendations.....	12
House Bill 1842 (84R), House Bill 22 (85R), Senate Bill 1882 (85R), House Bill 3906 (86R)..	13
Background.....	13
House Bill 22	13
House Bill 1842	13
Senate Bill 1882.....	14
House Bill 3906	14
Information	15
Questions.....	15
Recommendations.....	16
Senate Bill 1873 (85R).....	17
Background.....	17
Information	17
Questions.....	17
Recommendations.....	18
House Bill 18 (86R), House Bill 19 (86R), House Bill 906 (86R), Senate Bill 11 (86R).....	18
Background.....	18
House Bill 18	18
House Bill 19	19
House Bill 906	19
Senate Bill 11	19
Information	19

Non-Physician Mental Health Professionals	20
Texas Child Mental Health Care Consortium.....	21
Recommendations	21
CHARGE 2: DIGITAL LEARNING	22
Introduction.....	22
Background.....	23
Information	23
Barriers to Digital Learning	23
Blended Learning.....	23
TIMA	24
Texas Virtual School Network (TXVSN).....	24
Questions.....	24
Recommendations.....	25
CHARGE 3: SPECIAL EDUCATION	26
Introduction.....	26
Background.....	26
Information	27
Recommendations.....	27
CHARGE 4: AGENCY REVIEW	28
Introduction.....	28
Background.....	28
Recommendations.....	28
APPENDICES	29
ENDNOTES	32

PUBLIC EDUCATION

Report Introduction

Speaker Dennis Bonnen released interim charges for all House committees on November 25, 2019. Due to the COVID-19 pandemic and the subsequent limitations on public gatherings, all House committees, including the House Committee on Public Education, were prevented from holding hearings during the interim. The Committee conducted necessary oversight functions through an information gathering process under Section 301.014, Government Code.¹

The Committee issued several Requests for Information and input from the public; public school districts; and relevant associations on August 19, 2020. These Requests for Information addressed all charges.

These Requests for Information can be found at the following links:

Interim Charge 1:

<https://capitol.texas.gov/tlodocs/86R/schedules/pdf/C4002020081900001.PDF>

Interim Charge 2:

<https://capitol.texas.gov/tlodocs/86R/schedules/pdf/C4002020081900002.PDF>

Interim Charge 3:

<https://capitol.texas.gov/tlodocs/86R/schedules/pdf/C4002020081900003.PDF>

Interim Charge 4:

<https://capitol.texas.gov/tlodocs/86R/schedules/pdf/C4002020081900004.PDF>

COVID-19:

<https://capitol.texas.gov/tlodocs/86R/schedules/pdf/C4002020081900005.PDF>

The Responses to the above Requests can be found at the following links:

Interim Charge 1 Responses:

<https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/C4002020081900001.PDF>

Interim Charge 2 Responses:

<https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900002/C4002020081900002.PDF>

Interim Charge 3 Responses:

<https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900003/C4002020081900003.PDF>

Interim Charge 4 Responses:

<https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900004/C4002020081900004.PDF>

COVID-19 Responses:

<https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900005/C4002020081900005.PDF>

The following report is the culmination of the work by the Committee during the 86th legislative session, and the information received by the Committee throughout the interim.

CHARGE 1: IMPLEMENTATION OF LEGISLATION

Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 86th Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure intended legislative outcome of all legislation, including the following: H.B. 3 (86R), H.B. 1842 (84R), H.B. 22 (85R), S.B. 1882 (85R), H.B. 3906 (86R), S.B. 1873 (85R), H.B. 18 (86R), H.B. 19 (86R), H.B. 906 (86R), S.B. 11 (86R)

Introduction

The Committee received information from the following:

Listed in alphabetical order

- Aldine ISD
- Aldine ISD, et al
- Artis, J
- Anderson Shiro CISD
- Association of Texas Professional Educators
- Austin Chamber
- Bay Area Houston Economic Partnership
- Bexar County Education Coalition
- Benningfield, K
- Bonanno, P
- City Education Partners
- Charles, M
- Children at Risk
- District Charter Alliance
- Dallas ISD
- Early Matters
- Ector County ISD
- Educate Texas
- Equity Center
- ExcelinEd
- Fruitvale ISD
- Frisco ISD
- Garland ISD
- Galveston ISD
- Good Reason Houston
- Grand Prairie ISD
- Hale, E
- Hernandez, M

-
- Home Builders Institute
 - Hogg Foundation for Mental Health
 - Hope, A
 - Hosain, H
 - Intercultural Development Research Association
 - Impact Network Texas
 - Joyce, S
 - Leadership Academy Network
 - Lawrence, A
 - Littlejohn, J
 - La Joya ISD
 - Lott, C
 - Lubbock Partnership Network
 - Mason, F
 - Mental Health America Greater Houston
 - National Alliance on Mental Illness Texas
 - National Association of Social Workers Texas
 - North East ISD
 - Newman International Academy
 - ONE Houston
 - Partnership for a Healthy Texas
 - Plano ISD
 - Reed, S
 - Rhodes, J
 - Richardson ISD
 - Rural Superintendents
 - Raise Your Hand Texas
 - Save the Children
 - Shelley, A
 - School Innovation Collaborative
 - Smith, K
 - Spiller, L
 - San Perlita ISD
 - Stroup, W
 - Teach for America Texas
 - Texans Care for Children
 - Texas AFT
 - Texas Association of Manufacturers
 - Texas Association of Midsize Schools
 - Texas Association of Rural Schools
 - Texas Association of School Administrators
 - Texas Association of School Boards
 - Texas Association of School Psychologists
 - Texas Classroom Teachers Association

-
- Texas Coalition for Healthy Minds
 - Texas Criminal Justice Coalition, et al
 - Texas Education Agency
 - Texas Health and Human Services Commission
 - Texas Legislative Education Equity Coalition
 - Texas Music Educators Association
 - Texas Public Charter Schools Association
 - Texas Public Policy Foundation
 - Texas School Alliance
 - Texas School Coalition
 - Texas State Teachers Association
 - Texas2036
 - Waco ISD
 - YES Prep

House Bill 3

House Bill 3, which relates to public school finance and public education. Monitor the Texas Education Agency's (TEA) implementation of the bill, including the extensive rulemaking process and broad unintended consequence authority of the commissioner. Examine the pay raises districts have provided to staff and the various approaches adopted to differentiate these salary increases according to experience.

