

## **Superintendent's Public Engagement Committee**

April 23, 2013

Superintendent's Large Conference Room

### **Meeting Minutes**

Terry Grier, Michele Pola, Julie Baker, Somya Kumar, Gracie Guerrero, Christina Masick, Dale Davidson, Laura Gobrowsky, Elena Coates, Earl Jamison, Judy Long, Laura Richarson, Judith Cruz, Mary Nesbitt, Francis Robinson-Hunt, Lillian Villarreal, Craig Johnson

#### **Welcome**

Dr. Pola welcomed the group and identified the topics raised for discussion.

#### **Discussion**

##### **North Forest**

The group requested an update as to the status of the annexation of North Forest Independent School District (NFISD). Dr. Grier reiterated although HISD did not seek the annexation, the result of a state decision, but that HISD stands ready to serve all children. Based on directives from the Conservator, the district is analyzing NFISD infrastructure such as buildings, buses, drainage, staffing, debt, and the like. He said that HISD needs to have a contingency plan in place given the timeline and that the outcomes would be clearer in early summer due to appeals ruling. It is estimated that between 7,200-6,800 students will be rezoned to HISD (see attachment). The group requested additional information including the number of NFISD students currently in HISD due to transfers and the proposed map.

##### **Student Achievement**

The group asked questions about Apollo/student achievement. Dr. Grier stated that the longer school day, strong leadership and tutoring is working. The district continues to work hard on reading, academic vocabulary for English Language Learners (ELL). Concerns were raised regarding scheduling of professional development. Dr. Baker responded that the schedule was developed in response from teachers and principals in an effort to reduce multi-day pull outs. Therefore, the district was adjusting calendars for summer training and in-service. She also answered questions on the middle/early college framework and evaluation of the dual language model. Gracie Guerrero explained that the district is looking at practices across the country such as Chapel Hill, NC and thinking about the post-5th grade challenge of finding teachers.

##### **Special Education & Multilingual**

HISD staff members were introduced. Somya Kumar provided a brief synopsis of the recent Sped Ed & multilingual commissioned reports (see attachment) as well as reorganization and restaffing efforts underway needed to build momentum in meeting the needs of the district's Special Education students (8%) with a range of needs. She also

answered questions on inclusion in state and federal accountability, emphasis on intervening and making sure students get the services needed.

### **Brief Updates**

Dr. Pola provided a brief legislative update with questions to be routed to Veronica Garcia, HISD Government Relations Director. She also mentioned the district will be bringing forward a proposal to implement one-to-one computing in schools. Schools participating will need to meet bandwidth minimums. The district is evaluating leasing versus buying. As more information is known, it will be shared. Christina Masick gave a brief update and answered questions on the upcoming Your Voice, customer satisfaction survey.



### **Conclusion:**

Feedback – Dr. Pola will be following up with committee members on their reflections from the past year.

### **Follow-up Items**

- Proposed NFISD maps
- Special Education & Multilingual audits

# Review of Special Education in the Houston Independent School District

Thomas Hehir & Associates  
Boston, Massachusetts

# Review of Special Education in the Houston Independent School District

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Recommendation 3: Develop effective models of special education service delivery emphasizing effective universal design principle

Recommendation 4: Develop specialized inclusive schools for students with significant disabilities

Recommendation 5: Develop policies, procedures and practices for effective services for students with dyslexia

Recommendation 6: Develop and distribute a comprehensive easily accessible manual of special education policies and procedures

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## Introduction

Superintendent Terry Grier requested an evaluation of the special education program in the Houston Independent School District (HISD). After discussion, we specifically proposed to:

- (1) Provide an overview of special education identification and service delivery in Houston.
- (2) Conduct an overview of management of special education, which would delineate central functions as well as school-based responsibilities and authority.
- (3) Provide a Critical Issues Document that would identify the major challenges facing HISD in improving educational outcomes for students with disabilities.
- (4) Provide a comprehensive set of recommendations for improving the education of students with disabilities in HISD.

## **Method**

We collected and analyzed our data during the fall of 2010. As such it represents a snapshot of special education at that time. It should be noted that during this time a new administrative structure was being implemented along with some critical leadership and policy changes. Therefore, this report may not have captured the impact of some of these changes.

This report is based on quantitative – or statistical – analyses of district and school data, and qualitative – or observational and interview – data collected at HISD schools and district offices. Quantitative data on students in HISD were provided by HISD district staff. Where possible, we used publicly available data sets and reports to provide comparison information on students in Texas and across the country. To select schools at which to observe, we conducted a statistical analysis of all HISD schools and, using Stanford Achievement Test scores, identified those schools at which students with disabilities were performing higher and lower than would be expected, given patterns of achievement in the district (for more on this analysis, please see the *Methods Appendix*). From this pool of higher-performing and struggling schools we selected nine schools at which to observe and conduct interviews with special education and administrative staff. In selecting these nine schools, we considered those schools whose populations reflected district demographics and that had large and diverse enough special education populations to provide adequate data. In all, we visited three elementary, three middle, and three high schools. We also conducted extensive statistical analyses examining the student and school level factors associated with the identification, placement and performance of students with disabilities in HISD (for details of these analyses please see the *Methods Appendix*).

We also interviewed district leaders in special education including most of the senior leaders in the department of special education, the superintendent, the assistant superintendent for academics, and the deputy chief academic officer. We further conducted two focus meetings

with special education leaders to first ascertain their perception of the challenges facing special education and later to present our preliminary findings. Finally, we conducted a focus group meeting with approximately forty parents of students with disabilities served in the district. We used this as an opportunity to both hear concerns and also to get parents' reactions to some of our preliminary findings. Finally we reviewed various monitoring findings from the state as well as internal district policy documents.

We are greatly appreciative of the support and cooperation we received from staff at all levels of the district.

Thomas Hehir & Associates  
Hadas Eidelman, Todd Grindal & Dr. Elizabeth Marcell



## Areas of Strength

Based on qualitative and quantitative analyses, we have identified four areas of strength in HISD as related to the education of students with disabilities. Those findings are detailed here.

### ***Finding #1: The HISD Special Education Leadership Team is an asset to students with disabilities***

Special education leadership in large urban school districts is complicated and demanding work. We have worked with many large urban districts and were impressed with the quality of Houston Independent School District's leadership staff in special education. They are knowledgeable about research and best practices in special education and were obviously deeply committed to the students and families they serve. We were particularly impressed with the fact that, when we presented our preliminary findings, they were not defensive but rather evidenced a desire to address the problems we have identified.

### ***Finding #2: Students with disabilities predominantly attend their home schools***

A major principle embedded in special education law and practice is the preference for students to be served in the school they would attend if they were not disabled - their "home school". Essentially this principle means that if a parent would normally send their child to school X if the child did not have a disability, then that parent should be able to send their child with a disability to the same school. The advantages of implementing this principle are several. First, parents do not have to relate to more than one school for their children. Second, non-disabled siblings are often a source of support for their disabled siblings. Third, children with disabilities can develop social relationships with children who live in their neighborhood. Finally, implementing this principle means that no school is over-enrolled with students with disabilities, thereby increasing potential opportunities to integrate students into general education classrooms and other school options.

In order to provide students with disabilities options in their home schools, most schools need to have services for the vast majority of students with disabilities. Houston has implemented home school services to a commendable degree. Our data analysis demonstrated that most Houston schools have developed services to serve the vast majority of students within their home schools. Houston's success in this area compares favorably with both Los Angeles and New York, where home school placements have been subject to litigation. Los Angeles has made more progress in this area over the past five years while New York is just beginning a major initiative promoting home school placement.

Though HISD has exerted a good deal of effort to educate students in their home schools, there have been conflicts with schools over this policy. Several schools in our observation sample reported frustration in the amount of time and the number of processes associated with removing a student from his or her home campus. While this may point to a need for better communication between district and school staff about the 'removal' process, the fact that it is not easy to remove a student from his or her home campus is an overall positive finding.

School-level staff members were overwhelmingly comfortable with the idea of sending a child with a disability to another school, particularly when that child exhibited more challenging or severe behaviors. That the district has implemented a series of procedures to ensure that such removal is justified is an indication of reasonable and appropriate attempts to educate children at their home campuses whenever possible. Decisions to move students from their home campuses should not be made lightly.

However, the process of implementing effective home school placements is dependent upon schools accepting their responsibilities to effectively serve students with disabilities. On this dimension we found much variability. A major finding of this report is the great degree of variability that exists among Houston schools in the extent to which students with disabilities are welcomed, included, and served effectively. Consequently parents whose children are enrolled in “home schools” they view as ineffective express frustration in finding a school in which their child will be accepted and properly educated.

As Table 1 (below) indicates, comparative data shows that HISD students with disabilities, on average, attend regular schools at higher rates than similar students in Texas and across the country.

*Table 1.* Comparison of rates of students with disabilities being placed outside of their local school in HISD, the State of Texas, and the Nation as a whole.<sup>1</sup>

	<i>Special Education</i> (all categories)	<i>Emotional Disturbance</i>	<i>Learning Disability</i>	<i>Mental Retardation</i>	<i>Other Health Impairment</i>
HISD	1.1%	10.0%	0.4%	0.9%	1.7%
Texas	1.5%	4.6%	0.5%	2.4%	2.1%
Nationally	5.2%	18.2%	2.1%	7.5%	4.0%

***Finding #3: Schools are satisfied with the level of district-school communication***

Without exception, every school interviewed described communication between the district special education department and school staff (generally the principal, assistant principal, and/or special education chairperson) as adequate, clear, and frequent. Email was cited as the most common form of communication, while special education chairpersons also mentioned the monthly special education meeting as a time to receive information. In addition, the majority of school staff interviewed described their Program Specialists as accessible and responsive.

<sup>1</sup> Placement outside of local school was defined as students who were labeled in HISD data as being homebound, placed in hospital classrooms, placed in residential care and treatment facilities, or “off home campus.” State and national comparison data were drawn from <https://www.ideadata.org/IDEADData.asp>.

***Finding #4: There are many examples of quality instruction for students with disabilities taking place in Houston's public schools***

Our analysis of schools' average performance on the Stanford Achievement Test indicated that many schools appear to be providing solid instruction to their special education students. Houstonians need not look outside their city for effective schools serving children with disabilities. On average, HISD general education students' test scores are approximately one standard deviation higher than scores for HISD students with disabilities on the reading portion of the Stanford Achievement Test. However, there is substantial variability in the size of this gap across schools. While there were schools in HISD where the test score gap between general and special education students was larger than a standard deviation, there were also schools where the gap was substantially smaller. Almost one in five schools in HISD had a test score gap between general and special education students that was one half of a standard deviation. Another 7% of HISD schools had average test scores for special education students that were only a quarter of a standard deviation lower than the average test scores for general education students.<sup>2</sup>

On-site school visits made clear that quality instruction for students with disabilities *is* happening in Houston's public schools. Some of the impressive classroom instruction we observed included:

- An elementary class for students with emotional disturbance, staffed by a special education teacher and a paraprofessional, in which the teacher was leading an engaging guided reading lesson. A visual describing the habits of good readers was posted, and the teacher used various questioning strategies throughout the lesson observed.
- A co-taught fifth grade class in which the two teachers were both actively engaged in providing instruction and in which all students (four of whom were students with disabilities) were working to complete concept maps during the lesson presentation. At one point, a general education student quite naturally turned to a student with an IEP to help him get started on filling out his map.
- A middle school English/Language Arts class for cognitively disabled students in which students were clustered around a kidney-shaped table with their teacher completing graphic organizers that helped them to identify nouns and verbs in various sentences and phrases.
- A middle school resource class in which the teacher had clearly worked to develop an environment conducive to learning – low lighting, various comfortable reading areas – and in which students were engaged in a reader's workshop. One of the students was a student with an emotional/behavioral disability who was being transitioned slowly into the general education setting to prepare him for high school.

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<sup>2</sup> This analysis was limited to the sub-group of schools in which students with disabilities represent a minimum of 2% of the student body; within this sub-group, analysis was limited to schools in which at least two-thirds of enrolled students with disabilities were tested.

- A remedial class in a high school in which the classroom has been set up as a small library, with print and digital resources available, where a small staff of teachers and assistants work with students who need additional academic support in English Language Arts and Math.

The constant in all of these classes was high expectations for students' relative abilities and a clear focus on academic outcomes. In these classrooms, all students were clearly engaged in a learning activity and supportive instructional strategies such as graphic organizers were in evidence.

## Areas for Improvement in Identification

Our analyses yielded several areas for improvement. We have grouped our findings into the following categories: Identification, Assessment, Placement, Instruction and Achievement, School-District Relationships, and Parent Choice.

### **Identification**

Approximately 8.2% of the students in the Houston Independent School District (HISD) have a special education designation. This percentage, though lower than the average across the country (11.2%), is comparable to the average for the state (9.04%) as well as for similar districts including Dallas (7.8%) and San Antonio (10.7%). This percentage is also consistent with Texas Education Agency guidelines.

Our research yielded four primary findings regarding patterns of special education identification in HISD. First, African American students in HISD are over-represented in special education as a whole, compared to their non-African American peers. This over-representation is especially evident in the mental retardation and emotional disturbance categories, where African American students are dramatically over-represented. Second, limited English proficient Hispanic students are under-represented in special education during elementary school and over-represented in middle and high school, and these findings are not driven by immigration status.<sup>3</sup> Third, there is some evidence that African American and Hispanic students are more likely to be identified as needing special education in schools where they represent a lower percentage of the student body. A fourth finding related to identification of students with disabilities, based on school site visits, suggests there is an under-identification of students with dyslexia as it relates to special education. These findings are detailed below.

#### ***Finding #5a: African American students in HISD are dramatically over-represented in the categories of mental retardation and emotional disturbance***

Like many urban school districts across the country, rates of special education designation in HISD vary significantly for students from different racial backgrounds. In HISD, this is particularly true for African American students. After controlling for a variety of school and student level characteristics,<sup>4</sup> the likelihood of being identified as needing special education was substantially higher for African American students than for non-African American students. This pattern was particularly notable in the categories of mental retardation and

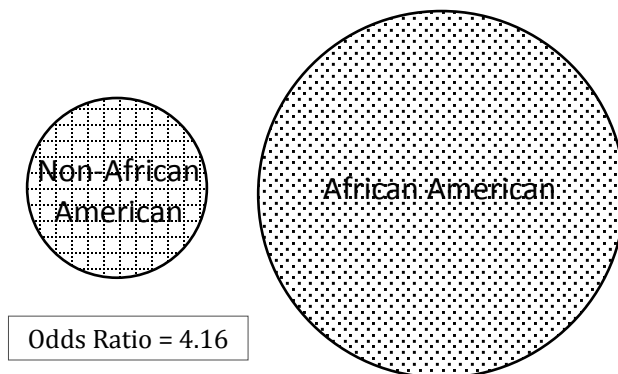
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<sup>3</sup> In fact, across the board, immigrant students in HISD were less likely than their non-immigrant peers to be identified as needing special education services.

<sup>4</sup> In all our analyses, we controlled for relevant student and school-level characteristics (e.g. gender, free/reduced lunch, school enrollment composition, etc.). If these characteristics were meaningfully related to the likelihood that students would be identified as needing special education, then by controlling for them, we were able to take into account their role in identification to get a clearer picture of the unique role of ethnicity. By virtue of this, we were able to produce a more accurate picture of overall patterns in the district.

emotional disturbance. Figures 1 and 2 (below) display the odds ratios for African American students in HISD middle schools being identified as having mental retardation and emotional disturbance.<sup>5</sup>

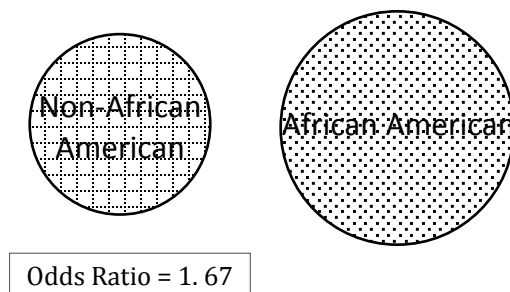
*Figure 1.* Comparison of the odds that African American students in HISD middle schools will be identified as having emotional disturbance versus the odds for non-African American students, controlling for student gender, school proportion of students eligible for free or reduced price lunch, and school proportion of African American students\*.



Note: Data from 37,851 middle school students were used in this estimate.

\* This finding is statistically significant at the  $p < .05$  level. No other student- or school-level characteristics were found to predict the likelihood of identification as having emotional disturbance for African American middle school students in HISD.

*Figure 2.* Comparison of the odds that African American students in HISD middle schools will be identified as having mental retardation versus the odds for non-African American students, controlling for student gender, school proportion of students eligible for free or reduced price lunch, and school proportion of African American students\*.



Note: Data from 37,851 middle school students were used in this estimate.

\* This finding is statistically significant at the  $p < .05$  level. No other student- or school-level characteristics were found to predict likelihood of identification as having Mental Retardation for African American middle school students in HISD.

<sup>5</sup> Odds ratios compare the odds of an event occurring to the odds that the event will not occur. Put more plainly, odds ratios compare the likelihood of occurrence between two different events (for example, the likelihood that an African American student in HISD will be identified as needing special education services compared to the likelihood that a non-African American student in HISD with similar characteristics such as socioeconomic status, gender, school proportion of students eligible for free/reduced price lunch, etc., will be identified as needing special education).

The odds ratio of 4.2 (displayed in Figure 1) indicates that, controlling for important student and school level factors, the odds that an African American middle school student in HISD will be labeled emotionally disturbed are more than four times the odds that a similar non-African American middle school student will receive the same designation. (*For more information on interpreting odds ratios please see footnote six below*).<sup>6</sup> Our analyses show that African American students in HISD are substantially more likely than non-African American students to be identified as needing special education at the elementary, middle, and high school levels. The fact that these rates are highest in disability categories associated with greater segregation and lower achievement is particularly concerning. The table below provides a detailed list of odds ratios for African American students in HISD elementary, middle, and high schools.

*Table 2. Odds ratios comparing the odds that an African American student (vs. a non-African American student) in HISD will be identified into Special Education, Emotional Disturbance, Learning Disability, or Mental Retardation, controlling for relevant student and school level characteristics\*.*

	<i>Special Education (all categories)</i>	<i>Emotional Disturbance</i>	<i>Learning Disability</i>	<i>Mental Retardation</i>
Elementary Schools	1.64	3.61	1.64	2.24
Middle Schools	1.48	4.16	1.22	1.67
High Schools	1.59	2.83	1.44	1.95

\* All findings are statistically significant at the  $p < .05$  level.

<sup>6</sup> A practical guide to interpreting odds ratios is as follows: **a)** if the value of an **odds ratio is less than 1**, then the event (e.g., an African American student being identified as emotionally disturbed) is **less likely** than its comparison event (e.g., a non-African American student being identified as emotionally disturbed); **b)** if the value of an **odds ratio is equal to 1**, then the event of interest is **just as likely** as its comparison event; and **c)** if the value of an **odds ratio is greater than 1**, then the event is **more likely** than its comparison event. In comparing different odds ratios, lower values represent lower likelihoods and higher values represent higher likelihoods (e.g. an odds ratio of 4.2 represents a higher probability of identification than an odds ratio of 1.7, even though both indicate an over-representation of African American students in their respective special education categories).

***Finding #5b: Limited English Proficient (LEP) Hispanic students are, on average, under-represented in special education during elementary school and over-represented in middle and high school***

Hispanic students' level of English proficiency is strongly related to the likelihood that they will be identified as needing special education. This relationship varies sharply between elementary school patterns and patterns in middle and high schools in HISD. In the elementary school years, Hispanic LEP students are less likely than Hispanic non-LEP students to be identified as needing special education (odds ratio of 0.6). In middle school however, Hispanic LEP students are substantially *more* likely than their Hispanic non-LEP peers to be identified as needing special education services (odds ratio of 1.7). In high school this pattern is even more striking, as the odds that Hispanic LEP students will have a special education designation are over four and a half times the odds for their Hispanic non-LEP peers (odds ratio of 4.6). These high rates of identification for high school Hispanic LEP students are particularly pronounced in the categories of learning disabilities and mental retardation (odds ratios of 4.7 and 5.4, respectively).<sup>7</sup>

In meeting with different groups of stakeholders in special education at HISD, we noted some plausible mechanisms explaining the distinction between elementary school under-representation of Hispanic LEP students in special education and then their consequent over-representation in middle and high schools. The pattern might be a result of teachers' desire to keep LEP students in elementary schools outside of special education in order to ensure they receive adequate bilingual support. Another potential explanation would be that students who require special education might maintain their LEP status longer (e.g. into middle and high school) than their general education peers, so the over-representation may be driven by underlying educational challenges, not limited English proficiency. While the data we examined could not tell us which, if either, of these processes might be at play in HISD, they both represent plausible explanations for the finding.

***Finding #5c: African American students in HISD appear to be more likely to be over-identified as having emotional disturbance or mental retardation in schools where they represent a lower percentage of the student body***

As reported in finding 5a, African American students in HISD were notably over-represented in special education, particularly in the emotional disturbance and mental retardation categories. We now present evidence that furthermore, the extent of over-representation of African American students in special education is greater in schools with relatively low African American enrollment (schools where African Americans represent a relatively small proportion of the total student population). This means that an African American student in a school with few other African American students is more likely to be identified as having emotional disturbance or mental retardation than an African American student in a school with a higher proportion of African American students.

Figure 3 (below) presents an example of this, where the odds that an African American

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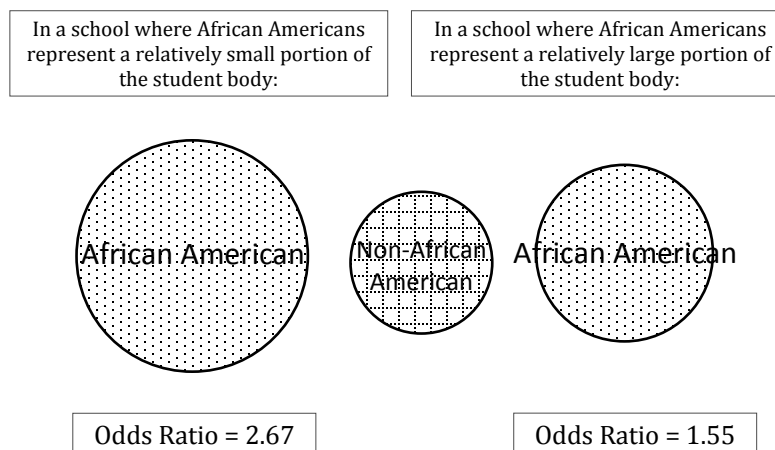
<sup>7</sup> These models controlled for a variety of relevant student and school characteristics, including gender, LEP status, free/reduced lunch, school percentage of Hispanic students, and whether or not the student attends a charter school.



student will be labeled as mentally retarded differ based on the racial composition of that student's school. Here, looking at the right-most circle in the figure, we see that in an HISD elementary school with a relatively *high* African American enrollment, the odds that an African American student will be identified as having mental retardation are approximately 1.5 times the odds that a non-African American peer will receive that designation. However, when we look at elementary schools with relatively *low* African American enrollments, represented by the left-most circle in the figure, the odds ratio is sharply higher – in this case the odds that an African American student will be identified as having mental retardation are approximately 2.7 times the odds that a non-African American peer will be so identified.<sup>8</sup> Similar patterns exist in HISD high schools for African American students in the categories of emotional disturbance and mental retardation.

This finding indicates that while the over-representation of African American students in the MR and ED categories is evident across HISD, the problem is particularly acute in schools in which African American students represent a low percentage of the student body. This relationship, though troubling, is not unique to HISD and is consistent with previous research (Parrish, 2002).

*Figure 3. Comparison of the odds that African American students in HISD elementary schools will be identified as having Mental Retardation versus the odds for non-African American students, displayed for students in schools with a relatively high percentage of African American students (38.1%) and schools with a relatively low percentage of African American students (3.7%), controlling for student gender, free or reduced lunch eligibility, size of school enrollment, school proportion of African American students, and whether or not the student attended a charter school\*.*



Note: Data from 113,935 elementary school students were used in this estimate.

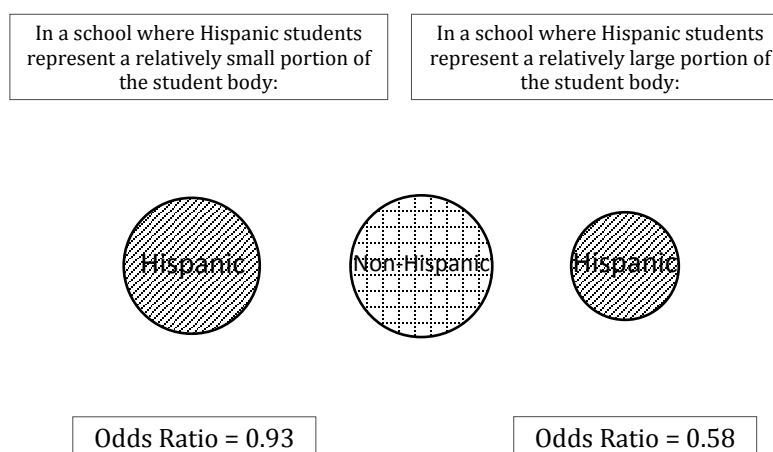
\* All findings are statistically significant at the  $p < .05$  level. No other student- or school-level characteristics were found to predict likelihood of identification as having Mental Retardation for African American elementary school students in HISD.

<sup>8</sup> It is important to note that in both cases, African American students are disproportionately likely to be identified as having mental retardation – this finding (5c) simply highlights that the over-identification of African American students is especially pronounced in schools with a relatively low African American enrollment.

***Finding #5d: Although Hispanic students in HISD are under-represented in Special Education categories overall, there is evidence that Hispanic students in elementary schools are more likely to be identified as needing special education in schools where they represent a lower percentage of the student body. This is particularly evident in the categories of emotional disturbance and mental retardation***

Overall, Hispanic students in HISD were less likely than non-Hispanic students to be identified as needing special education. However, there was some evidence that in HISD elementary schools, Hispanic students who attend a school where Hispanics represent a relatively high percentage (around 93%) of the student population are substantially less likely to be identified into special education than Hispanic students who attend a school with a relatively low Hispanic enrollment (39%). For example, as represented in Figure 4, in elementary schools with a relatively *high* Hispanic enrollment, Hispanic students are much less likely than their non-Hispanic peers to be identified as needing special education (odds ratio of 0.6), but in elementary schools with a relatively *low* Hispanic enrollment, Hispanic students are equally as likely as non-Hispanic students to be identified (odds ratio of 0.9). Although neither of these odds ratios represents an over-identification of Hispanic students, the odds ratio of 0.9 does indicate a higher likelihood of identification than the odds ratio of 0.6. Therefore, as we observed with African American students, there appears to be a strong relationship between the percentage of Hispanic students who attend a school and the rate at which they are identified as needing special education.

*Figure 4. Comparison of the odds that Hispanic students in HISD high schools will be identified as needing Special Education versus the odds for non-Hispanic students, displayed for students in schools with a relatively high percentage of Hispanic students (92.5%) and schools with a relatively low percentage of Hispanic students (39.1%), controlling for student gender, size of school enrollment, school proportion of students eligible for free or reduced lunch, school proportion of Hispanic students, and whether or not the student attended a charter school\*.*



Note: Data from 111,817 elementary school students were used in this estimate.

\* All findings are statistically significant at the  $p < .05$  level. No other student- or school-level characteristics were found to predict the likelihood of identification as needing Special Education for Hispanic high school students in HISD.

This pattern was true across special education as a whole, as well as in the specific categories of emotional disturbance, learning disabilities, and mental retardation. A full table of odds ratios for identification into special education for Hispanic students in HISD elementary schools appears below.

*Table 3.* Odds ratios comparing the odds that Hispanic students (vs. non-Hispanic students) in HISD will be identified into Special Education, Emotional Disturbance, Learning Disability, or Mental Retardation, controlling for relevant student- and school-level characteristics\*.

	<i>Special Education (all categories)</i>	<i>Emotional Disturbance</i>	<i>Learning Disability</i>	<i>Mental Retardation</i>
Elementary Schools	0.74	0.30	0.78	0.69
Middle Schools	0.69	0.20	0.90	0.62
High Schools	0.71	0.28	0.82	0.54

\* All findings are statistically significant at the  $p < .05$  level.

*A Note on Over-Representation of African American and LEP Students:*

The over-representation of students with Limited English Proficiency (LEP) and African American students in special education is a national issue that has received considerable academic attention as well as attention from Congress during the last reauthorization of IDEA. The federal law now requires states to actively intervene in districts in which over-representation is identified. The Texas Education Agency (TEA) has already cited HISD for this. Research in this area is rather extensive and has come to some important conclusions. First, the genesis of over-placement is heavily influenced by practices in general education. Specifically, weak instructional programs – particularly in reading – seem to contribute to over-representation; and ineffective approaches to school discipline and behavior policies can exacerbate the problem. Secondly, ineffective programs in language acquisition and support have been shown to be related to the over-representation of LEP students in special education.

***Finding # 5e: Students with dyslexia appear to be under-identified as needing special education services.***

Several school-level staff as well as parents and advocates expressed concern that students with dyslexia are served exclusively under 504 Plans and do not receive targeted, intensive interventions through special education. As such, services for students with dyslexia are not overseen by the department of special education at HISD, and the Dyslexia Specialists work to coach general education teachers to meet their students' learning needs rather than provide direct support. While not all students with dyslexia may have a severe enough disability to warrant special education services, it is highly improbable that no students with dyslexia require the type

of interventions special education can provide. Thus, in HISD's current programmatic approach to serving students with dyslexia, students who need intervention through special education are not able to access those interventions with reasonable ease.

We recognize that Texas law regarding students with dyslexia may complicate decisions regarding the identification and provision of services to these students. Nevertheless, we find that HISD's approach is in direct conflict with research that supports intensive and early targeted reading interventions for students with dyslexia (see, for example, Shaywitz, 2003; Fletcher Lyons, Fuchs, & Barnes, 2007) and with federal law, which mandates that students with disabilities be eligible for special education services. Given national estimates of the prevalence of dyslexia at, conservatively, 3%-5%, this lack of service to students with dyslexia may explain the relatively low overall percentage of students receiving special education in HISD.

In summary, in the area of identification we found that relatively large numbers of African American students and Hispanic LEP students may be inappropriately identified as needing special education services. At the same time, we identified a relatively large population, students with dyslexia, who may be being inappropriately denied services.

## Areas for Improvement in Assessment

For three consecutive years (2008-2010), HISD has failed to meet the adequate yearly progress provisions of the Federal No Child Left Behind Act, in part because the district allowed too many special education students to take modified or alternate versions of the Texas Assessment of Knowledge and Skills (TAKS). Federal law states that only 2% of students may take modified assessments and only 1% of students may take alternate assessments. However, in English Language Arts, 4.7 % of HISD students took the TAKS-M (modified version)<sup>9</sup> and 1.3% of HISD students took the TAKS-Alt (alternate assessment) in 2010. This means that approximately 56% of HISD special education students' test scores were outside of the standard accountability system. The fact that the majority of students with disabilities are not included within the standard accountability system is not only at variance with federal law but it may well be diverting the attention of school leaders from engaging in instructional improvement that could benefit these students. Further, this extensive use of modified assessments may also reflect a broader problem of lowered expectations for students with disabilities.

Furthermore, qualitative data collected during school visits indicated that special education chairpersons adopted a liberal approach to assigning students to the TAKS-M. While most staff members were able to describe or demonstrate a clear process for determining which assessments students with disabilities should take (including, but not limited to, tracking binders documenting students' past performance on assessments, samples of student work, and the testing guidelines and handbook), they also consistently indicated that if they had any doubts that a student in question might not perform well on the TAKS or the TAKS-Accommodated, they assigned that student to the TAKS-M. In other words, the default decision-making was not based on an assumption of capability but rather on one of incapability.

Our statistical analyses yielded two primary findings regarding the assessment of HISD students with disabilities. First, students with learning disabilities make up the vast majority of HISD Special Education students taking the TAKS-M. Second, African American and Hispanic students with learning disabilities were more likely to take the TAKS-M than White students with learning disabilities.

### ***Finding #6a: Students with learning disabilities make up the vast majority of HISD Special Education students in taking the TAKS-M***

Students with learning disabilities are the largest group of students who take the modified form of the TAKS (as opposed to the standard or accommodated versions of the test). On the one hand, this is not surprising, given that students with learning disabilities make up more than half of the HISD special education population. On the other hand, the vast majority of students with

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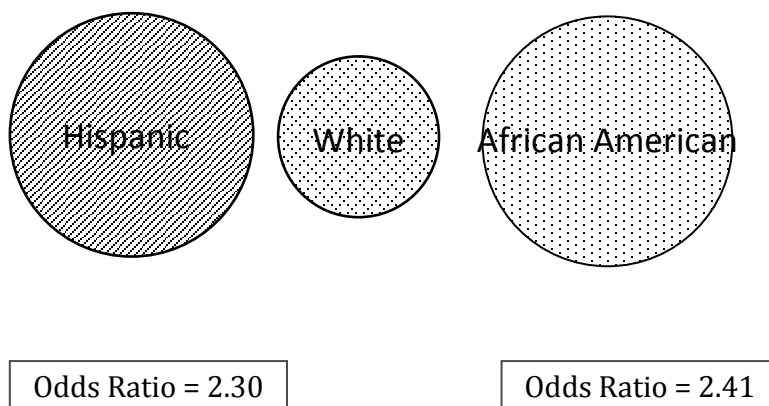
<sup>9</sup> The TAKS-M modified assessment differs from standard assessment (TAKS-K) or standard assessment with accommodations (TAKS-Accommodated) in four important ways. First, the TAKS-M contains no open response questions. Second, the modified exam includes a greater amount of white space on each page. Third, the TAKS-M does not include any experimental test questions. Finally, students choose from three rather than four answer choices.

learning disabilities are assumed to have normal cognitive ability and therefore are likely to be adequately assessed using a standard form of the TAKS with appropriate accommodations.

***Finding #6b: African American and Hispanic students with learning disabilities were more likely to take the TAKS-M than White students with learning disabilities***

Our analyses indicate that Hispanic and African American students with a learning disabled designation are systematically more likely to be assessed on substantially less rigorous and modified assessments than White students. This finding is particularly notable in African American student assessment rates in HISD middle schools. In elementary schools, as represented in Figure 5, Hispanic and African American students in the learning disability category are more likely than White students to take the TAKS-M, with similar odds ratios (Hispanic vs. White and African American vs. White) of 2.3 and 2.4, respectively. In middle schools, as shown in Figure 6, the odds that an African American student with learning disabilities would take the TAKS-M were nearly six times the odds of a White student with learning disabilities, while the odds ratio for Hispanic (vs. White) students remained similar to the one in elementary school (2.5). In high school (Figure 7), the odds of taking the TAKS-M were nearly equal for Hispanic and White students (odds ratio of 1.3) and were similar to elementary school odds ratios for African American students (2.2). These three sets of odds ratios, represented in the figures below, provide clear evidence that African American students with learning disabilities are consistently excluded from the standard accountability system at dramatically higher rates than similar White students with learning disabilities, and that this trend is apparent – though less consistently – for Hispanic students with learning disabilities.

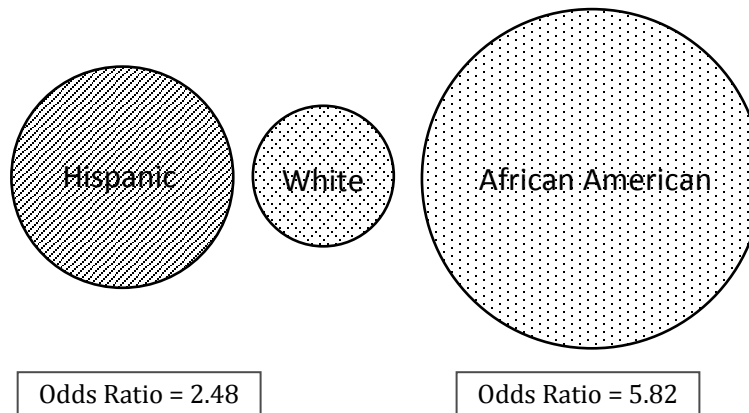
*Figure 5. Among elementary school students with learning disabilities in HISD, a comparison of the odds that Hispanic students will be assessed using the TAKS-M (versus the odds for White students) and the odds that African American students will be assessed using the TAKS-M (versus the odds for White students), controlling for student eligibility for free or reduced price lunch, student LEP status, school proportion of African American students, and whether or not the student attended a charter school\*.*



Note: Data from 1,090 elementary school students with learning disabilities were used in this estimate.

\* All findings are statistically significant at the  $p < .05$  level. No other student- or school-level characteristics were found to predict the likelihood of being assessed using the TAKS-M for elementary school students in HISD with learning disabilities.

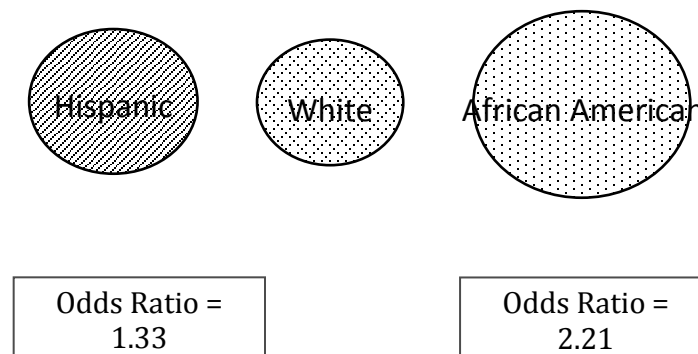
*Figure 6.* Among middle school students with learning disabilities in HISD, a comparison of the odds that Hispanic students will be assessed using the TAKS-M (versus the odds for White students) and the odds that African American students will be assessed using the TAKS-M (versus the odds for White students), controlling for student LEP status, size of school enrollment, and school proportion of African American students<sup>\*</sup>.



Note: Data from 1,572 middle school students with learning disabilities were used in this estimate.

<sup>\*</sup> All findings are statistically significant at the  $p < .05$  level. No other student- or school-level characteristics were found to predict the likelihood of being assessed using the TAKS-M for middle school students in HISD with learning disabilities.

*Figure 7.* Among high school students with learning disabilities in HISD, a comparison of the odds that Hispanic students will be assessed using the TAKS-M (versus the odds for White students) and the odds that African American students will be assessed using the TAKS-M (versus the odds for White students), controlling for student gender, student LEP status, school proportion of students identified as needing Special Education, size of school enrollment, school proportion of African American students, and whether or not the student attended a charter school.



Note: Data from 2,325 high school students with learning disabilities were used in this estimate.

<sup>\*</sup> All findings are statistically significant at the  $p < .05$  level. No other student- or school-level characteristics were found to predict the likelihood of being assessed using the TAKS-M for high school students in HISD with learning disabilities.

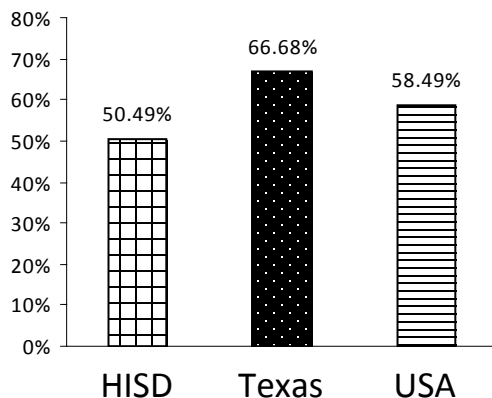
## Areas for Improvement in Placement

HISD students with disabilities are educated in a variety of settings. Some students spend much or all of their school day in “mainstream” settings while others spend more than half of their time in school in substantially separate settings. The degree to which students are educated in mainstream settings varies substantially by disability category. In HISD, as in districts across Texas and around the country, students with learning disabilities are the most likely to spend large portions of their day with typically developing peers, while students with mental retardation are least likely to do so. However, HISD differs from Texas and the rest of the country in the percentage of special education students who spend most or all of their day with their typically developing peers.

***Finding #7a: A relatively low proportion of special education students in HISD spend all or most of their day in mainstream settings***

Approximately one half of HISD special education students spend at least 80 percent of their day in mainstream settings compared to two-thirds of special education students across Texas. This lower percentage of HISD students who are educated in mainstream settings is consistent across disability categories. For example, 40 percent of HISD students with emotional disturbance are in primarily mainstream settings compared to 58% of ED students across the state. We observed a similar pattern for students with learning disabilities (65% in HISD vs. 71% statewide), mental retardation (5% in HISD vs. 8% statewide), and students with other health impairments (54% in HISD vs. 67% statewide).