Background

During the Regular Session of the 86th Legislature, the House unanimously passed House Bill 3, the most transformative public school finance bill in decades. The legislation made an investment of \$6.5 billion in the Texas public school system, and empowered school boards and superintendents to focus on the unique needs of their districts. House Bill 3 contained a substantial increase of the basic allotment, a forward-thinking creation of innovative programs, data-proven reforms, an investment in early childhood education, and an enhancement of recapture formulas. House Bill 3 also included:

- An increase in the Compensatory Education funding for all students.
- The Teacher Incentive Allotment, which provides significant additional compensation for the most effective teachers.
- The Early Education Allotment which provides additional funding for low-income and English Language Learners in K-3rd grade.
- New funding provided through the Dyslexia Allotment.

-
- Additional funding for districts that meet College, Career and Military readiness goals for students who are the most vulnerable.

Information

Submitted material to the Committee Requests for Information included the following:

Compensatory Education Allotment

The significant increase in the Compensatory Education Allotment, as well as the more nuanced approach to the allocation of those funds, is one of the foundational elements of House Bill 3. This approach to compensatory education funding has marked a significant improvement in how Texas identifies and supports low-income students. By increasing the base compensatory education weight from .2 to .225 and moving to a sliding scale up to .275 based on concentration of poverty, school systems now have access to additional funding.²

Teacher Incentive Allotment

One of the program's main goals is incentivizing the placement of high-quality teachers in high-poverty campuses.³

The Teacher Incentive Allotment provides pathways for district's educators to earn more income sooner in their careers, and it focuses attention on a more equitable distribution of our talent. The TIA program will be a "game changer" in the recruiting process for smaller rural schools across Texas.⁴

Districts are currently creating robust teacher evaluation systems to implement their own TIA in the coming years.⁵

TIA allows highly effective teachers to bring with them a wealth of skills and knowledge that allow them to rapidly push the needle on student achievement. That same wealth and knowledge allows other teachers to grow their own skills and improve as educators.⁶

The Teacher Incentive Allotment provides meaningful and constructive feedback on a classroom teacher's growth. It has made significant impacts in teaching techniques by pinpointing areas of instruction that achieve success and areas that need improvement.⁷

Early Education Allotment

Economically disadvantaged students greatly benefit from quality, early childhood education. The Early Education Allotment has created a new funding stream for low-income and English language-learning students which enables districts to focus on the importance of early learning through specific priorities that address literacy, dual language, and pre-kindergarten programs.

Career and Technology Allotment

House Bill 3 enables districts to expand and add additional advanced academic courses offered at all comprehensive high schools, create more opportunities for students to access the international baccalaureate program, and expand pathways to industry certification.⁸

College, Career, and Military Readiness Bonus

House Bill 3 enables districts to invest in increasing the number of students who will graduate with plans to pursue a four-year degree, enter the military, have an associate's degree, and/or obtain industry certifications and licenses.⁹

The Texas Education Agency submitted their House Bill 3 Implementation Update.¹⁰

Questions

The Committee asked the following questions regarding Interim Charge 1:

Can the state delay implementation of the teacher incentive pay program to push it out to the next biennium? If so, what would be the impact on the current budget, as well as budget implications for the 2022- 23 biennium?

- Answer: TEA has already implemented the Teacher Incentive Allotment. 26 districts have already implemented the program, and over 800 districts have expressed interest. While the Legislative Budget Board fiscal noted this program to cost the state \$146M in the first biennium when the Legislature passed House Bill 3, TEA's current estimates project the cost to the state will be \$88M for this biennium (savings of \$58M for the biennium).¹¹

Does the state have any obligation to ensure that newly awarded salaries are carried forward from year-to-year all other conditions being equal?

- Answer: The agency has communicated to the field that this provision was intended to provide permanent increases in teacher pay. Also, for chapter 21 positions, pay may not be characterized as supplemental for duty that isn't supplemental solely in order to avoid the statutory requirements to maintain rates of pay across a contract term. → Additionally, TEC, Sec. 21.402(e-1), provides that a teacher cannot receive a lower minimum salary from one year to the next. However, if a district issued one-time compensation increases to teachers to meet the House Bill 3 requirements, despite the guidance and prohibition noted above, Section 21.402(e-1) would not require the district to carry such compensation increases forward.¹²

Is the state capable of providing the additional financial resources so school districts can maintain the new salaries awarded post House Bill 3?

- Answer: Barring legislative action that would reduce formula funding to school districts, the FSP formulas should continue to provide similar levels of revenue to districts (assuming similar levels of enrollment) to maintain salary increases from House Bill 3.¹³

What impact does the "no new revenue - tax cap" of 2.5 percent have on a school district's ability to continue the pay raises or changes in salary scheduled adopted for the 2019-20 school year?