*Figure 8. Comparison of percentage of students with disabilities who spend 80% or more of their day in mainstream settings between HISD, Texas, and nationally.*

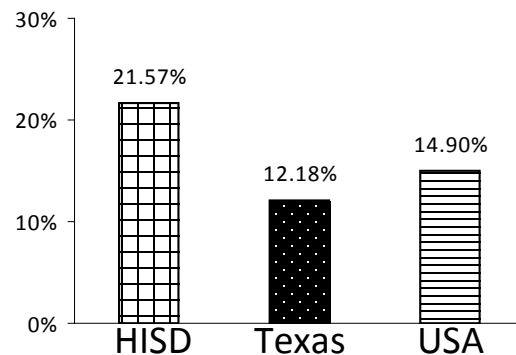




***Finding #7b: A relatively high proportion of special education students in HISD spend little to none of their day in mainstream settings.***

HISD students are educated in substantially separate settings at higher rates than similar students in Texas and around the country. More than 1 in 5 HISD students with disabilities spend 60% or more of their school day outside of mainstream classes. This compares to 1 in 8 students in Texas and approximately 1 in 7 students across the country. Our analyses also found that African American students and males are consistently educated in less mainstream settings at higher rates than similar non-African American and female students. While school visits did not provide definitive evidence to support this finding, it is worth noting that none of the schools visited demonstrated strong tendencies toward inclusive practices, and all schools had a variety of instructional settings as alternatives to the general or mainstream setting.

*Figure 9. Comparison of percentage of students with disabilities who spend 40% or less of their day in mainstream settings between HISD, Texas, and nationally.*



While it is not necessarily illegal or inappropriate to serve students with disabilities outside of the general setting, the majority of students with disabilities can and should be served in mainstream settings. However, though some schools in HISD represent notable exceptions, most schools do not appear to be taking steps to appropriately integrate students with disabilities into mainstream settings. While one middle school was taking active steps to acclimate students to less restrictive settings before moving them on to high school, one of the high schools in our sample, in contrast, had many segregated settings in which students with disabilities were observed coloring and listening to iPods with their heads down on their desks. In general, especially in the schools identified by our statistical analysis as “struggling,” instruction in segregated settings – whether resource or self-contained classes – was of poorer quality than instruction in general or mainstream settings.

## Areas for Improvement in Instruction

Findings 7a and 7b indicate that HISD students with disabilities spend less time, on average, in mainstream settings than students with disabilities in Texas as a whole and nationally. Found also was that Stanford Achievement Test scores for students with disabilities tended to be lower for those students who spent less time in mainstream settings and higher for those students who spent more time in mainstream settings. HISD students with disabilities earn lower scores, on average, on the Stanford Achievement Tests than their general education peers, with differences in scale scores between special and general education students ranging from 3/5 of a standard deviation in elementary school to nearly an entire standard deviation or more in middle and high school. The performance of students with disabilities on the mathematics and reading subtests of the Stanford Achievement Test vary substantially within and between disability categories, and we focused our analysis on understanding the variation in the performance of special education students in categories where we observed a wide range of performance. These categories are *Other Health Impairment* (OHI) and learning disabilities. The data we have are best suited to examining these differences by looking at the proportion of each school day that these students spend in classrooms with their typically developing peers.

***Finding #8a: Average performance on the Stanford Achievement Test tended to be higher for students who spent more of their day with their typically developing peers***

Though on average HISD serves students in segregated settings at high levels, there are schools that serve students in a more integrated fashion. It was decided to test whether Houston's students with disabilities who were more integrated in general classes performed better on the Stanford Achievement Test. Our analyses indicate that holding constant a number of important variables associated with achievement such as gender, race, and free/reduced lunch, students with disabilities who attend classes with typically developing peers tend to exhibit higher performance in language and mathematics on the Stanford Achievement Test. Indeed, the amount of time a student spent in mainstream settings was associated with substantial differences in test performance.

It is not surprising that children who spend their entire day in a mainstream setting earn, on average, higher scores on the Stanford Achievement Test. – these are likely the students who have disabilities that minimally affect their school performance. However, given that HISD students with disabilities spend disproportionately large amounts of time outside of mainstream settings, we looked for meaningful patterns in achievement in our examination of the relationship between amount of mainstream instruction and student performance.

We found that spending more than 20 percent of the day in non-mainstream settings is associated with dramatically lower test scores than being fully mainstreamed, and that in fact, there appears to be little difference in the effect of separate settings beyond this threshold. We believe that this is because students who spend more than 20 percent of their day in separate settings are likely not receiving instruction in core academic subjects in the general education setting. As noted

above, our observations indicate that many segregated special education classrooms at struggling schools provide either substandard instruction or no instruction at all.

This finding is consistent with research conducted on a national level. The National Longitudinal Transition Study-2 (NLTS 2) is a 10-year study that documented the characteristics, experiences, and outcomes of a nationally representative sample of more than 11,000 youth who were ages 13 through 16 and were receiving special education services in grade 7 or above when the study began in 2001. NLTS 2 found that while more time spent in general education classrooms was associated with lower grades for students with disabilities, students who spent more time in the general setting scored closer to grade level on standardized math and language tests than did students with disabilities who spent more time in segregated settings (Wagner, et al. 2003).

***Finding #8b: Students with disabilities appear to lack access to appropriate technology***

New and not so new technologies have provided greatly increased access to education for many children with disabilities. Text to speech, speech to text, communication devices, and captioning are but a few examples of technologies that can greatly enhance the ability of students with disabilities to perform in school. Yet, during interviews conducted at school sites and the central office, interviewees indicated a relatively low-level of adoption of these innovations. At the school level we saw very little use of technology, and interviews with various school staff members revealed an inability to describe a variety of technologies used to meet the needs of students with disabilities. Instead, when we asked, ‘*What technology is available to students with disabilities?*’ the only answers we received were: computers, Smartboards, Elmos, and LCD projectors. In addition, several special education chairpersons mentioned they received the “hand-me-down” computers from general education when new computers were ordered. Finally, school-based staff reported that district staff was not up-to-date on current assistive technologies, such as those afforded by the iPad.

Descriptive statistics indicate that surprisingly few students in HISD receive assistive technology (AT): just 2.5 percent of students with disabilities receive AT, 41 percent of whom have an auditory impairment. Less than one percent – .22 percent, to be exact – of students with specific learning disabilities receive assistive technology, and a mere five percent of students with autism do so. This is concerning, because a lack of access to technology may limit the extent to which students with disabilities can be integrated into the fabric of a school and is likely to negatively impact the academic achievement of students who could benefit from technology.

## Areas for Improvement in School-District Relationships

As noted above, staff at the schools we identified as high- and low-performing were satisfied with the frequency and clarity of communication between district special education staff and school staff. However, two important findings emerged from school site visits related to the nature of school-district partnerships at the elementary and middle versus high school level and to expectations regarding paperwork.

### ***Finding # 9a: High schools report a different type of relationship with district staff than do elementary and middle schools***

Elementary and middle school-based staffs consistently characterize their relationships with district staff as collaborative, supportive, responsive, and helpful. Some school-based staff members reported seeing their Program Specialists regularly and relying on the advice of these Specialists, and noted that they received responses to requests for help or information from their Program Specialists in a timely and efficient manner. Conversely, high school-based staffs characterize their relationships with the district staff, and the Program Specialists in particular, as being limited to compliance issues. They felt the Program Specialists served only to come to the schools to check students' files and to tell the schools what they were "doing wrong." This feeling was consistent across lower- and higher-performing high schools. In addition, all three high schools reported having to wait too long for responses from their Program Specialists, unlike their elementary and middle school colleagues.

### ***Finding # 9b: Staff at higher- and lower-performing schools expressed confusion about special education paperwork***

The one area of communication that school-based staff felt was not clear or consistent relates to paperwork. Staff at lower- and higher-performing schools felt the amount of paperwork required of them, particularly the supplements to the IEP, had become more overwhelming in recent years. In addition, they found the paperwork confusing to complete and expressed frustration that they were not able to receive clear answers on how to do so: for example, more than one special education chairperson noted that they received conflicting answers regarding how to complete paperwork from different Program Specialists. Finally, school-based staffs were unclear about changing expectations related to paperwork and were not always sure which documents were current and which were no longer being used. Staff lamented a lack of professional development to support them in completing paperwork and expressed a desire to use training time prior to the start of school to address paperwork expectations for the coming school year.

## Areas for Improvement in Parent Choice

### ***Finding # 10: Parents of students with disabilities did not feel they could access the choice system***

Houston, like many urban districts, offers parents a number of choices in school assignment. There are many charter schools in Houston and there is a history of providing magnet schools. However, a number of parents in our focus group felt they did not have the same options for their disabled children within the choice system.

Parents' perceptions that children with disabilities are not welcome in charter schools are supported by data. Charter schools in HISD tend to have lower proportions of special education students than non-charter schools in the district. While students with disabilities represent 8.6 percent of students in non-charter schools, in charter schools they represent only 4.1 percent. Across elementary, middle, and high schools, and within special education as a whole as well as the categories of emotional disturbance, learning disability, and mental retardation, HISD charter schools served a much lower percentage of students with disabilities. Of the more nearly 1,900 HISD students with mental retardation, only 46 attend an HISD charter school. Among the 126 HISD students with visual impairments, only 3 attend a charter school. Table 4 below displays the percentages of students with disabilities in HISD charter and non-charter schools. These data provide strong evidence that students with disabilities are much less likely to attend charter schools than similar students.

It is important to note here that this study does not include charter schools run by other entities that may be serving Houston students because these students were not in the database. This issue thus deserves further investigation.

*Table 4. Percentages of the total student population represented by students with disabilities and by specific disability categories in Charter and Non-Charter schools.*

	<i>HISD Charter Schools (N=16, 931)</i>	<i>HISD Non-Charter Schools (N=199,735)</i>
<u><i>Students with Disabilities</i></u>	4.14%	8.61%
Orthopedic Impairment	0.05%	0.12%
Other Health Impairment	0.51%	0.71%
Auditory Impairment	0.04%	0.18%
Visual Impairment	0.02%	0.06%
Mental Retardation	0.27%	0.92%
Emotional Disturbance	0.27%	0.43%
Learning Disability	1.99%	4.12%
Speech Impairment	0.64%	0.94%
Autism	0.11%	0.47%

## Recommendations

We believe the following six recommendations provide powerful directions the district should take in order to move its special education program forward. We resisted the temptation to provide a myriad of recommendations concerning the issues identified because our experience has taught us that such reports are less apt to be effective as they result in fragmented bureaucratic responses that ultimately have less effect at the school level. The aim of these recommendations is for HISD to embark on a few powerful, school-based initiatives that we believe will enable the district to more effectively educate students with disabilities while assuring that appropriate students are being served by the program.

It should be noted that these recommendations all require the active engagement of both special education and general education leadership. The issues identified in this report cannot be addressed by special education alone. For instance, the over-placement of African American students and English Language Learners is largely due to ineffective programs and supports in general education. Other issues, such as the ineffectiveness of some special education programs, are largely the responsibility of special education working with principals. What we are calling for here is change in the way many leaders in the district segment their responsibilities between special education and general education: that is, we support powerful, competent, unified approaches.

### ***Recommendation #1: Develop outcome-based school monitoring systems for students with disabilities***

When we were presenting our preliminary findings to special education leadership personnel, one stated, “You know, if the principals had this data concerning their schools, I know they would act on it.” We agree.

Though we know principals receive a good deal of data from the system, we do not believe they are getting the best data. It should be noted that many of our findings were revelatory to the special education leadership team; we would expect these findings would be even more so to principals. The fact that we found serious problems that had been relatively unknown to the system was not due to incompetence or mal-intention. Rather, we were asking different questions and using different methodologies in data analysis that enabled us to go deeper into district data than may have been done previously. For instance, much of the data analysis done by the district has been driven by the requirements of the Texas accountability system and is therefore dependant on the TAKS. However, due to the large numbers of students taking a modified version of this test, the TAKS is not a valid measure of special education student performance at the school-level. Fortunately, most students with disabilities take the Stanford Achievement Test and we were able to rely on this test data to determine the relative effectiveness of schools. Further, we analyzed district data going beyond descriptive data using multi-variant methods. This is important in that some schools may appear to be doing well but may have a population who come from a higher overall socio-economic level while another may appear to be doing poorly with a population that might have more challenges.

We suggest that HISD use our methodologies for developing a monitoring system for its schools. We have spent a good deal of time “cleaning” district data and developing the statistical models used in the report. We will happily provide these to you.

It should be noted that a major finding of this report is the substantial variability among schools’ special education programs. We believe that a relatively simple yet powerful system could be developed that measures the following outcomes:

- (1) Instructional efficacy (Using the Stanford Achievement Test data)
- (2) Over-placement of African American and English Language Learners in special education
- (3) Inclusive practices
- (4) Drop out and transfer rates.

These simple but powerful measures would focus the attention of school-based administrators on important data that has the potential to improve practice. Further, it would allow central administrators to intervene in schools that are not performing well and identify schools engaged in exemplary practice.

***Recommendation # 2: Hold principals accountable for issues identified in this report***

A number of people we interviewed, at both the school and district level frustration with the degree to which principals take an active role in their special education programs. This sentiment was particularly strong amongst the special education administrators. A number of people said that special education was largely a “delegated” responsibility at the building level.

In the high performing schools we observed, it was clear that principals took an active role in their special education programs. Most of the issues identified in this report require the active engagement of general education school principals. The over-placement of minority children in special education has its genesis in general education classrooms (Donovan and Cross, National Research Council, 2002) and inclusive programming is dependant on having effective integration options in general education classrooms. In order to bring all district schools into better alignment with best practices we observed in high performing HISD schools it is essential that principals and general education teachers share responsibility with special education staff for addressing the issues identified in this report.

***Recommendation # 3: Develop effective models of special education service delivery emphasizing effective universal design principles.***

In addition to general education having a role in promoting more effective education for children with disabilities, special education must do its part. We were concerned that many of the practices we observed were less than optimal. Segregated classes where children were doing low-level work, or “co-taught” classes where special education teachers appeared to be serving the role of a Paraprofessional, do not comport with principles of best practice. Broadly speaking, special education for most children should involve providing children with specialized

interventions to help minimize the negative impact of their disability while providing accommodations and supports so children can access the curriculum (Hehir, 2005). And, for many, advances in technology allow students to access curriculum in more efficient and effective ways.

We recommend that the district provide extensive training to building-level staff on effective universally designed approaches for education students with disabilities (Rose & Myers 2005, Hehir, 2005). These approaches can provide students with disabilities with greater access to inclusive education while preventing the need for others to be placed in special education.

***Recommendation # 4: Develop specialized inclusive schools for students with significant disabilities***

There are few inclusive options for students within the district for students with significant disabilities. Though it might be the ideal to have all students with significant disabilities served in home schools, for students with less common and often complicated needs, the expectation that every school can develop the capacity to serve these students needs to be reconsidered. Though the ideal that the child attends the school he or she would attend if non-disabled has considerable merit, the ability of each school to meet the needs of students with complicated needs is variable. As this report has documented the variability among schools in Houston in their ability to provide quality special education services is great.

We believe HISD should consider developing a number of highly specialized schools that can provide inclusive programming to students with complex needs. Such schools have been successfully developed in other cities. In Boston, the Henderson School serves a population that includes 20 percent students with significant needs (Hehir, 2005). These students are served predominantly in the general education setting with support and the school has consistently had some of the highest test scores in the city. Dr. Hehir is available to discuss the implementation of this recommendation in more detail.

***Recommendation # 5: Develop policies, procedures and practices for effective services for students with dyslexia***

The special education department should develop policies and procedures designed to give students with dyslexia appropriate access to special education services. This guidance should also include information about research-based effective practices for students with dyslexia. Training of school-based staff should also accompany the issuance of this guidance.



***Recommendation # 6: Develop and distribute a comprehensive easily accessible manual of special education policies and procedures***

Special education law and practice is relatively complex. Accurate information about policies and procedures is central to the proper administration of the program. A major issue in this report involves appropriate communication about special education to personnel in the schools as well as parents. Well-articulated policies and procedures as well as frequently asked questions available online would greatly improve the administration of the program.

## Additional Potential Research

Though we made an attempt to incorporate parental input into this report, our efforts were limited due to the scope of this report. We recommend a more extensive scientific survey be conducted of parents within the district. Such a survey will assist the leadership in assuring that the program is responsive to its consumers. We also recommend that similar surveys are done of principals and teachers specifically focused on their needs for training and support.

## Conclusion

There are many aspects of the special education program in HISD that are commendable. Like other cities, Houston also has areas where the program falls short. We hope this report will help HISD focus its efforts on improving the program. We appreciate all the cooperation we received from Houston staff in conducting this work and are optimistic about the potential of the district to move forward.

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## Methods Appendix

### **Selecting the Sample of Schools for Site Visits**

When we selected a subset of HISD schools as candidates for site visits, our goal was to select a set of schools that were representative of the diverse make-up of schools in HISD. We wanted to include schools at each level of education (elementary, middle, and high) as well as schools that represented a variety of the compositional and charter profiles that characterize HISD.

Within those guidelines, we also wanted to choose schools where students with disabilities were performing well on the Stanford Achievement Test relative to their general education peers as well as schools where students with disabilities were performing relatively poorly compared to their general education peers.

We used multiple regression models to estimate schools' average test scores for students with disabilities, given their average general education test scores and taking into account characteristics such as proportion of students eligible for free/reduced price lunch, proportion of LEP students, school racial composition, etc., which might also be related to schools' average test scores.

By doing this, we were able to see – within the guidelines we had set for representativeness – which schools' special education students had average test scores that were *higher than we would predict* based on general patterns in the district and which schools' special education students had average test scores that were *lower than we would predict* based on general patterns in the district.

From among the handful of schools where students with disabilities most under-performed and over-performed on the Stanford Achievement Test, we created thorough profiles for each school using HISD data as well as information we found on specific school web sites to understand the schools more richly. As a group, we then evaluated this subset of schools and came up with the ten that we felt were most representative of the diversity in HISD schools.

### **Odds Ratios**

For the *Identification* and *Assessment* sections of this report, we used logistic regression models to estimate the probabilities that types of students in HISD would be (a) identified into Special Education categories and (b) tested using the TAKS-M. These models produce odds ratios, which describe meaningful patterns of (a) over- and under-identification into Special Education and (b) disproportions in which HISD students are assessed outside of the standard accountability system. A more detailed explanation of logistic regression follows.

Logistic regressions test the probability that an event will occur (for example, a Hispanic student is identified as needing special education services), while taking into account a variety of factors that might play into the event occurring (for example, the student's socioeconomic status or the financial resources of the student's school, both characteristics that are known to be related to rates of identification into special education). By using this method, we were able to estimate the

likelihood of students' being identified into Special Education, or into a specific Special Education category, while also estimating the role played by student- and school-level characteristics in the likelihood of identification for different groups of students.

This process allowed us to understand, on average, the likelihood of identification that was uniquely associated to specific student- or school-level characteristics (for example, the estimated likelihood, on average, that a Hispanic student in HISD would be identified as requiring special education services) taking into account the role that factors such as socioeconomic status, gender, or school proportion of students eligible for free/reduced price lunch, play in a student's likelihood of receiving a given special education designation.

These logistic regression models yielded estimates called odds ratios. Essentially, odds ratios compare the odds of an event occurring to the odds that the event will not occur. Put more plainly, odds ratios compare the likelihood of occurrence between two different events (for example, the likelihood that a *Hispanic student in HISD* will be identified as needing special education services compared to the likelihood that a *non-Hispanic student in HISD with similar characteristics such as socioeconomic status, gender, school proportion of students eligible for free/reduced price lunch, etc.*, will be identified as needing special education services.

A practical guide to interpreting odds ratios is as follows: *a) if the value of an odds ratio is less than 1, then the event (for example, a Hispanic student being identified as needing special education) is less likely than its comparison event (for example, a non-Hispanic student being identified as needing special education); b) if the value of an odds ratio is equal to 1, then the event of interest (for example, a Hispanic student being identified as needing special education) is just as likely as its comparison event (for example, a non-Hispanic student being identified as needing special education); c) if the value of an odds ratio is greater than 1, then the event (for example, a Hispanic student being identified as needing special education) is more likely than its comparison event (for example, a non-Hispanic student being identified as needing special education).* In comparing between members in a group of odds ratios, lower values represent lower likelihoods and higher values represent higher likelihoods; so an odds ratio of 5.4 represents a higher probability of identification than an odds ratio of 2.2, and an odds ratio of 0.3 represents a lower probability of identification than an odds ratio of 0.7.

## **Achievement Analyses**

Our analysis of special education student achievement was conducted using multi-level regression models. These models used dichotomous variables to represent 80-99% of a student's day in school in mainstream settings, 40-79% of a student's day in school in mainstream settings, and 0-39% of a student's day in school in mainstream settings, with 100% mainstream as the reference category. This allowed us to estimate the difference in special education student performance on the Stanford Achievement test associated with each setting category in comparison with the fully mainstreamed setting category. The use of multi-level models allowed us to account for similarities in the performance of special education students within any given school, which provided a clearer picture of the relationship between achievement and proportion of time in mainstream settings, taking school-level characteristics into account.

In this section of the report, we present our findings in standard deviation units. These standard deviations, which represent how spread out students' scores were on any given test, are drawn from an analysis of the performance of all students in the given special education designation. By doing this, we were able to compare the difference in average scores for students in different setting categories relative to the range of scores for all special education students within a special education designation. We conducted analyses of elementary, middle, and high schools separately. In these analyses, we controlled for relevant student and school level characteristics, which included student race, LEP status, free and reduced lunch status, school enrollment, school percent African American, school percent LEP, and school percent free and reduced lunch.

# 2011

## **Houston Independent School District**

### Program Reviewers

Dr. Diane August

Dr. Beverly J. Irby

Dr. Rafael Lara-Alecio

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## **[Program Review Report: Multilingual Programs]**

## **Program Review Report: Instructional Programs for English-Language Learners in the Houston Independent School District**

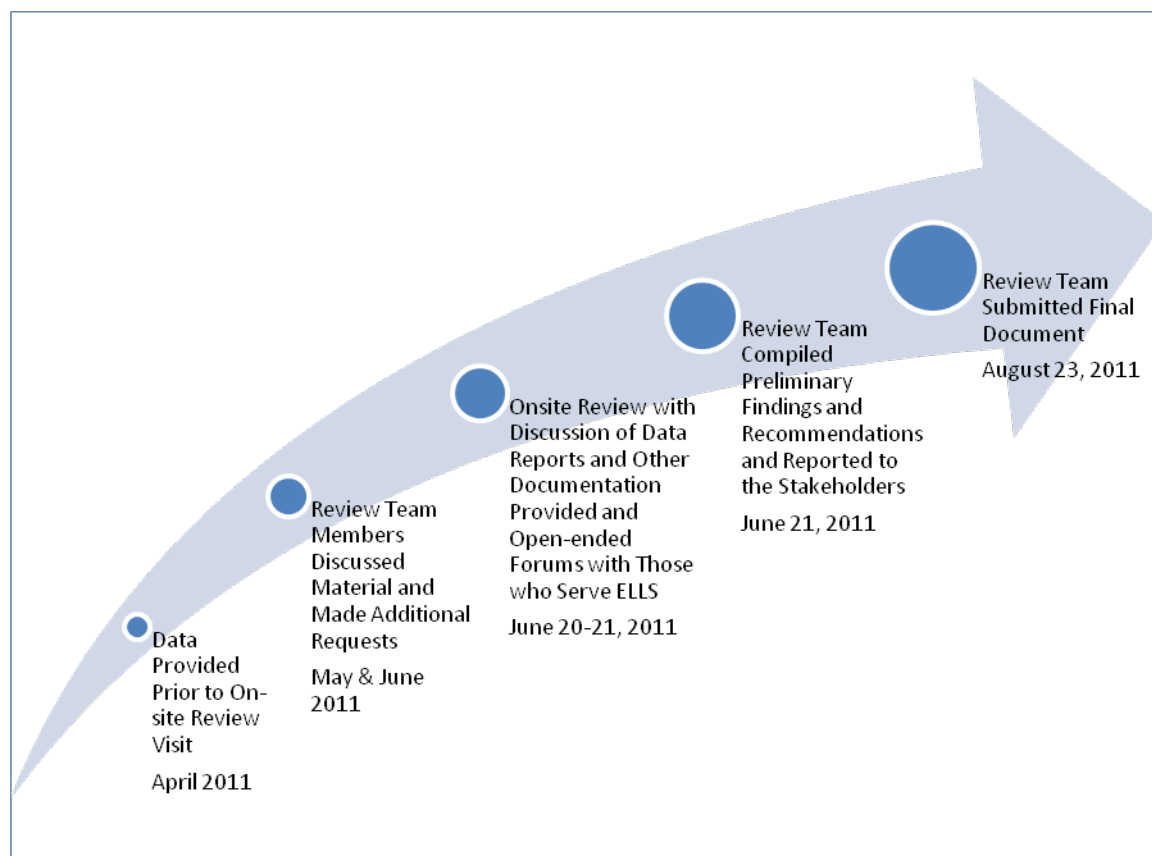
<b>Programs:</b>	<b>English as a Second Language and Bilingual Programs</b>
<b>Program Location:</b>	<b>Houston Independent School District (HISD)</b>
<b>Evaluators/Reviewers:</b>	<b>Dr. Diane August</b> , Senior Research Scientist, Center for Applied Linguistics, Washington, DC  <b>Dr. Beverly J. Irby</b> , Texas State University System Regents' Professor and Associate Dean for Graduate Programs, College of Education, Sam Houston State University, Huntsville, TX  <b>Dr. Rafael Lara-Alecio</b> , Professor and Director of Bilingual Programs, Department of Educational Psychology, Texas A&M University, College Station, TX  <b>Dr. Nonie K. Lesaux</b> , Marie and Max Kargman Associate Professor in Human Development and Urban Education Advancement, School of Education, Harvard University, Cambridge, MA
<b>Report Submitted to:</b>	Jennifer Alexander, Manager, HISD Multilingual Programs
<b>Date Submitted:</b>	July 15, 2011 (original); August 23, 2011 (final revision)

### **Section I. Review Purpose and Process**

The request for the external review was prompted by a desire of Superintendent Terry Grier to increase English language learner (ELL) student academic achievement. To accomplish this goal, he requested that the Multilingual Department constitute an external review team to assess the strengths and challenges of the current HISD bilingual and English as second language (ESL) programs with regard to educating ELLs to high standards and make recommendations for improvement. In April 2011, the HISD Multilingual Department staff asked four external reviewers to conduct a review of the bilingual and ESL programs.

Prior to a two-day onsite review on June 20-21, 2011, the review team examined relevant data and curricular and program materials related to all aspects of the HISD bilingual and ESL programs. The materials reviewed included specific data reports related to academic achievement

of students in bilingual and ESL programs as well as monitored and former ELLs who had been placed in these programs and ELLs not served in a bilingual or ESL programs due to parental denial waivers. Data reports were provided to the evaluators by the HISD Research and Evaluation Department. Additionally, interviews were conducted during a two-day visit with a variety of individuals, including teachers, supervisors, coordinators, principals, and central office administrators. This review process is displayed in Figure 1.



**Figure 1.** Process of HISD review of bilingual and ESL programs

The data and materials provided, as well as interviews conducted by the Review Team, form the basis for the findings and recommendations. A detailed review process is outlined in Appendix A.

The Review Team wishes to acknowledge the HISD Superintendent, Dr. Terry Grier, for soliciting an external review of ESL and Bilingual Programs in HISD. We wish to thank the Multilingual Department, particularly Assistant Superintendent Matilda Orozco, Jennifer Alexander, Paola Espitia, and Terrie Armstrong. Jennifer Alexander managed all material flow and organization, and we appreciate her professionalism throughout the review. Additionally, we wish to acknowledge Kevin Briand, Specialist in the Research and Evaluation Department, for accommodating our additional requests. We also appreciate the extra material and time that Dr. Keith Yost, Secondary Director in the Curriculum Department, provided related to curriculum.



In addition, all teachers and administrators with whom we met were most accommodating and forthright with their responses.

## **Section II. Overview of the ESL and Bilingual Programs Provided by the District**

The Texas Education Code (§29.051) requires school districts to provide every language minority student with the opportunity to participate in a bilingual program or other special language program. Texas Education Code (§29.053) further specifies that districts must offer a Bilingual Program at the elementary grade level to ELLs whose home language is spoken by 20 or more students in any single grade level across the entire district. If an ELL student's home language is spoken by fewer than 20 students in any single grade level across the district, elementary schools must provide an ESL program, regardless of the students' grade levels, home language, or number of such students.

The HISD offers four types of bilingual programs and two types of ESL programs to the 65,000 ELLs in HISD. Bilingual programs offered for students who speak Spanish include the Traditional Bilingual Program, in which students are transitioned into a pre-exit phase in Grade 4 where English is the primary language of instruction, as well as two dual-language programs (Developmental Bilingual Program and Two-Way Bilingual Immersion Program). In Developmental Bilingual Programs all students in the program are ELLs. Language arts and content subjects are taught in the primary language from pre-kindergarten through third grade with English instruction increasing gradually through the elementary grades, reaching 50% in English and 50% in Spanish in Grade 4 and 60% in English and 40% in Spanish in Grade 5. In the Two-Way Bilingual Immersion Program, roughly equal numbers of ELLs and fluent English-speaking students participate. The time allocations for Spanish and English instruction are parallel to those in the Developmental Bilingual Programs. In addition, because the Texas Education Code requires districts to provide bilingual program support to students who speak Vietnamese, Mandarin, Arabic, and Urdu, a Cultural Heritage Bilingual Program (CHBP) has been developed for ELLs whose native language is Vietnamese. The two types of ESL programs are content-based ESL for new immigrant students and ESL English courses for advanced/transitional ESL-level students.

ELLs made up 31% of the student body in HISD in 2010. In 2010, of the ELLs in HISD, 66% were served in bilingual program, 27 % were served in ESL programs, and 7% were not served because of parental waivers. Of ELLs educated in bilingual programs, 37% were educated in Traditional Bilingual Programs, 46% were educated in Developmental Bilingual Programs, 2% were educated in Two-Way Bilingual Immersion Programs, and less than 1% of ELLs were educated in Cultural Heritage Programs.

### **Section III. Findings and Recommendations**

All findings and recommendations are presented in this section. Supporting tables can be found in Appendix B.

#### **Finding 1—Lack of Cross-Departmental Planning and Oversight at the District and School Levels to Ensure Coherent Programming for ELLs**

Although district and campus personnel report a desire to improve ELLs' academic achievement, we identified a lack of collaborative, coherent planning among departments in the Central Office and at some individual campuses. While the Multilingual Department staff have made efforts to collaborate with other departments, particularly Special Education, it is less usual that other departmental staff (particularly those in the larger departments) consult with the Multilingual Department staff about decisions and initiatives that bear significantly on the education of ELLs, including decisions regarding curriculum, professional development strategies, and initiatives for capacity-building among teachers. There is also a lack of collaboration and coherent planning at the campus level, in part a result of the decentralized management structure of HISD.

#### **Recommendation 1—Create Organizational Structures at the District and School Level that Result in Collaboration and Coordinated Programming for ELLs**

Given the size and scope of the ELL population in HISD, and the needs of many former ELLs in regular education classrooms, there needs to be efforts that ensure collaboration and coordination among departments at the district level and campus level. To guide ELLs' education, we propose three related recommendations:

1. HISD should constitute a high level steering committee composed of representatives from the following departments—Special Education, Curriculum and Instruction, Professional Development, Multilingual, Research and Evaluation, Advanced Academics, School Choice, and School Improvement Officers. This steering committee should meet on a regular basis to coordinate efforts around ensuring ELLs and former ELLs meet high district and state standards.

2. HISD should consider selecting several experts in the education of ELLs to meet with the steering committee on a regular basis. This recommendation has also been put forth by the Superintendent.

3. HISD should consider putting in place school-based structures<sup>i</sup> to ensure there is collaboration and coordination among school staff, including school administrators, ESL specialists, bilingual teachers, special education teachers, and mainstream teachers. This will help ensure that all staff, including administrators, are aware of District and State guidelines and

will provide coordinated programming that benefits from the expertise of all relevant school staff.

**Finding 2—Lack of Materials and Methods to Help ELLs Meet English Language Proficiency Standards (ELPS) and Reading/Language Arts Standards and Develop the Academic Language to Succeed in Other Core Content Areas**

Although the Curriculum Department and campus teachers have spent substantial time in aligning district curricular materials with district and state standards, and the Multilingual Department has developed supplementary model lessons, we identified a lack of (a) a required core reading/language arts curriculum aligned with rigorous grade level standards, (b) systematic development of the academic language ELLs need to master grade-level content outside of reading/language arts, and (c) collaboration and communication regarding curriculum use and development among departments, including the Multilingual Department. The campus principals and the faculty of individual campuses determine if or when they wish to use the core curriculum purchased by the district or supplementary curricular materials prepared by the District Curriculum Department. This practice impedes improving the overall achievement of ELL students in Houston and is especially detrimental for those students who move from school to school. The mobility rate reported by principals and teachers exceeds 20%.

**Recommendation 2—Ensure ELLs Master Grade-Level ELPS and Reading/Language Arts Standards and Develop the Academic Language Necessary for Success in Other Content Areas**

We propose three related recommendations.

1. With regard to language and literacy practices, we recommend that the district ensure a high-quality core English language proficiency and reading/language arts curriculum<sup>i</sup> appropriate for ELLs is used district-wide<sup>ii</sup>. We also recommend that the district focus its professional development on helping teachers implement the core curriculum with fidelity. The implementation should entail the use of pacing guides. Further, we recommend that the Multilingual Department staff and subject area specialists collaborate to put in place research-based supplemental methods and materials that support ELLs' success in mastering this rigorous reading/language arts core curriculum, as well as the English language proficiency standards. HISD might consider engaging outside experts in developing or determining such high-quality core curriculum.

2. High-quality methods and materials should also be made available to help ELLs master the academic language they will encounter in content areas outside of reading/language arts.

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<sup>i</sup> Susan B. Neuman conducted an evaluation on the HISD literacy curriculum for the general population. Similar findings are reported in her report.

HISD might consider engaging outside experts in developing or determining high-quality content-area curriculum focused on acquiring academic language.

3. There should be structures in place at the district and school levels to ensure fidelity of curriculum implementation.

### **Finding 3—Insufficient Academic English Development in Bilingual Programs and Insufficient Offerings to Support Spanish Development in Middle and Secondary Grades**

HISD data indicate that ELLs instructed in bilingual programs are doing well on Spanish state/NRT assessments (Appendix B1) but struggle on tests of English at Grade 4 and 5 (Appendix B2). When ELLs who have been served in bilingual programs begin taking the English TAKS and Stanford 10 in fourth and fifth grades, their passing rates are lower than are those of the District as a whole<sup>2</sup>.

While students who are reclassified as English proficient do well compared with other students in HISD, there are too many students who have been instructed in bilingual programs that take many years to acquire enough proficiency in English to be reclassified. For ELLs who start in HISD in kindergarten, by Grade 6, 71.2% waived, 73% ESL, and 40% of bilingual students have been reclassified as English proficient. This is problematic in that by Grade 6 most academic content instruction is delivered in English, and this means the bilingually instructed students do not have the English they need to thrive in these classrooms. By Grade 9, there are still about 10% of ELLs who either were waived from special services or were instructed in English as second language (ESL) programs who have not been reclassified as English proficient; 25% of ELLs instructed in bilingual programs have not been reclassified (Appendix B4).<sup>3</sup>

There are two issues that underlie these student performance data. First, the group interviews surfaced the fact that teachers in bilingual programs are not providing the amount of ESL instruction currently required by the district in Grades K-3 as indicated in the *Multilingual Program Guidelines Manual*. Adherence to the time allocations would, indeed, provide ELLs with more English instruction. However, the second issue is that the student outcome data suggest that the time allotted to the ESL component of bilingual programs, as designated, is insufficient to produce English language levels commensurate with content standards at the fourth grade.

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<sup>2</sup> As a post-review note, the Multilingual Department provided the 2010-2011 English TAKS scores. Current bilingual students in English reading, improved over the 2009-2010 testing by an overall five percentage points as compared to the HISD district level testing (Appendix B3).

<sup>3</sup> As a post-review note, the Multilingual Department provided data on exits during the 2010-2011 school year that indicates there was a 35% increase over the previous year in students exited from bilingual programs.

Based on information obtained during the interview forums, it was evident that many students served in bilingual programs do not have opportunities to continue to build content area knowledge in Spanish. Also, this situation is evidenced in the large numbers of students who are served in district traditional, transitional bilingual programs (Appendix B5) in which Spanish language instruction in content areas actually diminishes as students matriculate through elementary and into the upper elementary grade levels.

### **Recommendation 3—Increase the Amount of English Instruction in the Primary Grades and the Amount of Spanish Instruction in Middle and High School**

There are four related recommendations regarding the ESL and academic English component of the Bilingual Program and one recommendation related to Spanish instruction:

1. Move ELLs in bilingual programs into 50/50 instruction (50% in English and 50% in Spanish) earlier than is currently the practice in HISD, preferably by the beginning of the first semester of third grade. This will necessitate increasing the time in English for ELLs beginning in bilingual prekindergarten programs. The District Advisory Committee, in consultation with external experts, should consider the appropriate time allocation for the language of instruction based on student needs and research<sup>iii</sup>.

2. Create incentives for teachers and schools to develop both English and Spanish skills and knowledge for ELLs in bilingual programs (see Recommendation 3a), as well as methods to help ensure there is fidelity of implementation related to time allocations.

3. Consider a combination of ESL instruction with content-based instruction in English which can enhance academic English<sup>iv</sup>. Such instruction would allow for the concurrent acquisition of English and content area knowledge through scaffolded English instruction in subjects such as language arts, math, science, and social studies. English instruction should be designed to help ELLs take advantage of the skills and knowledge they have acquired in their first language and to meet the challenges of learning content in a second language.

4. We suggest that to fully support the development of bilingual and biliterate students<sup>v</sup> the continuation of language arts instruction in Spanish beyond elementary school, possibly as an elective (Spanish for Native Speakers courses) or as AP Spanish language and literacy courses.

### **Finding 3a---Lack of Promotion of Bilingualism via the Value-Added and School Accountability Models Currently in Place**

We found that the value-added model used in HISD to compensate teachers promotes the development of one language or the other, rather than two languages. Within this model, teachers

are paid an incentive for high levels of student academic growth in one language or another rather than in both languages concurrently. Moreover, for students instructed bilingually, only Spanish reading/language arts scores are used for school-level accountability purposes in the early grades, and English reading/language arts scores are used for school level accountability purposes in the later grades. Again, the result is a model that favors mostly Spanish instruction in the early grades and more often than not, English instruction in the later grades.

### **Recommendation 3a—Alter the Current Value-Added and Accountability Models in HISD to Encourage Teaching and Learning in Two Languages**

Alter the value-added and school accountability models so that they support the development of two languages rather than one<sup>vi</sup>.

### **Finding 3b—Lack of Access to Strong Speakers of English (For Students in Bilingual Programs)**

Most ELLs in HISD served in bilingual programs are in traditional transitional or developmental programs where instruction is supposed to be occurring in two languages concurrently (Appendix B5). However, based on data gathered from the interview forums, there were widespread reports that it is difficult to find a sufficient number of teachers who are strong speakers of both English and Spanish and who are able to move between the languages with ease, teaching bilingually. Moreover, in many of the traditional bilingual programs, ELLs are in classrooms composed almost entirely of other ELLs.

### **Recommendation 3b—Structure Bilingual Programs in Ways that Give ELLs Access to Strong Speakers of the Languages They Are Acquiring.**

There are three related recommendations that target ways in which ELLs can have access to strong speakers of the languages they are acquiring.

1. In cases in which teachers proficient in both English and Spanish are not available, use a paired model, where the teacher fully proficient in English instructs only in English and the teacher fully proficient in Spanish instructs only Spanish. Children spend half their time with one teacher and half their time with the other teacher. Students are exposed to different coursework in each classroom, which also creates opportunities for teachers to teach the subjects in which they are strongest<sup>vii</sup>.

2. Increase the number of Two-Way Bilingual Programs offered in the district—programs that create contexts in which ELLs and native-English-speaking students have more access to each other and can learn together<sup>viii</sup>.

3. Offer a language development program for teachers already employed in HISD to develop their bilingual language capacity. These are teachers for whom HISD has already invested time and money. Such a program is not recommended for future teacher hires.

**Finding 4—Lack of Required, High-Quality Professional Development to Help Teachers and Administrators Successfully Educate ELLs**

Professional development sessions focused on supporting ELLs occur with frequency in HISD; however, most of those sessions have been optional<sup>4</sup> and are usually short term. This has limited efforts to improve ELL programming in HISD.

At this time, HISD has a new Professional Development Model, launched in 2011-2012, with district specialists assigned to provide school campuses with technical assistance; this model is aligned with best practices related to instructional improvement. However, very few specialists—only 15—have been assigned with the goal of supporting teachers to better serve ELLs. This is of concern since 30% of HISD students are classified as ELL.

**Recommendation 4—Develop a Required Program of Professional Development Focused on ELLs’ Needs**

There are three related recommendations focused on professional development<sup>ix</sup> to build HISD capacity to serve ELLs.

1. To increase the impact of the new team of professional development specialists, we recommend that they all receive training in supporting ELLs. The 15 specialists with a strong foundation in bilingual/ESL could train their peer specialists to increase their reach and impact.

2. HISD should require ongoing professional development for all mainstream teachers with ELLs in their classrooms.

3. Professional development should be required for special education teachers, school improvement officers, principals/assistant principals, and counselors working in schools with substantial numbers of ELLs. The goal of such professional development should include (a) compliance, (b) programming, (c) curriculum, and (d) instruction, should include best practices of in-context (i.e., at school campuses) trainings, and should take place over time, allowing time for practice, reflection, and feedback.

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<sup>4</sup> Also see the report (noted earlier) by Susan B. Neuman which contains similar findings.



#### **Finding 4a—A Newly-Developed HISD Teacher Appraisal Tool that does not Adequately Address the Learning Needs of ELLs**

As a further step toward instructional improvement, a new teacher appraisal tool is to be implemented in the 2011-2012 academic year. While such a tool may support increased coherence and quality in pedagogy across the district, the new observation protocol does not sufficiently capture the instructional strategies that are essential for helping ELLs meet high standards across the curriculum.

#### **Recommendation 4a—Ensure that the Appraisal Tool Includes a Focus on Effective Teaching Practices for ELLs.**

The Multilingual Department should work with the developers of the tool to review and modify it so it incorporates effective teaching practices for ELLs to promote district-wide capacity to serve this large population<sup>x</sup>. In undertaking this work, it may be beneficial to review Lara-Alecio and Parker's (1994) *Pedagogical Theory for Bilingual Classrooms* (inclusive of ESL) and the Bilingual Observation Protocol.

#### **Finding 5—Lack of Support in a Timely and Effective Manner for ELLs who are not Making Adequate Progress**

With regard to identification of students who are not making adequate progress, the screening tests used to identify students at risk of reading difficulties in the early grades do not sufficiently focus on the oral language and cognitive skills that underlie later reading problems for many ELLs. Moreover, there are no mandated district-wide benchmark tests for monitoring ELLs' academic progress across the content areas.

Once identified, some ELLs with special needs are not adequately served<sup>5</sup> (Appendix B6). Throughout the review process, several concerns were raised about this issue, particularly in the early grades, when it was reported that in many cases the teachers and campuses are not referring young ELLs with special needs to special education in part because of their perception that there is a lack of appropriate bilingual special education services<sup>xi</sup>. Moreover, we did not identify specific protocols or formal strategies in place, across campuses, to support this population. Additionally, we found that schools are not notifying parents of alternative special education programs that serve bilingual students away from the home campus.

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<sup>5</sup> This was also a finding of Hehir and Associates in their review of the Special Education Program services within HISD.



### **Recommendation 5—Strengthen the HISD Identification and Services for ELLs who are not Making Adequate Progress**

There are three related recommendations regarding the strengthening of identification and services for ELLs not making adequate progress.

1. Strong services begin with timely identification of at-risk children. Therefore, early screening<sup>xii</sup> should be conducted to identify ELLs at risk of failure in language arts and math. Additionally, a comprehensive assessment system should be used to gauge literacy development in the primary, as well as middle school grades, and should include measure(s) of oral language ability and comprehension (listening, reading)<sup>xiii</sup>.

2. We recommend that HISD develop district-wide benchmark tests<sup>xiv</sup>, K-3, to provide information about how students are progressing toward mastery of language and literacy skills important for academic success. We strongly encourage efforts that would create benchmark tests aligned with STAAR that could be used to monitor students' progress in English and Spanish and that schools be required to participate in the benchmark testing. The benchmark tests should be developed collaboratively across departments, including the Multilingual Department, so that the benchmark tests will sufficiently identify ELLs' needs. Beyond meeting ELLs' needs, such an assessment could serve as a cornerstone for the Response to Intervention (RTI) model.

3. We recommend that the number and quality of certified special educators with bilingual education certification be augmented so they can work effectively with students from Spanish backgrounds as well as from lower incidence first language backgrounds. For both groups of students, school campus personnel should be required to notify parents of the existence of Bilingual Programs that specifically serve students with disabilities across HISD and which may not be housed on the local campus. HISD should provide transportation to other campuses if necessary so all students can be served appropriately.

### **Finding 6—Lack of Specific Attention toward Several Populations of ELLs**

Several special populations of ELLs require improved, specialized programming including newcomers and students who enter high school as ELL. There may be an overlap in these populations. While drop-out rates for former ELLs educated in bilingual and ESL programs are relatively low, 3.5% for the former group and 5% for the latter group, 44% of students who enter high school designated as ELL do not graduate from high school. These students are concentrated at eight campuses (Appendix B7). For newcomers, the Multilingual Department provides guidelines on newcomer programming in the Multilingual Program Guidelines Manual and provides follow-up training regarding the implementation of newcomer programs. However, the implementation of newcomer programs is very inconsistent from school to school possibly

due to the decentralized focus and lack of resources. Another factor that may impact the implementation is the low number of newly arrived immigrant ELLs at certain campuses.

### **Recommendation 6—Address the Needs of Newcomers and ELLs at High Risk of Dropping Out**

By implementing many of the prior recommendations, it is expected that some of the needs of these students will be addressed. However, specific attention is needed for these groups to ensure they are making adequate progress. There are three related recommendations related to newcomers and ELLs at risk of dropping out of school.

1. It is recommended that HISD develop a comprehensive, systematic program for newcomers<sup>xv</sup> at various grade levels. One component of this program would include counseling for high school students to assure they accrue the necessary credits for graduation. A special task force that includes staff from relevant offices might be established for this purpose. In designing this district-wide programming, there are resources to draw on. For example, Burbank within HISD and other Houston-area programs including Aldine ISD, Cypress-Fairbanks ISD, and Galena Park ISD, have programs for ELL Newcomers. There is a publication by Short and Boyson (1997) from the Center for Applied Linguistics (CAL) that would be helpful, *Establishing an Effective Newcomer Program*. There is, in fact, an entire database on newcomer programs on the CAL Web site. Additionally, the Office of Second Language Acquisition, Texas A&M University, Corpus Christi and the Texas Education Agency, along with researchers Beverly Irby and Rafael Lara have conducted *The State of Texas Newcomer Programs*, and such information may be assistive in making decisions. Also, the work of David Francis, Mabel Rivera, Nonie Lesaux, Michael Kieffer, and Hector Rivera regarding research-based recommendations for adolescent newcomers, *Research-based Recommendations for Serving Adolescent Newcomers*, would also be a valuable resource. In order for these programs to be effective, campus administration and staff must be vested in the implementation of newcomer programs.

2. Given the high percentage of ELLs who enter high school but do not graduate<sup>xvi</sup>, we recommend that the district capitalize on their database to examine the factors that put these students at particular risk of dropping out, including individual, family, and schooling factors, and develop a comprehensive plan to lower the district's drop-out rate. As part of this effort, the database should also be used to identify ELLs and former ELLs who are dropping out of school prior to high school and the district should make similar efforts to develop a comprehensive prevention plan for this group also. This recommendation may be implemented in collaboration with invited researchers who could conduct such a study and make recommendations for the plan.

3. In the immediate short term, some ways to increase graduation rates for ELLs at risk of dropping out is to provide sufficient counseling for ELLs at high school campuses to ensure they accrue the coursework credits necessary to graduate, to receive the instructional support they need to pass these courses, and other support necessary to keep them in school; also begin programs that have been shown to be effective with this population of students such as the 21st Century Programs, ACE programs, and early college programs.

### **Finding 7—Lack of Representation of ELLs within HISD Magnet Programs**

While ELLs comprise 31% of the HISD student population, based on interviews with HISD staff, it was reported by district personnel that a small percentage of ELLs are served by HISD Magnet Programs.

### **Recommendation 7—Increase the Percentage of ELLs Served by Magnet Programs**

There are two related recommendations with regard to ELLs and Magnet Programs in HISD.

1. There are several means by which HISD could increase the percent of ELLs served by magnet programs<sup>xvii</sup>. For example, HISD might consider opening up additional Two-Way Dual Language Magnet Programs that could serve as models for other schools in the district.

2. Additionally, HISD might consider a Magnet Program for ELL Newcomers that is similar to the successful International High School at LaGuardia Community College, developed for ELLs who have been in the United States for less than 4 years. Once admitted, students remain in the school for 4 years. The school is a college preparatory program for ELLs in a multicultural educational environment. Students receive a substantive high school/college curriculum taught with a content-based ESL approach. At the same time, students maintain and further develop their native language skills by engaging in peer-mediated instructional activities using materials and textbooks in English as well as their native languages (see <http://ihsnyc.org/>). The Magnet program that HISD might consider could include a dual credit program with one of the Houston area community colleges. Another model of a newcomer program is the Newcomers High School in Long Island City, New York. It serves more than 1,000 students in Grades 9-12, and 100% of the students are competent in college-level materials. Unlike most high schools for new immigrants, which keep their students until they graduate, Newcomers' goal is to transition students into regular high schools after one year. With a few exceptions, students who enter in the ninth grade stay for only one year before transferring; those entering in the upper grades usually remain at Newcomers until graduation (see <http://insideschools.org/high/browse/school/1265>).

## **Finding 8—Lack of Information to Help ELLs Make Adequate Progress and Need for Additional Studies Using District Data**

While HISD has, indeed, a comprehensive student database, the data should be mined by central office staff to support data-driven instructional decision making and planning to best serve the large population of students in the district. Questions important to understanding the instructional trajectories of ELLs include (a) how well monitored and former ELLs perform at each grade level compared with students who have always been English proficient; (b) of these former and monitored ELLs, what student characteristics and instructional factors predict failure to make adequate progress in English and what factors predict success; and (c) how do ELLs instructed bilingually compare with students instructed solely in English, taking into account factors not related to instructional programming that might influence the outcomes such as differential exit rates from programs.

Teachers and school administrators would benefit from easy access to important information about the ELLs they serve, including which students are current ELLs and former ELLs, other relevant information such as age of arrival in the United States and home language use, identified special needs, and the contexts in which these students have been educated. Many teachers are unaware of the identified ELLs (and each student's ESL instructional level) in their classrooms, particularly at the middle and high school levels. It was reported during the interview forums that secondary teachers do not have easy access to determine important student attributes such as ELL status and ESL instructional level. Overall, this situation compromises teachers' ability to— and understanding of the need to—differentiate instruction for this population.

## **Recommendation 8—Capitalize on the Rich HISD Database to Support Instructional Planning and Programming**

There are three related recommendations regarding use of district data.

1. It is recommended that an Advisory Committee or a small inter-departmental group composed of staff from the Multilingual Unit, Curriculum and Instruction, and Research and Accountability review recent research reports and determine if there are additional questions that, if answered, would help guide instructional planning and programming for ELLs. This group might generate specific questions that might guide additional research. Consider engaging external consultants to assist in conducting research or consider working with university professors to assist with such research studies.

2. HISD should consider consulting with an expert in database management and research related to ELLs, to review the database structure and accessibility of the information that would support better district and school planning and programming.

3. Further, we recommend that HISD increase teachers' and administrators' access to information<sup>xviii</sup> about the ELLs and former ELLs in their classrooms. Providing information increases teachers' capacity to intervene with students. We recommend that such information be readily available in the student database and that classroom-level reports be easily generated for teachers and distributed accordingly. Ideally, such reports should be generated at each campus by leaders and/or teachers.

## Endnotes

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<sup>i</sup> For related research information on urban district centralized versus decentralized structures see Mac Iver and Farley (2003), McFaddan (2009) and Moffit (2009). For information regarding urban districts' structures and ELLs see Horwitz, Uro, Price-Baugh, Simon, Uzzell, Lewis, and Casserly (2009), specifically pages 2 and 3.

<sup>ii</sup> For related research information on large urban districts and centralized curriculum see Center for Government Research (2010), Microsoft (2004) and Smith, (2005). Additionally, see August and Uro (2011), Lindholm-Leary and Borsato (2006), Slavin and Cheung (2005), Tong, Irby, Lara-Alecio, Yoon, and Mathes (2010) for recommendations for such curriculum for ELLs in urban districts.

<sup>iii</sup> For related research information see Gersten and Baker (2000), Gersten and Geva (2003), Gersten, Baker, Shanahan, Linan-Thompson, Collins, and Scarcella, (2007), Irby, Tong, Lara-Alecio, Meyer, and Rodriguez (2007), Kujawa, Cavazos, Meyer, Rodriguez, Lara-Alecio, Galloway, and Irby (2001), Linan-Thompson and Hickman-Davis (2002), Tong, Lara-Alecio, Irby, Mathes, and Kwok (2008), and Ulanoff and Pucci (1999).

<sup>iv</sup> For related research information see Lee, Lewis, Adamson, Maerten-Rivera, and Secada (2008), Lee and Spratley (2010), Greenleaf and Hinchman (2009); and Stoddart, Pinal, Latzke, and Canaday (2002).

<sup>v</sup> For related research information see August, Calderon, and Carlo (2001), August and Shanahan (2006), , Fernandez and Nielsen (1986), Lindholm-Leary (2001), Lindholm and Aclan (1991), Reese, Garnier, Gallimore, and Goldenberg (2000), and Rumberger & Larson, 1998

<sup>vi</sup> For related research information see Lowery and Kubzdela (2003). The Review Team notes that when value-added analyses are applied to teachers in bilingual programs. The issue is that when a teacher is teaching in both Spanish and English in a bilingual program, the focus is going to be on the language in which the teacher will be assessed in order to obtain a high value-added score and thus a monetary award. In such a situation, two languages at are never accounted for in the formula, and thus, the teacher, so to speak, *teaches to the test*. Such a system ultimately leads to a disincentive for the teacher to teach much English at all.

<sup>vii</sup> For related research information see Escamilla (1994) and Fillmore (1982).

<sup>viii</sup> For related research information see Aikenhead (2001), Irby, Tong, Nichter, Lara-Alecio, Hassey, and Guerrero-Valecillos (in press), Krashen, 1991; Lindholm-Leary (2001), Senesac (2002), Slavin and Chueng (2003), and Thomas and Collier (2002).

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<sup>ix</sup> For related research information see Burstein and Cabello (1989), Byrnes, Kiger, and Manning (1997), Fillmore (1989), Flores (2001), Karabenick and Noda, (2004), Louis and Marks (1998), Parsad et al. (2001), Shin and Krashen (1996), Southwest Educational Development Laboratory (2006), Tong (2009).

<sup>x</sup> For related research information see Allington (1991), Bruce, Lara-Alecio, Parker, Hasbrouck, Weaver, and Irby, (1997), Foorman and Schatschneider (2003), Foorman et al.(2006), Hill and Flynn (2006), Lara-Alecio and Parker (1994), Lara-Alecio, Tong, Irby, and Mathes (2009). Reese, Garnier, Gallimore, and Goldenberg (2000), Riches and Genesee (2006), Rowley (1978), and Waxman and Padrón (2004).

<sup>xi</sup> For related research information see Keller-Allen (2006), Leseux (2006), and Sparks, (2007).

<sup>xii</sup> For related research information see National Association for the Education of Young Children (2005) and McAfee, Leong, and Bodrova (2004).

<sup>xiii</sup> Many ELLs—like those enrolled in HISD—have generally good foundational skills for word reading but tend to be *word-callers*, students who read the print (some fluently) without understanding deeply what they read. By middle school, these learners have large gaps between their word reading and their word knowledge, which affects their reading comprehension. These learners *fall through the cracks* on many literacy (screening) assessments systems because those systems tend to focus on the code-based aspect of reading (e.g., phonological awareness, letter identification, word reading).

<sup>xiv</sup> For related research information see Lindholm-Leary and Borsato (2006), specifically page 200. Also see Caesar & Kohler (2007), Education Service Center, Region XIII (2009), Marzano (2007), and Saenz and Huer (2003).

<sup>xv</sup> For related information see Genesee (1999), Irby and Lara-Alecio (2009), Phelan, Davidson, and Yu (1998), Short and Boyson (2003), and Stonehill (2008).

<sup>xvi</sup> For related information see McMillan, Kaufman, and Klein (1997), National Center for Education Statistics (NCES, 2007), Parrish, (2009), Texas Education Agency (2007).

<sup>xvii</sup> For information see Aviles (2010).

<sup>xviii</sup> For related research information see Neir\*Tec (2002), Nelson, Post, and Bickel (2001), Porter (2009), Wayman (2005), Wayman, Cho, and Johnston (2007), Wohlstetter, Datnow, and Park, (2008).



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## **Appendix A**

### **Detailed Review Process**

First, the review team analyzed and synthesized data from the following 17 relevant HISD research reports:

1. HISD Bilingual and ESL Language Program Evaluation 2009-2010
2. Dual Language Program Evaluation: Developmental Bilingual & Two-Way Bilingual Immersion 2009-2010
3. Texas English Language Proficiency Assessment Systems TELPAS Report 2009-2010
4. Pre-Exit ELL Student Performance: English TAKS, Stanford, and TELPAS 2009-2010
5. K–6 Cohort Exit Report
6. K–9 Cohort Exit Report
7. Effect of Exit Criteria Change in 2006
8. ELL Dropout Data
9. ELL SES Data
10. Annual Measureable Achievement Objective (AMAO) 2010
11. K–6 Cohort Data Exiting/Non-Exiting by Grade 6: Started Bilingual (AprendaNCEs Reading) or Started ESL (Stanford NCEs Reading)
12. K–9 Cohort Data Exiting/Non-Exiting by Grade 9: Started Bilingual (AprendaNCEs Reading) or Started ESL (Stanford NCEs Reading)
13. K–6 Cohort Data Exiting/Non-Exiting by Grade 6: Percent Identified and Served in Special Education and Gifted Education
14. K–9 Cohort Data Exiting/Non-Exiting by Grade 9: Percent Identified and Served in Special Education and Gifted Education
15. Report of Identified Gifted ELL Students who are Economically Disadvantaged
16. Report of Identified ELL Students Served in Special Education (Non-Special Education ELLs Compared to Special Education ELLs on TELPAS)
17. Report of Former ESL, Former Bilingual, and Never LEP Students Grades 4–11 on Stanford Reading

Additional documentation the team reviewed includes the following:

1. Bilingual and ESL Program Guidelines
2. Bilingual and ESL Program Trainings
3. Support Materials including Checklist for Bilingual/ESL Programs Implementation; School/Program Choice Form; Recommended Activities Prior to Implementation of Two-Way Bilingual Programs; Recommended Marketing Strategies for Two-Way Bilingual Programs; LEP Modifications Checklist; HISD Observation Protocols for Bilingual/ESL Classrooms; ESL Strategies Aligned to PDAS, English Objectives for Bilingual Classrooms Grades PK–K, 1–2, and 3; Writing Characteristics Rubric; Graduation Plans and STARR Requirements for Students Entering Grade 9, and Spanish/English Time Allotments

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4. Curriculum for ELLs, including sample curriculum documents and newly developed ESL Lesson Plans
  5. Initiatives to Support Bilingual and ESL Programs
  6. Newly developed HISD Teacher Observation/Appraisal System
  7. Report on the Review of Special Education in HISD by Dr. Tom Hehir
  8. Audit Review: Pre–K through 3<sup>rd</sup> Grade Language and Early Literacy Practices by Susan B. Neuman

In addition to the paper documentation, the review team also carried out interviews during nine open-ended interview forums with (a) the Superintendent and Chief of Staff, (b) the Assistant Superintendent for Special Programs and the Multilingual Staff, (c) the Curriculum Department Staff, (d) the Special Education Department Staff, (e) the Professional Development Department Staff, (f) ESL Teachers, (g) Bilingual Teachers, (h) Elementary Principals, and (i) Secondary Principals. In total, the team interviewed 40 individuals who serve ELL students in HISD. Based on the interviews, the review team also considered the inextricable links between ELL student services and the larger HISD system. There were no visits to school campuses, nor were there any interviews with parents or students; these may be considered limitations of the review.

Since the actual review took place on June 20-21, 2011, the Multilingual Department has provided some new data. Those data are:

1. 2011 TAKS data
2. 2011 TELPAS data
3. 2011 Exit Report



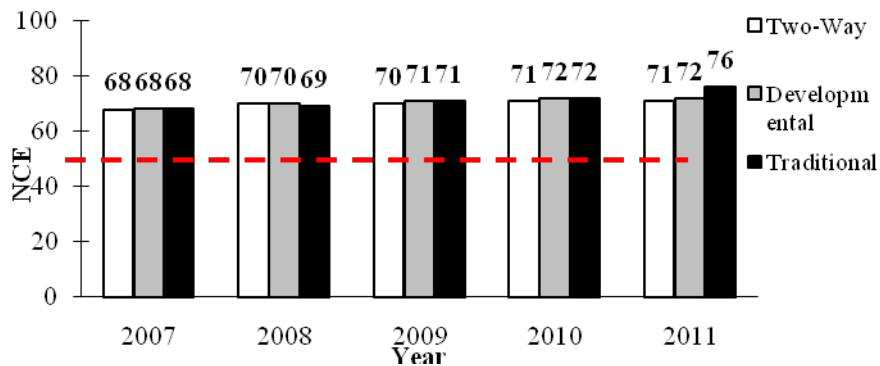
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## Appendix B Data Tables

### Appendix B1

#### Appendix B1 Reading Performance for Bilingual ELLs, 2011 and 2010

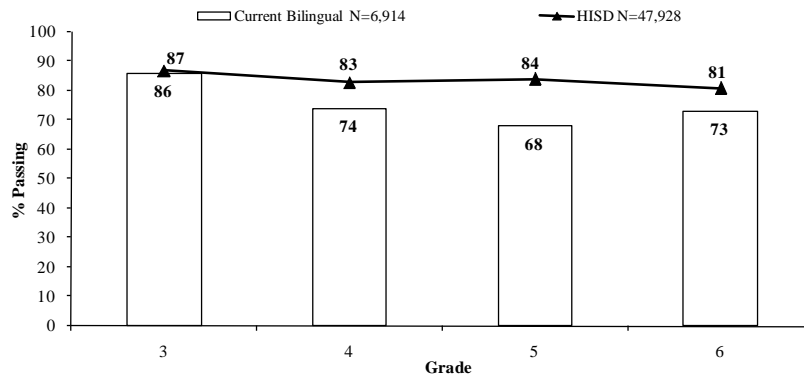
Appendix B1 reading subtest results for the three main bilingual program in HISD for the period 2007 through 2011. Shown are average NCE (normal curve equivalents).



### Appendix B2

#### Bilingual ELL TAKS Passing Rate as a Function of Grade Level, 2011

This chart shows the 2011 TAKS English Reading passing rate for ELLs participating in one of HISD's bilingual programs. The performance gap versus the district increases with grade level, as students switch from primarily being tested in Spanish (in grade 3) to English (in grades 4 and higher).



## Appendix B3

### TAKS Passing Rates for Bilingual ELLs in Reading and Mathematics, 2011 and 2010

As a post-review note, the Multilingual Department provided the 2010-2011 English TAKS scores. Current bilingual students in English reading, improved over the 2009-2010 testing by an overall five percentage points as compared to the HISD district level testing. English TAKS passing rates (reading and mathematics) for ELL students currently enrolled in a bilingual program. Also included are data for exited (monitored or former bilingual ELLs) and HISD overall. Results for both 2011 and 2010 are included.

		Enrollment		English Reading				English Mathematics			
				2010		2011		2010		2011	
		2010	2011	#	%	#	%	#	%	#	%
Program	Grade	N	N	tested	passed	tested	passed	tested	passed	tested	passed
Current	3	5,602	5,816	577	86	674	86	583	86	694	86
Bilingual	4	5,115	5,376	2,227	67	2,573	74	2,223	87	2,578	90
	5	3,525	3,710	3,149	64	3,387	68	3,180	80	3,412	81
	6	313	302	249	64	280	73	255	79	279	88
	<b>Total</b>	<b>14,555</b>	<b>15,204</b>	<b>6,202</b>	<b>67</b>	<b>6,914</b>	<b>72</b>	<b>6,241</b>	<b>83</b>	<b>6,963</b>	<b>85</b>
Monitored	3	58	53	54	96	52	96	54	96	52	98
Bilingual	4	132	134	128	98	125	98	128	100	124	98
	5	788	1,170	783	90	1,149	95	784	95	1,156	95
	6	1,160	1,174	1,149	93	1,166	91	1,147	91	1,166	94
	7	555	724	549	93	707	92	548	93	709	92
	8	59	182	59	90	180	93	59	85	180	90
	9	32	70	31	94	68	91	30	77	68	84
	10	8	18	8	75	17	76	8	75	16	63
	11	1	4	0	--	4	*	0	--	4	*

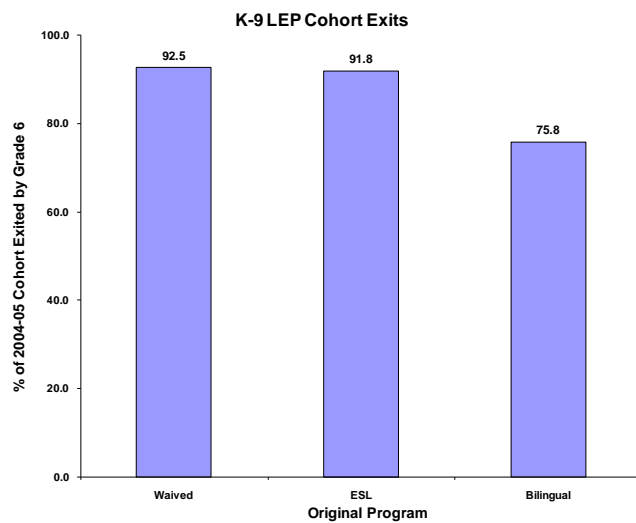
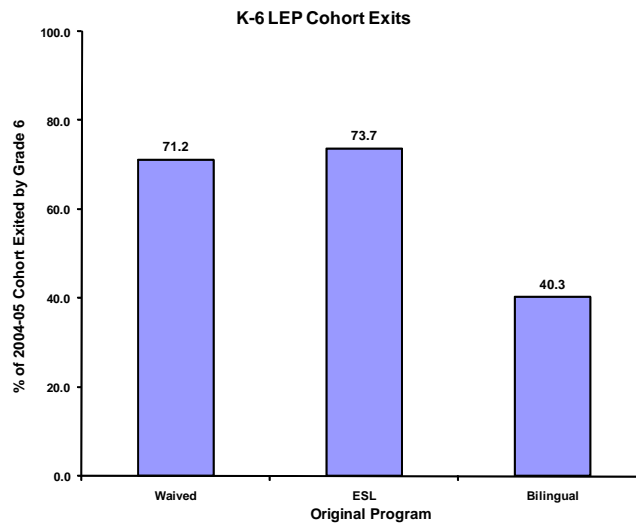
Total		2,793	3,529	2,761	92	3,468	93	2,758	93	3,475	94
Former	3	0	1	0	--	1	*	0	--	1	*
Bilingual	4	8	24	8	100	24	88	8	100	24	88
	5	133	37	133	96	37	100	133	97	37	97
	6	219	189	217	95	188	94	218	94	188	92
	7	714	658	714	93	657	96	714	92	656	94
	8	1,257	1,123	1,252	96	1,120	96	1,253	88	1,119	92
	9	2,056	1,404	2,008	96	1,362	95	1,987	76	1,347	78
	10	1,600	1,699	1,586	96	1,674	96	1,569	79	1,673	83
	11	1,290	1,505	1,200	97	1,431	98	1,198	94	1,420	94
<b>Total</b>		<b>7,277</b>	<b>6,640</b>	<b>7,118</b>	<b>96</b>	<b>6,494</b>	<b>96</b>	<b>7,080</b>	<b>85</b>	<b>6,465</b>	<b>87</b>
HISD	3	16,609	16,375	10,497	89	10,150	87	10,574	83	10,226	85
	4	16,042	16,192	12,171	81	12,350	83	12,232	87	12,402	88
	5	14,501	15,202	13,122	81	13,934	84	13,192	85	14,009	86
	6	12,809	12,673	11,585	81	11,494	81	11,640	79	11,534	83
	7	12,864	12,533	11,599	82	11,378	83	11,631	78	11,423	80
	8	12,471	12,651	11,098	87	11,405	87	11,094	75	11,386	78
	9	14,615	14,077	12,787	88	12,410	83	12,562	64	12,210	65
	10	11,539	11,342	10,588	87	10,468	87	10,425	68	10,329	71
	11	10,768	10,863	9,432	90	9,564	92	9,372	87	9,485	87
<b>Total</b>		<b>122,218</b>	<b>121,908</b>	<b>102,879</b>	<b>85</b>	<b>103,153</b>	<b>85</b>	<b>102,722</b>	<b>78</b>	<b>103,004</b>	<b>80</b>

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## Appendix B4

### Percentage of ELLs Exiting by Grades 6 (Top Figure) or Grade 9 (Lower Figure), by Program type

Percentage of students in two cohorts who had exited from ELL status by the start of the 2010-2011 school year. Top: cohort of students in K in 2004-05, Bottom: cohort of students in K in 2001-02.



## Appendix B5

### ELL Student Enrollment by Program Type, 2009 to 2011

ELL student count by program type, 2009 through 2011. For bilingual students, program type is provided with counts (see rows in italics)

	Program	Number of Students			% of All Students			% of ELL Students		
		2009	2010	2011	2009	2010	2011	2009	2010	2011
Non-ELL		137,769	138,766	141,348	69	69	70			
ELL		61,755	62,178	61,946	31	31	30			
	ESL	16,563	16,566	14,297	8	8	7	27	27	23
	Bilingual	40,686	41,141	61,946	20	20	21	66	66	67
	<i>Traditional</i>	<i>16,712</i>	<i>15,217</i>	<i>14,752</i>						
	<i>Pre-Exit</i>	<i>2,871</i>	<i>4,109</i>	<i>4,689</i>						
	<i>Developmental</i>	<i>19,657</i>	<i>19,090</i>	<i>18,540</i>						
	<i>Two-Way</i>	<i>1,011</i>	<i>996</i>	<i>2,157</i>						
	<i>CHBP</i>	<i>94</i>	<i>115</i>	<i>150</i>						
	<i>Other*</i>	<i>341</i>	<i>1,614</i>	<i>1,415</i>						
	Not Served	4,506	4,471	5,946	2	2	3	7	7	10
Total		<b>199,524</b>	<b>200,944</b>	<b>203,294</b>						

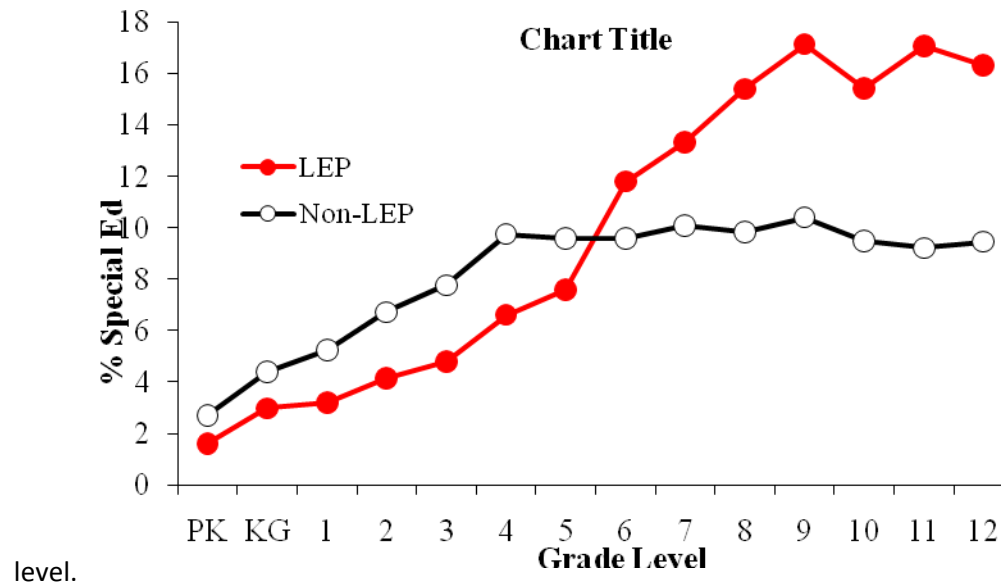
\* Listed as served in a bilingual program in PEIMS but with no program listed in the Chancery database

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## Appendix B6

### ELL Student Special Education Representation, 2010-11

This chart shows the percentage of ELL students who were also coded as special education students during the 2010-11 school year, by grade level. Also included is the corresponding percentage for non-LEP students in the district. LEP students are under-represented in special education in elementary school, but over-represented at the secondary



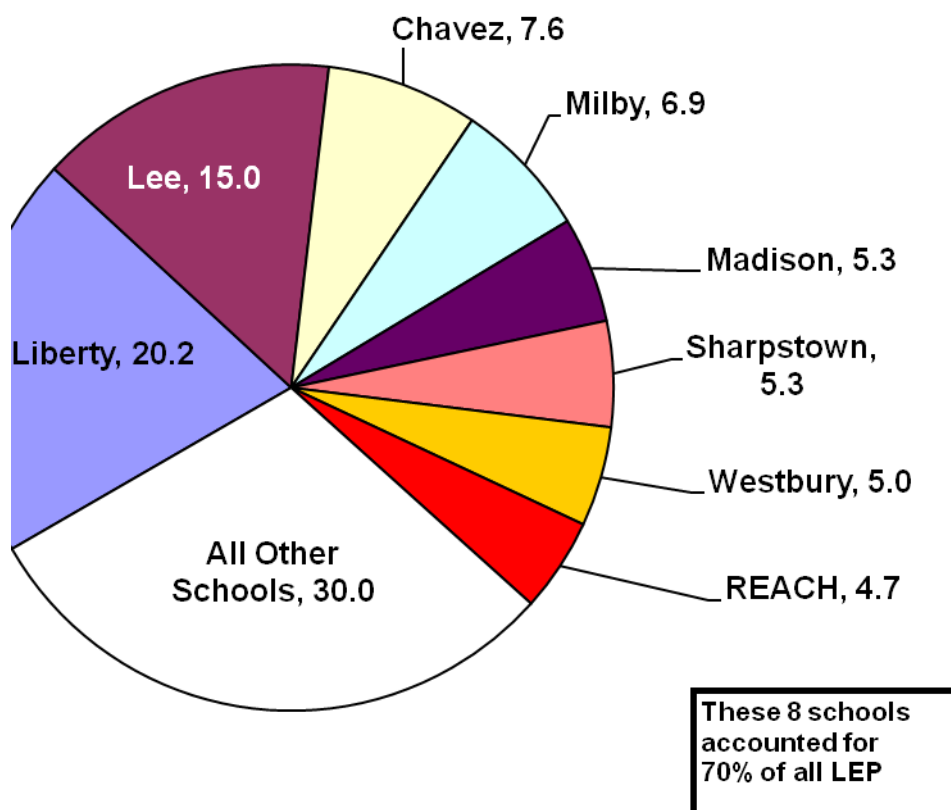
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## Appendix B7

### ELL Student Dropouts by Campus, 2009-2010

Pie-chart shows the eight campuses contributing the greatest number of student to the ELL dropout count for 2009-10, the most recent year for which data are available. Liberty HS, which primarily serves overage ELLs, had the most dropouts (73, or 20.2% of total ELL dropouts).

### % of Total LEP Dropouts





## Texas Legislative Report

June 17, 2013

### House Bills

HB 14 – Pitts      Education, Government, Local Government, Special District Local Laws, and Tax Codes

Omnibus bill relating to fiscal transparency and accountability of certain entities responsible for public money. Specifically amends §26.26, Tax Code, requiring the county assessor-collector for each county, including those that do not participate in the assessment or collection of property taxes, to maintain or cause to be maintained an Internet website and post the information already required under §26.26, Tax Code. Requires the county assessor-collector for each county to report the tax rate information described by Subsection (a) for the current tax year to the comptroller. If a county assessor-collector did not maintain or cause to be maintained an Internet website on January 1, 2013, and the county has a population of 2,000 or less, the assessor-collector shall: post the required information on: the assessor-collector's or county's website, if the assessor-collector or county chooses to maintain the website or cause the website to be maintained; or a website in which the assessor-collector or county controls the content of the posting, including a social media site, provide, that the information is easily found by searching the name of the county or the assessor-collector on the Internet; or provide on at least one website a link to the information on the comptroller's website, provided that the link is easily found by searching the name of the county or the assessor-collector on the Internet. **Identical Bill: SB 14.** Last Action: 6/14/13: Bill failed due to legislative deadlines.



HB 97 – Perry

Tax Code

New §11.132, Tax Code, provides for the exemption from ad valorem taxation of part of the appraised value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization. New §26.1127, Tax Code, provides for the calculation of taxes on a donated residence homestead of a disabled veteran or the surviving spouse of a disabled veteran. (Added the following language from HB 875 as an amendment) Amends §11.26(i), Tax Code, provides that if an individual who qualifies for the exemption provided by Section 11.13(c) dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if certain conditions are met. Strikes the provision that the individual who dies has to be 65 years of age or older. **See HJR 24.** Last Action: **1/1/14: Earliest effective date.**

HB 113 – Raymond

Tax Code

Amends §11.131(c), Tax Code, provides for the exemption from ad valorem taxation of the total appraised value of the residence homestead of the surviving spouse of a 100% or totally disabled veteran to the spouse of a disabled veteran who would have qualified for the exemption had the exemption been in effect on the date the disabled veteran died. **See HJR 28. Identical Bill: HB 214.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 168 – Callegari

Health & Safety, Local Government, and Water Codes

Omnibus bill relating to the operation, powers and duties of certain water districts. Some highlights include: Amends §49.059, Water Code, allowing a water district to employ or contract with any person, including an individual certified as a registered Texas assessor-collector or a firm, organization, association, partnership, corporation or other entity if a certified individual works for or owns an interest in that firm, organization, partnership, corporation or entity, to serve as its tax assessor and collector. Clarifies that a district's tax assessor and collector does not have to be a natural person and that a firm, organization, association, partnership, corporation or entity serving as a tax assessor and collector shall give bond in an amount determined by the district's board to safeguard the district. Clarifies that a natural person related to certain persons associated with a district cannot serve as tax assessor and collector. Amends §49.351, Water Code, clarifies the type of revenue streams that a district may use to finance fire-fighting services include ad valorem taxes, mandatory fees and voluntary contributions. The bill specifies that bonds and ad valorem taxes for financing a fire service plan must be authorized by a district's voters. **Identical Bill: SB 902.** Last Action: 5/2/13: Laid on the table – subject to call – See SB 902.