- Answer: The 2.5% mechanism for school districts in House Bill 3 does not actually cap revenue for districts, rather it limits the amount the local share of tier one can grow in any given year. Therefore, tax compression does not impact a district's budget bottom line, nor does it impact the amount of revenue available in a district to maintain salary increases previously granted. Instead, it impacts the amount of state funding that must be provided under the FSP formulas by the legislature in the aggregate, relative to the amount of property tax that is used to finance the FSP formulas.¹⁴

Recommendations

1. The Committee should continue to monitor the TEA implementation of House Bill 3 provisions regarding public school finance and public education.
2. The Committee should explore options for making the rulemaking process more efficient and should clarify the division of authority over the process.
3. The Committee should further examine the impact of salary increases that districts have provided to staff and analyze data-informed best practices adopted to differentiate these increases.
4. TEA should analyze best practices from districts and offer multiple compensation plan options for use by LEAs that do not have the capacity or desire to develop their own version.
5. The Committee should continue to consider certain CCMR indicators, in order to ensure small and rural LEAs are not put on unequal footing with LEAs that have the resources needed to offer a wider range of opportunities for their students.
6. The Committee should work with the TEA to determine the efficacy of developing a local teacher designation system pursuant to House Bill 3's Teacher Incentive Allotment.

-
7. TEA should prioritize, and complete as soon as possible, the remaining rules pertaining to House Bill 3, including, but not limited to, the College, Career, and Military readiness outcomes bonus, Blended Learning grant programs, instructional arrangements for special education, Gifted and Talented programs, and the financial aid application requirement for high school graduation.

House Bill 1842 (84R), House Bill 22 (85R), Senate Bill 1882 (85R), House Bill 3906 (86R)

House Bill 1842 (84R), House Bill 22 (85R), Senate Bill 1882 (85R), and House Bill 3906, which relate to public school accountability, assessment, interventions, and district-charter partnerships. Monitor the ongoing progress of the TEA's implementation and rulemaking of the A-F rating system, the State of Texas Assessments of Academic Readiness (STAAR), and public school sanctions and interventions.

Background

House Bill 22

House Bill 22 was unanimously passed by the House during the 85th Legislative Session. The bill restructured district performance domains by reducing the required domains of indicators from five to a minimum of three to focus on information relevant to parents, the school community, and policymakers.

- The Student Achievement domain, which evaluates performance on assessments and for high school grades, incorporates graduation rates and other measures of postsecondary readiness.
- The School Performance domain measures improvement on the state assessments and compares school performance with that of comparable schools.
- The Closing the Gaps domain incorporates self-evaluation by schools along with measures of student advancement, improvement, and high school graduation rates.

House Bill 1842

The Texas Legislature passed House Bill 1842 during the 84th Legislative Session. House Bill 1842 was designed to strengthen state interventions and sanctions for public schools that have underperformed for multiple years and create supports and interventions to improve school performance. The bill requires the commissioner, after a campus has been identified as unacceptable for two consecutive school years, to order the campus to prepare and submit a campus turnaround plan.

All school systems received a “Not Rated-Declared State of Disaster” label for 2019-2020. As a result, state interventions under House Bill 1842 (84R) will continue for the 2020-2021 school year using 2019 ratings.¹⁵

Senate Bill 1882

The Texas Legislature passed Senate Bill 1882 during the 85th Legislative Session. Senate Bill 1882 created conditions meant to encourage cooperation and innovation between districts and charter schools.

Charter schools are public schools that, while publicly funded and subject to the same accountability laws as traditional public schools, are given more flexibility with regards to staffing and operations. The Legislature first approved the establishment of 20 charter schools in Texas in 1995.¹⁶ This action was followed by additional authorizations, including one for an unlimited number of charters that served populations of over 75 percent at-risk students¹⁷

If school districts and charter schools choose to partner, both entities enter into a written agreement to share teaching responsibilities, facilities, or other education resources. Senate Bill 1882 incentivizes this partnership in two ways:

- In the partnership, the school district receives the higher of the maintenance and operations (M&O) funding amount that the district or charter school would be entitled to for each student in the partnership.
- Also, the district or charter will receive a one-year pause in the accountability system, receiving individual domain scores but an overall rating of "undesignated" for that first year without restarting the intervention clock.

House Bill 3906

The Texas Legislature passed House Bill 3906 during the 86th Legislative Session. House Bill 3906 made several changes to laws governing the administration and content of state assessments. The bill called for:

- Creating multiple smaller test sections that can be administered over multiple days (by 2021-22)
- Eliminating STAAR writing tests in grades 4 and 7 (by 2021-22)
- Prohibiting the administration of STAAR tests on the first day of the week
- Transitioning to electronic assessments (by 2022-23)
- Allowing no more than 75% of the questions on any STAAR test to be multiple choice (by 2022-23)

-
- Establishing an optional integrated formative assessment pilot program
 - Developing interim assessments for district use
 - Creating an educator assessment advisory committee.

Information

Submitted material to the Committee Requests for Information included the following:

- The Texas Education Agency submitted their House Bill 1842 and House Bill 22 Updates.¹⁸
- The Texas Education Agency submitted their Senate Bill 1882 Implementation Overview.¹⁹

Questions

The Committee asked the following questions regarding public school accountability, assessment, interventions, and district-charter partnerships:

The stated purpose of these partnerships with charters was to serve as incubators of innovative ideas in how to turn around failing campuses. Have any successful programs been identified that can be replicated by struggling campuses?

- Answer: See the Texas Education Agency - Senate Bill 1882 Implementation Overview (11-16).²⁰

Have certain types of new partnerships been more successful than other types of alternative educational arrangements?

- Data on outcomes only exists for the first year of the first cohort. As such, trends by type are not yet possible to discern. Generally, turnaround work is far more difficult than new campus launches.²¹

What type of resources (financial and other types of supports) have been necessary to implement new turn-around partnerships?

- Answer: See the Texas Education Agency - Senate Bill 1882 Implementation Overview (8) for supportive resources that have been established.²²

What measures of "success" are being used to know if these partnerships are working and sustainable?