HB 214 – Pickett

Tax Code

Amends §11.131(c), Tax Code, provides for the exemption from ad valorem taxation of the total appraised value of the residence homestead of the surviving spouse of a 100% or totally disabled veteran to the spouse of a disabled veteran who would have qualified for the exemption had the exemption been in effect on the date the disabled veteran died. **See HJR 21. Identical Bill: HB 113.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 215 – Pickett

Tax Code

Amends §31.072(b), Tax Code, provides that a contract entered into by a collector for a taxing unit and a property owner to establish an escrow account may be established for one tax year or multiple tax years. Amends §31.072(c), Tax Code, prohibits deposits from being made for a tax year before October 1 of the preceding tax year on contracts covering multiple tax years. Amends §31.072(d), Tax Code, requiring the collector to estimate the amount of taxes to be imposed on the property by the affected taxing units for the first tax year covered by the contract and requires that for each subsequent tax year, the collector to estimate the amount of taxes to be imposed on the property by the affected taxing units before October 1 of the preceding tax year. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 229 – Isaac

Tax and Government Codes

New §11.132, Tax Code, provides for an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a member of the armed services of the United States who dies while on active duty if: the surviving spouse has not remarried; and the property was the residence homestead of the member of the armed services who died. Allows the surviving spouse to qualify a different property as the surviving spouse's residence homestead and receive an exemption in an amount equal to the dollar amount of the exemption from taxation of the former homestead in the last year in which the surviving spouse received the exemption provided the surviving spouse has not remarried since the death of the member of the armed services. The surviving spouse is entitled to receive from the chief appraiser of the appraisal district in which the former residence homestead was located a written certificate providing the necessary information to determine the amount of the exemption on the subsequently qualified homestead. This act will apply only to a tax year beginning on or after January 1, 2014. Makes conforming changes to §11.43(c), Tax Code; 11.431(a), Tax Code; and §403.302(d-1), Government Code. **See HJR 50.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 236 – Riddle

Tax Code

Amends §11.43(n), Tax Code, prohibits a chief appraiser from allowing a residence homestead exemption application unless the address of the property for which the exemption is claimed corresponds to the address on the applicant's vehicle registration receipt or utility bill; and the applicant's driver's license or state-issued personal identification certificate, unless the applicant holds a peace officer's driver's license. New §11.43(p), Tax Code, requires the residence homestead application form to include a space for an applicant to state that the applicant holds a peace officer's driver's license. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 241 – Otto

Tax Code

Amends §1.085(h), Tax Code, provides that the provisions of subsection (h) regarding the notice provided by the chief appraiser of an appraisal district on the availability of agreement forms authorizing certain electronic communications only applies to the chief appraiser of an appraisal district located in a county described by subsection (g) or if the chief appraiser has decided to authorize electronic communication and the appraisal district has implemented a system that allows for such communication. Last Action: **6/14/13: Signed by the Governor.**

HB 242 – Otto

Tax Code

Amends §1.07(d), Tax Code, requires the following additional ad valorem tax-related notices to be delivered to a property owner via certified mail: 23.46(c) – Additional Taxation, 23.54(e) - Application, 23.541(c) – Late Application for Appraisal as Agricultural land, 23.55(e) – Change of Use of Land, and 23.76(e) – Change of Use of Land. Last Action: **6/14/13: Signed by the Governor.**

HB 294 – Rodriguez, Eddie

Tax Code

Amends §11.18(p), Tax Code, provides that the exemption from ad valorem taxation of certain property owned by a charitable organization and used in providing housing and related services to certain homeless individuals applies only to property (from improvements) that: is owned by a charitable organization that has been in existence for at least 12 (from 10) years; is used to provide housing and related services to individuals described by that subsection; and is located on or consists of a single campus in a municipality with a population of more than 750,000 and less than 850,000 or within the extraterritorial jurisdiction of such a municipality. New §11.18(p-1), Tax Code, provides that notwithstanding Subsection (a) (1) the exemption authorized by (d) (23) applies to real property regardless of whether the real property is considered to constitute a building within the meaning of this section. Last Action: **6/14/13: Signed by the Governor.**

HB 315 – Otto

Tax Code

Amends §23.121, Tax Code, includes in the definition of “Dealer” as it relates to the applicability of the law governing the ad valorem taxation of a dealer’s motor vehicle inventory as a motor vehicle dealer who: does not sell motor vehicles described by Section 152.001(3)(A); meets either of the following requirements: the total annual sales from the dealer’s motor vehicle inventory, less sales to dealers, fleet transactions, and subsequent sales, from the 12-month period corresponding to the preceding tax year are 25% or less of the dealer’s total revenue from all sources during that period; or the dealer did not sell a motor vehicle to a person other than another dealer during the 12-month period corresponding to the preceding tax year and the dealer estimates that the dealer’s total annual sales from the dealer’s motor vehicle inventory, less sales to dealers, fleet transactions, and subsequent sales, for the 12-month period corresponding to the current tax year will be 25% or less of the dealer’s total revenue from all sources during that period; not later than August 31 of the preceding tax year, filed with the chief appraiser and the collector a declaration on a form prescribed by the comptroller stating that the dealer elected not to be treated as a dealer under this section in the current tax year; and renders the dealer’s motor vehicle inventory in the current tax year by filing a rendition with the chief appraiser in the manner provided by Chapter 22. New §23.121 (a-1), Tax Code, provides a dealer who has elected to file the declaration and to render the dealer’s motor vehicle inventory must continue to file the declaration and render the dealer’s motor vehicle inventory so long as the dealer meets the requirements of Subsection (a) (3) (D) (ii) (a) or (b). Last Action: **6/14/13: Signed by the Governor.**

HB 316 – Otto

Government Code

Makes permanent the pilot program authorizing a property owner to appeal to the State Office of Administrative Hearings regarding certain appraisal review board determinations. The office will hear appeals only in Amarillo; Austin; Beaumont; Corpus Christi; El Paso; Fort Worth; Houston; Lubbock; Lufkin; McAllen; Midland; San Antonio; Tyler; and Wichita Falls. Repeals §2003.915 and §2003.916, Government Code. Last Action: **6/14/13: Signed by the Governor.**

HB 326 – Dutton

Tax Code

Amends §6.412(d) and (e), Tax Code, strikes the provision “if the person has served for all or part of three previous terms as a board member or auxiliary board member on the appraisal review board” from a reason why a person would be ineligible to serve on the appraisal review board of an appraisal district established for a county having a population of more than 100,000 people. Adds former officer and former employee of an appraisal district as ineligible positions for this section. Repeals §6.412(f), Tax Code. Last Action: **6/14/13: Signed by the Governor.**

HB 335 - Stickland

Government Code

New, Subchapter E, Chapter 2051, Government Code, instructs the comptroller to create a website that will host an accessible and searchable online database of all public notices from all political subdivisions within Texas. Requires that all political subdivisions send their public notice to the comptroller so that it may be posted on the website. Allows political subdivisions to satisfy the public notice requirements by sending an electronic copy of their notices to the comptroller to be published on the aforementioned website, within the time requirements of the law for each notice, rather than purchasing a newspaper ad. Requires that any political subdivision wishing to no longer post notices in newspapers and to only have their notices published on the comptroller’s website, first publicize their decision and URL of the comptroller’s website, in a newspaper of general circulation in their subdivision’s area, once a week for four weeks. (This requirement does not apply to notices about elections) Instructs the comptroller to include in the website an ability for people to sign up for e-mail alerts for categories of notice that they are interested in or would be affected by. Instructs the comptroller to keep an online accessible archive of public notices. Last action: 6/14/13: Bill failed due to legislative deadlines.

HB 368 – Martinez

Tax, Education and Government Codes

Amends §11.13(b), Tax Code, increases the amount of the residence homestead exemption from ad valorem taxation by a school district from \$15,000 to \$45,000 and adjusts the §11.26(a), Tax Code, exemption for elderly and disabled individuals. New §42.2512, Education Code, provides for additional state aid to a school district to compensate for the additional homestead exemption. **See HJR 56.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 381 – Burnam

Tax Code

New Title 2, Tax Code, Subtitle L, allows the imposition of a state income tax on income that exceeds \$250,000 to provide property tax relief and fund public education. Revenue from the tax shall be deposited as follows: two-thirds of the revenue may be appropriated for the purpose of reducing the rate of ad valorem maintenance and operations tax levied for the support of primary and secondary education and one-third of the revenue will go to the credit of the foundation school fund. The tax imposed by this chapter may not be assessed after six years from the date the tax becomes due and payable. **See HJR 57.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 428 – Creighton

Tax Code

Amends §23.23(a), Tax Code, limits the increase in appraised value of a residence homestead to 5% (from 10%). **See HJR 58.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 440 – Alonzo

Tax Code

New §11.49, Tax Code, requires that certain religious organizations provide an annual report on property owned by the organization for which an exemption from ad valorem taxation is granted. The report shall be filed with the chief appraiser of the appraisal district in which the property is located and: lists the real property owned by the organization that was exempted from taxation; lists the provision of the tax code under which the exemption was granted; describes the use the organization made of each listed property; and states the amount of any income derived by the organization from each listed property. Failure to comply with this requirement does not affect a religious organization's eligibility to receive an exemption under this chapter. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 537 – Davis, Yvonne

Government and Tax Codes

New §325.025, Government Code, requires the Sunset Advisory Commission to periodically evaluate each exemption provided by Chapters 11, 151, 152, 162, 171, 201, and 202, Tax Code from the taxes imposed by those chapters every six years. The evaluation does not apply to a tax exemption that is: explicitly provided by the Texas Constitution; or for an item or service that this state is unable to tax under the United States Constitution or federal law. New §11.49, Tax Code, entitled "Sunset Provision For Property Tax Exemptions" allows the exemptions provided by this chapter from the taxes imposed by this chapter are subject to periodic evaluation by the Sunset Advisory Commission. Exemptions are repealed on December 31 of the year in which the commission presents its evaluation to the legislature unless the legislature retains the exemption or the legislature repeals the exemption at a date earlier than December 31. Repeals of exemptions do not apply to tax exemptions that are explicitly provided for by the Texas Constitution. New §101.010, Tax Code, to conform. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 538 – Davis, Yvonne

Tax Code

Repeals the following provisions of the Tax Code: Section 11.251 (tangible personal property exempt); Section 11.252 (motor vehicles leased for personal use); Section 11.253 (tangible personal property in transit); Section 11.27 (solar and wind-powered energy devices); Section 11.28 (property exempted from city taxation by agreement); Section 11.31 (pollution control property); Section 11.437 (exemption for cotton stored in warehouse); Section 151.308 (items taxed by other law); Section 151.3162 (timber items); Section 151.317 (gas and electricity – other than the provisions that apply to electricity sold for residential use); Section 151.318 (property used in manufacturing); Section 151.3181 (divergent use of property used in manufacturing); Section 151.319 (newspapers and property used in newspaper publication); Section 151.320 (magazines); Section 151.322 (containers); Section 151.324 (equipment used elsewhere for mineral exploration or production); Section 151.328 (aircraft); Section 151.329 (certain ships and ship equipment); Section 151.3291 (boats and boat motors); Section 151.331 (rolling stock; train fuel and supplies); Section 151.335 (coin-operated services); Section 151.336 (certain coins and precious metals); Section 151.351 (information services and data processing services); Section 152.089 (exempt vehicles); Sections 162.104(a)(4), (5), (6), and (7)(b), (c), (d), (e), and (f); Sections 162.204(a)(4), (5), (6), (7), (8), (9), (10), (11), and (12), (b), (c), (d), (e), and (f); Section 171.052 (certain corporations); Section 171.0525 (exemption – certain insurance companies); Section 171.055 (exemption – open-end investment company); Section 171.056 (exemption – corporation with business interest in solar energy devices); Section 171.079 (exemption – electric cooperative corporation); and Section 171.080 (exemption – telephone cooperative corporation). The repeal of the exemptions is not effective if the Texas Constitution directly provides the exemption. The repeal of the exemptions is not effective if Texas is unable to tax the item or service under the United States Constitution. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 546 – Strama

Tax Code

New Chapter 314, Tax Code, entitled “Renewable Energy Reinvestment Zones”. This chapter only applies to a municipality that has a population of at least 45,000 but not more than 60,000; is located in a county with at least 1 million; and does not contain within its corporate limits: more than two category II school districts, or any school district to which Subchapter C, Chapter 313 applies. Defines “renewable energy company”. Allows municipalities to participate in tax abatement. Provides guidelines and criteria. The designation of renewable energy reinvestment zone for tax abatement expires after five years and may be renewed for periods not to exceed five years. Allows for municipal tax abatement agreements. Requires notice be given to counties and school districts. Requires approval of a governing body to go into effect. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 548 – Turner, Chris

Tax and Government Codes

New §11.132, Tax Code, provides an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action if: the surviving spouse has not remarried since the death of the member of the armed services; and the property was the residence homestead of the member of the armed services when the member died. If the surviving spouse who qualifies for the exemption subsequently qualifies a different property as the surviving spouse's residence homestead, the surviving spouse is entitled to an exemption from taxation of the subsequently qualified homestead in an amount equal to the dollar amount of the exemption from taxation of the former homestead in the last year in which the surviving spouse received an exemption if the surviving spouse has not remarried since the death of the member of the armed services. The surviving spouse is entitled to receive from the chief appraiser of the appraisal district in which the former residence homestead was located a written certificate providing the information necessary to determine the amount of the exemption. **See HJR 62. Identical Bill: SB 163.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 561 – Workman

Tax Code

New §23.55(q), Tax Code, provides an exemption for land owned by a school from the additional tax imposed on the change of use of land appraised for ad valorem tax purposes as open-space land if the school converts the land to a use for which the land is eligible for and exemption under §11.21, Tax Code, within five years. **Identical Bill: SB 269.** Last Action: **6/14/13: Signed by the Governor.**

HB 584 – Rodriguez, Eddie

Property Code

New §51.002(f-1), Property Code, provides that if a county maintains an Internet website, the county must post a notice of a foreclosure sale filed with the county clerk on the website on a page that is publically available without charge or registration. Last Action: **9/1/13: Earliest effective date.**



HB 585 – Villarreal

Tax and Occupations Code

Omnibus bill relating to ad valorem taxation; creating an offense. Some provisions include the following: (THE FOLLOWING LANGUAGE CAN BE FOUND IN HB 2224): New §1151.1581(f), Occupations Code, requires additional continuing education requirements for a registered professional appraiser who is the chief appraiser for an appraisal district. Amends §6.05(c), Tax Code, lists the eligibility requirements for a person to be appointed or serve as a chief appraiser. Makes conforming changes to §6.05(d), Tax Code. New §6.0501, Tax Code, requires the comptroller to appoint a person eligible to be a chief appraiser for an appraisal district whose chief appraiser is ineligible to serve. The comptroller will determine the chief appraiser's compensation. New §5.041(b-1), Tax Code, provides that after the conclusion of the established course under Subsection (a), each member of the appraisal review board in attendance shall complete a statement indicating that the member will abide by the requirements of this title in conducting hearings. Failure to complete a course under Subsection (b-1) will prohibit a member from participating in a hearing conducted by the board; from voting on any determination of protest and they may not be reappointed to an additional term on the ARB. New §5.103, Tax Code, entitled "Appraisal Review Board Oversight" requires the comptroller to prepare model hearing procedures for ARBs. Provides what the hearing procedures will address and requires an ARB to follow them. Requires the comptroller to prescribe contents of a survey form for the purpose of providing the public with a reasonable opportunity to offer comments and suggestions concerning an ARB; issue an annual report summarizing the survey forms concerning each ARB. The report will not identify the person who submits a survey form. New §6.036 (a-1), Tax Code, prohibits a person to serve on an ARD if the person has engaged in the business of appraising property for compensation for use in proceedings or of representing property owners for compensation in the appraisal district at any time during the preceding five years. Amends §6.052, Tax Code, providing additional responsibilities for a taxpayer liaison officer in a county of more than 120,000. Amends §6.41, Tax Code, provides that in a county with a population of 120,000 (from 3.3 million) or more the members of the ARB are appointed by the local administrative district judge in the county in which the appraisal district is located. Provides procedures for the removal of an ARB member. New §21.09, Tax Code, entitled "Allocation Application" provides procedures to receive an allocation under Section 21.03, 21.031, 21.05 or 21.055. New §21.10, Tax Code, entitled "Late Application for Allocation" provides procedures for accepting or denying a late application for allocation. Amends §22.01, Tax Code, defines "secured party" and "security interest". Allows a secured party, with the consent of the property owner, to render for taxation any property of the property owner in which the secured party has a security interest on January 1. This only applies to property that has a historical cost when new of more than \$50,000. Provides requirements for rendering property. Amends §23.02, Tax Code, changes title of Section to: Reappraisal of Property Damaged in Disaster (from Natural Disaster) Area. (THE FOLLOWING LANGUAGE CAN BE FOUND IN SB 835): New §23.23(g), Tax Code, defines "disaster recovery program". Provides that a replacement structure described by Subsection 23.23(f)(2), Tax Code is not considered to be a new improvement if to satisfy the requirements of the disaster recovery program it was necessary that: the square footage of the replacement structure exceeded that of the replaced structure as the structure existed before the casualty or damage occurred; or the exterior of the replacement structure be of higher quality construction and composition than that of the replaced structure. New §31.11(j), Tax Code, provides that if the collector for a taxing unit does not respond to an application for a refund on or before the 90<sup>th</sup> day after the date the application is filed with the



collector, the application is presumed to have been denied. New §31.11(k), Tax Code, provides that not later than the 60<sup>th</sup> day after the date the collector for a taxing unit denies an application for a refund, the taxpayer may file suit in district court to compel the payment of the refund. If the collector collects taxes for more than one taxing unit, the taxpayer shall join in the suit each taxing unit on behalf of which the collector denied the refund. If the taxpayer prevails in the suit, the taxpayer may be awarded costs of court and reasonable attorney's fees in an amount not to exceed the greater of: \$1,500; or 30% of the total amount of the refund determined by the court to be due. New §41.43(a-3), Tax Code, provides the appraisal district has the burden of establishing the value of property by clear and convincing evidence in certain protest to an ARB: if the appraised value of the property was lowered in the preceding tax year; the appraised value of the property in the preceding tax year was not established as a result of a written agreement between the property owner or the owner's agent and the appraisal district; and not later than the 14<sup>th</sup> day before the date of the first day of the hearing, the property owner files with the ARB and delivers to the chief appraiser: information, such as income and expense statements or information regarding comparable sales, that is sufficient to allow for a determination of the appraised or market value of property if the protest is authorized by Section 41.41(a)(1); or information that is sufficient to allow for a determination of whether the property was appraised unequally if the protest is authorized by Section 41.41(a)(2). New §41.43(a-4), Tax Code, provides if the appraisal district has the burden of establishing the value of property by clear and convincing evidence presented at the hearing on a protest and the appraisal district fails to meet that standard, the protest shall be determined in favor of the property owner. New §41.43(a-5), Tax Code, provides subsection (a-3)(3) does not impose a duty on a property owner to provide any information in a protest authorized by Section 41.41(a)(1) or (2). That subdivision is merely a condition to the applicability of the standard of evidence provided by Subsection (a-3). Amends §41.45(n), Tax Code, provides a property owner does not waive the right to appear in person by submitting an affidavit to the ARB. The board may consider the affidavit only if the property owner does not appear at the protest hearing in person. Requires the property owner to designate on the affidavit that the property owner does not intend to appear at the hearing or shall designate the affidavit to only be used if the property owner does not attend the hearing. If the property owner does not state whether the owner intends to appear at the hearing, the ARB will consider the submission of the affidavit as an indication that the property owner does not intend to appear at the hearing. If the property owner states that the property owner does not intend to appear at the hearing or does not state whether the owner intends to appear at the hearing, the ARB is not required to consider the affidavit at the scheduled hearing and may consider the affidavit at a hearing designated for the specific purpose of processing affidavits. New §41.66 (i), (j), (k), (l), (m), (n), and (o), Tax Code, provides for new hearing procedures. New §42.21 (f), (g), (h), Tax Code, provides for new procedures to deal with a petition for review. New §42.23(h), Tax Code, provides evidence, argument and other testimony offered at an ARB hearing by a property owner or agent is not admissible under this chapter unless: the evidence, argument, or other testimony is offered to demonstrate that there is sufficient evidence to deny a no-evidence motion for summary judgment filed by a party to the appeal or is necessary for the determination of the merits of a motion for summary judgment filed on another ground; the property owner or agent is designated as a witness for purposes of trial and the testimony offered at the ARB hearing is offered for impeachment purposes; or the evidence is the plaintiff's testimony at the ARB hearing as to the value of the property. Repeals §41A.031, Tax Code. Last Action: **6/14/13: Signed by the Governor.**

HB 621 – Eiland

Tax Code

Amends §313.007, Tax Code, provides that Subchapters B, C, and D expire December 31, 2024 (from 2014). Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 636 – Alonzo

Tax Code

Amends §11.43, Tax Code, adds “Consular Identification Certificate” (an identification certificate issued by a consular office of the United Mexican States) as an acceptable proof of eligibility form that the comptroller may accept in determining eligibility from ad valorem taxation of the residence homestead of a person. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 671 – Ratliff

Tax Code

Amends §26.08(q), Tax Code, provides this subsection applies only to a school district described by Subsection (n) whose adopted tax rate was approved at an election under this section in the 2006 tax year or any subsequent tax year. Notwithstanding Subsection (n), for purposes of this section the rollback tax rate of the school district is the higher of: the amount computed under Subsection (n); or the sum of the following: the highest M&O tax rate adopted by the district for the 2007 tax year or any subsequent tax year in which the adopted tax rate of the district was approved at an election under this section; and the district’s current debt rate. Subsection (q) applies to a school district only if the district has adopted a tax rate equal to or higher than the rate provided by that subsection for any tax year in the preceding 10 tax years. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 699 – Davis, John

Civil Practice and Remedies, Property, and Tax Codes

Amends §34.041, Civil Practice and Remedies Code, allows the commissioners court of a county to designate an area other than an area at the county court house where public sales of real property will take place that is a public place within a reasonable proximity of the county courthouse and in a location as accessible to the public as the courthouse door. Requires the commissioners court to record that designation in the real property records of the county. Requires that except for a sale under Subsection (a), a sale must be held at an area designated under this subsection if the sale is held on or after the 90<sup>th</sup> day after the date the designation is recorded. Makes conforming changes to §51.002(h), Property Code, and §34.01, Tax Code. **Identical Bill: SB 723.** Last Action: **6/14/13: Signed by the Governor.**

HB 709 – Isaac

Tax Code

Amends §26.15(g), Tax Code, provides that a taxing unit that determines a taxpayer is delinquent in ad valorem tax payments on property other than the property for which liability for a refund arises or for a tax year other than the tax year for which liability arises may apply the amount of an overpayment to the payment of the delinquent taxes if the taxpayer was the sole owner of the property: for which the refund is sought on January 1 of the tax year in which the taxes that were overpaid were assessed; and on which the taxes are delinquent on January 1 of the tax year for which the delinquent taxes were assessed. Amends §31.031(a), Tax Code, provides that this section only applies to an individual who is qualified for an exemption under Section 11.13(c) or 11.22. Makes conforming changes to §31.11(b), Tax Code. Last Action: **6/14/13: Signed by the Governor.**

HB 732 – Raymond

Tax Code

Amends §11.42, Tax Code, provides for an exemption from ad valorem taxation for disabled veterans and the surviving spouses and minor children of disabled veterans and members of the armed forces who die on active duty. New §26.1127, Tax Code, provides procedures to calculate the taxes on property of a disabled veteran or surviving spouse of a disabled veteran. Amends §31.031(a), Tax Code, makes conforming changes. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 745 – Ashby

Code of Criminal Procedure

Amends §103.0033, Code of Criminal Procedure, provides that a county with a population of less than 100,000, that contains a state supported living center, does not have to participate in the collection improvement program. **Identical Bill: SB 388.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 780 – Farias

Legislative Directive

Legislative directive requiring the Legislative Budget Board to conduct a comprehensive study of the effect of ad valorem tax exemptions for certain veterans and their surviving spouses and children on local and state revenue and the state's economy. Requires a report to be submitted to the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the senate and house having primary jurisdiction over matters affecting tax revenue by December 1, 2014. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 783 – Sanford

Government and Tax Codes

Amends portions of §316, Government Code, to limit the rate of growth of appropriations. New Subchapter K, Tax Code, provides mechanisms to distribute surplus revenue to each payer of the franchise tax. **See HJR 69.** (NOTE: HJR 69 WOULD USE UNENCUMBERED SURPLUS STATE REVENUES TO PROVIDE FOR A REBATE OF STATE FRANCHISE TAXES AND TO REDUCE PUBLIC SCHOOL DISTRICT PROPERTY TAXES. HOWEVER, THERE IS NO LANGUAGE IN HB 783 THAT SPECIFICALLY ADDRESSES REDUCING PUBLIC SCHOOL DISTRICT PROPERTY TAXES) Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 805 – Orr

Tax Code

Amends §6.412, Tax Code, allows a person who has served as a member of the governing body or officer of a taxing unit for which an appraisal district appraises property to serve on the appraisal review board after: the second anniversary of the date the person ceased to be a member or officer, if the appraisal district is established for a county having a population of more than 100,000 but not more than 250,000; or the fourth anniversary of the date the person ceased to be a member or officer, if the appraisal district is established for a county having a population of more than 250,000. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 826 – Harless

Tax Code

Amends §23.1241(a)(1) and (2), Tax Code, provides definitions of “dealer” for purposes of the ad valorem taxation of certain dealer’s heavy equipment inventory. “Dealer” means a person engaged in the business in this state of selling, leasing, or renting heavy equipment. The term does not include a bank, savings bank, savings and loan association, credit union, or other finance company. In addition, for purposes of taxation of a person’s inventory of heavy equipment in a tax year, the term does not include a person who renders the person’s inventory of heavy equipment for taxation in that tax year by filing a rendition statement or property report in accordance with Chapter 22. “Dealers heavy equipment inventory” means all items of heavy equipment that a dealer holds for sale, lease, or rent in this state during a 12-month period. Section 2 of the bill provides the legislative intent. **Identical Bill: SB 1085.** Last Action: **6/14/13: Signed by the Governor.**

HB 835 – Eiland

Tax Code

New §23.23(g), Tax Code, provides for the limitation on appraised value of a residence homestead for ad valorem tax purposes to an improvement that is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 862 – King, Susan

Tax Code

New §11.26(g-1), Tax Code, states the limitation provided by Subsection (g) does not apply to a subsequently qualified residence homestead of an individual if: the individual received a limitation on tax increases imposed by this section on the individual’s former homestead in the last tax year in which the individual received an exemption for the homestead under Section 11.13; no school district ad valorem taxes were imposed on the former homestead in that year; and the taxable value of the subsequently qualified homestead in the tax year in which the individual first receives an exemption under Section 11.13 for the homestead exceeds the average taxable value of the homestead in the school district in which the homestead is located in that tax year. Amends §11.261, Tax Code, makes conforming changes. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 875 – King, Phil

Tax Code

Amends §11.26(i), Tax Code, provides that if an individual who qualifies for the exemption provided by Section 11.13(c) dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if certain conditions are met. Strikes the provision that the individual who dies has to be 65 years of age or older. **See HJR 72.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 943 – Riddle

Tax Code

Amends §33.011, Tax Code, requires the governing body of a taxing unit to waive penalties and interest on a delinquent tax if the taxpayer, the guardian of a taxpayer, an attorney in fact or agent of the taxpayer under durable power of attorney, or the personal representative of the taxpayer's estate: submits evidence showing that: a licensed physician has diagnosed the taxpayer with Alzheimer's disease or vascular dementia before the date the tax became delinquent; and the tax was paid not later than the second anniversary of the date the tax became delinquent; and certifies that the disease or dementia caused or resulted in the taxpayer's failure to pay the tax before delinquency. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 945 – Riddle

Legislative Directive

(THIS BILL ONLY AFFECTS HARRIS COUNTY) This bill will abolish each county board of education, board of county school trustees, and the offices of county school superintendent in Harris County effective September 1, 2013. All assesses, liabilities, and contracts of a board abolished by this bill are transferred to the commissioners court in trust for the component school districts in the county. Amends §52.092(e), Election Code, makes conforming changes. Repeals Chapter 595 (HB 689), Acts of the 59<sup>th</sup> Legislature, Regular Session, 1965. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 982 – Elkins

Labor Code

New §207.0435, Labor Code, prohibits unemployment compensation benefits from being paid to an individual based on services performed by the individual as a member of the appraisal review board of an appraisal district. **Identical Bill: SB 432.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1003 – Gonzales

Tax Code

Amends §23.1242(b), Tax Code, provides that if an item of heavy equipment is leased or rented to the state or a political subdivision of the state, the owner of the equipment may not collect the unit property tax from the lessee or renter and may not include the amount of the unit property tax assigned as a separate line item on an invoice provided to the lessee or renter. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1008 – Bonnen, Dennis

Tax Code

Amends §11.42(c), Tax Code, adds to the section an exemption authorized by Section 11.131 is effective as of January 1 in the tax year the person qualifies for the exemption and applies to the entire tax year. Amends §26.10(b), Tax Code, makes conforming changes. Amends §26.112, Tax Code, changes the title to Calculation of Taxes on Residence Homestead of “Certain Persons” (from Elderly or Disabled Person). Adds reference to Section 11.131 to the section. Repeals Sections 11.42(e), 26.10(c), and 26.1125, Tax Code. **Identical Bill: SB 486.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1042 – Flynn

Occupations Code

Amends §1151.204, Occupations Code, changes Section title to “Dismissal of Complaints”. Allows the Texas Department of Licensing and Regulation to dismiss a complaint, in part or entirely, against a property tax professional without conducting a hearing if: the complaint does not credibly allege a violation of this chapter or the standards established by the commission for registrants under this chapter. Requires, after investigating, the department to dismiss a complaint, in part or entirely, without conducting a hearing if: the complaint challenges: the imposition of or failure to waive penalties or interest under Sections 33.01 and 33.011, Tax Code; the appraised value of property; the appraisal methodology; the grant or denial of an exemption from taxation; or any matter for which Title 1, Tax Code, specifies a remedy, including an action that a property owner is entitled to protest before an appraisal review board (ARB) under Section 41.41(a), Tax Code; and the subject matter of the complaint has not been finally resolved in the complaint’s favor by an ARB, a governing body, an arbitrator, a court, or the State Office of Administrative Hearings. This does not apply to: a matter referred to the department by the comptroller, or a successor statute; a complaint concerning a registrant’s failure to comply with the registration and certification requirements; or a complaint concerning a newly appointed chief appraiser’s failure to complete the training program described by Section 1151.164. **Identical Bill: SB 464.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1053 – Lavender

Education Code

New §42.010, Education Code, prohibits school districts that receive state funding under the Foundation School Program from using that funding or local ad valorem tax revenue to pay the costs of the district’s participation in a lawsuit against the state alleging that the state is in violation of the state’s obligations under Section 1, Article VII, Texas Constitution. The commissioner may require school districts participating in a lawsuit to provide certain information to establish that a school district is not in violation of this section. Allows commissioner to withhold state funding for a school district found in violation of this act. Last Action: 6/14/13: Bill failed due to legislative deadlines.



HB 1059 – Bonnen, Greg

Tax Code

Amends §31.031, Tax Code, allows an individual to pay installment payments on the ad valorem taxes imposed on the residence homestead of the individual in four equal installments without penalty or interest if the first installment is paid before the delinquency date and is accompanied by a notice to the taxing unit that the person will pay the remaining taxes in three equal installments. The second installment must be paid before April 1, the third installment before June 1, and the fourth installment before August 1. New §31.031(a-2), Tax Code, provides that notwithstanding the deadline described above, a person may pay the taxes in four equal installments if the first installment is paid and the required notice is provided before March 1. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1060 – Bonnen, Greg

Tax Code

Amends §1.08, Tax Code, changes Section title to “Timeliness of Action by Mail or Common or Contract Carrier”. Provides that when a property owner is required to make a payment or to file or deliver a report, application, statement, or other document or paper by a specified due date, the property owner’s action is timely if: it is properly addressed with postage or handling charges prepaid and: is sent by regular first-class mail and bears a post office cancellation mark of a date earlier than or specified due date and within the specified period; it is sent by common or contract carrier and bears a receipt mark indicating a date earlier than or on the specified due date and within the specified period; or it is sent by regular first-class mail or common or contract carrier and the property owner furnishes satisfactory proof that it was deposited in the mail or with the common or contract carrier on or before the specified due date and within the specified period. **Identical Bill: SB 1224**. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1094 - Keffer

Local Government Code

New Chapter 399, Local Government Code, entitled “Municipal and County Water and Energy Improvement Districts”. Authorizes municipalities and counties to provide a financial payment structure enabling commercial, industrial, and multi-family (five or more dwellings) property owners to improve their existing lots with energy or water efficient retrofits. A property owner would be required to obtain an energy audit to verify the projected energy savings to be achieved by the retrofit and then secure financing through a private institution. The loan provided by the lender is collateralized through an assessment on property taxes each year. It further authorizes a participating local government to impose fees paid by the property owner requesting to participate in PACE (property assessed clean energy) or as a component of the interest rate on the assessment in the contract between the local government and the property owner. Authorizes the governing body of a local government to contract with the governing body of another taxing unit, or another entity, including a county assessor-collector, to perform the duties of the local government relating to collection of assessments imposed by the local government under this chapter. Makes other technical and conforming changes. **Identical Bill: SB 385**. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1110 – Nevarez

Tax Code

Amends §31.031, Tax Code, eliminates the provision that this section applies to the unmarried surviving spouse of a disabled veteran. Allows an individual to pay installment payments on the ad valorem taxes imposed on the residence homestead of the individual in four equal installments without penalty or interest if the first installment is paid before the delinquency date and is accompanied by a notice to the taxing unit that the person will pay the remaining taxes in three equal installments. The second installment must be paid before April 1, the third installment before June 1, and the fourth installment before August 1. New §31.031(a-2), Tax Code, provides that notwithstanding the deadline described above, a person may pay the taxes in four equal installments if the first installment is paid and the required notice is provided before March 1. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1173 – Anchia

Tax and Government Codes

New §11.325, Tax Code, provides for a local option exemption from ad valorem taxation of the portion of the appraised value of a person's property that is attributable to the installation on the property of certain water conservation systems. Defines "drip irrigation system" and "rainwater harvesting system". Amends §403.302(d), Government Code, makes conforming changes. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1196 – Clardy

Code of Criminal Procedure

Amends §103.0033, Code of Criminal Procedure, provides the collection improvement program does not apply to a county with a population of less than 55,000 that contains a hospital owned and operated by the state. **Identical Bill: SB 387**. Last Action: 4/25/13: Laid on the table - subject to call – See SB 387.

HB 1208 – Parker

Tax Code

New §23.46(c-1), Tax Code, eliminates the liability for interest on the total amount of additional taxes due if agricultural or open-spaced land is sold or diverted to a different use on or after September 1, 2013, and before January 1, 2024. Subsection (c-1) will expire on January 1, 2026. New 23.55(a-1), Tax Code, makes conforming changes referenced in §23.46(c-1) and expires on January 1, 2026. Last Action: 6/14/13: Bill failed due to legislative deadlines.



HB 1217 – Menendez

Tax Code

Amends §11.22, Tax Code, increases the amount of the exemption from ad valorem taxation to which certain disabled veterans and surviving spouses and children of veterans are entitled. Provides a disabled veteran to an exemption from taxation of a portion of the assessed value of a property in accordance with the following schedule: an exemption of up to: \$10,000 (from \$5,000) of the assessed value for a disability rating of at least 10% but less than 30%; \$15,000 (from \$7,500) of the assessed value for a disability rating at least 30% but less than 50%; \$20,000 (from \$10,000) of the assessed value for a disability rating of 50% but less than 70%; \$25,000 (from \$12,000) of the assessed value for a disability rating of 70% and over. Provides a disabled veteran with an exemption from taxation of \$24,000 (from \$12,000) of the assessed value of a property the veteran owns if the veteran meets certain conditions. If an individual dies while on active duty as a member of the armed services of the United States: the individual's surviving spouse is entitled to an exemption from ad valorem taxation of \$10,000 (from \$5,000) of the assessed value of the property the spouse owns; and each of the individual's surviving children who is younger than 18 years of age and unmarried is entitled to an exemption from taxation of a portion of the assessed value of a property the child owns, the amount of the exemption for each eligible child will be computed by dividing \$10,000 (from \$5,000) by the number of eligible children. **See HJR 82. Identical Bill: SB 465.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1224 – Hilderbran

Tax and Occupations Code

New §6.231, Tax Code, provides for requirements of continuing education that a county assessor-collector must complete. Requirements include: 20 hours of continuing education, including 10 hours of instruction on laws relating to the assessment and collection of property taxes for a county assessor-collector who assesses or collects property taxes; and continuing education courses on ethics and the constitutional and statutory duties of the county assessor-collector. Continuing education must be approved by a state agency or an accredited institution of higher education. County assessor-collectors must annually file continuing education certificate of completion with their respective commissioners courts. A county assessor-collector may carry forward from one 12-month period to the next not more than 10 continuing education hours that they complete in excess of the required 20 hours. New §1151.003, Occupations Code, this chapter does not apply to a county assessor-collector described by Section 14, Article VIII, Texas Constitution, or of an employee of the county assessor-collector. Amends §§1151.151 & 1151.160, Occupations Code, makes conforming changes. **Identical Bill: SB 546.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1287 – Hilderbran

Tax Code

Amends §11.43, Tax Code, exempts a resident of a facility that provides services related to health, infirmity, or aging; or who is certified for participation in the address confidentiality program administered by the attorney general from having to provide a copy of their driver's license or state-issued personal identification certificate in their application for an exemption from ad valorem taxation of their residence homestead. New §11.43(p), Tax Code, allows a chief appraiser to waive the requirement that the address of the property for which the exemption is claimed corresponds to the address listed on the driver's license or state-issued personal identification certificate if the applicant: is an active duty member of the armed services of the United States or the spouse of said member and the applicant includes with the application a copy of the applicant's or spouse's military ID card and a copy of a utility bill for the property subject to the claimed exemption; or holds a driver's license issued under Section 521.121(c) or 521.1211, Transportation Code and includes with the application a copy of the application for that license provided to the Texas Department of Transportation. Last Action: **6/14/13: Signed by the Governor.**

HB 1306 – Rodriguez, Eddie

Tax Code

Amends §23.51, Tax Code, adds to the definition of "agricultural use" to include: producing fruits and vegetables as it relates to the eligibility of land for appraisal for ad valorem tax purposes as qualified open-space land. Defines "nonprofit community garden". New §23.5215, Tax Code, entitled "Guidelines for Qualification of Small Tracts and Nonprofit Community Gardens". This subsection only applies to land located in a taxing unit that is wholly or partly in a county with a population of one million or more. Requires the comptroller to develop guidelines to determine whether land under 10 acres in size used for the production of certain items qualifies under this subchapter. Requires the comptroller, in consultation with the Texas A&M AgriLife Extension Service and individuals selected by the comptroller who are nonprofit community garden stakeholders to develop guidelines for determining whether land qualifies as a nonprofit community garden for appraisal. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1338 – Bell, Jr.

Tax and Government Codes

Amends §1.12(d), Tax Code, strikes the term "a homestead" and replaces it with "real property". Amends §23.23, Tax Code, changes title of section to "Limitation on Appraised Value of *Real Property*" (from Residence Homestead). Limits the increase of appraised value of real property to 5% (from 10%). The limitation takes effect on January 1 of the tax year following the first tax year in which the owner owns the property on January 1, or if the property qualifies as the residence homestead of the owner in the tax year in which the owner acquires the property, the limitation take effect on January 1 of the tax year following that tax year. The limitation expires on January 1 of the first tax year following the year in which the owner of the property ceases to own the property. Some exceptions apply. Amends §42.26(d), Tax Code, makes conforming changes. Amends §403.302, Government Code, makes conforming changes. **See HJR 84.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1348 – Menendez

Local Government Code

New §379B.011(c), (d), and (e), Local Government Code, provides that a commercial aircraft to be used as an instrumentality of commerce that is under construction inside a defense base development authority (authority) is presumed to be in interstate, international, or foreign commerce and not located in this state for longer than a temporary period for purposes of Sections 11.01 and 21.02, Tax Code. Tangible personal property located inside the authority is presumed to be in interstate, international, or foreign commerce and not located in this state for longer than a temporary period for purposes of Sections 11.01 and 21.02, Tax Code, if the owner demonstrates to the chief appraiser that the owner intends to incorporate the property into or attach the property to a commercial aircraft described as an aircraft under construction that is designed to be used as described by Section 21.05(e), Tax Code. Last Action: **6/14/13: Filed without the signature of the Governor.**

HB 1360 – Ritter

Tax Code

New §11.211, Tax Code, authorizes an exemption from ad valorem taxation for real property leased to a school under specific circumstances. **See HJR 86. Identical Bill: SB 1455.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1371 – Munoz

Tax Code

Amends §11.13(m)(1), Tax Code, adds to the meaning of “disabled” for purposes of eligibility for an exemption from ad valorem taxation of or a limitation of ad valorem taxes on the residence homestead of a person who is disabled to mean diagnosed by a licensed physician as having cancer, diabetes, multiple sclerosis, or epilepsy. **See HJR 88.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1459 – Gooden

Tax Code

New §11.186, Tax Code, provides an exemption from ad valorem taxation of certain real property leased to and used by charitable organizations if: the real property is used by the organization primarily for the purpose of performing a function listed in Section 11.18(d); the rental for the real property on an annual basis is not more than 5% of the property’s market value; and the real property is reasonably necessary for the operation of the organization. Section 25.07 does not apply to a leasehold interest in property for which the owner receives an exemption under this section. **See HJR 90.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1478 – Eiland

Tax Code

Amends §6.03 (c) and (e), Tax Code, adds junior college districts to the list of governing bodies that vote to add a member to the board of directors of an appraisal district. **Identical Bill: SB 359.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1556 – Villarreal

Government Code

Creates a commission to periodically review state and local tax preferences and makes recommendations to the legislature. **See HJR 92.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1597 – Gonzalez, Naomi

Tax and Property Codes

Amends §31.031, Tax Code, eliminates the provision that this section applies to the unmarried surviving spouse of a disabled veteran. Allows an individual to pay installment payments on the ad valorem taxes imposed on the residence homestead of the individual in four equal installments without penalty or interest if the first installment is paid before the delinquency date and is accompanied by a notice to the taxing unit that the person will pay the remaining taxes in three equal installments. The second installment must be paid before April 1, the third installment before June 1, and the fourth installment before August 1. New §31.031(a-2), Tax Code, provides that notwithstanding the deadline described above, a person may pay the taxes in four equal installments if the first installment is paid and the required notice is provided before March 1. Amends §33.02, Tax Code, requires the collector for a taxing unit, on request by a person delinquent in the payment of the tax on a residence homestead, enter into an agreement with the person for the payment of the tax, penalties, and interest in installments if the person has not entered into an installment agreement with the collector for the taxing unit in the preceding 24 months. Provides requirements for the installment agreement. Prohibits the penalty from accruing on the unpaid balance during the period of the agreement if the property that is the subject of the agreement is a residence homestead. Amends §33.04, Tax Code, provides new language that must be included in a notice of delinquency instructing the homeowner to contact their taxing office regarding entering into an installment agreement. Requires the collector for a taxing unit to deliver a notice of delinquency under an installment agreement to each person whose name appears on the current delinquent tax roll prior to seizing and selling the property or filing suit to collect a delinquent tax. New §51.0011, Property Code, new section is entitled “Default Arising from Delinquent Ad Valorem Taxes: Installment Agreements”. Provides that notwithstanding any agreement to the contrary, a debtor will not be in default under a deed of trust or other contract lien on real property used as the debtor’s residence for the delinquent payment of ad valorem taxes if: the debtor has given notice of intent to enter into an installment agreement to the mortgage servicer at least 10 days prior; and the property is protected from seizure and sale, and a suit to collect a delinquent tax is barred. Allows the mortgage servicer to pay the taxes subject to the proposed agreement at any time. Requires mortgage servicer to cancel notice of acceleration if the debtor enters into an installment agreement within 30 days of the notice. **Identical Bill: SB 476.** Last Action: **6/14/13: Signed by the Governor.**

HB 1612 – Workman

Tax Code

Amends §32.05(b), Tax Code, by elevating the claim of any creditor that is a holder of a purchase money security interest on personal property over and above the tax lien to the extent provided by Subsection (b-2). Adds new §32.05(b-2), Tax Code, which provides the priority given to a tax lien is subordinate to the lien of a purchase money security interest on personal property except to the extent of the amount of taxes, penalties or interest, that would have been imposed on the personal property had the property been taxed separately on the date the tax lien attached. Provides method for determining the apportioned tax liability on those specific pieces of secured personal property. **Identical Bill: SB 586.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1693 – Farrar

Tax Code

New §33.066, Tax Code, provides for an individual to defer tax collection or abate a suit to collect a delinquent tax imposed on his/her small business that is located on a light rail line or a light rail line that is under construction. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1712 – Lozano

Tax Code

New §11.271, Tax Code, defines: “Environmental protection agency of the United States”, “Offshore spill response containment system”, and “Rules or regulations adopted by any environmental protection agency of the United States”. Provides a person is entitled to an exemption from taxation of the personal property the person owns or leases that is used, constructed, acquired, stored, or installed solely as part of an offshore spill response containment system, or that is used solely for the development, improvement, storage, deployment, repair, maintenance, or testing of such a system, if the system is being stored while not in use in a county bordering on the Gulf of Mexico or on a bay or other body of water immediately adjacent to the Gulf of Mexico. Property described by this subsection and not used for any other purpose is considered to be property used wholly as an integral part of mobile or marine drilling equipment designed for offshore drilling or oil or gas wells. Provides circumstances where the subsection does not apply. New §151.356, Tax Code, entitled “Offshore Spill Response Containment Property”. Defines “offshore spill response containment property”. **Identical Bill: SB 1685.** Last Action: **6/14/13: Signed by the Governor.**

HB 1729 – Ashby

Tax Code

Amends §42.29(b), Tax Code, provides that notwithstanding Subsection (a), the amount of an award of attorney’s fees to a property owner may not exceed the lesser of: \$100,000; or the total amount by which the property owner’s tax liability is reduced as a result of the appeal. New §42.29(c), Tax Code, this subsection applies only to an award of attorney’s fees in an appeal filed in a county with a population of 50,000 or less. It does not apply to an appeal of a determination of the appraisal value of a property that the owner’s residence homestead. Provides that an appraisal district, an ARB, or a chief appraiser that prevails in an appeal under Section 42.02, 42.25, or 42.26 or in an appeal to the court of a determination of an ARB on a motion filed under Section 25.25 may be awarded reasonable attorney’s fees. The amount of the award may not exceed \$15,000. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1736 – Anchia

Tax Code

New §11.311, Tax Code, entitled “Temporary Exemption: Landfill-Generated Gas Conversion Facilities”. Provides a temporary exemption from ad valorem taxation of property used to collect, process, and deliver landfill-generated gas. This section expires December 31, 2015. **Identical Bill: SB 1529.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1805 – Pitts

Education, Government, Local Government and Tax Codes

Omnibus bill relating to fiscal transparency and accountability of certain entities responsible for public money. Amends §26.16, Tax Code, requires the county assessor-collector for each county, including those that do not participate in the assessment or collection of property taxes, to maintain an Internet website. Requires the county assessor-collector to post on the website the following information for the most recent five tax years beginning with 2012: the adopted tax rate; the maintenance and operations rate; the debt rate; the effective tax rate; the effective maintenance and operations rate; and the rollback tax rate. Requires the county assessor-collector to report that information to the comptroller. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1820 – Kacal

Tax Code

Amends §31.031(a), Tax Code, allows a disabled veteran to pay ad valorem taxes imposed on their residence homestead in installments. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1830 – Gonzalez, Naomi

Tax Code

New §41.462, Tax Code, provides for a pilot program in El Paso County authorizing the chief appraiser of an appraisal district to compel certain property owners who file a protest with the ARB to disclose certain information related to the property. The property must have an appraised or market value, whichever is greater, of at least \$1 million as determined by the appraisal district and is used for commercial or industrial use. The requested information consists of the sales price, rate of occupancy, lease or rental income, or production capacity and income of said property. This pilot program begins on January 1, 2014 and ends on January 1, 2016. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1897 – Eiland

Tax and Government Codes

New §11.31(e-1), Tax Code, Requires the executive director to issue a determination letter to the person seeking the exemption, and the commission shall take final action on the initial appeal if an appeal is made, not later than the first anniversary of the date the executive director declares the application to be administratively complete. New §11.311, Tax Code, entitled “Temporary Exemption: Landfill-Generated Gas Conversion Facilities”. Provides a temporary exemption from ad valorem taxation of property used to collect, process, and deliver landfill-generated gas. This section expires December 31, 2015. New §42.43(j), Tax Code, provides a property owner is not entitled to a refund under this section resulting from the final determination of an appeal of the denial of an exemption under Section 11.31, wholly or partly, unless the property owner is entitled to the refund or has entered into a written agreement with the chief appraiser that authorizes the refund as part of an agreement related to the taxation of the property pending a final determination by the TCEQ. New §42.43(k), Tax Code, provides that not later than the 10<sup>th</sup> day after the date a property owner and chief appraiser enter into a written agreement, the chief appraiser will provide to each taxing unit that taxes the property a copy of the agreement. The agreement is void if a taxing unit that taxes the property objects in writing to the agreement on or before the 60<sup>th</sup> day after the date the taxing unit receives a copy of the agreement. Amends §403.302(d), Government Code, to make conforming changes. Last Action: **6/14/13: Signed by the Governor.**



HB 1904 – Eiland

Tax Code

Amends §33.49, Tax Code, requires a taxing unit to pay attorney ad litem fees from the unit's general fund as soon as practical after receipt of the attorney ad litem's or the publisher's claim for payment. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1913 – Bohac

Tax Code

Amends §33.011(d), Tax Code, requires that a waiver of penalties and interest under Subsection (a) (1) or (3), (b), (h), or (j) must be made before the 181<sup>st</sup> day after the delinquency date. A request for a waiver of penalties and interest under Subsection (a) (2) must be made before the 1<sup>st</sup> anniversary of the date the religious organization acquires the property. A request for a waiver of penalties and interest under Subsection (i) must be made before the 181<sup>st</sup> day after the date the property owner making the request receives notice of the delinquent tax that satisfies the requirements of new Section 33.04 (b). New §33.011(i), Tax Code, allows the governing body of a taxing unit to waive penalties and interest on a delinquent tax that relates to a date preceding the date on which the property owner acquired the property if: the property owner or another person liable for the tax pays the tax not later than the 181<sup>st</sup> day after the date the property owner receives notice of the delinquent tax; and the delinquency is the result of taxes imposed on: omitted property entered in the appraisal records; erroneously exempted property or appraised value added to the appraisal roll; or property added to the appraisal roll under a different account number or parcel when the property was owned by a prior owner. New §33.011(j), Tax Code, allows the governing body of a taxing unit to waive penalties and interest on a delinquent tax if the taxpayer submits evidence to show that the taxpayer submits evidence sufficient to show that the taxpayer delivered payment for the tax before the delinquency date to: the US Postal Service for delivery by mail, but an act or omission of the postal service resulted in the taxpayer's payment being postmarked after the delinquency date; or a private delivery service for delivery, but an act or omission of the private carrier resulted in the taxpayer's payment being received by the taxing unit after the delinquency date. New §33.04(b), Tax Code, provides that if the delinquency is the result of taxes imposed on property described by Section 33.011(i), the first page of the notice must include, in 14-point boldface type or 14-point uppercase letters, a statement that reads substantially as follows: "THE TAXES ON THIS PROPERTY ARE DELINQUENT. THE PROPERTY IS SUBJECT TO A LIEN FOR THE DELINQUENT TAXES. IF THE DELINQUENT TAXES ARE NOT PAID, THE LIEN MAY BE FORECLOSED ON." **Identical Bill: SB 1657.** Last Action: **6/14/13: Signed by the Governor.**

HB 1943 – Bohac

Tax Code

Amends §23.23(a), Tax Code, limits the increase in appraised value of a residence homestead to 5%. **See HJR 102. Identical Bill: SB 154.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1946 – Bohac

Tax and Government Codes

New §25.18(b-1), Tax Code, provides that a residence homestead is reappraised not more often than once every two years. The market value of a residence homestead may not be increased for a tax year in which the property is not appraised. Chief appraisers may reappraise a residence homestead in years in which the housing market is down. New §25.18(b-2), Tax Code, provides that Subsection (b-1) does not apply to the appraisal of a residence homestead in the tax year in which a limitation on appraised value expires. New §25.18(b-3), Tax Code, allows at any time during a tax year before the date the chief appraiser submits the completed appraisal records to the ARB, an owner of a residence homestead is entitled to a reappraisal of said residence homestead for that year on written request to the chief appraiser. New §25.18 (b-4), Tax Code, provides that if the market value of a residence homestead was reduced during the preceding tax year as a result of a protest brought on the ground of unequal appraisal, the chief appraiser must be allowed to reappraise the property for the current tax year and increase the market value if appropriate. New §25.18(b-5), Tax Code, allows the chief appraiser, in a year in which a residence homestead is not reappraised, to add to the market value of the property the amount of the increase in the value of the property attributable to an improvement to the property made during the preceding tax year. Amends §403.302(d), Government Code, makes conforming changes. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1983 – Murphy

Education, Government, Local Government and Tax Codes

Omnibus bill relating to fiscal transparency of certain entities responsible for public money. Amends §26.16, Tax Code, requires the county assessor-collector for each county, including those that do not participate in the assessment or collection of property taxes, to maintain an Internet website. Requires the county assessor-collector to post on the website the following information for the most recent five tax years beginning with 2012: the adopted tax rate; the maintenance and operations rate; the debt rate; the effective tax rate; the effective maintenance and operations rate; and the rollback tax rate. Requires the county assessor-collector to report that information to the comptroller. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 1998 – Kleinschmidt

Tax Code

Amends §23.51(7), Tax Code, adds supporting outdoor education to the definition of “wildlife management”. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2001 – Anchia

Tax Code

Amends §11.43, Tax Code, adds to items required to prove eligibility for an exemption from ad valorem taxation on the residence homestead of a person an affidavit signed by the applicant under penalty of perjury stating that: the applicant does not have a driver’s license or state-issued personal identification certificate; and the property for which the applicant is claiming an exemption is the applicant’s residence homestead. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2024 – Rodriguez , Eddie

Tax Code

Amends §32.01(d), Tax Code, removes reference to Section 32.03(b)Tax Code, and simply references Section 32.03, Tax Code. Last Action: 6/14/13: Bill failed due to legislative deadlines.



HB 2192 – Murphy

Tax Code

Amends §41A.01, Tax Code, allows a property owner to appeal through binding arbitration an ARB order determining a protest of an unequal appraisal of the owner's property. **Identical Bill: SB 1255.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2224 – Hilderbran

Occupations and Tax Code

New §1151.1581(f), Occupations Code, requires additional continuing education requirements for a registered professional appraiser who is the chief appraiser for an appraisal district. Amends §6.05(c), Tax Code, lists the eligibility requirements for a person to be appointed or serve as a chief appraiser. Makes conforming changes to §6.05(d), Tax Code. New §6.0501, Tax Code, requires the comptroller to appoint a person eligible to be a chief appraiser for an appraisal district whose chief appraiser is ineligible to serve. The comptroller will determine the chief appraiser's compensation. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2231 – Simmons

Tax Code

New §23.55(r), Tax Code, provides for the additional tax imposed on land appraised for ad valorem tax purposes as open space land if a change in use of the land occurs. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2232 – Simmons

Occupations Code

Amends §1151.152, Occupations Code, increases the education requirements for certain property tax professionals to be eligible to register by requiring the applicant must either hold an associate's degree or more advanced degree or have successfully completed at least 59 hours of college credit from an accredited institution of higher education; or have held: an active license as a real estate broker or salesperson for at least 4 years; or an active license or certificate as a real estate appraiser for at least 12 months. Allows the department to register an applicant actively engaged in appraisal, assessment, or collection for an appraisal district located in a county with a population of less than 25,000 who does not meet the new requirements if the applicant is a graduate of an accredited high school or establishes high school graduation equivalency. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2267 – Larson

Tax Code

Amends §25.025(a), Tax Code, as amended by Chapters 348 (HB 3307) and 953 (HB 1046) Acts of the 82<sup>nd</sup> Legislature, Regular Session, 2011, is reenacted and amended to keep confidential the home address information in ad valorem tax records of a medical examiner or person who performs forensic analysis or testing who is employed by Texas or one or more political subdivisions of Texas. Last Action: **6/14/13: Signed by the Governor.**

HB 2314 – Otto

Tax Code

New §5.043, Tax Code, entitled “Training of Appraisal District Directors”. Requires the comptroller to develop an online training course for members of the board of directors of an appraisal district. The training must provide information relevant to the operation of an appraisal district and its board of directors. The training shall be made available on the comptroller’s Internet website. Each member of the board of directors of an appraisal district must complete the training annually. Specifies when an appraisal district must conduct the training. A member of the board of directors of an appraisal district who does not complete the training is ineligible to continue to serve on the board. Provides mechanism to replace ineligible board member. This training does not apply to a non -voting member of the board of directors of an appraisal district. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2324 – Gonzalez, Naomi

Tax Code

Amends §33.01(a), Tax Code, provides the calculation of penalty on a delinquent ad valorem tax is: a delinquent tax incurs a penalty of 4% (from 6%) of the total amount of the tax for the first calendar month it is delinquent plus one percent for each additional month or portion of a month the tax remains unpaid prior to July 1 of the year in which it becomes delinquent. However, a tax delinquent on July 1 incurs a total penalty of 10 % (from 12%) of the amount of the delinquent tax without regard to the number of months the tax has been delinquent Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2343 – Zedler

Tax Code

Amends §33.011(a), Tax Code, provides the governing body of a taxing unit: shall waive penalties and interest on a delinquent tax if an act or omission of an officer, employee, or agent of a taxing unit, appraisal district, or other political subdivision or governmental entity caused or resulted in the taxpayer’s failure to pay the tax before the delinquency. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2365 – Oliveira

Tax Code

Amends §34.01(b), Tax Code, requires the officer (in charge of selling certain real property at a public sale) to calculate the total amount due under the judgment, including all taxes, penalties, and interest, plus any other amount awarded by the judgment, court costs, the costs of sale, and any accrued post-judgment taxes, penalties, and interest. Makes conforming changes to §34.01(p), Tax Code. Amends §34.02(b), Tax Code, adds to the list of items that proceeds will be applied to include any post judgment taxes, penalties, and interest that accrued after the date of the judgment. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2366 – Oliveira

Tax Code

Amends §33.91(a), Tax Code, allows a municipality or county to seize certain real property for the payment of delinquent ad valorem taxes and the amount secured by certain liens if the taxes on the property are delinquent for each of the preceding three (from five) years. Makes conforming changes to §§33.911(a) and 33.912(a), Tax Code. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2387 – Menendez

Local Government Code

New §379B.011(c), Local Government Code, provides that a commercial product that is in the process of being manufactured, assembled, or produced inside a defense base development authority is presumed to be interstate, international, or foreign commerce and not located in this state for longer than a temporary period for purposes of Sections 11.01 and 21.02, Tax Code, if: the entity manufacturing, assembling, or producing the product is engaged in business activity described by sectors 31 – 33 of the 2012 North American Industry Classification System (NAICS); and the produce is eligible under guidelines and criteria established by the commissioners court of the county in which the authority is located. Tangible personal property located inside a defense base development authority is presumed to be in interstate, international, or foreign commerce and not located on this state for longer than a temporary period for purposes of Sections 11.01 and 21.02, Tax Code, if the owner demonstrates to the chief appraiser that the owner intends to incorporate the property into or attach the property to a commercial product described Subsection (c). Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2408 – Naishtat

Tax Code

Amends §25.025(a-1)(2), Tax Code, adds to the definition of “state judge” for purposes relating to the confidentiality of information in ad valorem tax appraisal records that identifies the home address of certain judges. **Identical Bill: SB 1896.** Last Action: 5/10/13: Laid on the table – subject to call – See SB 1896.

HB 2419 – Elkins

Tax Code

New Chapter 41, Subchapter E, Tax Code, provides for a pilot program in Harris County authorizing an administrative district judge of Harris County to appoint special magistrates to assist in hearing ad valorem tax protests. This subchapter only applies to property: with an appraised or market value, whichever is greater, of at least \$1 million; and that is used in a manner consistent with commercial use. The pilot program will expire on January 1, 2018. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2421 – Elkins

Transportation Code

Amends §707.017(a), Transportation Code, prohibits a county assessor-collector or the Texas Department of Motor Vehicles from refusing to register a motor vehicle under Section 502.010 or any other law, if the owner is delinquent in payment of a civil penalty. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2425 – Martinez

Tax Code

Amends §32.06(a-4), Tax Code, requires the Finance Commission to prescribe the form and content of a request a lender with an existing recorded lien on a property must use to request a payoff statement and a property tax lender's (PTL) response to the request, including the period in which the PTL must respond. New §32.06(a-5), Tax Code, at the time the PTL provides the disclosure statement, the PTL must also describe the type and approximate cost range of each additional charge or fee that the property owner may incur in connection with the transfer. New §32.06(a-6), Tax Code, a lender may request a payoff statement before the tax loan becomes delinquent. The Finance Commission of Texas by rule shall require a PTL who receives a request for a payoff statement to deliver the statement on the prescribed form within a period prescribed by finance commission rule. The period must allow the PTL at least seven business days to deliver the statement. Penalties may be assessed by the Consumer Credit Commissioner against a PTL for failure to abide. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2445 – Strama

Tax Code

Amends §32.01(b), Tax Code, provides that a tax lien on inventory, furniture, equipment, or other personal property is a lien in solido and attaches to all inventory, furniture, equipment, and other personal property that the property owner owns on January 1 of the year the lien attaches or that the property owner subsequently acquires, irrespective of whether the personal property is located within the boundaries of the taxing unit in whose favor the lien attaches. **Identical Bill: SB 1606.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2467 – Murphy

Tax and Education Codes

Omnibus bill relating to the Texas Economic Development Act. Some highlights include: Amends §313.002, Tax Code, provides new findings stating it is difficult for Texas to compete for new capital projects without some kind of temporary limit on ad valorem taxes imposed on new capital investments; that a significant portion of our economy continues to be based in manufacturing and other capital-intensive investments. Amends §313.004, Tax Code, to prohibit an entity not subject the franchise tax from receiving any ad valorem tax benefit or financial benefit provided by this Act. Amends §313.021, Tax Code, provides that Subchapters B and C expire December 31, 2024. Amends §313.021 to define "strategic investment area" and "Texas priority project". Amends §313.024 (e)(6), Tax Code, defines "data center". Amends §313.026, Tax Code, by amending what is required in an economic impact evaluation. Amends §313.032, Tax Code, requires the comptroller to report to the legislature on the agreements entered into under this chapter. Repeals, Sections 313.008, 313.009, and Subchapter D, Chapter 313, Tax Code. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2497 – Workman

Tax Code

New §11.35, Tax Code, provides for an exemption from ad valorem taxation of real property used to operate a child-care facility. Defines "child-care facility". Amends §11.43(c), Tax Code, makes conforming changes. **See HJR 115.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2500 – Bohac

Tax Code

New §23.26, Tax Code, provides for the appraisal for ad valorem tax purposes of solar energy property. Defines “solar energy property”. The chief appraiser may not in any tax year determine the depreciated value to be less than 20% of the value computed after making appropriate adjustments to the value. **Identical Bill: SB 1278.** Last Action: **6/14/13: Signed by the Governor.**

HB 2599 – Klick

Tax Code

Amends §11.18, Tax Code, provides for an exemption from ad valorem taxation of the property of a political party. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2631 – Alvarado

Tax Code

Amends §26.08(n), Tax Code, changes the formula that provides the rollback tax rate of a school district. The new formula uses the rate of \$0.06 from (\$0.04) per \$100 of taxable value and also changes the rate per \$100 of taxable value that is equal to the product of the state compression percentage, as determined under Section 42.2516, Education Code, for the current year and \$0.09 (from \$0.06). Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2675 – Laubenberg

Tax and Education Codes

New §11.26(i-1), Tax Code, provides that if the marriage of an individual who qualifies for the residence homestead exemption provided by Section 11.13(c) for an individual 65 years of age or older is dissolved by divorce or annulment, the former spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if: the former spouse is 55 years of age or older when the decree of divorce or annulment is signed or becomes final after appeal; and the residence homestead of the individual: is the residence homestead of the former spouse on the date the decree of divorce or annulment is signed or becomes final after appeal; and remains the residence homestead of the former spouse. Amends §11.261, Tax Code, makes conforming changes. Amends §44.004(c), Education Code, makes conforming changes. **See HJR 119.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2676 – Davis, Yvonne

Tax Code

§25.025(a), Tax Code, as amended by Chapters 348 (HB 3307) and 953 (HB 1046), Acts of the 82<sup>nd</sup> Legislature, Regular Session, 2011, is reenacted and amended to include a current or former member of the U.S. armed forces who has served in an area in which forces of the United States are or have engaged in combat to the list of certain home addresses that are confidential in ad valorem tax appraisal records. Last Action: **6/14/13: Signed by the Governor.**

HB 2687 – Rodriguez, Eddie

Tax Code

Amends §32.06(a-6), Tax Code, requires that within 15 days of any action taken by the governing body of a taxing unit pursuant to the transfer of their tax lien to a lender, the governing body of the taxing unit shall send written notification of the action to the tax assessor-collector who collects taxes for the taxing unit. Amends §32.06(b), Tax Code, provides the governing body of a taxing unit may prohibit, in the manner required by law for official action by the governing body, whether the taxing unit’s tax lien may be transferred to the person who pays the taxes on behalf of the property owner. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2707 – Villarreal

Tax Code

Amends §26.08(b), Tax Code, provides that the form of the ballot proposition to be used in an election to approve a school district tax rate that exceeds the rollback tax rate must include a description of purpose of increase. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2712 – Perez

Tax, Education and Government Codes

New §11.315, Tax Code, provides for an exemption from ad valorem taxation of energy storage systems used for the control of air pollution in a nonattainment area. Defines “energy storage system”. New §42.2512, Education Code, provides that a school district is entitled to additional state aid for the exemption of an energy storage device. The bill is bracketed for an area designated as a nonattainment area of the federal Clean Air Act; and a municipality with a population of at least 100,000 adjacent to a municipality with a population of more than two million. **Identical Bills: SB 1030 & HB 3216.** Last Action: **6/14/13: Signed by the Governor.**

HB 2722 – Price

Education and Tax Codes

Amends §313.007, Tax Code, provides that Subchapters B and C expire on December 31, 2019. Repeals Subchapter D, Chapter 313, Tax Code. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2723 – Otto

Tax Code

New §41.43(a-3), Tax Code, provides the appraisal district has the burden of establishing the value of property by clear and convincing evidence in certain protest to an ARB: if the appraised value of the property was lowered in the preceding tax year; the appraised value of the property in the preceding tax year was not established as a result of a written agreement between the property owner or the owner’s agent and the appraisal district; and not later than the 14<sup>th</sup> day before the date of the first day of the hearing, the property owner files with the appraisal review board and delivers to the chief appraiser: information, such as income and expense statements or information regarding comparable sales, that is sufficient to allow for a determination of the appraised or market value of property if the protest is authorized by Section 41.41(a)(1); or information that is sufficient to allow for a determination of whether the property was appraised unequally if the protest is authorized by Section 41.41(a)(2). New §41.43(a-4), Tax Code, provides if the appraisal district has the burden of establishing the value of property by clear and convincing evidence presented at the hearing on a protest and the appraisal district fails to meet that standard, the protest shall be determined in favor of the property owner. New §41.43(a-5), Tax Code, provides subsection (a-3)(3) does not impose a duty on a property owner to provide any information in a protest authorized by Section 41.41(a)(1) or (2). That subdivision is merely a condition to the applicability of the standard of evidence provided by Subsection (a-3). Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2747 – Workman

Tax Code

Amends §11.32, Tax Code, provides for an exemption from ad valorem taxation of the portion of the appraised value of a person’s property that is attributable to the installation on the property of a rainwater harvesting system. Last Action: 6/14/13: Bill failed due to legislative deadlines.



HB 2762 – Anderson

Tax and Election Codes

Amends §6.03, Tax Code, provides that an appraisal district is governed by a board of seven directors. Two directors are elected at a general election for state and county officers, and five directors are appointed by the taxing units that participate in the district. To be eligible to be elected to the board, an individual must be a resident of the county in which the district is established. The terms of directors elected at a general election begin on January 1 of odd-numbered years. The term of directors appointed by the taxing units begin on January 1 of even-numbered years. Provides for a mechanism to fill a vacant position on the board. New §6.032, Tax Code, provides for ballot procedures for electing directors. Repeals §§6.034 and 6.10, Tax Code. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2771 – Rodriguez, Justin

Tax Code

New §11.1825(l-1), Tax Code, provides that for purposes of Subsection (l)(2), the person from whom the organization acquired the housing project is considered to have owned the project during the period in which the person's predecessor in title owned the project if the person from whom the organization acquired the project" acquired the project by foreclosure or a deed in lieu of foreclosure; and is not a parent, subsidiary, or affiliate of the organization. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2777 – Guillen

Tax and Government Codes

Amends §41.45(b), Tax Code, provides for the procedures for taxpayer protests and to appeals of certain ad valorem tax determinations to justice courts. Requires the ARB and the chief appraiser to review the evidence or argument provide by the property owner before the hearing on a protest. Amends §41.47(e), Tax Code, requires the notice of the issuance of the order to contain a prominently printed statement in upper-case bold lettering informing the property owner in clear and concise language of the property owner's right to appeal the board's decision to district court or, if the amount of taxes in dispute is \$10,000 or less, to justice court. New §42.211, Tax Code, provides for the jurisdiction of cases. New §42.212, Tax Code, provides for representation in a justice court. New §27.031(a-1), Government Code, provides that a justice court has jurisdiction over appeals of certain property tax matters as provided by Section 42.211, Tax Code. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2792 – Elkins

Tax Code

New §41.66(d-1), Tax Code, provides the ARB will conduct a hearing that is closed to the public if the property owner or the chief appraiser intend to disclose propriety or confidential information at the hearing and that will assist the ARB in determining the protest. The ARB may hold a closed hearing only on a joint motion by the property owner and the chief appraiser. **Identical Bill: SB 1076.** Last Action: **6/14/13: Signed by the Governor.**

HB 2797 – Raymond

Tax and Government Codes

New §23.231, Tax Code, provides for a limitation on increases in the appraised value for ad valorem tax purposes of real property owned or leased by a small business and used for business purposes to 10%. Defines “business entity” and “new improvement”. Makes conforming changes to §§41.41(a) and 42.26(d), Tax Code. Makes conforming changes to §403.302(d) and (i), Government Code. **See HJR 126**. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2798 – Raymond

Tax Code

Amends §26.012(17), Tax Code, includes in the definition of “new property value” for purposes of the calculation of certain ad valorem tax rates for a county: the increase in total taxable value of real property interests in oil or gas in place listed on the appraisal roll in the current year attributable to the production of oil or gas from wells completed after January 1 of the preceding year. **Identical Bill: SB 1434**. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2886 – Moody

Tax Code

Amends §11.13(j), Tax Code, includes in the definition of “residence homestead”, for the purpose of providing an exemption from ad valorem taxation of the residence homestead of certain life tenants, to mean a structure or a separately secured and occupied portion of a structure that: is occupied as his principal residence by an owner, a surviving spouse who is a life partner, or, for property owned through a beneficial interest in a qualifying trust, by a trustor of the trust who qualifies for the exemption. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2889 – Turner, Sylvester

Tax Code

Amends §42.26, Tax Code, requires a district court to grant relief in a hearing for a remedy for unequal appraisal on the ground that a property is appraised unequally if: the appraised value of the property exceeds the median level of appraisal of a reasonable and representative sample of comparable properties appropriately adjusted; or if: the property qualifies as the owner’s residence homestead; or the appraised or market value of the property is \$1 million or less, the appraised value of the property exceeds the median appraised value of a reasonable sample of comparable properties appropriately adjusted. Requires the comptroller to standards for development and calibration of adjustments for industrial, petrochemical refining and processing, and utility properties. Provides calculation of comparable property. **Similar Bill: SB 2889**. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2901 – Turner, Chris

Tax Code

New §31.039, Tax Code, provides for a tax credit for certain property used to provide housing to persons with disabilities. Defines “group home”, “intermediate care facility for persons with developmental, physical, or intellectual disabilities” and “Section 1915(c) wavier program”. Provides for the computation of the tax credit. Provides the comptroller with rule making authority. **See HJR 127**. Last Action: 6/14/13: Bill failed due to legislative deadlines.



HB 2922 – Orr

Tax Code

Amends §23.52(g), Tax Code, provides the category of land that qualifies as “wildlife management” is the native pasture category. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 2990 – Canales

Tax Code

Amends §33.07, Tax Code, provides that if a property owner is a disabled veteran and the property is the veteran’s residence homestead, the amount of additional penalty relating to collection costs cannot exceed the lesser of: the amount of the penalty prescribed by Subsection (a); or an amount equal to the applicable percentage of the amount of the delinquent taxes for which the additional penalty is incurred, as follows: 6% if the taxes remain delinquent on July 1 of the tax year in which the penalty is incurred; 15% if the taxes remain delinquent on July 1 of the first tax year after the tax year in which the penalty is incurred; or 20% if the taxes remain delinquent on July 1 of the second tax year after the tax year in which the penalty is incurred. Defines “disabled veteran” and “residence homestead”. Amends §§33.08 and 33.11 Tax Code, to make conforming changes. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3000 – Miller, Doug

Finance and Tax Codes

Amends §351.003, Finance Code, prohibits a property tax lender from selling, transferring, assigning, or releasing rights related to a property tax loan to a person who is not licensed under this chapter. Amends §32.06(c), Tax Code, requires that a transferee of a tax lien and any successor in interest be licensed under Chapter 351, Finance Code and are entitled to foreclose the lien in the manner provided by law for foreclosure of tax lien. Eliminates foreclosure methods specified in §32.06(c)(2), Tax Code. Makes conforming changes to §32.065(b), Tax Code. Repeals §32.06(c-1), Tax Code. **Identical Bills: HB 3485 and SB 247.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3035 – Harper-Brown

Tax Code

Amends §11.251, Tax Code, extends from 175 days to 730 days the time frame certain tangible personal property items may be in Texas to qualify for the exemption from ad valorem taxation. **See HJR 129.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3045 – Oliveria

Legislative Directive

New Chapter 320A, Government Code, creates a commission to periodically review state and local tax preferences and makes recommendations to the legislature. **See HJR 130. Identical Bill: SB 140.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3048 – Phillips

Transportation and Government Codes

Omnibus bill relating to remedies for nonpayment of tolls for the use of toll projects; authorizing a fee; creating an offense. Some highlights include: New §372.111, Transportation Code, allows the toll project entity to report to a county assessor-collector a determination prohibiting the vehicle registration of an individual. New 502.011, Transportation Code, allows a county assessor-collector to refuse to register or renew the registration of a motor vehicle if it has received written notice from a toll project entity that the owner of the vehicle has been finally determined to be a habitual violator. A toll project entity shall notify a county assessor-collector that: a person for whom the assessor-collector has refused to register a vehicle is no longer determined to be a habitual violator; or an appeal has been perfected and the appellant has posted any bond required to stay the toll project entity's exercise of habitual violator remedies pending appeal. This section does not apply to the registration of a motor vehicle under Section 501.0234. Last Action: 4/30/13: Laid on the table – subject to call – See SB 1792.

HB 3072 – Bonnen

Education Code

Amends §39.083, Education Code, requires a school district's annual financial management report to include information concerning the district's tax collections, including, if the district employs a person to collect the district's taxes, information concerning: the compensation provided to the person and other costs associated with collecting the district's taxes in that manner; and whether the costs are estimated to be less than the costs that would be associated with collection of the district's taxes by the county assessor-collector. New §42.2527, Education Code, provides that on determination that a school district, in employing a person to collect their taxes incurs annual costs that are greater than the annual costs that would be associated with the collection of the district's taxes by the county assessor-collector, the commissioner may: reduce the amounts due a district under this chapter; or increase the amounts necessary for the district to comply with the requirements of Chapter 41. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3108 – Morrison

Tax Code

Amends §11.253, Tax Code, provides for the exemption from ad valorem taxation of oil, natural gas, and other petroleum products held temporarily in Texas for certain purposes. **See HJR 132.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3112 – Hilderbran

Local Government Code

New §140.010, Local Government Code, entitled "Proposed Property Tax Rate Notice for Counties and Municipalities". Defines "effective tax rate" and "rollback tax rate". Provides specific language a county or municipality must publish before adopting an ad valorem tax rate. **Identical Bill: SB 1510.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3121 – Harper-Brown

Tax Code

New §11.251 Subsection (1), Tax Code, allows the governing body of a taxing unit to extend the date by which freepoint goods that are aircraft parts must be transported outside the state to a date not later than the 730<sup>th</sup> day after the date the person acquired or imported the property in this state. An extension adopted by official action would apply only to the exemption from ad valorem taxation by the taxing unit adopting the extension and apply to: the tax year in which the extension is adopted if officially adopted before June 1 of the tax year; or immediately following the tax year in which the extension is adopted if officially adopted on or after June 1 of a tax year; and each tax year following the year of adoption of the extension. **See HJR 133.** Last Action: **6/14/13: Signed by the Governor.**

HB 3132 – Lucio III

Tax Code

New §11.13(t), Tax Code, provides for an exemption from ad valorem taxation by a county of a portion of the value of the residence homestead of a veteran who has been honorably discharged. Prohibits a veteran from receiving both this exemption and an exemption under Subsection (d), but is entitled to receive the exemption in the greater amount. **See HJR 134. Identical Bill: SB 1552.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3173 – Bohac

Tax Code

New §23.01(f), Tax Code, provides that if the appraised value of property in a tax year is lowered under Section 42.25 or 42.26, the appraised value of the property as finally determined is considered to be the appraised value of the property for that tax year and the next three tax years. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3193 – Otto

Tax Code

Amends §41A.01, Tax Code, provides that in order to appeal an ARB order through binding arbitration, a property owner must make an arbitration deposit made payable to the comptroller in the amount of \$500. It eliminated the \$250 fee, if the owner requested expedited arbitration. Repeals Section 41A.031. **Identical Bill: SB 1662.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3216 – Strama

Tax, Education and Government Codes

New §11.315, Tax Code, provides for an exemption from ad valorem taxation of energy storage systems used for the control of air pollution in a nonattainment area. Defines “energy storage system”. New §42.2512, Education Code, provides that a school district is entitled to additional state aid for the exemption of an energy storage device. **Identical Bills: SB 1030 & HB 2712.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3284 – Davis, Yvonne

Occupations Code

New §1151.160(j), Occupations Code, requires the Texas Commission of Licensing and Regulation to adopt rules allowing a person to obtain certification as a registered Texas assessor without passing a required certification exam if the person: is registered with the department; has worked as a chief appraiser for the 12 years preceding the date the person applies to the department; and pays a fee in an amount equal to three times the annual registration fee paid by an assessor-collector. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3298 – Guillen

Tax and Local Government Codes

Amends §26.012(17), Tax Code, provides that for the purposes of the calculation of certain ad valorem tax rates for a county the definition of “new property value” now includes if approved by the voters in an election for purposes of a county or a hospital district, the increase in total taxable value of real property interests in oil or gas in place listed on the appraisal roll in the current year attributable to the production of oil or gas from wells completed after January 1 of the preceding year. New §140.008, Local Government Code, provides for an election to treat an increase in taxable value of oil and gas interests as new property value for ad valorem tax rate calculations. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3304 – Geren

Transportation Code

Amends §707.017, Transportation Code, provides that if an owner of a motor vehicle is delinquent in the payment of a civil penalty imposed, neither the county assessor-collector nor the Texas Department of Motor Vehicles may refuse to register the vehicle. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3348 – Rodriguez, Eddie

Tax, Education and Government Codes

Amends §11.13(n), Tax Code, provides the governing body of a taxing unit may adopt a local option residence homestead exemption from ad valorem taxation of a portion, expressed as a dollar amount, of the appraised value of an individual’s residence homestead. Makes conforming changes to §42.2516(f-1), Education Code and §403.302(d), Government Code. **See HJR 138.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3390 – Hilderbran

Tax and Education Codes

Omnibus bill relating to the Texas Economic Development Act. Some highlights include: Amends §313.002, Tax Code, to present findings that state given Texas’ relatively high ad valorem taxes, it is difficult for the state to compete for new capital projects without temporarily limiting ad valorem taxes imposed on new capital investments. Amends §313.004, Tax Code, provides legislative intent that economic development decisions involving school district taxes should occur at the local level with oversight by the state and should be consistent with identifiable statewide economic development goals. This chapter should not be construed or interpreted to allow an entity not subject to the tax imposed by Chapter 171 to receive an ad valorem tax benefit provided by this chapter. Amends §313.007, Tax Code, to provide the expiration of Subchapters B and C expire on December 31, 2022. Section 313.021, Tax Code, defines “Qualified property” and “Qualifying job”. New §313.024(e), Tax Code, defines “Texas priority project”. New §313.026, Tax Code, provides for an economic impact evaluation. New §313.0276, Tax Code, provides for a penalty for failure to comply with job-creation requirements. New §313.033, Tax Code, provides for a report on compliance with job-creation requirements. The heading to Subchapter C, Chapter 313, Tax Code, is amended to read as follows: Subchapter C. Limitation on Appraised Value of Property in Strategic Investment Area or Certain Rural School Districts. The heading to Subchapter E, Chapter 313, Tax Code, is amended to read as follows: Subchapter E. Availability of Tax Credit After Program Expires or is Repealed. Repeals Sections 313.008, and 313.009; and Subchapter D, Chapter 313, Tax Code. Last Action: **6/14/13: Signed by the Governor.**

HB 3396 – Workman

Tax Code

New §22.01(c-1), Tax Code, defines “secured party” and “security interest” for purposes of rendering of certain property. New §22.01(c-2), Tax Code, provides that with the consent of the property owner, a secured party may render for taxation any property of the property owner in which such secured party has a security interest as of January 1, although he is not required to render it by subsection (a) or (b). This subsection only applies to property that has a cost when new of more than \$50,000. New §22.01(d-1), Tax Code, a secured party who renders property shall indicate his capacity and shall state the name and address of the owner. Provides a secured party is entitled to rely upon the property owner with respect to the accuracy of the rendition statement. Prohibits the secured party from being liable for any false information on the rendition statement, or from the failure to timely file the statement if the property owner fails to promptly cooperate with the secured party. **Identical Bill: SB 1508.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3409 – Dutton

Legislative Directive

Creates the Select Commission on Periodic Tax Preference Review to review state and local tax preferences and report their findings to the legislature. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3437 – Otto

Tax Code

New §21.09, Tax Code, provides for a procedure for obtaining an allocation for ad valorem tax purposes of the value of certain property that is used in Texas and outside of Texas. A person claiming an allocation must do so annually. Provides deadlines for filing the allocation. Requires the comptroller to prescribe the contents of the form. The chief appraiser has authority to cancel an allocation. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3438 – Otto

Tax Code

Amends §6.412(d), Tax Code, prohibits a person from serving on an ARB for a county having a population of more than 100,000: if the person appeared before the ARB for compensation during the two-year period preceding the date the person is appointed. Last Action: **6/14/13: Signed by the Governor.**

HB 3439 – Otto

Tax Code

Amends §1.11(b), Tax Code, providing that a request for a designation of an agent remains in effect until revoked by a written revocation filed with the appraisal district by the owner or the owner’s designated agent. Amends 1.111(c), Tax Code, provides the designation of an agent under this section remains in effect until revoked in a written revocation filed with the appraisal district by the property owner or designated agent. The designated agent revoking the designation must send notice of the revocation by certified mail to the property owner at the owner’s last known address. Last Action: **6/14/13: Signed by the Governor.**

HB 3440 – Otto

Tax Code

New §6.415, Tax Code, prohibits a member of an ARB from participating in a hearing or perform any other function authorized by law until the member has submitted to the chief appraiser an affidavit signed by the member stating that the member has read, understands, and will abide by: the current version of the comptroller's Appraisal Review Board Manual; and any local procedural rules the govern the ARB to which the member has been appointed. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3441 – Otto

Tax Code

Amends §41A.03(a), Tax Code, moves the deadline to the 60<sup>th</sup> (from 45<sup>th</sup>) day after the property owner receives notice of the order to file certain appeals of certain ARB orders. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3442 – Otto

Tax Code

Amends §41.45(e), Tax Code, requires that not later than the seventh day after the date a request for a postponement is received, the ARB, the chairman of the board, or the chairman's representative must respond in writing or by electronic mail to the property owner or agent making the request to postpone the hearing and, if the request is granted, provide notice of the date, time, and place fixed for the hearing. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3443 – Otto

Tax Code

Amends §42.016, Tax Code, provides a person is entitled to intervene in an appeal to a district court of an ad valorem tax-related matter if the person acquires ownership of the property during that pendency of the appeal and the person obtains as assignment of the right to pursue the appeal from: a prior owner of the property; a court-appointed receiver; or a trustee under a deed of trust or similar instrument. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3444 – Otto

Tax Code

New §41A.06(c), Tax Code, prohibits a person who is a former employee, a former member of the governing body, or a former officer of a taxing unit in Texas or an appraisal district in Texas from serving as an arbitrator under this chapter until the 4<sup>th</sup> anniversary of the date the person ceased to be an employee, member, or officer. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3445 – Otto

Tax Code

New §41.01(c), Tax Code, requires the date by which an ARB must hear a property tax protest, petition, or motion must be on or before the 275<sup>th</sup> day after the date the protest, petition, or motion is filed unless the chief appraiser and the property owner or the property owner's agent agree to extend the deadline. If that happens neither party is subject to the imposition of any penalty or legal consequence as a result of that agreement. If the board fails to hold the hearing by the required date, the protest, petition, or motion is considered granted. Last Action: 6/14/13: Bill failed due to legislative deadlines.