- Answer: As noted above, data on outcomes only exist for the first year of the first cohort.²³

Can programs that have been deemed successful at these low rated campuses be replicated at other campuses within the district? If not, why? If yes, have similar results in increased student achievement been realized?

- Answer: Yes, it is possible to replicate partnerships, both within and across districts. It has been done across districts, including with partnerships affiliated with the Texas Council of International Schools, Young Women's Prep Network and Collegiate Education. It has been within districts multiple times, including East Texas Advanced Academies, CAST Tech and Texas Wesleyan University.²⁴

Recommendations

1. The Committee should continue to monitor TEA's implementation of all House Bill 22 provisions.
2. TEA shall review the indicators required in House Bill 22 for the consideration of appropriate revisions.
3. The Committee should continue to assess the ongoing progress and efficacy of the TEA's implementation of the A-F rating system.
4. The Committee should monitor and assess the ongoing progress of the TEA's rulemaking authority over the A-F rating system.
5. The Committee should continue to monitor the ongoing progress of the State of Texas Assessments of Academic Readiness (STAAR).
6. The Committee should continue to monitor the ongoing progress and efficacy of public school sanctions and interventions.
7. The Committee should continue to work with TEA and stakeholders to explore options to alleviate the timing issues that exist regarding the accountability system and rulemaking.
8. The Committee, regarding the TEA's implementation of the A-F rating system, should explore clarification of the impact of a "D" rating, including the intersection with other accountability references, and the transition process regarding previous "D" ratings.

Senate Bill 1873 (85R)

SB 1873 (85R), which relates to reporting certain school district health and safety information. Review the report on physical education prepared by the TEA and determine what, if any, next steps are needed based on the data collections.

Background

The Texas Legislature passed Senate Bill 1873 during the 85th Legislative Session. Senate Bill 1873 sought to utilize the information collected through the School Health Survey to further determine the quality of physical education being offered in public schools.

Information

Submitted material to the Committee Requests for Information included the following:

The Texas Education Agency submitted their SB 1873 Physical Education Report Summary.²⁵

Questions

The Committee asked the following question regarding Interim Charge 1:

Other than checking a box that a report has been filed with TEA, has this legislation resulted in any changes in the PE programs offered to students? Is Texas using any of this data or trends that Texas students are healthier and more physically active?

- Answer: TEA cannot comment on whether any district has changed its PE offerings as a result of this report. New data elements were added to the TSDS/PEIMS in the year after SB 1873 was passed in 2017. That has been completed. Currently, some data the agency is required to collect is reported by districts in the summer, and other pieces of the data are reported in the fall.
- Because of this, TEA program staff does not have access to the PEIMS data until February. It typically takes about three years of data collection before the data is deemed to be reliable, and TEA has not been collecting this data long enough to try to begin identifying trends that we are confident are accurate and reliable. Additionally, it is not clear that this new reporting requirement would prompt districts to look at the data in a different way and possibly make changes.
- While TEA did ensure the report was compiled and finalized, the agency does not have the capacity to ensure changes or best practices are implemented by all the districts.

-
- Certain physical fitness outcomes are measured by Fitnessgram. However, statute currently prevents student-level data from being reported to TEA, so there is no way to discern longitudinal improvements or declines in fitness; there is only statewide information on overall fitness levels.²⁶

Recommendations

1. The Committee should work with the TEA and school districts to determine what steps are necessary to maximize the efficiency of health and safety data collection.
2. The Committee should review the report on physical education prepared by the TEA and determine what, if any, next steps are needed based on the data collections.

House Bill 18 (86R), House Bill 19 (86R), House Bill 906 (86R), Senate Bill 11 (86R)

HB 18 enhances school safety and mental health resources for students and school personnel and works to reduce the stigma around mental health conditions. Monitor the process by which state agencies coordinate to implement the legislation and their compliance with various requirements, including providing required guidelines and resources to schools.

HB 19 places non-physician mental health professionals at education service centers to provide resources for educators and administrators in school districts and charter schools.

HB 906, which creates the Collaborative Task Force on Public School Mental Health Services.

SB 11, which creates the Texas Child Mental Health Care Consortium to facilitate access to mental health care services through telehealth and expands the mental health workforce through training and funding opportunities. Monitor the creation of the consortium and agencies' rulemaking processes. Review how school districts are spending their school safety allotment.

Background

House Bill 18

The Texas Legislature passed House Bill 18 during the 86th Legislative Session. House Bill 18 emphasized mental health training for educators, principals, and counselors through updated

certification and continuing professional education requirements. House Bill 18 also increased awareness of mental health and substance abuse issues among students through curricular changes.

House Bill 19

The Texas Legislature passed House Bill 19 during the 86th Legislative Session. House Bill 19 facilitated the placement of 20 non-physician mental health professionals at each of the state's education service centers. The bill requires Local Mental Health Authorities (LMHAs)/Local Behavioral Health Authorities (LBHAs) to collaborate with the 20 Regional Education Service Centers (ESCs) to employ non-physician mental health professionals (NPMHPs) to serve as mental health and substance use resources for school districts located in the regions served by the ESCs and LMHAs/LBHAs.

House Bill 906

The Texas Legislature passed House Bill 906 during the 86th Legislative Session. House Bill 906 created the Collaborative Task Force on Public School Mental Health Services, which is tasked with studying and evaluating the state-funded mental health services provided to students, families, and employees in public schools.

Senate Bill 11

The Texas Legislature passed Senate Bill 11 during the 86th Legislative Session. Senate Bill 11 made financial and programmatic investments in mental health and school safety. Senate Bill 11 also created the Texas Child Mental Health Care Consortium (TCMHCC), which was allotted \$99 million to enhance behavioral health telemedicine options across the state. Among other initiatives, TCMHCC created a school-based supports program called Texas Child Health Access Through Telemedicine (TCHATT) that is designed to deliver telemedicine services to public school students experiencing a mental health crisis.

Information

Submitted material to the Committee Requests for Information included the following:

The Texas Health and Human Services Commission (HHSC) created an implementation workgroup in coordination with Texas Education Agency (TEA) and other relevant stakeholders. The workgroup has been meeting monthly since April.

House Bill 19 requires each LMHA/LBHA to create and enter into a Memorandum of Understanding (MOU) or contract with its local ESC to outline expectations of each. As of September 2020, 18 of 20 LMHAs/LBHAs had executed a signed MOU with the local ESC. HHSC continues to provide support to the remaining two LMHA/LBHAs to complete this task.

HHSC and TEA provide ongoing technical assistance (TA) to LMHAs/LBHAs on various topics, such as guidance on program objectives and ideas for a collaborative hiring process as

stipulated in House Bill 19, job descriptions via a tip sheet, and an House Bill 19 SharePoint site for easy access to TA documents.²⁷

Non-Physician Mental Health Professionals

Non-physician mental health professionals (NPMHPs) provide mental health and substance use and misuse resources at ESCs and facilitate monthly trainings.

As of August 2020, eight LMHAs/LBHAs have hired NPMHPs.

Texas Health and Safety Code, Sec. 571.003(15), requires for NPMHPs to be one of the following licensed professionals:

- A psychologist licensed to practice in this state and designated as a health-service provider;
- A registered nurse with a master's or doctoral degree in psychiatric nursing;
- A licensed clinical social worker;
- A licensed professional counselor licensed to practice in this state; or
- A licensed marriage and family therapist licensed to practice in this state.

Some LMHAs/LBHAs report few to no qualified applicants, with additional hiring delays attributed to local COVID-19 shelter-in-place directives. HHSC is working with LMHAs/LBHAs to problem-solve and offer resources, including professional organizations' websites, to help identify qualified applicants. HHSC has discussed additional strategies to assist in addressing the hiring challenges while recognizing workforce shortages in certain areas of Texas.

NPMHPs facilitate monthly trainings, including Mental Health First Aid, grief and trauma, supporting children with intellectual and developmental disabilities impacted by grief and trauma, and substance use and misuse prevention. Target audiences include school staff, students, parents, community members, and ESC staff. Trainings are held to build local capacity and promote collaboration between LMHAs/LBHAs and school systems.

HHSC will provide ongoing examples of trainings and resources that can be used by the NPMHP, such as:

- A webinar series on engaging participants using virtual platforms provided through Centralized Training Infrastructure for Evidence Based Practices;
- Strategies to address returning to school from the National Child Traumatic Stress Network;
- Substance use prevention trainings provided through Texas Prevention Training;
- TEA Evidence-Based Practices list; and
- TEA's Statewide Resource rubric.

LMHA/LBHAs are required to submit individual reports on outcomes of employing a NPMHP to HHSC. HHSC established reporting timeframes, processes, and templates for LMHA/LBHAs. As of August 2020, all participating LMHAs/LBHAs are submitting monthly reports timely.

LMHAs/LBHAs will compile the monthly reported information at the end of the calendar year and submit to HHSC no later than December 31, 2020. HHSC will develop a comprehensive draft for review by TEA before HHSC submits the final report to the Legislature by January 31,

2021, in accordance with House Bill 19.²⁸

Texas Child Mental Health Care Consortium

Senate Bill (SB) 11 requires the HHSC Executive Commissioner to appoint two individuals to the Executive Committee of the Texas Child Mental Health Care Consortium, one as a representative of HHSC with expertise in the delivery of mental health care services and the other as a representative of HHSC with expertise in mental health facilities. Deputy Executive Commissioner for Intellectual and Developmental Disabilities and Behavioral Health Services, Sonja Gaines, and Deputy Executive Commissioner for Health and Specialty Care System, Mike Maples, were appointed respectively. Commissioners Gaines and Maples have been participating in the Consortium's meetings.²⁹

Recommendations

1. The Committee should monitor the process by which state agencies coordinate to implement House Bill 18 and House Bill 19, and their compliance with various requirements, including providing required guidelines and resources to schools.
2. The Committee should monitor the implementation of House Bill 906, which creates the Collaborative Task Force on Public School Mental Health Services.
3. The Committee should monitor the creation of the Texas Child Mental Health Care Consortium, created by Senate Bill 11, and all agencies' rulemaking processes. The Committee should review how school districts are spending their school safety allotment.

CHARGE 2: DIGITAL LEARNING

Determine if any barriers exist in providing a digital learning environment for all children, including an evaluation of the competitive marketplace for blended learning products and services. Evaluate the effectiveness of the Technology and Instructional Materials Allotment (TIMA) in providing districts the resources necessary to equip students with instructional materials and technology, including in the review all programs and initiatives funded by setasides from the TIMA. Monitor the performance and accountability of the state's full-time virtual schools and online courses provided through the Texas Virtual School Network.