HB 3446 – Otto

Tax Code

New §6.44, Tax Code, prohibits the ARB from distributing a written opinion, memorandum, or analysis of law drafted for the board by an attorney who serves as the legal counsel for the board to any person who is not a member of the board. An ARB may distribute a document described above to a person who is not a member of the board if the board: immediately makes the document available for public inspection by any person; and forwards the document not later than the next business day to the comptroller to be posted on the comptroller's Internet website. Requires the comptroller to post each document they receive on their Internet website. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3485 – Villarreal

Finance and Tax Codes

New §351.0022, Finance Code, prohibits a property owner from waiving or limiting requirements imposed on a property tax lender by this chapter, thus ensuring that property owners do not relinquish rights to which they are otherwise entitled under the law. New §351.0023, Finance Code, requires a Property Tax Lender (PTL) to provide notice to potential borrowers that installment plans may be available from their taxing entities. Prohibits false, misleading, or deceptive solicitations. Requires truth-in-lending disclosure requirements, which require a PTL to provide standard disclosure information when they use certain terms such as "annual percentage rate". Allows the Finance Commission to adopt rules to enforce said provisions and allows an administrative penalty to be assessed against a PTL who violates this section, regardless of whether the violation is knowing or wilful. Amends §351.003, Finance Code, prohibits a PTL from selling, transferring, assigning, or releasing rights related to a property tax loan to a person who is not licensed by the OCCC. Amends §32.06(a)(2), Tax Code, clarifies the definition of "Transferee" to ensure that regulatory obligations are not skirted by a subsequent lien holder who was not a party in the original lien transfer. New §32.06(a-3), prohibits a property tax loan from being made to certain seniors. New §32.06(a-4)(4), Tax Code, requires the OCCC to regulate payoff statement requests, to which a PTL must respond. New §32.06(a-5), Tax Code, requires a PTL to provide additional fee information on disclosure statements. New §32.06(a-7), Tax Code, prohibits potential evergreen opportunities for a PTL. New §32.06(a-8), Tax Code, prohibits a property tax loan on real property that is subject to the covenants of a governmental or nonprofit grant or below market rate loan. Amends §32.06(c)(2), Tax Code, prohibits a PTL from using non-judicial foreclosure methods. Makes conforming changes to §32.065(b), Tax Code. Repeals §32.06(c-1), Tax Code. **Identical Bills: HB 3000 and SB 247.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3512 – Ritter

Tax Code

Amends §313.024(b), Tax Code, adds "desalination project" as an eligible property for ad valorem tax benefits under the Texas Economic Development Act. Amends §313.024(e), Tax Code, to define "desalination". **See HJR 142.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3542 – Menendez

Tax Code

Amends §6.41(d-1), Tax Code, provides that in a county with a population of 200,000 (from 3.3 million) or more, the members of the ARB are appointed by the local administrative district judge in the county in which the appraisal district is established. New §6.411 (c-2), Tax Code, provides that if the local administrative district judge appoints the members of the ARB, the chief appraiser or another employee of the appraisal district, a member of the ARB, or a member of the board of directors of the appraisal district commits an offense if the person communicates with the judge with the intent to influence a decision by the judge regarding the appointment of a person as a member of the ARB. Provides specific circumstances where this provision does not apply. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3570 – Hilderbran

Tax Code

New §25.18(b-1), Tax Code, prohibits the appraisal office from reappraising a parcel of real property in the district more often than once in any three-year period. New §25.18(b-2), provides that notwithstanding, Subsection (b-1), allows the appraisal office to reappraise a parcel of real property in the year immediately following a year in which the parcel is sold. **See HJR 144**. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3613 – Elkins

Tax and Occupations Codes

Amends §1201.219, Occupations Code, includes in the provisions that a tax lien perfected with the department may be released only by: a tax collector filing a tax lien release with the department; or the department in the manner provided by Subsection (h). Provides that on request by any person, a tax collector will file a tax lien release with the department if the four-year statute of limitations to file suit for collector of personal property taxes has expired. Allows the department to request that the tax collector confirm that no tax suit has been timely filed on any manufactured home tax lien more than four years in delinquency. The department can make this request electronically, and a taxing authority may respond electronically. Provides circumstances when the department must remove a manufactured home's statement of ownership and location a reference to any tax lien delinquent more than four year for which no suit has been timely filed. Last Action: **6/14/13: Signed by the Governor.**

HB 3653 – Branch

Education Code

New §41.0932, Education Code, provides for a limitation on the amount of school district property tax revenue that is subject to recapture under the public school finance system. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3703 – Rodriguez, Eddie

Legislative Directive

Provides that the legislature re-establish the original intent of the legislature that non-exempt affordable housing projects should be appraised using the "Income Method" of appraisal. Last Action: 6/14/13: Bill failed due to legislative deadlines.



HB 3742 – Lavender

Tax and Education Codes

Omnibus bill attempting to the repeal certain state sales, use, excise, franchise, severance, production, occupations, gross receipts and inheritance taxes. It also attempts to repeal or limit certain local sales, use, excise, and ad valorem property taxes. It tries to enact a statewide and local value added tax, and to reform school finance and administration. The bill also provides penalties. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3767 – Coleman

Tax Code

Amends §11.18(d), Tax Code, Provides for an exemption from ad valorem taxation of property owned by a charitable organization that engages in or supports the planting, growing, cultivation, or maintenance of trees in public areas. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3768 – Coleman

Tax Code

Repeals §23.01(c), Tax Code. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3770 – Coleman

Transportation Code

Amends §702.003, Transportation Code, allows a county assessor-collector to refuse to register a motor vehicle if they receive under a contract information from a municipality that the owner of the vehicle is past due in the payment of a fine from that municipality on a complaint that involves the violation of a traffic law. A fine is considered past due if it is unpaid 90 or more days after the date it is due. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3776 – Isaac

Education Code

New §41.093(b-2), Education Code, defines “payment in lieu of taxes”. Requires the commissioner to include payments in lieu of taxes as if the payments were M&O revenue. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3797 – Coleman

Local Government Code

New §130.911, Local Government Code, entitled “Alternative Proposed Property Tax Rate Notice for Counties”. Defines “effective tax rate” and “rollback tax rate”. This section only applies to a county if the county elects to provide notice of the county’s proposed property tax rate. Provides the manner in which a county may provide notice of the county’s property tax rate. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HB 3799 – Coleman

Health and Safety Code

Amends §775.018(a), Health and Safety Code, provides that on the granting of a petition, the commissioners court will order an election to confirm the emergency service district’s creation and authorize the imposition of an ad valorem tax. New §775.074(f), Health and Safety Code, Prohibits the board from establishing a M&O tax rate that exceeds 10 cents on each \$100 valuation of taxable property in the district. **See HJR 149.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 21 – Pickett

Constitutional Amendment

Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect. **See HB 214. Identical Resolution: HJR 28.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 24 – Perry

Constitutional Amendment

Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of part of the market value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization. **See: HB 97.** Last Action: **5/28/13: Filed with the Secretary of State. 11/5/13: Election Date.**

HJR 28 – Raymond

Constitutional Amendment

Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect. **See HB 113. Identical Resolution: HJR 21.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 50 – Isaac

Constitutional Amendment

Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who dies while on active duty. **See HB 229.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 56 – Martinez

Constitutional Amendment

Proposing a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes from \$15,000 to \$45,000 and providing for a reduction of the limitation on the total amount of taxes that may be imposed for those purposes on the homestead of an elderly or disabled person to reflect the increased exemption amount. **See HB 368.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 57 – Burnam

Constitutional Amendment

Proposing a constitutional amendment to reserve to the people the powers of initiative for the sole purpose of adopting and imposing a state income tax. **See HB 381.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 58 – Creighton

Constitutional Amendment

Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of a residence homestead for ad valorem tax purposes to 105 percent or more of the appraised value of the property for the preceding tax year. **See HB 428.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 62 – Turner, Chris

Constitutional Amendment

Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action. **See HB 548. Identical Resolution: SJR 16.** Last Action: **5/28/13: Filed with the Secretary of State. 11/5/13: Election Date.**

HJR 69 – Sanford

Constitutional Amendment

Proposing a constitutional amendment concerning the limitation on the rate of growth of state appropriations and the use of unencumbered surplus state revenues to provide for a rebate of state franchise taxes and to reduce public school district property taxes. **See HB 783.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 72 – King, Phil

Constitutional Amendment

Proposing a constitutional amendment to allow the surviving spouse of a person who is disabled to receive a limitation on school district ad valorem taxes on the person's residence homestead if the spouse is 55 years of age or older at the time of the person's death. **See HB 875.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 82 – Menendez

Constitutional Amendment

Proposing a constitutional amendment authorizing the legislature under certain limitations to specify the amount of the exemption from ad valorem taxation to which certain disabled veterans and the surviving spouses and children of certain veterans are entitled. **See HB 1217. Identical Resolution: SJR 30.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 84 – Bell, Jr.

Constitutional Amendment

Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of real property for ad valorem tax purposes to 105 percent or more of the appraised value of the property for the preceding tax year. **See HB 1338.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 86 – Ritter

Constitutional Amendment

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation real property leased to certain schools organized and operated primarily for the purpose of engaging in educational functions. **See HB 1360. Identical Resolution: SJR 52.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 88 – Munoz

Constitutional Amendment

Proposing a constitutional amendment to authorize the legislature to define "disabled" for purposes of eligibility for an exemption from ad valorem taxation of or a limitation of ad valorem taxes on the residence homestead of a person who is disabled. **See HB 1371.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 90 – Gooden

Constitutional Amendment

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation real property that is leased to a charitable organization and that is used by the organization primarily for the purpose of performing a charitable function. [See HB 1459](#). Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 92 – Villarreal

Constitutional Amendment

Proposing a constitutional amendment requiring the periodic review of state and local tax preferences and providing an expiration date for certain tax preferences. [See HB 1556](#). Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 102 – Bohac

Constitutional Amendment

Proposing a constitutional amendment to authorize the legislature to set a lower limit on the maximum appraised value of a residence homestead for ad valorem taxation. [See HB 1943](#). [Identical Resolution: SJR 15](#). Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 115 – Workman

Constitutional Amendment

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation real property used to operate a child-care facility. [See HB 2497](#). Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 119 – Laubenberg

Constitutional Amendment

Proposing a constitutional amendment relating to the eligibility of the former spouse of a person who is elderly or disabled to receive a limitation on the amount of ad valorem taxes imposed on the spouse's residence homestead by certain political subdivisions. [See HB 2675](#). Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 126 – Raymond

Constitutional Amendment

Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value for ad valorem tax purposes of real property owned or leased by a small business and used for business purposes to 110 percent or more of the appraised value of the property for the preceding tax year. [See HB 2797](#). Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 127 – Turner, Chris

Constitutional Amendment

Proposing a constitutional amendment authorizing the legislature to provide for a credit against ad valorem taxes imposed on qualifying real property used to provide housing to persons with disabilities. [See HB 2901](#). Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 129 – Harper-Brown

Constitutional Amendment

Proposing a constitutional amendment to extend the number of days that certain tangible personal property that is exempt from ad valorem taxation due to its location in this state for a temporary period may be located in this state for purposes of qualifying for the tax exemption. [See HB 3035](#). Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 130 – Oliveria

Constitutional Amendment

Proposing a constitutional amendment requiring the periodic review of state and local tax preferences and providing an expiration date for certain tax preferences. **See HB 3045. Identical Resolution: SJR 12.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 132 – Morrison

Constitutional Amendment

Proposing a constitutional amendment to provide oil, natural gas, and other petroleum products held temporarily in this state the same ad valorem tax-exempt status as is currently provided to other tangible personal property. **See HB 3108.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 133- Harper-Brown

Constitutional Amendment

Proposing a constitutional amendment to authorize a political subdivision of this state to extend the number of days that certain tangible personal property that is exempt from ad valorem taxation due to its location in this state for a temporary period may be located in this state for purposes of qualifying for the tax exemption. **See HB 3121.** Last Action: **5/28/13: Filed with the Secretary of State. 11/5/13: Election Date.**

HJR 134 – Lucio III

Constitutional Amendment

Proposing a constitutional amendment to exempt from county ad valorem taxation a portion of the value of the residence homestead of a veteran of the United States armed services who has been honorably discharged. **See HB 3132. Identical Resolution: SJR 59.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 138 – Rodriguez, Eddie

Constitutional Amendment

Proposing a constitutional amendment authorizing the governing body of a political subdivision to adopt a local option residence homestead exemption from ad valorem taxation of a portion, expressed as a dollar amount, of the market value of an individual's residence homestead. **See HB 3348.** Last Action: **5/9/13: Failed to pass.**

HJR 142 – Ritter

Constitutional Amendment

Proposing a constitutional amendment to authorize the legislature to exempt from ad valorem taxation real and personal property used for the conservation, reuse, or recycling of water. **See HB 3512.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 143 – Hilderbran

Constitutional Amendment

Proposing a constitutional amendment abolishing ad valorem taxes and limiting the rate and applicability of state and local sales and use taxes. Last Action: 6/14/13: Bill failed due to legislative deadlines.

HJR 144 – Hilderbran

Constitutional Amendment

Proposing a constitutional amendment authorizing the legislature to limit the frequency of reappraisal of real property for ad valorem tax purposes. **See HB 3570.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

If you have questions about the bills, please call  
Chris Young (512) 634-3714, Clint Magee  
(512) 634-3832, or Dennis Hart (512) 634-3809

HJR 149 – Coleman

Constitutional Amendment

Proposing a constitutional amendment clarifying the authority of emergency services districts to levy taxes and issue bonds or other obligations and removing the limitation on the ad valorem tax rate. **See HB 3799**. Last Action: 6/14/13: Bill failed due to legislative deadlines.

**Senate Bills**

**SB 14 – Williams** Education, Government, Local Government, Special District Local Laws, and Tax Codes

Omnibus bill relating to fiscal transparency and accountability of certain entities responsible for public money. Specifically amends §26.26, Tax Code, requiring the county assessor-collector for each county, including those that do not participate in the assessment or collection of property taxes, to maintain or cause to be maintained an Internet website and post the information already required under §26.26, Tax Code. Requires the county assessor-collector for each county to report the tax rate information described by Subsection (a) for the current tax year to the comptroller. If a county assessor-collector did not maintain or cause to be maintained an Internet website on January 1, 2013, and the county has a population of 2,000 or less, the assessor-collector shall: post the required information on: the assessor-collector's or county's website, if the assessor-collector or county chooses to maintain the website or cause the website to be maintained; or a website in which the assessor-collector or county controls the content of the posting, including a social media site, provide, that the information is easily found by searching the name of the county or the assessor-collector on the Internet; or provide on at least one website a link to the information on the comptroller's website, provided that the link is easily found by searching the name of the county or the assessor-collector on the Internet. **Identical Bill: HB 14.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

**SB 95 – Nichols** Tax Code

Amends §23.23(a), Tax Code, limits the increase in appraised value of a residence homestead to 5% (from 10%). New §23.23(g), Tax Code, permits the commissioners court of a county to call an election allowing for the adoption of a limitation on increase in appraised value of a residence homestead between 5-10%. The limitation would apply to all taxing jurisdictions within the county. **See SJR 9.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

**SB 102 – Patrick** Tax, Special District Local Law & Water Codes

Amends §26.04(c), Tax Code, provides the ROLLBACK TAX RATE to = (Effective Maintenance and Operations Rate x 1.05 (from 1.08) + Current Debt = Rate) for taxing units other than school districts. Amends §26.041(a), (b), & (c), Tax Code, to make conforming changes. Amends §26.07, Tax Code, proving an election for voters to approve a proposed tax rate that exceeds the rollback tax rate. Amends §31.12(a) and (b), Tax Code, and §33.08(b), Tax Code, to make conforming changes. Repeals §1063.255, Special District Local Laws Code. Last Action: 6/14/13: Bill failed due to legislative deadlines.

**SB 106 – West** Legislative Directive

Directs the Sunset Advisory Commission to conduct a study and make recommendations regarding certain tax preferences that relate to ad valorem taxes and that are required or authorized by the state. Last Action: 6/14/13: Bill failed due to legislative deadlines.



SB 140 – Ellis

Government Code

New Chapter 320A, Government Code, creates a commission to periodically review state and local tax preferences and makes recommendations to the legislature. **See SJR 12. Identical Bill: HB 3045.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 144 – Williams

Tax and Water Codes

Amends §26.04 and §26.041, Tax Codes and §49.236, Water Code, lowers the rollback tax rate multiplier to 1.05 from 1.08 but allows a governing body to raise the multiplier back to 1.08 in the event of a disaster or threat to the health, safety or property of persons in the district. Raising the multiplier back to 1.08 requires official action. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 154 – Patrick

Tax Code

Amends §23.23(a), Tax Code, limits the increase in appraised value of a residence homestead to 5%. **See SJR 15. Identical Bill: HB 1943.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 155 – Patrick

Tax & Government Codes

New §23.231, Tax Code, defines new section entitled “Limitation on Appraised Value of Commercial or Industrial Real Property”. Allows an appraisal office to increase the appraised value of commercial or industrial real property for a tax year to an amount not to exceed the lesser of: the market value of a property for the most recent tax year that the market value was determined by the appraisal office; or the sum of: 10% of the appraised value of the property for the preceding tax year; the appraised value of the property for the preceding tax year; and the market value of all new improvements to the property. Requires the chief appraiser, when appraising commercial or industrial real property to: appraise the property at its market value; and include in the appraisal records both the market value of the property and the amount computed under Subsection (a) (2). This limitation takes effect on January 1 of the tax year following the first tax year in which the owner owns the property on January 1 and in which the owner uses the property primarily for commercial or industrial purposes. If the property is owned by two or more persons, the limitation expires on January 1 of the tax year following the first tax year in which the ownership of at least a 50% interest in the property is sold or otherwise transferred. In the first tax year after the 2013 tax year in which the property is appraised for taxation: the property is considered to have been appraised for taxation in the 2013 tax year at a market value equal to the appraised value of the property for that tax year; and a person who acquired commercial or industrial real property in a tax year before the 2013 tax year is considered to have acquired the property on January 1, 2013. This section does not apply to property appraised under Subchapter C, D, E, F, G, or H. Defines “new improvement” and methods for appraising such property. Makes conforming changes to §25.19(b) and (g), §41.41(a), §42.26(d), Tax Code. Amended §403.302(d), Government Code to conform. **See SJR 14.** Last Action: 6/14/13: Bill failed due to legislative deadlines.



SB 163 – Van de Putte

Tax and Government Codes

New §11.132, Tax Code, provides an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action if: the surviving spouse has not remarried since the death of the member of the armed services. **See SJR 16. Identical Bill: HB 548.** Last Action: **1/1/14: Earliest effective date.**

SB 193 – West

Tax Code

Amends §11.182(g), Tax Code, requires that in order to receive an exemption under Subsection (b) or (f), an organization must: have an audit prepared by an independent auditor that includes a detailed report on the organization's sources and uses of funds; and deliver a copy of the audit to the Texas Department of Housing and Community Affairs and to the chief appraiser of the appraisal district in which the property subject to the extension is located. Amends §11.1826 (b) and (c), Tax Code, allows the chief appraiser to extend the deadline, for which a copy of the audit is to be delivered, for good cause shown. Last Action: **6/14/13: Signed by the Governor.**

SB 247 – Carona

Finance and Tax Codes

New §351.0022, Finance Code, prohibits a property owner from waiving or limiting requirements imposed on a property tax lender by this chapter, thus ensuring that property owners do not relinquish rights to which they are otherwise entitled under the law. New §351.0023, Finance Code, requires a Property Tax Lender (PTL) to provide notice to potential borrowers that installment plans may be available from their taxing entities. Prohibits false, misleading, or deceptive solicitations. Requires truth-in-lending disclosure requirements, which require a PTL to provide standard disclosure information when they use certain terms such as "annual percentage rate". Allows the Finance Commission to adopt rules to enforce said provisions and allows an administrative penalty to be assessed against a PTL who violates this section, regardless of whether the violation is knowing or wilful. Amends §351.003, Finance Code, prohibits a PTL from selling, transferring, assigning, or releasing rights related to a property tax loan to a person who is not licensed by the OCCC. Amends §32.06(a)(2), Tax Code, clarifies the definition of "Transferee" to ensure that regulatory obligations are not skirted by a subsequent lien holder who was not a party in the original lien transfer. New §32.06(a-3), prohibits a property tax loan from being made to certain seniors. New §32.06(a-4)(4), Tax Code, requires the OCCC to regulate payoff statement requests, to which a PTL must respond. New §32.06(a-5), Tax Code, requires a PTL to provide additional fee information on disclosure statements. New §32.06(a-7), Tax Code, prohibits potential evergreen opportunities for a PTL. New §32.06(a-8), Tax Code, prohibits a property tax loan on real property that is subject to the covenants of a governmental or nonprofit grant or below market rate loan. Amends §32.06(c)(2), Tax Code, prohibits a PTL from using non-judicial foreclosure methods. Makes conforming changes to §32.065(b), Tax Code. Repeals §32.06(c-1), Tax Code. **Identical Bills: HB 3000 and HB 3485.** Last Action: **5/29/30: Signed by the Governor. 5/29/13: Earliest effective date.**

SB 269 – Seliger

Tax Code

New §23.55(q), Tax Code, provides an exemption for land owned by a school from the additional tax imposed on the change of use of land appraised for ad valorem tax purposes as open-space land if the school converts the land to a use for which the land is eligible for and exemption under §11.21, Tax Code, within five years. **Identical Bill: HB 561.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 332 – Rodriguez

Health and Safety Code

New Subchapter K, Chapter 775, Health and Safety Code, (THIS BILL ONLY APPLYS TO EL PASO COUNTY) provides the El Paso County commissioners court with oversight of an emergency service district. The commissioners court may adopt a resolution to: delegate to the board of a district a duty assigned to the commissioners court; or waive a requirement that the commissioners court approve an action of a district. The commissioners court may establish policies and procedures the board must comply with. The commissioners court will also establish tax rate calculations and notices, and recommend a tax rate. Last Action: **9/1/13: Earliest effective date.**

SB 359 – Hinojosa

Tax Code

Amends §6.03 (c) and (e), Tax Code, adds junior college districts to the list of governing bodies that vote to add a member to the board of directors of an appraisal district. New §6.031(b-1), Tax Code, adds language to treat junior colleges as if they were a school district in a group of smaller ISDs to ensure that junior colleges are represented without forcing school districts to have to reorganize the way they choose their board of directors. **Identical Bill: HB 1478.** Last Action: **6/14/13: Signed by the Governor.**

SB 382 – Carona

Local Government Code

Amends §154.025(a) and §154.045(a), Local Government Code, includes delinquent property taxes to the definition of “debt” to which disbursement of county funds to persons with outstanding debt would be prohibited. Last Action: **6/14/13: Signed by the Governor.**

SB 385 – Carona

Local Government Code

New Chapter 399, Local Government Code, entitled “Municipal and County Water and Energy Improvement Districts”. This chapter may be cited as the Property Assessed Clean Energy Act. Authorizes municipalities and counties to enter into a written contract with a record property owner of real property in a region designated by this chapter to impose an assessment to repay the owner’s financing of a “qualified project” (a permanent improvement fixed to real property and intended to decrease water or energy consumption or demand) on the owner’s property. Authorizes the governing body of a local government to contract with the governing body of another taxing unit, or another entity, including a county assessor-collector, to perform the duties of the local government relating to collection of assessments imposed by the local government under this chapter. **Identical Bill: HB 1094.** Last Action: **6/14/13: Signed by the Governor.**

SB 387 – Nichols

Code of Criminal Procedure

Amends §103.0033, Code of Criminal Procedure, provides the Office of Court Administration of the Texas Judicial System will grant a waiver to a county (relating to their participation in the collection improvement program) that: contains within its borders a correctional facility operated by or under contract with the Texas Department of Criminal Justice; and has a population of 50,000 or more only because the inmate population of all correctional facilities described above is included in that population. **Identical Bill: HB 1196.** Last Action: **5/10/13: Earliest effective date.**

SB 388 – Nichols

Code of Criminal Procedure

Amends §103.0033, Code of Criminal Procedure, provides that a county with a population of less than 100,000, that contains a state supported living center, does not have to participate in the collection improvement program. **Identical Bill: HB 745.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 432 – Patrick

Labor Code

New §207.0435, Labor Code, prohibits unemployment compensation benefits from being paid to an individual based on services performed by the individual as a member of the appraisal review board of an appraisal district. **Identical Bill: HB 982.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 464 – Deuell

Occupations Code

Amends §1151.204, Occupations Code, changes Section title to “Dismissal of Complaints”. Allows the Texas Department of Licensing and Regulation to dismiss a complaint, in part or entirely, against a property tax professional without conducting a hearing if: the complaint does not credibly allege a violation of this chapter or the standards established by the commission for registrants under this chapter. Requires, after investigating, the department to dismiss a complaint, in part or entirely, without conducting a hearing if: the complaint challenges: the imposition of or failure to waive penalties or interest under Sections 33.01 and 33.011, Tax Code; the appraised value of property; the appraisal methodology; the grant or denial of an exemption from taxation; or any matter for which Title 1, Tax Code, specifies a remedy, including an action that a property owner is entitled to protest before an appraisal review board (ARB) under Section 41.41(a), Tax Code; and the subject matter of the complaint has not been finally resolved in the complaint’s favor by an ARB, a governing body, an arbitrator, a court, or the State Office of Administrative Hearings. This does not apply to: a matter referred to the department by the comptroller, or a successor statute; a complaint concerning a registrant’s failure to comply with the registration and certification requirements; or a complaint concerning a newly appointed chief appraiser’s failure to complete the training program described by Section 1151.164. **Identical Bill: HB 1042.** Last Action: **6/14/13: Signed by the Governor.**

SB 465 – Van de Putte

Tax Code

Amends §11.22, Tax Code, increases the amount of the exemption from ad valorem taxation to which certain disabled veterans and surviving spouses and children of veterans are entitled. Provides a disabled veteran to an exemption from taxation of a portion of the assessed value of a property in accordance with the following schedule: an exemption of up to: \$10,000 (from \$5,000) of the assessed value for a disability rating of at least 10% but less than 30%; \$15,000 (from \$7,500) of the assessed value for a disability rating at least 30% but less than 50%; \$20,000 (from \$10,000) of the assessed value for a disability rating of 50% but less than 70%; \$25,000 (from \$12,000) of the assessed value for a disability rating of 70% and over. Provides a disabled veteran with an exemption from taxation of \$24,000 (from \$12,000) of the assessed value of a property the veteran owns if the veteran meets certain conditions. If an individual dies while on active duty as a member of the armed services of the United States: the individual's surviving spouse is entitled to an exemption from ad valorem taxation of \$10,000 (from \$5,000) of the assessed value of the property the spouse owns; and each of the individual's surviving children who is younger than 18 years of age and unmarried is entitled to an exemption from taxation of a portion of the assessed value of a property the child owns, the amount of the exemption for each eligible child will be computed by dividing \$10,000 (from \$5,000) by the number of eligible children. **See SJR 30. Identical Bill: HB 1217.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 476 – Hinojosa

Tax and Property Codes

Amends §33.02, Tax Code, requires the collector for a taxing unit, on request by a person delinquent in the payment of the tax on a residence homestead, enter into an agreement with the person for the payment of the tax, penalties, and interest in installments if the person has not entered into an installment agreement with the collector for the taxing unit in the preceding 24 months. Provides requirements for the installment agreement. Prohibits the penalty from accruing on the unpaid balance during the period of the agreement if the property that is the subject of the agreement is a residence homestead. Amends §33.04, Tax Code, provides new language that must be included in a notice of delinquency instructing the homeowner to contact their taxing office regarding entering into an installment agreement. Requires the collector for a taxing unit to deliver a notice of delinquency under an installment agreement to each person whose name appears on the current delinquent tax roll prior to seizing and selling the property or filing suit to collect a delinquent tax. New §51.0011, Property Code, new section is entitled "Default Arising from Delinquent Ad Valorem Taxes: Installment Agreements". Provides that notwithstanding any agreement to the contrary, a debtor will not be in default under a deed of trust or other contract lien on real property used as the debtor's residence for the delinquent payment of ad valorem taxes if: the debtor has given notice of intent to enter into an installment agreement to the mortgage servicer at least 10 days prior; and the property is protected from seizure and sale, and a suit to collect a delinquent tax is barred. Allows the mortgage servicer to pay the taxes subject to the proposed agreement at any time. Requires mortgage servicer to cancel notice of acceleration if the debtor enters into an installment agreement within 30 days of the notice. **Identical Bill: HB 1597.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 486 – Taylor

Tax Code

Amends §11.42(c), Tax Code, adds to the section an exemption authorized by Section 11.131 is effective as of January 1 in the tax year the person qualifies for the exemption and applies to the entire tax year. Amends §26.10(b), Tax Code, makes conforming changes. Amends §26.112, Tax Code, changes the title to Calculation of Taxes on Residence Homestead of “Certain Persons” (from Elderly or Disabled Person). Adds reference to Section 11.131 to the section. Repeals Sections 11.42(e), 26.10(c), and 26.1125, Tax Code. **Identical Bill: HB 1008.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 489 – Paxton

Tax Code

Amends §11.261, Tax Code, changes section title to “Limitation of Tax Imposed by Taxing Unit Other than School District on Homesteads of Individuals Who Are Disabled or Elderly”. Eliminates the reference that only county, municipal, and junior college districts may limit ad valorem taxes on the residence homesteads of individuals who are disabled or elderly and their surviving spouses. It now authorizes a political subdivision other than a school district to establish a limitation on the amount of ad valorem taxes that the political subdivision may impose on the residence homesteads of persons who are disabled or elderly and their surviving spouses. Amends §23.19(g), Tax Code, makes conforming changes. Amends §26.012, Tax Code, makes conforming changes. **See SJR 32.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 509 – Williams

Education and Tax Codes

New Chapter 37A, Education Code, entitled “School Security District” allows, subject to voter approval, the board of trustees of a school district to create a school security district with the authority to impose taxes for the purpose of providing crime prevention measures. The taxes may be a sales and use tax, a school security ad valorem tax, or both. New §26.08(a-1), Tax Code, provides the rate of a school security ad valorem tax imposed by a school district in Accordance with Chapter 37A, Education Code, is not included in the district’s tax rate for purposes Subsection (a). **See SJR 33.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 520 – Paxton

Tax Code

Amends §11.42, Tax Code, allows persons acquiring a new residence homestead to receive an ad valorem tax exemption on the homestead in the year in which the property is acquired. Amends §26.10, Tax Code, makes conforming changes. New §26.1115, Tax Code, provides for the calculation of taxes on residence homesteads. Amends §26.112(a), Tax Code, makes conforming changes. Last Action: 6/14/13: Bill failed due to legislative deadlines.



SB 546 – Williams

Tax and Occupations Code

New §6.231, Tax Code, provides for requirements of continuing education that a county assessor-collector must complete. Requirements include: 20 hours of continuing education, including 10 hours of instruction on laws relating to the assessment and collection of property taxes for a county assessor-collector who assesses or collects property taxes; and continuing education courses on ethics and the constitutional and statutory duties of the county assessor-collector. Continuing education must be approved by a state agency or an accredited institution of higher education. County assessor-collectors must annually file continuing education certificate of completion with their respective commissioners courts. A county assessor-collector may carry forward from one 12-month period to the next not more than 10 continuing education hours that they complete in excess of the required 20 hours. New §1151.003, Occupations Code, this chapter does not apply to a county assessor-collector described by Section 14, Article VIII, Texas Constitution, or of an employee of the county assessor-collector. Amends §§1151.151 & 1151.160, Occupations Code, makes conforming changes. **Identical Bill: HB 1224**. Last Action: **6/14/13: Signed by the Governor.**

SB 586 – Hegar

Tax Code

Amends §32.05(b), Tax Code, by elevating the claim of any creditor that is a holder of a purchase money security interest on personal property over and above the tax lien to the extent provided by Subsection (b-2). Adds new §32.05(b-2), Tax Code, which provides the priority given to a tax lien is subordinate to the lien of a purchase money security interest on personal property except to the extent of the amount of taxes, penalties or interest, that would have been imposed on the personal property had the property been taxed separately on the date the tax lien attached. Provides method for determining the apportioned tax liability on those specific pieces of secured personal property. **Identical Bill: HB 1612**. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 656 – Paxton

Local Government Code

Omnibus bill to provide transparency in the taxing and budgeting process of certain local governments. Amends §102.007, Local Government Code, to require a record vote for the governing body of a municipality to adopt a budget. Requires an adopted budget must contain a cover page that includes: one of the following statements in 18-point or larger type that accurately describes the budget: “This budget will raise more revenue from property taxes than last year’s budget by an amount of (insert total dollar amount of increases), which is a (insert percentage increases), percent increase from last year’s budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).” “This budget will raise less revenue from property taxes than last year’s budget by an amount of (insert total dollar amount of decrease), which is a (insert percentage decrease) percent decrease from last year’s budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).”; or “This budget will raise the same amount of revenue from property taxes as last year’s budget. The property tax revenue to be raised from new property added to the roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).”; the record vote of each member of the governing body by name voting on the adoption of the budget; the municipal property tax rates for the preceding

fiscal year, and each municipal property tax rate that has been adopted or calculated for the current fiscal year, including: the property tax rate; the effective tax rate; the effective M&O tax rate; the rollback tax rate; and the debt rate; and the total amount of municipal debt obligations. Amends §102.008, Local Government Code, requires the above mentioned cover page to be posted on the municipality's website and the record votes to be posted on the website for at least the first anniversary of the date the budget is adopted. Requires the governing body to take action to ensure that the cover page of the budget is amended to include the property tax rate for the current fiscal year if the rates are not included on the cover page when the budget is filed with the municipal clerk. Requires the governing body to file an amended cover page with the municipal clerk and take action to ensure that the amended cover page is posted on the municipality's website. Amends §§111.008, 111.009, 111.039, 111.040, 111.068, 111.069, Local Government Code, makes conforming changes. Last Action: **6/14/13: Signed by the Governor.**

SB 657 – Paxton

Education Code

Omnibus bill relating to procedural requirements for adopting and filing a school district budget. Amends §44.004(f), Education Code, to require a record vote for the board of trustees to adopt a budget. Amends §44.005, Education Code, requires the filed budget to contain a cover page that includes: one of the following statements in 18-point or larger type that accurately describes the budget: “This budget will raise more revenue from property taxes than last year’s budget by an amount of (insert total dollar amount of increases), which is a (insert percentage increases), percent increase from last year’s budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).” “This budget will raise less revenue from property taxes than last year’s budget by an amount of (insert total dollar amount of decrease), which is a (insert percentage decrease) percent decrease from last year’s budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).”; or “This budget will raise the same amount of revenue from property taxes as last year’s budget. The property tax revenue to be raised from new property added to the roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).”; the record vote of each member of the governing body by name voting on the adoption of the budget; the municipal property tax rates for the preceding fiscal year, and each municipal property tax rate that has been adopted or calculated for the current fiscal year, including: the property tax rate; the effective tax rate; the effective M&O tax rate; the rollback tax rate; and the debt rate; and the total amount of bonds and other debt obligations owed by the district as of the date of the adoption of the budget; the computation of the instructional expenditures ratio and instructional employees ratio required to be reported to the commissioner; and the record vote of each member of the board of trustees by name voting on: the adoption of the budget; and the setting of the property tax rate for the current fiscal year, if the vote has been taken. Requires the district to take action to ensure that the cover page of the budget is amended to include the property tax rates and the record vote of each member of the board of trustees by name, if that information is not included on the cover page when the budget is filed with the agency. Requires the district to file an amended cover page with the agency and take action to ensure that a copy of the amended cover page is posted on the district’s Internet website. Section 39.084, Education Code, is transferred to Subchapter A, Chapter 44, Education Code, redesigned

as Section 44.0051, Education Code and amended to make conforming changes. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 712 – Lucio

Education Code

Omnibus bill relating to the financing of school district facilities and property tax relief for school district debt; providing for reduced property tax rates. Highlights include: changes title of Chapter 46, Education Code, to “Assistance with School Facilities and Property Tax Relief for Existing Debt”. Amends §46.003, Education Code, to change the definition of “FYL” to mean the dollar amount guaranteed level of state and local funds per student per cent of tax effort, which is the amount of district tax revenue per student in average daily attendance per cent of tax effort available to a district at \_\_\_ percentile in wealth per student in average daily attendance, as determined by the commissioner in cooperation with the LBB, or greater amount for any year provided by appropriation. Allows the amount budgeted by a district for payment of eligible bonds to include penalty and interest on delinquent taxes, interest on bond tax revenue, and any other available local revenue received in the current school year or a preceding school year, provided that the revenue was not used to generate other state financial assistance for the district. Amends §46.005, Education Code, prohibits a school district from receiving state assistance for a project under this subchapter for more than one year. After that year, the district is entitled to state assistance for that project only as provided by Subchapter B. Amends §46.032, Education Code, changes title to “Debt Tax Relief Allotment”. Provides for a new calculation to determine debt tax relief allotment. Amends §46.033, Education Code, provides new requirements to use “eligible bonds”. Amends §46.034, Education Code, provides mechanisms for a school district to access state assistance under this subchapter. New §46.051, entitled “Determination by Commissioner of Guaranteed Yields and Percentage Reduction of District Debt Tax Rates”. Provides the commissioner with cooperation from the LBB will estimate the guaranteed yields and requires the commissioner to determine the percentage by which a district is required to reduce the district’s debt tax rate to account for an increase in the guaranteed yield over the preceding year. Repeals the following sections of the Education Code: §§ 46.006; 46.011; and 46.034(b) and (b-1). Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 723 – Taylor

Civil Practice and Remedies, Property and Tax Codes

Amends §34.041, Civil Practice and Remedies Code, allows the commissioners court of a county to designate an area other than an area at the county court house where public sales of real property will take place that is a public place within a reasonable proximity of the county courthouse and in a location as accessible to the public as the courthouse door. Requires the commissioners court to record that designation in the real property records of the county. Requires that except for a sale under Subsection (a), a sale must be held at an area designated under this subsection if the sale is held on or after the 90<sup>th</sup> day after the date the designation is recorded. Makes conforming changes to §51.002(h), Property Code, and §34.01, Tax Code. **Identical Bill: HB 699.** Last Action: 6/14/13: Bill failed due to legislative deadlines.