Introduction

The Committee received information from the following:

Listed in alphabetical order

- Association of Texas Professional Educators
- AT&T
- Bay Area Houston Economic Partnership
- Bexar County Education Coalition
- Boys & Girls Clubs
- Children at Risk
- Commit Partnership
- Connected Nation Texas
- ExcelinEd
- Frisco ISD
- Grand Prairie ISD
- Greater Houston Partnership
- Hallsville ISD
- Instructional Materials Coordinators Association of Texas
- McGraw Hill
- Methodist Healthcare Ministries
- North East ISD
- Plano ISD
- Parkhill Smith and Cooper
- Southern Education Foundation
- TechNet
- Texas Association of Midsize Schools
- Texas Association of Rural Schools
- Texas Association of School Administrators
- Texas Classroom Teachers Association
- Texas Computer Education Association
- Texas Education Agency

-
- Texas Library Association
 - Texas Public Charter Schools Association
 - Texas Public Policy Foundation
 - Texas Rural Funders
 - Texas School Coalition
 - Texas State Teachers Association
 - Texas2036
 - Tomball ISD
 - UnidosUS

Background

While barriers to learning exist in every environment, the gaps in broadband and communication access across the state have become more apparent as districts rely more heavily on technology, especially during the COVID-19 pandemic.

Information

The Texas Education Agency submitted their report on Digital Learning.³⁰

Representative VanDeaver submitted a letter regarding Broadband Infrastructure which is attached as Appendix A.

Submitted material to the Committee Requests for Information included the following:

Barriers to Digital Learning

The Federal Communications Commission recently adopted new rules related to data collection and mapping of broadband availability to better identify connectivity gaps across the country. In addition, Congress has recognized the need for better, more granular maps by passing the Broadband DATA Act, which will create a more accurate and detailed map of broadband availability.

Blended Learning

Blended-learning programs are a separate and distinct concept that rely on a wide distribution of broadband internet service and student access to educational technology.

In many classrooms, teachers and students use both synchronous and asynchronous resources to complete the instructional day.

Due to COVID, there has been a massive increase in the number of districts using some form of blended (as fully remote) learning.

TIMA

In 2011, the 82nd Legislature created the Technology and Instructional Materials Allotment giving districts more control, flexibility, and discretion on what instructional materials to purchase and whether to deliver the content digitally or through print-based products. Legislation stipulated that the legislature would appropriate 50% of the State Board of Education's distribution from the Permanent School Fund into the Technology and Instructional Materials Fund.

Allowable uses of the TIMA:

- Purchase instructional materials
- Purchase technological equipment for instructional use
- Pay for the training of teachers in the use of technology
- Pay for the technical support of equipment that is directly related to student learning
- Pay for software that manages the instructional materials.
- Pay for software that analyzes the use and effectiveness of the instructional materials.

Texas Virtual School Network (TXVSN)

- Provides access to complete educational programs that are high-quality, Interactive, and instructor led.
- TXVSN teachers are state-certified, appropriately credentialed, and trained in effective online instruction.
- Serve students in grade 3 through high school.
- Students are enrolled in the district that houses the online school.

Questions

The Committee asked the following questions regarding Interim Charge 2:

Can a map, detailed list, or other resources be provided that shows where there are gaps in available internet coverage? If so, please provide. What needs to be done to close this gap?

- Answer: Governor Abbott's Operation Connectivity Task Force is working to create a

map that will outline where in the state of Texas there are connectivity gaps. Once the map is developed later this fall, we'll provide it to the committee.³¹

What plans do internet service providers have to roll-out increased coverage in the state to close the technological gap only highlighted by the current pandemic?

- Answer: TEA cannot speak to each of the internet service providers' plans to roll out increased coverage. However, Operation Connectivity will be reaching out to the internet service providers to discuss new and innovative technology solutions as well as address affordability issues related to adoption challenges. TEA is collaborating with the Department of Information Resources on a Request for Offer to determine vendors, solutions, and pricing.³²

Recommendations

1. The Committee should explore all Federal funding options for internet connectivity and digital learning.
2. The Committee should, pending the FCC broadband mapping effort, identify the geographic areas where broadband is not readily available and explore creating targeted policies to fill gaps in service.
3. The Committee should explore future technologies such as 5G mobile, wireless broadband, and satellite broadband.
4. The Committee should work with the TEA to explore the best options for investment and deployment of Internet Service Providers.
5. The Committee should explore utilization of the current federal Lifeline subsidy program which assists in making communications services more affordable for low-income consumers.
6. The Committee should explore all options regarding a potential statewide broadband plan, and should consider requesting that Governor Abbott consider making the adoption of a statewide broadband plan an emergency item for consideration by the 87th Legislature.

CHARGE 3: SPECIAL EDUCATION

Monitor the progress of the TEA's compliance with the Corrective Action Response required by the United States Department of Education, the implementation of the state's Special Education Strategic Plan, and the state's compliance with other federal requirements regarding special education, including maintenance of state financial support for special education. Recommend solutions to barriers the agency, school districts, students with disabilities, and parents face in accessing a free and appropriate public education and in meeting the milestones of the plan and any measures needed at the state level to ensure that students with disabilities are being located, fully evaluated, and appropriately identified for special education instruction and services.

Introduction

The Committee received information from the following:

Listed in alphabetical order

- Autism Society
- Bay Area Houston Economic Partnership
- Decoding Dyslexia Texas
- Disability Rights Texas, et al
- Disability Rights Texas
- El Paso Special Education Advocates
- Everitt, P
- Frisco ISD
- Plano ISD
- Round Rock Dyslexia Group
- Swanson, S
- Texas Association of Midsize Schools
- Texas Association of School Psychologists
- Texas Classroom Teachers Association
- Texas Education Agency

Background

Public schools are required to serve all students, and students with disabilities that attend public schools are guaranteed free and appropriate public education (FAPE) delivered in the least restrictive environment.

TEA has been tasked with the Corrective Action Response required by the United States Department of Education for Special Education. TEA has stated that it has completed 100% of the Corrective Action Response. TEA's compliance with the corrective actions, the implementation of the state's Special Education Strategic Plan, and the state's compliance with

other federal requirements regarding special education has raised concerns about the implementation and efficacy of the response including maintenance of state financial support for special education.

House Bill 3 increased funding for students with disabilities in these areas:

- Students with disabilities served in mainstream classes will generate an additional \$970 per year.
- Students with Dyslexia will generate an additional \$616 per year.
- Students with disabilities who meet CCMR (College, Career, Military Ready) standards will generate an additional \$2,000 per year.

Information

The Texas Education Agency submitted their report on Special Education.³³

Recommendations

1. The Committee should continue to monitor the progress of the TEA's compliance with the Corrective Action Response required by the United States Department of Education.
2. The Committee should continue to monitor the implementation of the state's Special Education Strategic Plan, and the state's compliance with other federal requirements regarding special education, including maintenance of state financial support for special education.
3. The Committee should, using input from the public and information provided by the TEA, investigate and recommend solutions to barriers that the agency, school districts, students with disabilities, and parents face in accessing a free and appropriate public education.
4. The Committee should ensure that the state is meeting the milestones of the plan and provide any measures needed at the state level to ensure that students with disabilities are being located, fully evaluated, and appropriately identified for special education instruction and services.

CHARGE 4: AGENCY REVIEW

Monitor the State Auditor's review of agencies and programs under the Committee's jurisdiction. The Chair shall seek input and periodic briefings on completed audits for the 2019 and 2020 fiscal years and bring forth pertinent issues for full committee consideration.

Introduction

The Committee received information from the following:

Listed in alphabetical order

- Autism Society
- Bay Area Houston Economic Partnership
- Decoding Dyslexia Texas
- Disability Rights Texas, et al
- Disability Rights Texas
- El Paso Special Education Advocates
- Everitt, P
- Frisco ISD
- Plano ISD
- Round Rock Dyslexia Group
- Swanson, S
- Texas Association of Midsize Schools
- Texas Association of School Psychologists
- Texas Classroom Teachers Association
- Texas Education Agency

Background

The Committee is tasked with reviewing agencies under its jurisdiction, including the TEA, for efficacy, efficiency, and fiscal accountability.

Recommendations

1. The Committee should continue to monitor the State Auditor's review of agencies and programs under the Committee's jurisdiction.
2. The Committee should continue to seek input and periodic briefings on completed audits for the 2019 and 2020 fiscal years and bring forth pertinent issues for full committee consideration.

APPENDICES

Appendix A



GARY VANDEAVER
DISTRICT 1

STATE OF TEXAS
HOUSE OF REPRESENTATIVES

December 18, 2020

Dear Members of the House Committee on Public Education:

Earlier this fall over 90 legislators requested that Governor Abbott immediately create a statewide broadband plan to help address the many challenges Texas families and businesses are experiencing because of inadequate broadband coverage that have only been exacerbated by the pandemic. In early November, the Governor's Broadband Development Council (GBDC) issued its first report to the Texas Legislature that reiterated the findings and recommendations of the legislative request, including the need to create a state broadband plan.

Texas is already behind in its endeavors to close the digital divide, guaranteeing the continuation of problems related to education, remote work, telemedicine, and e-commerce for over 800,000 Texans. As of today, Texas has been outdone by other states in the push to expand broadband coverage to their residents. The Governor of California issued Executive Order N-73-20 on August 14, 2020, ordering the California Broadband Council to create a new State Broadband Action Plan by December 31, 2020.¹ They had an outline of the plan by October 23 and a full draft of the plan by November 17. As of December 16, they are at the remediation stage of the plan, well on their way to meeting their deadline and closing the gap for over 2 million Californians without broadband access. South Carolina initiated \$50 million in broadband expansion projects in August, and as of December 31, they will have completed their CARES Act funded program, expanding access in 23 counties.²

¹ California Broadband Council. (17 December 2020). California State Broadband Action Plan. Retrieved from <https://broadbandcouncil.ca.gov/action-plan/>

² Office of Regulatory Staff for the State of South Carolina. (17 December 2020). South Carolina Broadband Infrastructure Program. Retrieved from <https://ors.sc.gov/broadband/south-carolina-broadband-infrastructure-program>

While TEA's Operation Connectivity has been able to reimburse school districts for purchases such as Wi-Fi hotspots and devices to connect students to education, it does not address the issue of broadband access. During a TEA briefing on Operation Connectivity on December 16, a TEA staff member remarked that they had achieved a 43% reduction in the device gap statewide with \$300 million in savings. This is good news for some students, but this still does not address the problems created by a lack of broadband access in the state.

Texas is one of only six states without a statewide broadband plan so it has missed opportunities for federal funding, community and provider engagement, and planning. Using Connected Nation data for Texas, my office compiled broadband information on the counties that each member of this committee represents. Between all 13 current members, there are over 71,443 households unserved by broadband that meets minimum speed standards (25 mbps / 3 mbps).³ Members of this committee alone represent around nine percent of the 800,000 Texans without access to adequate broadband.⁴⁵ Interestingly, while many have characterized broadband infrastructure as only a rural issue, 37,519 of those unserved households were in urban districts (Bexar, Harris, and Dallas Counties). We have broken down the data by member below in order of least to most in broadband availability:

Representative	Household Availability	Unserved Households	# of Providers with min. 25/3 mbps per county⁵
Trent Ashby	54.71%	17,223	2-6
Ken King	74.16%	9,786	1-10
Gary VanDeaver	77.37%	5,366	5-7
Keith Bell	97.55%	1,549	6-16
Allen, Dutton, Huberty	97.59%	34,623	16
Mary Gonzalez	99.58%	1,085	11
Scott Sanford	99.80%	557	18
James Talerico	99.87%	192	24
Morgan Meyer	99.91%	741	16
Allison, Bernal	99.95%	321	21
		71,443	