SB 808 – Nichols

Code of Criminal Procedure

Amends §103.0033, Code of Criminal Procedure, provides the collection improvement program does not apply to a county with a population of less than 60,000 that contains four or more confinement facilities operated by TDCJ. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 835 – Lucio

Tax Code

New §23.23(g), Tax Code, defines “disaster recovery program”. Provides that a replacement structure described by Subsection 23.23(f)(2), Tax Code is not considered to be a new improvement if to satisfy the requirements of the disaster recovery program it was necessary that: the square footage of the replacement structure exceeded that of the replaced structure as the structure existed before the casualty or damage occurred; or the exterior of the replacement structure be of higher quality construction and composition than that of the replaced structure. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 843 – Paxton

Government Code

New §403.0241, Government Code, requires the comptroller to create an Internet database containing information regarding political subdivisions that are authorized to impose ad valorem or sales and use tax or to issue bonds, notes, or other obligations. With respect to each political subdivision, the database must include: the name of the political subdivision, the rate of any sales and use tax imposed; the table of ad valorem tax rates for the most recent tax year described by Section 26.16, Tax Code; the total amount of the subdivision’s debt, including principal and interest, and the year in which that debt would be paid in accordance with the current applicable terms; the subdivision’s Internet website address or, if a website is not in operation, contact information to enable a member of the public to obtain information from the subdivision; and the Internet website address for the appraisal district in each county in which the subdivision has territory. Provides for additional information that may be included with respect to each political subdivision. To the extent possible, the information must be searchable. Prohibits a fee from being charged to access the database. New §203.061, Local Government Code, this subchapter applies to each political subdivision that has authority to issue general obligation bonds, including a taxing unit that has authority to issue general obligation bonds. New §203.062, Local Government Code, requires a political subdivision to transmit records and other information to the comptroller annually. New §203.064, Local Government Code, requires a political subdivision to transmit annually to the comptroller the following financial information: the most recently adopted budget; and the most recent annual financial report. New §203.065, Local Government Code, requires a political subdivision to transmit to the comptroller the address of the Internet website maintained by the political subdivision, if any. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 902 – Fraser

Health & Safety, Local Government, and Water Codes

Omnibus bill relating to the operation, powers and duties of certain water districts. Some highlights include: Amends §49.059, Water Code, allowing a water district to employ or contract with any person, including an individual certified as a registered Texas assessor-collector or a firm, organization, association, partnership, corporation or other entity if a certified individual works for or owns an interest in that firm, organization, partnership, corporation or entity, to serve as its tax assessor and collector. Clarifies that a districts tax assessor and collector does not have to be a natural person and that a firm, organization, association, partnership, corporation or entity serving as a tax assessor and collector shall give bond in an amount determined by the district's board to safeguard the district. Clarifies that a natural person related to certain persons associated with a district cannot serve as tax assessor and collector. Amends §49.351, Water Code, clarifies the type of revenue streams that a district may use to finance fire-fighting services include ad valorem taxes, mandatory fees and voluntary contributions. The bill specifies that bonds and ad valorem taxes for financing a fire service plan must be authorized by a district's voters. **Identical Bill: HB 168.** Last Action: **9/1/13: Earliest effective date.**

SB 972 – Carona

Occupations Code

Repeals §§1151.251 and 1151.252, Occupations Code, removing criminal penalties for failure to register with TDLR and for performing an appraisal, assessment, or collection function while the person's registration or certification with the department is not active. Redesignates §1151.253, (Complaint of Violation), as §1151.206. Last Action: **5/18/13: Earliest effective date.**

SB 1030 – Taylor

Tax, Education and Government Codes

New §11.315, Tax Code, provides for an exemption from ad valorem taxation of energy storage systems used for the control of air pollution in a nonattainment area. Defines “energy storage system”. New §42.2512, Education Code, provides that a school district is entitled to additional state aid for the exemption of an energy storage device. **Identical Bills: HB 2712 & HB 3216.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1076 – Hegar

Tax Code

New §41.66(d-1), Tax Code, provides the ARB will conduct a hearing that is closed to the public if the property owner or the chief appraiser intend to disclose propriety or confidential information at the hearing and that will assist the ARB in determining the protest. The ARB may hold a closed hearing only on a joint motion by the property owner and the chief appraiser. **Identical Bill: HB 2792.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1085 – Eltife

Tax Code

Amends §23.1241(a), Tax Code, provides definitions of certain terms for purposes of the ad valorem taxation of certain dealer's heavy equipment inventory. Definitions include: "business location" or "location at which the dealer conducts business" does not include a facility that is owned and controlled by a person who is not a dealer and is used to store or warehouse heavy equipment; "Dealer" means a person whose primary business in this state consists of selling, leasing, or renting heavy equipment and who operates a business location in this state that is open to the public and at which the person holds inventory that is available for sale, lease, or rent; and "Dealer's heavy equipment inventory" means all items of heavy equipment that a dealer owns and holds in the dealer's physical possession and that are available for sale, lease, or rent at the dealer's business location in this state during a 12-month period. **Identical Bill: HB 826.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1131 – Ellis

Tax Code

New §11.211, Tax Code, authorizes an exemption from ad valorem taxation of real property leased to and used by certain schools under specific circumstances. **See SJR 44.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1201 – Patrick

Tax Code

Amends §32.06, Tax Code, requires additional information be filed in the sworn document authorizing a tax lien transfer with the assessor-collector. New §32.06(a-5), Tax Code, requires a property tax lender (PTL) to include a notice in any advertisement or solicitation provided to a property owner and in the disclosure statement a warning informing a property owner that if the property owner has a mortgage on their property, taking out a property tax lien loan without consent of the lender, may put their property in default and it may be subject to foreclosure. Amends §32.06(b-1), Tax Code, requiring a PTL to send by certified mail to any mortgage servicer and to each holder of a recorded first lien encumbering the property a notice that the property owner requested that the PTL pay the taxes on the property, that the tax lien will be transferred to the PTL, and that the transferred tax lien will be superior to the mortgage. New §32.06(e-3), Tax Code, provides the transfer of a tax lien does not affect the priority of the lien to the extent the lien secures the funds advanced by the PTL to pay taxes, penalties, interest, and collection costs. The priority of a tax lien transferred as provided by this section is determined by the date the line and the statement attesting to the transfer of the lien are recorded to the extent the lien secures the funds advanced by the PTL to pay the closing costs, fees, and any other expenses incurred by the PTL after the date the line is transferred. Amends §32.06 (f-4), Tax Code, provides that failure to comply with Subsection (b-1), (f), or (f-1) the transferred tax lien is subordinate to any recorded preexisting lien on the property. The relative priority of other liens on the property is determined in accordance with the date they were recorded. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1224 -Taylor

Tax Code

Amends §1.08, Tax Code, changes Section title to “Timeliness of Action by Mail or Common or Contract Carrier”. Provides that when a property owner is required to make a payment or to file or deliver a report, application, statement, or other document or paper by a specified due date, the property owner’s action is timely if: it is properly addressed with postage or handling charges prepaid and: is sent by regular first-class mail and bears a post office cancellation mark of a date earlier than or specified due date and within the specified period; it is sent by common or contract carrier and bears a receipt mark indicating a date earlier than or on the specified due date and within the specified period; or it is sent by regular first-class mail or common or contract carrier and the property owner furnishes satisfactory proof that it was deposited in the mail or with the common or contract carrier on or before the specified due date and within the specified period. **Identical Bill: HB 1060.** Last Action: **6/14/13: Signed by the Governor.**

SB 1255 – Patrick

Tax Code

Amends §41A.01, Tax Code, allows a property owner to appeal through binding arbitration an ARB order determining a protest of an unequal appraisal of the owner’s property. New Section 41A.06 (c), provides an arbitrator must complete a training program on property tax law before conducting a hearing on an arbitration relating to the appeal of an ARB order determining a protest filed under Section 41.41(a)(2). The training must: emphasize the requirements regarding the equal and uniform appraisal of property; be at least 4 hours in length; and be approved by the comptroller. **Identical Bill: HB 2192.** Last Action: **6/14/13: Signed by the Governor.**

SB 1256 – Patrick

Tax Code

Amends 23.013(b), Tax Code, provides that for a residential property in a county with a population of more than 150,000, a sale is not considered to be a comparable sale for ad valorem tax purposes unless the sale occurred within 36 months of the date as of which the market value of the subject property is to be determined, regardless of the number of comparable properties sold during that period. Last Action: **6/14/13: Signed by the Governor.**

SB 1278 – Watson

Tax Code

New §23.26, Tax Code, provides for the appraisal for ad valorem tax purposes of solar energy property. Defines “solar energy property”. **Identical Bill: HB 2500.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1329 – Paxton

Transportation Code

New Chapter 366, Transportation Code, Subchapter I entitled “Habitual Violator Remedies”. The bill seeks remedies for nonpayment for regional tollway authority tolls. New §366.455, Transportation Code, allows a regional tollway authority to request that a county assessor-collector or the Texas Department of Motor Vehicles refuse to register any vehicle that is owned by a person subject to an administrative decision authorizing the exercise of habitual violator remedies. Amends §502.010, Transportation Code, changes title to “County Scofflaw or Tollway Habitual Violator” and makes conforming changes. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1342 – Davis

Tax Code

Amends §42.26, Tax Code, requires a district court to grant relief in a hearing for a remedy for unequal appraisal on the ground that a property is appraised unequally if: the appraised value of the property exceeds the median level of appraisal of a reasonable and representative sample of comparable properties appropriately adjusted; or if: the property qualifies as the owner's residence homestead; or the appraised or market value of the property is \$1 million or less, the appraised value of the property exceeds the median appraised value of a reasonable sample of comparable properties appropriately adjusted. Requires the comptroller to standards for development and calibration of adjustments for industrial, petrochemical refining and processing, and utility properties. Provides calculation of comparable property. **Similar Bill: HB 2889**. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1391 – Davis

Legislative Directive

Requires the comptroller to perform a study on the Texas Economic Development Act and report to the legislature its findings. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1434 – Hegar

Tax Code

Amends §26.012(17), Tax Code, includes in the definition of “new property value” for purposes of the calculation of certain ad valorem tax rates for a county: the increase in total taxable value of real property interests in oil or gas in place listed on the appraisal roll in the current year attributable to the production of oil or gas from wells completed after January 1 of the preceding year. **Identical Bill: HB 2798**. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1449 – Hinojosa

Finance and Tax Codes

Omnibus bill relating to the transfer of an ad valorem tax lien. Highlights include: Amends §351.002, defines “lienholder” and “property tax loan”. Eliminates the priority tax lien status of a property tax loan. Amends §351.003, Finance Code, eliminates secondary market transactions to non-licensed entities. Amends §32.06, Tax Code, eliminates a property tax lender's ability to use non-judicial foreclosure. Eliminates ever-green provisions in loan contracts. Repeals Sections 32.06(c-1), 32.065, 33.445, 34.02(e), and 34.021, Tax Code. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1455 – Taylor

Tax Code

New §11.211, Tax Code, authorizes an exemption from ad valorem taxation for real property leased to a school under specific circumstances. **See SJR 52. Identical Bill: HB 1360**. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1508 – Hegar

Tax Code

New §22.01(c-1), Tax Code, defines “secured party” and “security interest” for purposes of rendering of certain property. New §22.01(c-2), Tax Code, provides that with the consent of the property owner, a secured party may render for taxation any property of the property owner in which such secured party has a security interest as of January 1, although he is not required to render it by subsection (a) or (b). This subsection only applies to property that has a cost when new of more than \$50,000. New §22.01(d-1), Tax Code, a secured party who renders property shall indicate the party’s status as a secured party and shall state the name and address of the owner. Prohibits the secured party from being liable for any inaccurate information on the rendition statement if the property owner supplied the information, or for the failure to timely file the statement if the property owner fails to promptly cooperate with the secured party. A secured party may rely on information provided by the property owner with respect to: the accuracy of information in the rendition statement; the appraisal district in which the rendition statement must be filed; and compliance with any provisions of this chapter that require the property owner to supply additional information. **Identical Bill: HB 3396.** Last Action: **6/14/13: Signed by the Governor.**

SB 1510 – Hinojosa

Local Government Code

New §140.010, Local Government Code, entitled “Proposed Property Tax Rate Notice for Counties and Municipalities”. Defines “effective tax rate” and “rollback tax rate”. Provides specific language a county or municipality must publish before adopting an ad valorem tax rate. **Identical Bill: HB 3112.** Last Action: **6/14/13: Signed by the Governor.**

SB 1511 – Ellis

Tax Code

Amends §23.83, Tax Code, permits a person to have land they own appraised under this subchapter if, on January 1: the land is restricted as provided by this subchapter and its use is available to the public without a fee or for a nominal fee. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1529 – West

Tax Code

New §11.35, Tax Code, entitled “Landfill generated methane conversion facilities”. Provides an exemption from property taxation for certain facilities that convert landfill generated methane into renewable natural gas. Defines “renewable natural gas” and “renewable natural gas facility”. Amends §11.43(c), Tax Code, makes conforming changes. **Identical Bill: HB 1736.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1552 – Lucio

Tax Code

New §11.13(t), Tax Code, provides for an exemption from ad valorem taxation by a county of a portion of the value of the residence homestead of a veteran who has been honorably discharged. Prohibits a veteran from receiving both this exemption and an exemption under Subsection (d), but is entitled to receive the exemption in the greater amount. **See SJR 59. Identical Bill: HB 3132.** Last Action: 6/14/13: Bill failed due to legislative deadlines.



SB 1598 – Zaffirini

Tax Code

Amends §22.07(a), Tax Code, prohibits the chief appraiser or a representative of the chief appraiser to photograph the premises of the business, trade, or profession during the inspection (for ad valorem tax appraisal purposes) unless the chief appraiser or authorized representative provides a written notice of intent to photograph the premises to the owner or a person with custody and control of the business, trade, or profession not earlier than 30 days or later than 24 hours before the inspection. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1606 – Zaffirini

Tax Code

Amends §32.01(b), Tax Code, provides that a tax lien on inventory, furniture, equipment, or other personal property is a lien in solido and attaches to all inventory, furniture, equipment, and other personal property that the property owner owns on January 1 of the year the lien attaches or that the property owner subsequently acquires, irrespective of whether the personal property is located within the boundaries of the taxing unit in whose favor the lien attaches. **Identical Bill: HB 2445.** Last Action: **6/14/13: Vetoed by the Governor.**

SB 1619 – Paxton

Tax and Government Codes

New §11.35, Tax Code, provides a person is entitled to an exemption from ad valorem taxation by a school district of the appraised value of the person's inventory held for sale at retail. This exemption does not apply to: real property; a dealer's motor vehicle inventory; a dealer's heavy equipment inventory; a dealer's vessel and outboard motor inventory; or retail manufactured housing inventory. Makes conforming changes to §403.302(d), Government Codes. **See SJR 51.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1647 – Deuell

Tax Code

Omnibus bill relating to the Texas Economic Development Act. Some highlights include: Amends §313.002, Tax Code, provides "findings" which state given Texas' relatively high ad valorem taxes, it is difficult for the state to compete for new capital projects without some kind of temporary limit on ad valorem taxes imposed on new capital investments. New §313.0045, Tax Code, defines "qualifying job" and "Texas priority project". Amends §313.007, Tax Code, provides that Subchapters (A-1), B, and C expire December 31, 2020. New Subchapter A-1, Tax Code, entitled "Eligibility, Application, and Reporting", transfers several sections of CH. 313 to Subchapter A-1 and redesignates them. Repeals the following provisions of the Tax Code: Sections 313.005, 313.008, and 313.009; and Subchapter D, Chapter 313. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1652 – Williams

Education, Government, Local Government, and Tax Codes

Omnibus bill relating to fiscal transparency and accountability of certain entities responsible for public money. Specifically amends §26.16, Tax Code, changes the title to "Reporting of Tax Rates and Posting of Rates on County's Internet Website". Requires the county assessor-collector for each county, including those that do not participate in the assessment or collection of property taxes, to maintain in Internet website and provides specific items to be listed annually on the website. Requires the county assessor-collector to report their tax rate information for the current year to the comptroller. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1657 – Williams

Tax Code

Amends §33.011(d), Tax Code, requires a waiver of penalties and interest under Subsection (i) must be made before the 181<sup>st</sup> day after the date the property owner making the request receives notice of the delinquent tax. New §33.011(i), Tax Code, allows the governing body of a taxing unit to waive penalties and interest on a delinquent tax that relates to a date preceding the date on which the property owner acquired the property if: the property owner or another person liable for the tax pays the tax not later than the 181<sup>st</sup> day after the date the property owner receives notice of the delinquent tax; and the delinquency is the result of taxes imposed on: omitted property entered in the appraisal records; erroneously exempted property or appraised value added to the appraisal roll; or property added to the appraisal roll under a different account number or parcel when the property was owned by a prior owner. New §33.011(j), Tax Code, allows the governing body of a taxing unit to waive penalties and interest on a delinquent tax if the taxpayer submits evidence to show that the taxpayer delivered payment for the tax before the delinquency date to: the US Postal Service for delivery by mail, but an act or omission of the postal service resulted in the taxpayer's payment being postmarked after the delinquency date; or a private delivery service for delivery, but an act or omission of the private carrier resulted in the taxpayer's payment being received by the taxing unit after the delinquency date. New §33.04(b), Tax Code, provides that if the delinquency is the result of taxes imposed on property described by Section 33.011(i), the first page of the notice must include, in 14-point boldface type or 14-point uppercase letters, a statement that reads substantially as follows: "THE TAXES ON THIS PROPERTY ARE DELINQUENT. THE PROPERTY IS SUBJECT TO A LIEN FOR THE DELINQUENT TAXES. IF THE DELINQUENT TAXES ARE NOT PAID, THE LIEN MAY BE FORECLOSED ON." **Identical Bill: HB 1913.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1662 – Eltife

Tax Code

Amends §41A.03, Tax Code, provides that in order to appeal an ARB order through binding arbitration, a property owner must make an arbitration deposit made payable to the comptroller in the amount of \$500. It eliminated the \$250 fee, if the owner requested expedited arbitration. Repeals Section 41A.031. **Identical Bill: HB 3193.** Last Action: **6/14/13: Signed by the Governor.**

SB 1685 – Zaffirini

Tax Code

New §11.271, Tax Code, defines: "Environmental protection agency of the United States", "Offshore spill response containment system", and "Rules or regulations adopted by any environmental protection agency of the United States". Provides a person is entitled to an exemption from taxation of the personal property the person owns or leases that is used, constructed, acquired, stored, or installed solely as part of an offshore spill response containment system, or that is used solely for the development, improvement, storage, deployment, repair, maintenance, or testing of such a system, if the system is being stored while not in use in a county bordering on the Gulf of Mexico or on a bay or other body of water immediately adjacent to the Gulf of Mexico. Property described by this subsection and not used for any other purpose is considered to be property used wholly as an integral part of mobile or marine drilling equipment designed for offshore drilling or oil or gas wells. Provides circumstances where the subsection does not apply. New §151.356, Tax Code, entitled "Offshore Spill Response



Containment Property”. Defines “offshore spill response containment property”. **Identical Bill: HB 1712.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

**SB 1686 – Duncan**

**Education, Tax, and Government Codes**

Omnibus bill relating to public school finance matters, including the imposition of a state ad valorem tax for elementary and secondary school purposes and a school district ad valorem enrichment tax. Some highlights include: New §45.321, Education Code, provides for a state ad valorem tax for elementary and secondary school purposes at the rate of \$1 per \$100 of taxable value of property subject to the tax. New §45.353, Education Code, provides that the assessor and collector for each school district will assess and collect, as applicable, state ad valorem taxes imposed on property included on the appraisal roll for state taxation. Allows the governing body of a school district to contract with an official, taxing unit, or political subdivision of Texas for the assessment or collection of the ad valorem taxes of the district. Provides each assessor or collector of state ad valorem taxes is entitled to be reimbursed by the comptroller for the actual costs incurred by them in assessing or collecting the state ad valorem taxes. Amends §11.13, Tax Code, provides an adult is entitled to an exemption from taxation by the state for elementary and secondary public school purposes or by a school district of \$15,000 of the appraised value of the adult’s residence homestead. Provides for a limitation of school taxes on homesteads of individuals who are elderly or disabled. Amends §23.23(a), Tax Code, limits the increase to 5% an appraisal office may increase the appraised value for the purpose of state taxation. New §26.011, Tax Code, provides the following provisions are not applicable to the new state tax: Sections 26.04, 26.041, 26.05, 26.051, 26.06, 26.07, and 26.08, Tax Code. New §33.12, Tax Code, entitled “Collection of Delinquent State Ad Valorem Taxes; Penalty”. Provides the collector for a school district has the same powers and duties regarding the collection of delinquent state ad valorem taxes imposed on property having situs in the school district as the collector has regarding delinquent school district property taxes on that property. Provides the attorneys who represent a school district to enforce the collection of delinquent school district taxes represent the state to enforce the collection of delinquent state ad valorem taxes imposed on property having taxable situs in the school district. Provides that if the governing body of a school district contacts with a private attorney to enforce the collection of delinquent school district ad valorem taxes, the contract applies to the collection of delinquent state ad valorem taxes on property taxable by that school district without further action. State ad valorem taxes that remain delinquent on July 1 incur an additional penalty. Sections 6.30, 33.07 and 33.08, Tax code, do not apply to the state ad valorem tax. Makes conforming changes throughout the Tax Code. **See SJR 58.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

**SB 1779 – Zaffirini**

**Tax Code**

Amends §311.010(b), Tax Code, provides for ad valorem tax incentives for the recycling of eater used in oil or gas drilling or production. Amends §312.204(a), Tax Code, makes conforming changes. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1780 – Zaffirini

Tax and Local Government Codes

Amends §26.012(17), Tax Code, includes in the definition of new property value for the purposes of the calculation of certain ad valorem tax rates for a county: if approved by the voters in an election, for purposes of a county or a hospital district, the increase in total taxable value of real property interests in oil or gas in place listed on the appraisal roll in the current year attributable to the production of oil or gas from wells completed after January 1 of the preceding year. New §140.008, Local Government Code, provides for an election to treat an increase in taxable value of oil and gas interests as new property value for ad valorem tax rate calculations. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1792 – Watson

Transportation Code

New §502.011, Transportation Code, allows a county assessor-collector to refuse to register or renew the vehicle registration of a motor vehicle if it has received written notice from a toll project entity that the owner of the vehicle has been determined to be a habitual violator. The toll project entity will notify a county assessor-collector that a person for whom the assessor-collector has refused to register a vehicle is no longer determined to be a habitual violator; or an appeal of has been perfected and the appellant has posted any bond required to stay the toll project entity's exercise of habitual violator remedies pending an appeal. This section does not apply to the registration of a motor vehicle under Section 501.0234. Last Action: **6/14/13: Signed by the Governor.**

SB 1793 – Watson

Transportation and Government Codes

New §502.011, Transportation Code, requires a county assessor-collector to refuse to register or renew the vehicle registration of a motor vehicle if it has received written notice from the Texas Department of Transportation that the owner of the vehicle is has been finally determined to be a habitual violator. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1826 – Eltife

Tax Code

Amends §5.041, Tax Code, Requires a member of an ARB to complete the courses established under Subsections (a) and (e-1). Prohibits a member of an ARB from participating in a hearing conducted by the board unless the person has completed the courses established under Subsections (a) and (e-1) and has received a certificate of course completion. New §5.041(b-1), Tax Code, Requires each member of the ARB to complete a statement indicating that the member will abide by the requirements of this title in conduction hearings at the conclusion of the course established under Subsection (a) or (e-1). New §5.103, Tax Code, provides for ARB oversight with the comptroller preparing model hearing procedures. Amends §6.052, Tax Code, requires the board of directors of an appraisal district for a county with a population of more than 120,000 (from 125,000) to appoint a taxpayer liaison officer and provides that officer with a list of responsibilities. Amends §6.41, Tax Code, provides that in a county with a population of 120,000 (from 3.3 million or more) or more the members of the board are appointed by the local administrative district judge. All applicants submitted to the appraisal district or to the ARB seeking appointment as a member will be delivered to the local administrative district judge. The comptroller will provide information and assistance to the local administrative judge to aid in the selection of ARB members. Provides requirements for removal of an ARB member. Members of the board hold office for terms of 4 (from 2) years beginning on January 1. Defines conduct constituting an offense. New §21.09, Tax Code, provides for an allocation application. New §21.10, Tax Code, provides for a late application for allocation. Amends §41.66, Tax Code, provides guidelines for protest hearings. Repeals Section 41A.031, Tax Code. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SB 1896 – Garcia

Tax Code

Amends §25.025(a-1)(2), Tax Code, adds to the definition of “state judge” for purposes relating to the confidentiality of information in ad valorem tax appraisal records that identifies the home address of certain judges. **Identical Bill: HB 2408.** Last Action: **5/25/13: Earliest effective date.**

SJR 9 – Nichols

Constitutional Amendment

Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of a residence homestead for ad valorem tax purposes to 105 percent or less of the appraised value of the property for the preceding tax year and to permit the voters of a county to establish a higher limitation not to exceed 110 percent on the maximum appraised value of a residence homestead in the county. **See SB 95.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SJR 12 – Ellis

Constitutional Amendment

Proposing a constitutional amendment requiring the periodic review of state and local tax preferences and providing an expiration date for certain tax preferences. **See SB 140. Identical Resolution: HJR 130.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SJR 14 – Patrick

Constitutional Amendment

Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of commercial or industrial real property for ad valorem tax purposes to 110 percent or more of the appraised value. Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of commercial or industrial real property for ad valorem tax purposes to 110 percent or more of the appraised value. **See SB 155.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SJR 15 – Patrick

Constitutional Amendment

Proposing a constitutional amendment to authorize the legislature to set a lower limit on the maximum appraised value of a residence homestead for ad valorem taxation. **See SB 154. Identical Resolution: HJR 102.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SJR 16 – Van de Putte

Constitutional Amendment

Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action. **See SB 163. Identical Resolution: HJR 62.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SJR 30 – Van de Putte

Constitutional Amendment

Proposing a constitutional amendment authorizing the legislature under certain limitations to specify the amount of the exemption from ad valorem taxation to which certain disabled veterans and the surviving spouses and children of certain veterans are entitled. **See SB 465. Identical Resolution: HJR 82.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SJR 32 – Paxton

Constitutional Amendment

Proposing a constitutional amendment to authorize a political subdivision other than a school district to establish a limitation on the amount of ad valorem taxes that the political subdivision may impose on the residence homesteads of persons who are disabled or elderly and their surviving spouses. **See SB 489.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SJR 33 – Williams

Constitutional Amendment

Proposing a constitutional amendment authorizing school districts to create school security districts and impose ad valorem taxes for crime prevention measures; authorizing a tax. **See SB 509.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SJR 44 – Ellis

Constitutional Amendment

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation real property leased to certain schools organized and operated primarily for the purpose of engaging in educational functions. **See SB 1131.** Last Action: 6/14/13: Bill failed due to legislative deadlines.

SJR 51 – Paxton

Constitutional Amendment

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation by one or more political subdivisions of this state a person's inventory held for sale at retail. **See SB 1619**. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SJR 52 – Taylor

Constitutional Amendment

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation real property leased to certain schools organized and operated primarily for the purpose of engaging in educational functions. **See SB 1455. Identical Resolution: HJR 86**. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SJR 58 – Duncan

Constitutional Amendment

Proposing a constitutional amendment imposing a state property tax for public education, authorizing the legislature to establish for purposes of that tax a limit on the maximum appraised value of a residence homestead of 105 percent of the appraised value of the property for the preceding tax year, prohibiting school district property taxes for maintenance purposes, and authorizing school district property taxes for educational enrichment. **See SB 1686**. Last Action: 6/14/13: Bill failed due to legislative deadlines.

SJR 59 – Lucio

Constitutional Amendment

Proposing a constitutional amendment to exempt from county ad valorem taxation a portion of the value of the residence homestead of a veteran of the United States armed services who has been honorably discharged. **See SB 1552. Identical Resolution: HJR 134**. Last Action: 6/14/13: Bill failed due to legislative deadlines.

Office of Superintendent of Schools  
Board of Education Meeting of June 13, 2013

Anna Eastman, Board President

**SUBJECT: APPROVAL OF THE RESOLUTION ASSIGNING TERRITORY OF  
THE NORTH FOREST INDEPENDENT SCHOOL DISTRICT INTO  
SINGLE MEMBER HOUSTON INDEPENDENT SCHOOL DISTRICT  
TRUSTEE DISTRICTS**

The Texas Education Agency's Commissioner of Education has ordered that the Houston Independent School District (HISD) annex the North Forest Independent School District (North Forest ISD) to be effective July 1, 2013. Pursuant to Texas Education Code §13.054 and §13.102 followed by the annexation of territory as mandated by operation of law, this agenda item seeks HISD Board of Education approval of a resolution outlining Trustee representation, providing notice of meeting, superintendent authorization, authorization to execute and effective date.

COST/FUNDING SOURCE(S)                      None

STAFFING IMPLICATIONS:                      None

ORGANIZATIONAL GOALS/IMPACT: This agenda item is ministerial for compliance purposes only.

THIS ITEM DOES NOT REQUIRE CONSULTATION.

THIS ITEM DOES NOT ESTABLISH, MODIFY, OR DELETE BOARD POLICY.

**RECOMMENDED:** That the Board of Education approve the resolution assigning territory of the North Forest Independent School District into single member Houston Independent School District trustee districts; the resolution, effective immediately upon adoption by the Board, with assignment of the territory effective July 1, 2013 or whenever North Forest Independent School District is annexed to Houston Independent School District.

**RESOLUTION ASSIGNING TERRITORY OF THE NORTH FOREST  
INDEPENDENT SCHOOL DISTRICT INTO SINGLE MEMBER HOUSTON  
INDEPENDENT SCHOOL DISTRICT TRUSTEE DISTRICTS**

THE STATE OF TEXAS	§
COUNTY OF HARRIS	§
HOUSTON INDEPENDENT SCHOOL DISTRICT	§

**WHEREAS**, Texas Education Code §39.052 requires the Texas Commissioner of Education (“Commissioner”) to determine the accreditation status of each school district each year;

**WHEREAS**, Texas Education Code §39.102 authorizes the Commissioner to take certain actions to the extent the Commissioner determines necessary if a school district does not satisfy the accreditation criteria under Texas Education Code §39.052, the academic performance standards under Texas Education Code §39.053 or §39.054, or any financial accountability standard as determined by Commissioner rule;

**WHEREAS**, the authorized actions the Commissioner is allowed to take include revoking a district’s accreditation and ordering a district be closed and annexed to one or more adjoining districts;

**WHEREAS**, after consideration of the academic performance with the North Forest Independent School District (“North Forest ISD”), the Commissioner issued his Decision of the Commissioner, dated March 30, 2012 (and modified by the Decision on Motion for Rehearing, dated May 7, 2012) and revoked the accreditation of North Forest ISD, ordered its closure and annexation to Houston Independent School District (“Houston ISD”), but abated the implementation of the order until July 1, 2013 to allow North Forest ISD a last opportunity to demonstrate, among other requirements, sustained improvement in student completion rates and student academic performance;

**WHEREAS**, on February 7, 2013, the Commissioner notified North Forest ISD of his conclusions that North Forest ISD had failed to meet two of the conditions set forth in the Decision of the Commissioner and the Decision on Rehearing and that North Forest ISD should be ordered closed and annexed into the Houston ISD;

**WHEREAS**, after North Forest ISD requested and received a reopened record review, on April 1, 2013, the Decision of the Commissioner’s Designee on Reopened Record Review was signed and issued, ordering the North Forest ISD to be closed effective July 1, 2013 and annexed to the Houston ISD on July 1, 2013;

**WHEREAS**, on May 24, 2013, by Decision and Order in SOAH Docket No. 701-13-3749 and TEA Docket No. 037-R8-04-2013, Administrative Law Judge William Newchurch of

the State Office of Administrative Hearings affirmed the Commissioner's decision to order closure of the North Forest ISD;

**WHEREAS**, by operation of law the North Forest ISD will become part of Houston ISD on July 1, 2013;

**WHEREAS**, Houston ISD maintains single member trustee districts, with nine trustees;

**WHEREAS**, if the annexation of North Forest ISD as mandated by operation of law occurs on July 1, 2013, Houston ISD desires to assign the North Forest ISD into certain single member districts to provide immediate representation within its single member trustee district system; and

**WHEREAS**, Houston ISD recognizes that a full redistricting of its nine trustee districts is probable and projects that such redistricting will take place in 2014.

**THEREFORE, IT IS ORDERED BY THE BOARD OF TRUSTEES OF HOUSTON ISD THAT:**

Section 1. The Territory representing the North Forest ISD (consisting of all territory currently assigned to North Forest ISD, as identified in the *Texas School Districts and ESC Regions 2010-2011 School Year* map located at the first link on the web page at [http://www.tea.state.tx.us/index2.aspx?id=2147505144&menu\\_id=692&menu\\_id2=796&cid=214743661](http://www.tea.state.tx.us/index2.aspx?id=2147505144&menu_id=692&menu_id2=796&cid=214743661) is hereby assigned to Houston ISD Single Member Trustee Districts 2 and 8 as shown on Exhibit A.

Section 2. Notice of Meeting. The Board of Trustees officially finds, determines, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was posted as required by Chapter 551, Texas Government Code; and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter thereof was discussed, considered and formally acted upon.

Section 3. Superintendent Authorization. The Board of Trustees hereby authorizes the Superintendent to take all appropriate steps to implement this resolution.

Section 4. Authorization to Execute. The President or Vice President of the Board of Trustees is authorized to execute and the Secretary of the Board of Trustees is authorized to attest and seal this Resolution on behalf of the Board of Trustees.

Section 5. Effective Date. This Resolution is effective immediately upon adoption by the Board, and assignment of the territory is effective July 1, 2013 or whenever North Forest is annexed to HISD.

*[signature page follows]*



PASSED AND APPROVED this June 13, 2013.

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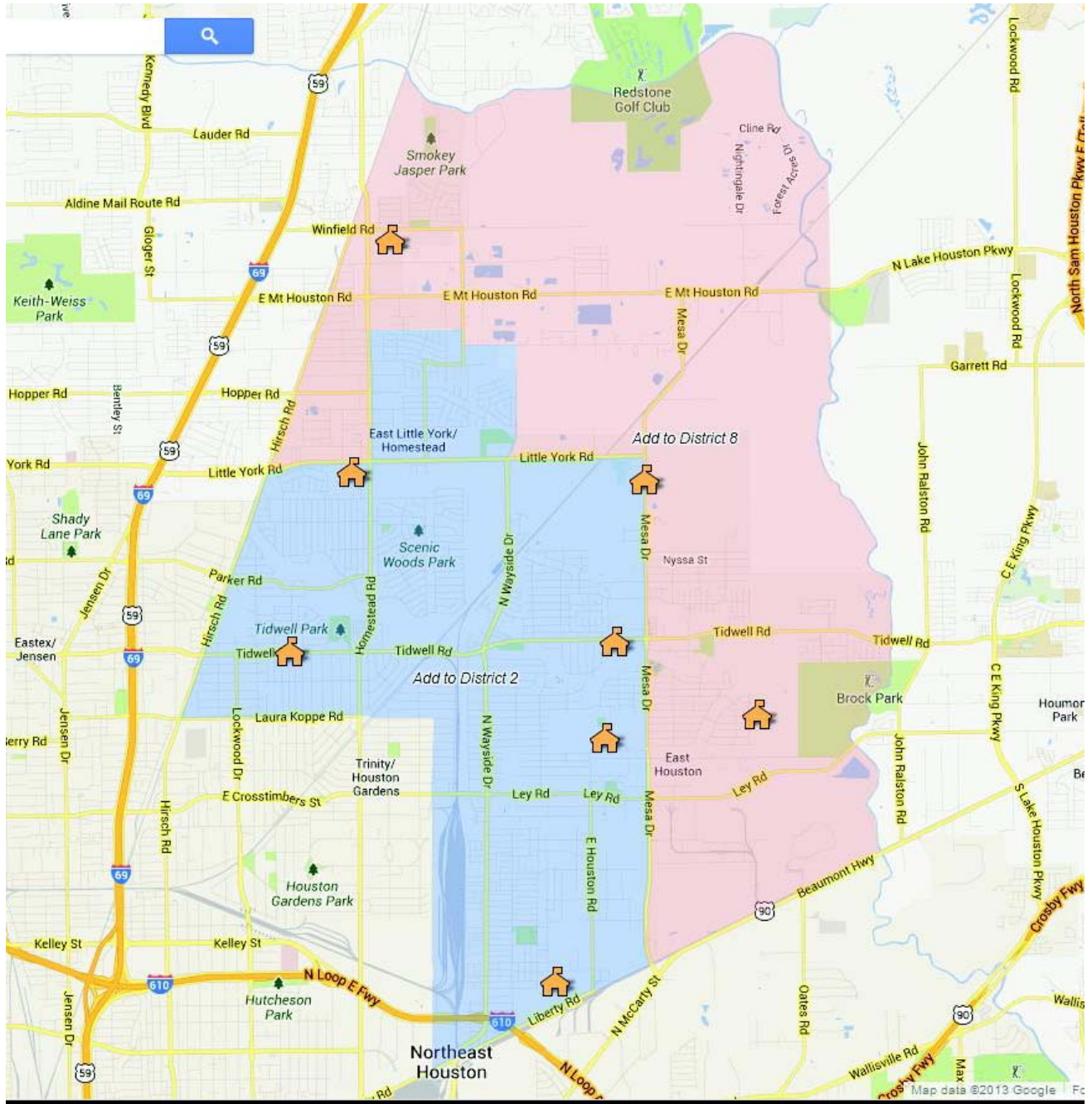
President, Board of Trustees  
Houston Independent School District

ATTEST:

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Secretary, Board of Trustees  
Houston Independent School District

(SEAL)



Office of Superintendent of Schools  
Board of Education Meeting of June 13, 2013

Anna Eastman, President

**SUBJECT: APPROVAL OF THE CHANGES TO THE BOUNDARY OF THE  
HOUSTON INDEPENDENT SCHOOL DISTRICT CONTINGENT  
UPON ANNEXATION OF THE NORTH FOREST INDEPENDENT  
SCHOOL DISTRICT INTO THE HOUSTON INDEPENDENT SCHOOL  
DISTRICT**

The Texas Education Agency's Commissioner of Education has ordered that the Houston Independent School District (HISD) annex the North Forest Independent School District (North Forest ISD) to be effective July 1, 2013. Pursuant to HISD Board Policy AC(LEGAL) and the Texas Education Code §13, Subchapter B regarding the annexation of territory, this agenda item seeks HISD Board of Education approval of an enlarged district boundary contingent upon the annexation of the North Forest ISD into HISD.

The proposed boundary for the HISD is indicated below.

Beginning at a point where the East line of the L. Roarke Survey (Abs. 651) projected southwesterly intersects the boundary line between Harris and Fort Bend Counties, said point being on the East boundary of the Alief Independent School District:

- 1) THENCE northeasterly along said projection and the East line of the said L. Roarke Survey to its Northeast corner on the South line of the W. E. Sanders Survey (Abs. 1137);
- 2) THENCE southeasterly along the South line of said W. E. Sanders Survey to the Southeast corner of said Survey;
- 3) THENCE North along the East line of the said W. E. Sanders Survey to the South line of the H.T. & B. R.R. Survey No. 7 (Abs. 398);
- 4) THENCE East along the South line of said H.T. & B. R.R. Survey No. 7 to its Southeast corner;
- 5) THENCE North along the East line of said H.T. & B. R.R. Survey No. 7 to its Northeast corner;

- 6) THENCE West along the North line of said H.T.& B. R.R. Survey No. 7 to the East line of the W.T. Neal Survey (Abs. 607);
- 7) THENCE North along the East line of said W.T. Neal Survey to its Northeast corner;
- 8) THENCE West along the North line of the said W.T. Neal Survey to the Southeast corner of the David Henson Survey (Abs. 381);
- 9) THENCE North along the East line of the said David Henson Survey to its Northeast corner, same being the Southwest corner of the Caleb MacKenzie Survey (Abs. 561);
- 10) THENCE East along the South line of the Caleb MacKenzie Survey to the Southeast corner of said Survey;
- 11) THENCE North along the East line of the Caleb MacKenzie Survey, the East line of the C. Ennis Survey (Abs. 253), and the East line of the Geo. L. Bellows Survey (Abs. 3) to the Northeast corner of the Alief Independent School District, being the center line of Westheimer Road, F.M. #1093, formerly Beeler Road #1130 and Westheimer Road #1880;
- 12) THENCE in a westerly direction along the center line of Westheimer Road, F.M. #1093, being the North line of the Alief Independent School District, to the center line of State Highway 6, Addicks-Howell Road #1001;
- (The description of boundary calls 1 through 12, inclusive, follows the East and North lines of the Alief Independent School District.)
- 13) THENCE in a northerly direction along the center line of State Highway 6 to its intersection with the center line of Buffalo Bayou;
- 14) THENCE in an easterly direction and with the meanders of the center line of Buffalo Bayou to its intersection with the West right-of-way line of a 50 ft. United Gas Pipe Line Co. easement;
- 15) THENCE northerly along the West line of the United Gas pipe Line easement and the East line of Thornwood Two Subdivision to the Northeast corner of Lot 1. Blk 5. of Thornwood II and the South line of Turkey Creek Drive;
- 16) THENCE northeasterly from stated block to a point South of Memorial Drive;
- 17) THENCE South from stated point to the center of Buffalo Bayou;

- 18)THENCE easterly along the meanders of the rectified portion of Buffalo Bayou as per U.S. Army Corps. of Engineers data;
- 19)THENCE continuing in an easterly direction with the center line of Buffalo Bayou with all its meanders to the center line of Woodway Drive;
- 20)THENCE east with the center line of Woodway Drive to the center line of Post Oak Lane, the same being a West line of Memorial Park;
- 21)THENCE North along a West line of Memorial Park, being also the dividing line between the John Reinerman Survey (Abs. 642) and the James Wharton Survey (Abs. 871) to the Northwest corner of said John Reinerman Survey in the South line of the Henry Reinerman Survey (Abs. 644);
- 22)THENCE West with the South line of the Henry Reinerman Survey to its Southwest corner;
- 23)THENCE North along the West line of the Henry Reinerman Survey to a point in the center line of the T. & N.O. R.R. (formerly the H. & T.C. R.R.) right-of-way;
- 24)THENCE in a northwesterly direction with the center line of the T. & N.O. R.R. right-of-way to the West line of the John Flowers Survey (Abs. 269);
- 25)THENCE North with the West line of the said John Flowers Survey to its Northwest corner in the South line of the Sam Moore Survey (Abs. 550);
- 26)THENCE West with the South line of the Sam Moore Survey to its Southwest corner;
- 27)THENCE East then North along the West line of the Sam Moore Survey to a point in the center line of Brick House Gully;
- 28)THENCE in a westerly direction with the center line of Brick House Gully, being the northeasterly boundary of the Spring Branch Independent School District, to a point where the East line of the Thomas Hubanks Survey (Abs. 370), being the East line of the A.B. Holland Survey (Abs. 346), produced South intersects the center line of Brick House Gully, said point being the Southeast corner of the Cypress-Fairbanks Independent School District;
- (Calls 17 through 28 follow the South, the East, and the Northeasterly boundary of the Spring Branch Independent School District.)
- 29)THENCE North through part of the D. Alexander Survey (Abs. 92) and the W.C. Wallace Survey (Abs. 848), and Joseph Bays Survey (Abs. 127), this being the

East boundary of the Cypress-Fairbanks Independent School District, to the Southwest corner of the A.G. Holland Survey (Abs. 346), this being the Southwest corner of the Aldine Independent School District;

30)THENCE East with the South line of the said A.G. Holland Survey to its Southeast corner in the West line of the E. Benson Survey (Abs. 110);

31)THENCE South with the West line of the Benson Survey to its Southwest corner;

32)THENCE East with the South line of the Benson Survey to its Southeast corner;

33)THENCE North with the East line of said E. Benson Survey and the East line of the J. Love Survey (Abs. 258) to a point in the East line of said Love Survey which is the most southerly Southwest corner of the P. Thompson Survey (Abs. 768);

34)THENCE East with the most southerly South line of the P. Thompson Survey to its Southeast corner;

35)THENCE North with the East line of said P. Thompson Survey to its Northeast corner, the same being an inner corner of the H. & T.C. R.R. Co. Survey (Abs. 431);

36)THENCE East across the H. & T.C. R.R. Co. Survey to another inner corner of said Survey. And continuing East along the most easterly South line of said Survey and the South line of the A.C. Allen Survey (Abs. 1295) and the M.K. Snell (Abs. 688) to the Southeast corner of said Snell Survey on the West line of the T.S. Lubbock Survey;

37)THENCE South with the West line of the T.S. Lubbock Survey to its Southwest corner;

38)THENCE East along the South line of the Lubbock Survey to the Northwest corner of the Wiley Smith Survey (Abs. 711);

39)THENCE South with the West line of the Wiley Smith Survey to its most southerly Southwest corner;

40)THENCE East with the most southerly South line of the said Wiley Smith Survey and with the South line of the M. Terrell Survey (Abs. 772), to the Northwest corner of the Andrew Daly Survey (Abs. 239);

41)THENCE South with the West line of said Andrew Daly Survey to its Southwest corner;

42)THENCE East with the South line of said Andrew Daly Survey, being the North line of the Harris & Wilson Survey (Abs. 32), to the center line of the Union Pacific R.R. (formerly the T.&N.O. R.R.) right-of-way;

43)THENCE North in an Easterly direction with the center line of the Union Pacific Railroad to a point in the center line of Greens Bayou;

(Calls 34 through 43 following the southerly and easterly line of the Aldine Independent School District.)