Due to the seriousness of this issue, I recommend that in the House Committee on Public Education's interim report we request that Governor Abbott consider making the adoption of a statewide broadband plan an emergency item for consideration by the 87th Legislature. Additionally, we should provide for digital literacy programming so that Texans who are connecting to broadband infrastructure for the first time will be equipped with the knowledge

³ Connected Nation. (2020). Texas County Maps: Explore your Community. Retrieved from <https://connectednation.org/texas/2020-county-maps/>

⁴ The State of Texas Governor. (2 November 2020). Governor's Broadband Development Council 2020 Texas Report. (p. 3) Retrieved from

https://gov.texas.gov/uploads/files/press/2020_Texas_Report_Governors_Broadband_Development_Council.pdf

⁵ Connected Nation Texas. (31 July 2020). Fixed Broadband Providers by County. Retrieved from

https://connectednation.org/texas/wp-content/uploads/sites/19/2020/08/TX_BroadbandProviders_ByCounty_2020_07_31_v2.pdf

and skills they need to fully utilize it on their devices. Finally, I would like us to request that we use as much federal funding as possible to catalyze projects so that state agencies, boards, and organizations will work together with providers to implement the plan as soon as possible.

Respectfully,

A handwritten signature in black ink that reads "Gary VanDeaver". The signature is written in a cursive style with a large, prominent initial "G".

Representative Gary VanDeaver

ENDNOTES

- ¹ Texas Government Code. Title 3. The State of Texas digital government platform; website <https://statutes.capitol.texas.gov/Docs/GV/htm/GV.301.htm>
- ² Aldine ISD et al Request for Information Submission. Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/957a6ac6-2060-4272-a057-024183e0451b.PDF>
- ³ ATPE Request for Information Submission. Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/586f39a9-cdce-480e-a599-d18965aff924.PDF>
- ⁴ Fruitvale ISD Request for Information Submission. Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/aa1a78e4-3393-49c0-affd-3db3a8e06f79.PDF>
- ⁵ Bexar County Educational Coalition Request for Information Submission. Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/07438fe6-6861-4bbd-9a07-74b9f11ac701.PDF>
- ⁶ Benningfield, K, Exemplary Teacher Request for Information Submission. Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/f3c29110-3e07-4cd9-ae9f-cf2a1aee7c5d.PDF>
- ⁷ Bonnano, P Request for Information Submission. Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/daf30041-50bf-4160-92ef-4731bfc6e366.PDF>
- ⁸ Aldine ISD Request for Information Submission. Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/54b84148-1800-4697-987a-41f31ae357b3.PDF>
- ⁹ *Id.*
- ¹⁰ Texas Education Agency Request for Information Submission. House Bill 3 Implementation Update. Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/f1911111-9ec1-415a-8336-ee32b1feb6c.PDF>
- ¹¹ Texas Education Agency Request for Information Submission. House Bill 3 Implementation Update (2-3). Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/f1911111-9ec1-415a-8336-ee32b1feb6c.PDF>
- ¹² *Id.*
- ¹³ *Id.*
- ¹⁴ *Id.*
- ¹⁵ Information obtained from the Texas Education Agency. website <https://tea.texas.gov/texas-schools/accountability/academic-accountability/performance-reporting/2020-accountability-rating-system>
- ¹⁶ S.B. 1, 74th Legislature, Regular Session, 1995.
- ¹⁷ H.B. 318, 75th Legislature, Regular Session, 1997.
- ¹⁸ Texas Education Agency Request for Information Submission. House Bill 1842 and House Bill 22 Updates. Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/3c947c55-d3ff-4317-b17a-0edd40b46deb.PDF>
- ¹⁹ Texas Education Agency Request for Information Submission. Senate Bill 1882 Implementation Overview. Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/6ebbd7ab-e1b3-4fda-86e4-7e7497515930.PDF>
- ²⁰ Texas Education Agency Request for Information Submission. Senate Bill 1882 Implementation Overview (11-16). Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/6ebbd7ab-e1b3-4fda-86e4-7e7497515930.PDF>
- ²¹ Texas Education Agency Request for Information Submission. Senate Bill 1882 Implementation Overview (2). Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/6ebbd7ab-e1b3-4fda-86e4-7e7497515930.PDF>
- ²² Texas Education Agency Request for Information Submission. Senate Bill 1882 Implementation Overview (8). Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/6ebbd7ab-e1b3-4fda-86e4-7e7497515930.PDF>
- ²³ Texas Education Agency Request for Information Submission. Senate Bill 1882 Implementation Overview (2). Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/6ebbd7ab-e1b3-4fda-86e4-7e7497515930.PDF>
- ²⁴ *Id.*
- ²⁵ Texas Education Agency Request for Information Submission Senate Bill 1873 Physical Report Summary. Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/38cd46b7-3808->
-

4c54-bc6e-9b24be4bee0a.PDF

²⁶ Texas Education Agency Request for Information Submission Senate Bill 1873 Physical Report Summary (2). Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/38cd46b7-3808-4c54-bc6e-9b24be4bee0a.PDF>

²⁷ Texas Health and Human Services Commission Request for Information Submission. Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900001/b4989cc8-fc94-49a5-a7f9-0d3735e03d4e.PDF>

²⁸ *Id.*

²⁹ *Id.*

³⁰ Texas Education Agency Request for Information Submission report on Digital Learning. Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900002/dcbd15cb-160c-4194-8342-0a101e11dcb3.PDF>

³¹ Texas Education Agency Request for Information Submission report on Digital Learning (2). Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900002/dcbd15cb-160c-4194-8342-0a101e11dcb3.PDF>

³² *Id.*

³³ Texas Education Agency Request for Information Submission report on Special Education. Texas Legislature Online; website <https://capitol.texas.gov/tlodocs/86R/handouts/C4002020081900003/0dfdb421-7762-4150-b3a9-586ed444180c.PDF>