44)THENCE East with the center line of Greens Bayou to a point in the center line of the East line of the N. Brady Survey, (Abs. 149);

45)THENCE South with the center line of the East line of the W. Britton Survey (Abs. 117), and the East line of the J.E. Bundick Survey, (Abs 119), and the west line of the W. H. Steele Survey (Abs. 714) to a point in the center line of Greens Bayou;

(Call 45 follows the westerly boundary of the Sheldon Independent School District.)

46)THENCE South with the center line of Greens Bayou with its meanders in a southerly direction to a point where the South line of the C. Martinez Survey (Abs. 545) projected East through the Harris & Wilson Survey (Abs. 31) would intersect said center line of Greens Bayou;

47)THENCE West through the said Harris & Wilson Survey and along the South line of the said C. Martinez Survey to the Southwest corner of said C. Martinez Survey, and being in the North line of the J.H. Callahan Survey (Abs. 192);

48)THENCE continuing West with the North line of the said J.H. Callahan Survey to its Northwest corner;

49)THENCE South with the West line of the said J.H. Callahan Survey to its Southwest corner and being in the North line of the E. Thomas Survey (Abs. 73);

50)THENCE West with the North line of the said E. Thomas survey to its Northwest corner;

51)THENCE South with the West line of the said E. Thomas Survey to the center line of the Buffalo Bayou (Houston Ship Channel);

52)THENCE in an easterly direction with the center line of Buffalo Bayou with all its meanders to the Northeast corner of the Callahan and Vince Survey (Abs. 9),

said point of intersection of the East line of the Callahan and Vince Survey and Buffalo Bayou being the most northerly West corner of the Pasadena Independent School District;

(Calls 46 through 52, inclusive, follow the westerly boundary of the Galena Park Independent School District.)

53)THENCE South with the East line of the said Callahan and Vince Survey to its Southeast corner;

54)THENCE West with the South line of said Callahan and Vince Survey to its Southwest corner and being in the East line of the John R. Harris Survey (Abs. 27);

55)THENCE South with the East line of the said John R. Harris Survey, the D.W.C. Harris Survey (Abs. 324), the Peter Mahen Survey (Abs. 562), and Thomas Slayden Survey (Abs. 1687), the J.T. Rockwell Survey (Abs.666), the John Randon Survey (Abs.665), and a part of the J. de Cordova Survey (Abs. 237) to the Northwest corner of the Robert Cameron Survey (Abs. 211);

56)THENCE continuing South with the East line of the said J. de Cordova Survey and W.T. Bissonnet Survey (Abs. 150), to the center line of Clear Creek, which is the South boundary of Harris County and the North boundary of Brazoria County;

(Calls 53 through 56, inclusive, follow the westerly boundary line of the Pasadena Independent School District.)

57)THENCE in a westerly direction with the center line of Clear Creek with all its meanders and the boundary line between Harris and Brazoria Counties to the northerly Northwest corner of Brazoria county, being the Northeast corner of Fort Bend County in the S.G. Haynie Survey;

58)THENCE in a northwesterly direction with the South boundary of Harris County, begin the North boundary of Fort Bend County to a point where said boundary intersects the northerly city limit lines of the City of Stafford;

59)THENCE in a northwesterly direction with the city limit lines of the City of Stafford to the South boundary of Harris County, being the North boundary of Fort Bend County;

60)THENCE in a northwesterly direction with the South boundary of Harris County, being the North boundary of Fort Bend County, to a point where the east line of the L. Roarke Survey (Abs. 651) projected southwardly intersects said boundary



line between Harris and Fort Bend Counties, and being the PLACE OF BEGINNING.

HISD is a district of choice, providing a diverse portfolio of educational options. Families may choose for students to attend their new zoned neighborhood school, transfer to a magnet or specialty school, or remain at the current school.

The current and proposed boundary maps are attached.

COST/FUNDING SOURCE(S)                      None

STAFFING IMPLICATIONS:                      Staff members will be assigned as appropriate.

ORGANIZATIONAL GOALS/IMPACT:                      This agenda item supports HISD Goal 4: Increase Management Effectiveness and Efficiency and is not aligned to a core initiative, but is ministerial for compliance purposes only.

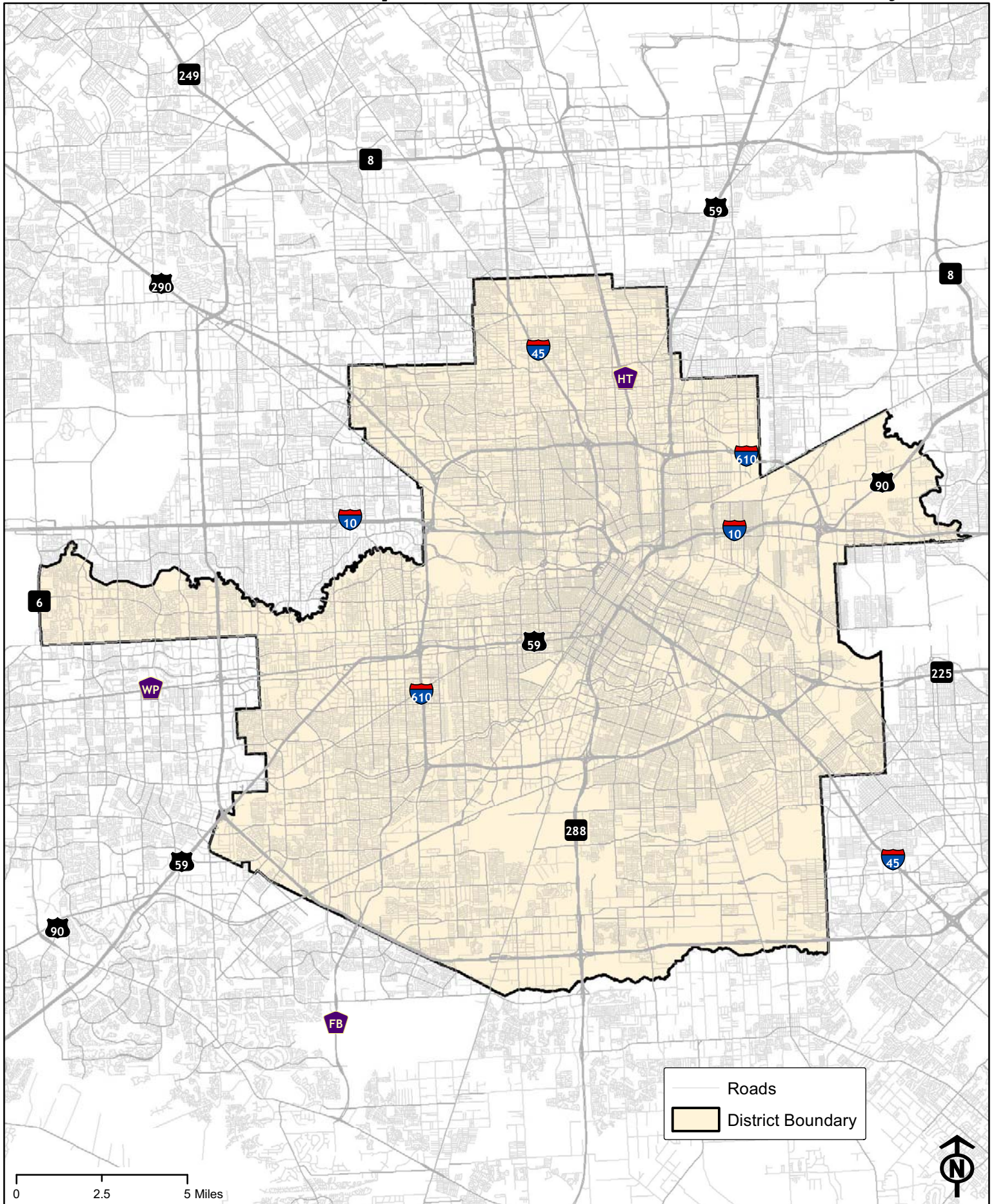
THIS ITEM DOES REQUIRE CONSULTATION.

THIS ITEM DOES NOT ESTABLISH, MODIFY, OR DELETE BOARD POLICY.

RECOMMENDED: That the Board of Education approve the enlarged boundary of the Houston Independent School District contingent upon the annexation of the North Forest Independent School District into the Houston Independent School District, effective, June 14, 2013.

# Current Houston ISD Boundary

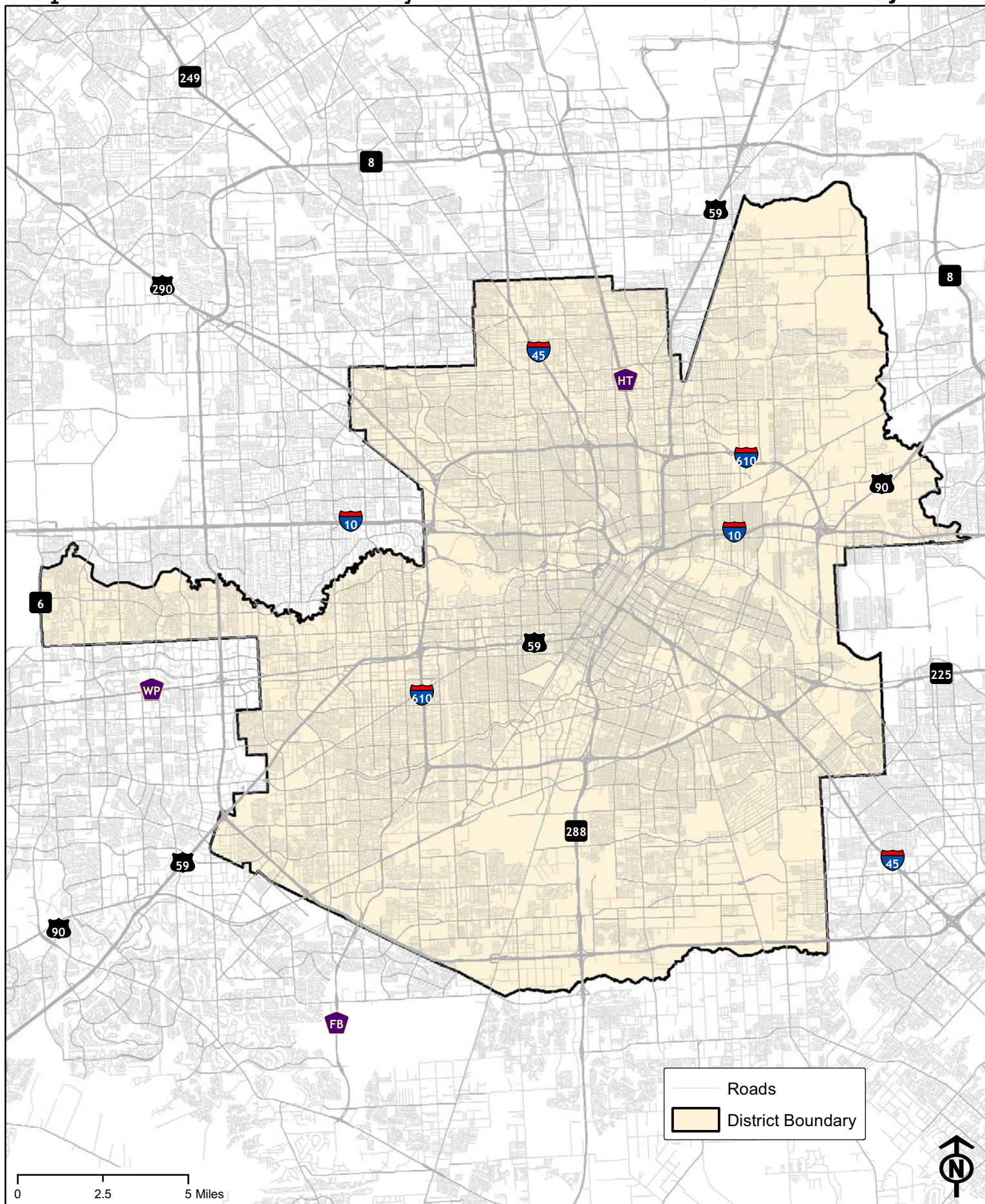
NEW 06/07/13  
Attachment B-3 June 2013





# Proposed Houston ISD Boundary

NEW 06/07/13  
Attachment B-3 June 2013



HOUSTON INDEPENDENT SCHOOL DISTRICT

# 83rd Legislative Session Report

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Office of Government Relations

**Veronica L. Garcia**

**6/17/2013**

This document contains highlights of education-related bills passed during the 83rd Legislative Session. Click on the bill number for the full text of the bill. Please contact Veronica Garcia (713-556-7203) with questions.

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## ACADEMIC & CURRICULUM

### [HB 462, Representative Dan Huberty](#)

- Prohibits the SBOE from adopting the Common Core to comply with TEKS
- Prohibits ISDs from using common core state standards to comply with TEKS
- Prohibits the act of requiring an ISD or open-enrollment charter school to offer any aspect of a common core state standards curriculum.
- Prohibits TEA from adopting or developing a criterion-referenced assessment instrument based on common core state standards. This prohibition doesn't apply to college advanced placement tests or international baccalaureate exams.

### [HB 742, Representative Mark Strama](#)

- Creates a grant program for districts to provide summer instruction to primarily educationally disadvantaged students. The program would be limited to not more than 10 school districts to use in providing instructional programs to students in prekindergarten through grade 8 during the period in which school is recessed for the summer.

### [HB 753, Representative Mike Villarreal](#)

- As part of the annual notice a school district provides to parents concerning SES, this bill requires the ISD to include information provided to the ISD by TEA that:
  - Identifies SES characteristics that have been demonstrated to be more likely to foster improvement in student academic performance;
  - Sorts, for each subject for which SES are provided, SES providers serving ISD students according to the provider's level of effectiveness in improving student performance in the applicable subject area.
- Requires TEA to develop, and by commissioner rule establish, a process for approving and revoking approval for an SES provider. The process must allow TEA to use any publicly available information in determining whether to approve a provider, except that TEA can't use information that is self-published or published by a provider for marketing purposes.
- TEA is required to maintain a publicly available list of approved providers.
- Requires TEA to promptly investigate a complaint against an approved provider and promptly remove from the list of approved providers a provider for which TEA approval is revoked.
- Not later than the 5<sup>th</sup> business day after the date on which TEA removes a provider from the list of approved providers, TEA must notify each appropriate ISD. The ISD must provide notice to parents of appropriate students.
- An SES provider for which TEA approval is revoked, because TEA determines that the provider has engaged in fraudulent activity, is permanently prohibited from acting as a provider in Texas.



#### [HB 897, Representative John Zerwas](#)

- Requires school districts and open-enrollment charter schools to provide cardiopulmonary resuscitation (CPR) instruction to students in grades 7 through 12 at least once before graduation.
- Removes the use of an automated external defibrillator as part of the essential knowledge and skills of the health curriculum.

#### [HB 1122, Representative Eric Johnson](#)

- Allows Dallas ISD and Houston ISD to establish a pilot program through which students could earn a high school diploma in three years.
- The bill would direct that the entitlement that would have been earned under the Foundation School Program if students participating in the pilot program had attended school for the fourth year would be redirected for the purpose of providing a full-day prekindergarten program in Dallas ISD or Houston ISD in the year subsequent to the students' graduation under the three-year program. The pilot program would expire at the end of FY2023.

#### [HB 2137, Representative Allen Fletcher](#)

- Requires school districts to enroll certain students in their summer school program, who are not otherwise enrolled in the district,
- ISDs could charge those fees allowed under law for participation.

#### [HB 2549, Representative Diane Patrick](#)

- Requires the vertical team established by TEA and THECB to periodically review and revise the college readiness standards and expectations.

#### [HB 2058, Representative Alma Allen](#)

- Allows any person who is at least 16 years of age to take the high school equivalency exam if that person was required to do so under a court order.
- Strikes the current law provision requiring the court order to be related to failure to attend school.
- Eliminates the provision prohibiting a person under 18 years of age from taking the exam online.

#### [HB 2662, Representative Marsha Farney](#)

- Requires a personal financial literacy credit as part of the enrichment curriculum

#### [HB 2694, Representative Mike Villarreal/SB 1365 Senator Duncan](#)

- In regards to credit-by-examination, this bill requires school districts to select, if available, four examinations approved by the school district board of trustees for each subject. If the board of trustees approved, the examinations selected would have to include advanced placement (AP) examinations and examinations administered through the College-Level Examination Program (CLEP).
- The bill would require school districts to offer each exam for credit by examination at least four times per year. Student could not attempt credit by exam more than twice for the same subject, and would be required to enroll in a course if they failed to achieve the required score for credit by examination before the beginning of the school year in which they would ordinarily enroll in the course.
- A student who received credit by exam in a subject area would be exempt from taking an end-of-course (EOC) assessment for that subject area.

#### [SB 31, Senator Judith Zaffirini](#)

- Prohibits the THECB from including, in its instruction and operations formula applicable to an IHE, semester credit hours earned for dual course credit by a high school student for high school and college credit at the institution unless those credit hours are earned through: (1) a course in the core curriculum of the institution providing course credit; (2) a career and technical education course that applies to any certificate or associate's degree offered by the institution providing course credit; or (3) a foreign language course.
- This prohibition does not apply to a course completed by a student as part of the early college education program established under Chapter 29 of the Education Code.

#### [SB 503, Senator Royce West](#)

- Establishes the Expanded Learning Opportunities Council (ELOC), comprising 13 members representing various stakeholders, to study and develop a comprehensive statewide action plan concerning expanded learning opportunities for public school students.

#### [SB 1406, Senator Dan Patrick](#)

- Requires instructional lessons developed as part of a curriculum management system by a regional education service center to be subject to review by the State Board of Education.

#### [SB 1474, Senator Robert Duncan](#)

- Requires school districts to include teacher input, provide opportunities for employees to express opinions, and meet with the board of trustees prior to the adoption of any major curriculum initiative, including curriculum management systems.

#### [SB 1590, Senator Judith Zaffirini](#)

- Includes the topic of “insurance” in the personal financial literacy requirements.



## ADMISSION & ATTENDANCE

### [HB 455, Representative Dawnna Dukes](#)

- The bill would expand excused absences to include a temporary absence resulting from a student taking his or her child to an appointment with a health care professional. For the absence to be excused, the student would have to attend school for at least part of the day.
- The bill would apply beginning with the 2013 - 2014 school year.

### [HB 525, Representative Jimmie Don Aycock](#)

- Requires TEA to collect data from ISDs and open-enrollment charter schools through PEIMS related to the enrollment of military-connected students.
- The data must include the number of active duty military-connected students and the number of National Guard or reserve military-connected students enrolled in the ISD or open-enrollment charter school on a date, to be determined by TEA, the beginning and the end of the school year.
- The data may not be used for accountability purposes.

### [SB 260, Senator Wendy Davis](#)

- Requires a school district to excuse for a maximum of five days the absence of a student whose active duty military parent, stepparent, or guardian has been called for duty, is on leave from, or has immediately returned from continuous deployment of at least four months outside of the area in which they regularly reside.
- These excused absences must be taken within 60 days of the date of deployment or within 30 days after the return of the parent, stepparent, or legal guardian from deployment

### [SB 172, Senator John Carona](#)

- Requires the commissioner to adopt, for use in diagnosing the reading development and comprehension of kindergarten students, at least two multidimensional assessment tools.
- Establishes requirements for these assessment tools.

### [SB 553, Senator Carlos Uresti](#)

- Allows a school district to adopt a policy excusing a student from attending school to serve as an early voting clerk in an election and adding these students to the group of students who may not be penalized for the absence and who must be counted as if they attended school for purposes of calculating average daily attendance.

## **ASSESSMENT & ACCOUNTABILITY**

### **[HB 5, Representative Jimmie Don Aycock](#)**

- Creates a Foundation Diploma of 22 credits which includes: 4 ELA, 3 Math, 3 Science, 3 Social Studies, 2 Foreign Language, 1 Fine Art, 1 PE and 5 electives
- Requires students to earn an additional endorsement in one of five areas: STEM, Business and Industry, Public Services, Arts and Humanities and Multidisciplinary Studies.
- Each endorsement requires students to earn a total of 26 credits which includes an additional flexible math credit, flexible science credit and two additional electives.
- All students must select an endorsement but may opt for only completing the foundation plan after grade 10 with parental consent.
- Requires the TEA to develop and adopt assessment instruments for Algebra II & English III that an ISD may administer at the district's option (This section applies beginning 2015 – 2016 school year).
  - The results may not be used: (1) by TEA for accountability purposes for a school campus or school district; (2) by an ISD for the purpose of teacher evaluations; (3) by an ISD in determining a student's final course grade or determining a student's class rank; (4) by an IHE for admission purposes or to determine TEXAS grant eligibility.
- Changes accountability for districts to an A-F system.
- Repeals the provision that limits an ISD to a junior college in their service area, while limiting the number of these classes that a student can take to three per school year.
- Repeals the 15% and cumulative score requirement

### **[HB 866, Representative Dan Huberty](#)**

- HB 866 makes state assessments optional for students in grades 4, 6, and 7 who achieve a score equal to or greater than the minimum satisfactory adjusted scale score for that assessment in grades 3, 5, and 6.
- The bill would require that students who do not meet the minimum satisfactory adjusted scale score requirement on any assessments in grades 3 through 7 and who are promoted to the next grade be assessed in those subjects in the following grade.
- The bill would require the Commissioner of Education to seek federal waivers in any case in which the provisions of the bill violate requirements of federal law.

### **[SB 306, Senator Joan Huffman](#)**

- Excludes students in a residential treatment facility from accountability similar to those students in juvenile detention centers.

#### [SB 377, Senator Eddie Lucio](#)

- For the purposes of determining whether a student is allowed an exemption or postponement of an assessment because the student recently enrolled in a school in the United States and is of limited English proficiency, this bill prohibits the consideration of a school year if the student is enrolled in a school in the United States for a period of less than 60 consecutive days during a year.

#### [SB 1538, Senator Van de Putte](#)

- Requires the commissioner of education, for purposes of evaluating district performance using indicators of student achievement, to designate as a dropout recovery school a school district or an open-enrollment charter school or a campus of a district or of an open-enrollment charter school that serves students in grades 9 through 12 and has an enrollment of which at least 50 percent of the students are 17 years of age or older as of September 1 of the school year as reported for the fall semester submission PEIMS and that meets eligibility requirements for and is registered under alternative education accountability procedures adopted by the commissioner.
- Requires the commissioner to use the alternative completion rate to determine the student achievement indicator for a dropout recovery school and establishes the alternative completion rate as the ratio of the total number of students who graduate, continue attending school into the next academic year, or receive a high school equivalency certificate to the total number of students in the longitudinal cohort of students.
- Requires the commissioner, in determining the performance rating of a designated dropout recovery school, to include any student who the commissioner is required to exclude in computing dropout and completion rates with regard to student achievement indicators who graduates or receives a high school equivalency certificate.
- Limits a determination of a dropout recovery school's performance rating with respect to student test performance to a consideration of only the best result from the primary administration and any retake of a test administered to a student in the school year evaluated under the accountability procedures adopted by the commissioner.

### **ATHLETICS**

#### [HB 1775, Representative Ed Thompson](#)

- Authorizes the UIL to require a sports official, as a condition of eligibility to officiate a UIL sponsored contest to: (1) be registered with UIL and comply with registration requirements; (2) have completed initial and continuing education programs regarding UIL rules; (3) be a member in good standing of a local chapter or association of sports officials recognized by UIL; and (4) agree to abide by UIL rules.

## **CAREER & TECHNICAL EDUCATION/CAREER READINESS**

### [HB 809, Representative John Davis](#)

- Requires the Division of Workforce Development of TWC to provide to TEA, at least each quarter, information regarding current and projected employment opportunities in Texas, disaggregated by county.
- Requires TEA to provide this information to ISDs for use in local planning and implementation of career and technical education and training programs.

### [HB 842, Representative Cecil Bell](#)

- Allows school districts to implement a college credit program that provides a career and technical education (CTE) student the opportunity to earn the credit for a course or activity, including an apprenticeship or training, necessary to obtain an industry-recognized credential, certificate or an associate degree concurrently with the student's high school diploma if the course or activity was approved by the Texas Higher Education Coordinating Board for that purpose.

### [HB 1296, Representative Carol Alvarado](#)

- Requires TEA to prepare information comparing institutions of higher ed in the state and to post the information on TEA's website. This information would be provided to public school students at their request and would include identification of postsecondary education and career opportunities; comparisons of each institution with other institutions regarding cost of tuition, retention rates, graduation rates, average student debt, student loan repayment rates, and employment rates; identification of future workforce needs from TWC projections; and annual wages for the top 10 highest demand jobs in the state. Each institution would be required to provide a link on its website to the information posted on TEA's website.
- The bill would require the Texas Higher Education Coordinating Board (Board), in conjunction with TWC and in consultation with any other state agency as requested by the Board or TWC, to collect information and make a five-year projection concerning the workforce needs of the state, and the educational attainment and training of persons projected to enter the state workforce. Based on the projections, the Board must identify the types and levels of education, training, and skills that are needed to meet the state's future workforce needs and shall make recommendations concerning the expansion of existing programs or the development of new programs at public and private postsecondary educational institutions in this state as necessary to meet the projected workforce needs.

### [HB 3028, Representative John Davis](#)

- Amends the Labor Code relating to the use of the skills development fund and other funds available to the Texas Workforce Commission to support certain joint credit courses offered by school districts under agreements with lower-division institutions of higher education.

#### [HB 2201, Representative Marsha Farney](#)

- Requires the SBOE to approve at least six advanced career and technical education or technology applications courses to satisfy a fourth credit in mathematics required for high school graduation, including a personal financial literacy course, by September 1, 2014.
- Allows a student to comply with curriculum requirements for the third and fourth mathematics and science credits by successfully completing an advanced career and technical course.

#### [HB 3662, Travis Clardy](#)

- Creates the Texas Workforce Innovation Needs Program to provide selected school districts, public institutions of higher education, and private or independent institutions of higher education with the opportunity to establish innovative programs designed to prepare students for careers for which there is demand in the state.

### **CONTRACTING & PROCUREMENT**

#### [HB 1050, Representative Bill Callegari](#)

- Amends the Government Code, Chapters 791, 2267 and 2269 to require local governments to meet certain criteria for construction-related and purchasing goods or services contracts greater than \$50,000.

#### [HB 3648, Representative Linda Harper-Brown](#)

- Amends the law regarding the awarding of a contract to a nonresident bidder.

### **FINANCE**

#### [HB 10, Representative Jim Pitts](#)

- Appropriates \$4.83 billion in GR
- \$630 million for Foundation School Program

#### [HB 1025, Representative Jim Pitts](#)

- Appropriates over \$1.01 billion from GR related funds and \$3.93 from the Rainy Day Fund.
- From the Rainy Day Fund: \$1.75 billion is for payment delay reversal.
- \$201.7 million increase in the FSP basic allotment

#### [HB 2610, Representative Jim Pitts](#)

- Increases the allowable maturity period for an interest-bearing time warrant issued by a school district from five years to 15 years.

- Allows a school district to issue interest-bearing time warrants to refund previously issued warrants if the refunding warrants ended at the same time as the original warrants.
- Increase the limit on the total amount of a district's outstanding time warrants from \$500,000 to \$1 million.
- Authorizes a school district to borrow money for maintenance expenses using a nonnegotiable note and to specify that maintenance expenses or expenditures include expenditures related to a refunding note that does not extend the maturity date of the original note.

#### [HB 3677, Marsha Farney](#)

- Amends the Transportation Code to require the Department of Motor Vehicles (DMV), in consultation with the Texas Education Agency, to design and issue new specialty license plates to benefit the Foundation School Program. The bill specifies that fees from the plates remaining after the deduction of the DMV's administrative expenses would be deposited to the credit of the Foundation School Fund.

#### [SB 1, Senator Tommy Williams](#)

- Foundation School Program: \$32.4 billion R; \$40.4 billion All Funds\*
- Funds enrollment growth (85,000 – 87,000 additional ADA/yr)
- \$3.4 billion of new revenue over SB 1 as introduced, includes \$2.0 billion GR and \$1.4 billion district property value growth.

\* Includes \$201.7 million additional GR for the FSP in HB 1025.

#### [SB 435, Senator Robert Duncan](#)

- Removes the expiration date of September 1, 2013, for the statutory provision exempting a school district from being required to pay a student's tuition or other associated costs for taking a course in a college credit program.

#### [SB 453, Senator Bob Deuell](#)

- Makes provisions for students who are required to pay tuition to a school district or open-enrollment charter school as a condition of a visa. Requires the district or charter to accept as tuition the full unsubsidized per capita cost of providing the student's education.
- Requires the commissioner to develop guidelines for determining the amount of the full unsubsidized per capita cost of providing a student's education. Districts and charter schools would be prohibited from accepting tuition in excess of the commissioner's guidelines unless the commissioner approves a greater amount as a more accurate reflection of the cost of education provided by the school or district.
- Prohibits the inclusion of students for whom tuition is paid under this section to be included in the count of students in average daily attendance (ADA) for the purpose of allocating state funds to the school or district.

#### [SB 758, Senator Tommy Williams](#)

- Statutory change to restore August payments for payment class 2 and 3 districts, effective with August 2013.

#### [SB 1658, Senator Ken Paxton](#)

- Amends the Education Code relating to the FSP to allow a school district required to exercise an option to reduce its wealth per student under the provisions of Chapter 41 to authorize the commissioner of education to withhold from state revenue to which the district is entitled under Chapter 42 an amount equal to the amount required to be remitted for wealth-reduction purposes. The bill allows current practice to continue beyond FY2017, at which point, in the absence of this or similar legislation, the provision allowing for this type of adjustment would expire with the expiration of provisions related to Additional State Aid for Tax Reduction.

### **FOSTER CARE**

#### [HB 2619, Elliot Naishtat](#)

- Allows a student who is placed in foster care to continue to attend the school in which the student was enrolled immediately before entering foster care.
- School records must now be transferred by the 10<sup>th</sup> working day after the student in foster care transfers to a new school.
- Requires ISDs to provide notice to the foster child's educational decision-maker and caseworker regarding events that may significantly impact the education of the child.
- Requires ISDs to excuse a foster child's absence for attending a mental health/therapy appointment or family visitation.

#### [SB 832, Senator Wendy Davis](#)

- Requires open-enrollment charter schools, (ISDs already required), to appoint an employee as a liaison to facilitate enrollment and transfers for students in the conservatorship of the state. School districts and open-enrollment charter schools would be required to report the liaison's contact information to TEA in a format and schedule as determined by the commissioner of education.
- Requires the TEA to provide information to liaisons on facilitating the enrollment and transfers of students in the conservatorship of the state.

#### [SB 1404, Senator Dan Patrick](#)

- Requires TEA to develop procedures for awarding partial credit to students who are in the conservatorship of the Department of Family and Protective Services (DFPS) for course work that a student in substitute care completed while enrolled at another school.

- Adds to the list of absences excused for state funding purposes an absence of a student in DFPS conservatorship in order to participate in a court-ordered activity related to child protection or review of placement. Excused days would include days for travel.

## **GOVERNANCE**

### [HB 628, Representative Tony Dale](#)

- Requires school districts to provide information, documents, and records to a school board trustee without requiring the trustee to submit a public information request, so long as the requested information is not excepted from disclosure or confidential by law.
- Requires an ISD to post the cost of responding to these requests submitted by a trustee if the requests are for 200 or more pages of material in a 90-day period.
- Requires an ISD to annually report to TEA, by Sept. 1<sup>st</sup>, the number of requests submitted by a trustee during the preceding school year and the total cost of responding to the requests.

### [HB 2414, Representative Angie Button](#)

- Authorizes a member of a governmental body to participate remotely in a meeting by videoconference call and authorizes a governmental body to hold a meeting by videoconference call.
- Requires that a meeting of a governmental body held by videoconference call: provide at least one suitable physical space located in or within a reasonable distance of the geographic jurisdiction, if any, for members of the public to participate in the meeting that is equipped with videoconference equipment, including an audio and video display, camera, and microphone; and have present at the physical location the member of the governmental body who is presiding over the meeting. The notice of the meeting to be held by videoconference must specify the physical location made available for public participation.
- Provides instances in which certain communications or exchanges of information between members of a governmental body do not constitute a meeting or deliberation.
- Requires certain actions be taken by a governmental body that maintains an online message board or similar Internet application that is used for certain communications or exchanges of information.

### [HB 122, Senator Rodriguez](#)

- Amends the Local Government Code to include a member of the board of trustees of an independent school district as one of the elected officials that a district judge may remove from office for incompetency, official misconduct, or intoxication on or off duty after a petition for removal is made and a trial by jury is held.



## **HEALTH & NUTRITION**

### **[HB 1018, Representative Diane Patrick](#)**

- Requires the district school health advisory council (SHAC) to establish a subcommittee to consider issues related to student physical activity and fitness and make recommendations to improve student physical activity and fitness. The SHAC would be required to submit these recommendations to the board of trustees as a part of their annual written report.
- Requires SHACs to recommend joint use agreements or strategies for collaboration between the school district and community organizations, if feasible. Any joint use agreements between a school district and a community organization would be required to address liability issues.

### **[HB 2483, Representative Carol Alvarado](#)**

- Requires that the coordinated health programs made available to school districts by TEA address oral health and oral disease prevention.

### **[SB 376, Representative Eddie Lucio](#)**

- Requires a school district or an open-enrollment charter school participating in the National School Breakfast Program in which 80 percent or more of the students qualify for a free or reduced-price breakfast to offer a free breakfast to each student during school hours.
- School districts or open-enrollment charter schools could request a one-year waiver from the requirement.

### **[SB 831, Senator Larry Taylor](#)**

- The Department of State Health Services, in coordination with the Texas Education Agency and the regional education service centers, must provide and annually update a list of recommended best practice-based programs in certain areas of mental health, substance abuse, and suicide prevention, and must post these lists on their websites.

## **LEGAL**

### **[HB 1016, Representative Sarah Davis](#)**

- Requires a school district to provide an employee who is a peace officer, fire fighter, or emergency medical services employee with legal counsel without cost to the employee for certain suits.
- An employee could recover reasonable attorney's fees from a district that fails to provide counsel.
- School districts that are currently providing legal representation would not experience substantive changes.

### **[HB 2607, Representative Dan Huberty](#)**

- Requires that an ISD grievance policy permit an attorney, or other person representing a district employee concerning a grievance: (1) to represent the employee through a telephone conference call at any formal grievance proceeding, hearing, or conference at which the employee is entitled to representation according to the ISD grievance policy.

#### [HB 2952, Representative Justin Rodriguez](#)

- In an appeal against a school district, the commissioner must issue a decision by the 240<sup>th</sup> day after the appeal is filed.
- The parties to the appeal may agree in writing to extend this timeframe by not more than 60 days.

#### [HB 2961, Dan Huberty](#)

- Provides that social security numbers (SSNs) of school district employees are confidential.
- Requires the school district board of trustees to adopt a policy prohibiting the use of an employee's SSN as an employee identifier for any purpose other than tax purposes.

#### [SB 123, Senator Jose Rodriguez](#)

- Allows the Commissioner of Education to authorize a special accreditation investigation in response to a complaint alleging inaccurate data reported through PEIMS or other reports required by state law, federal law, rule, or court order that affect accountability or accreditation.
- The bill authorizes the issuance of a subpoena for a relevant witness or evidence related to such investigations.

#### [SB 124, Senator Jose Rodriguez](#)

- Amends the Penal Code to enhance the offense of tampering with certain governmental records, based on certain reporting for school districts and open-enrollment charter schools, from the misdemeanor level to a third-degree or second-degree felony, depending on the circumstances.
- The bill would also amend the Penal Code to enhance the penalty for certain acts of official oppression from a Class A misdemeanor to a third-degree felony if the public servant acted with the intent to impair the accuracy of the Public Education Management System data reported to the Texas Education Agency.

#### [SB 471, Senator Rodney Ellis](#)

- Amends open meetings laws in regards to recordings.

#### [SB 637, Senator Ken Paxton](#)

- Amends current law relating to notice and election order requirements for bond approval elections held by political subdivisions.

## PERSONNEL & TRAINING

### [HB 642, Representative Diane Patrick](#)

- Specifies the type of instruction classroom teachers, principals, and counselors must receive related to continuing education requirements

### [HB 647, Representative Diane Patrick](#)

- Modifies the law to allow any person who could be hired to teach or work in a traditional public school with a particular criminal record, to have the ability to do the same in a public charter school.

### [HB 1751, Representative Diane Patrick](#)

- Modifies the Educator Excellence Awards Program to be the Educator Excellence Innovation Program with the purposes of improving educator quality and effectiveness through innovative school district-level recruitment, preparation, hiring, induction, evaluation, professional development, strategic compensation, career pathways, and retention and district administrative practices to improve quality, effectiveness, and efficiency.
- The commissioner of education would be required to grant or deny applications based on the standards adopted in commissioner rule.

### [HB 1752, Representative Diane Patrick](#)

- Under the provisions of the bill, the commissioner of higher education, through a competitive selection process, would establish a Texas Teacher Residency Program at a public institution of higher education. The public institution selected would form a partnership with an area school district or open-enrollment charter school to provide employment to residents in the program. The program would be designed to award teaching residents participating in the program a master's degree and lead to certification for participating teaching residents who are not already certified teachers.

### [HB 1952, Representative Senfronia Thompson](#)

- Requires each principal or other appropriate administrator who oversees student discipline to attend professional development training at least once every three years relating to student disciplinary procedures.

### [HB 2012, Representative Mike Villarreal](#)

- Requires TEA to collect employee salary data from ISDs through PEIMS and provide information on the agency's website that indicates, by school district, the average salaries of classroom teachers by subject and grade level.

- Requires TEA to analyze the cost of living in each region of the state to determine if teacher salaries were comparable to salaries of comparable professionals in that region, post the analysis results to its website.
- Requires the commissioner of education to develop an online teaching and learning conditions survey to be administered statewide at least biennially to school district employees who are required to hold a certificate. The commissioner would be required to make the survey results available to the public, school districts, and campuses after the administration of each survey.

#### [HB 2318, Representative Jimmie Don Aycock](#)

- Requires an educator preparation program to provide certain information to certification candidates.
- Requires the State Board for Educator Certification to review and, as necessary, update standards and requirements for educator preparation programs.
- Requires the commissioner of education to determine the satisfactory level of performance required on certification examinations.

#### [HB 3573, Jimmie Don Aycock](#)

- Amends the Education Code related to the requirements for obtaining a health science technology education teaching certificate and to the scope of courses a person may teach holding a technology applications teaching certificate.

#### [SB 460, Senator Bob Deuell](#)

- Requires instruction in the detection and education of students with mental or emotional disorders as part of the training for educator training programs.
- Requires local school health advisory councils (SHACs) to review the adopted health education curriculum for accuracy and inclusion of mental health topics.
- Requires school districts to provide training in early mental health intervention and suicide prevention for teachers, counselors, principals, and other appropriate staff. Training at the elementary campus level could be provided only to the extent that sufficient funding and programs were available.

### **REPORTING REQUIREMENTS**

#### [HB 1264, Dan Huberty](#)

- Requires ISDs and open-enrollment charter schools to report through PEIMS information regarding the number of students enrolled in the district or school identified as having dyslexia.

#### [SB 833, Senator Wendy Davis](#)

- Requires TEA to collect the foster care status of students in PEIMS.

#### [SB 939, Senator Royce West](#)

- Amends the Education Code and Human Resources Code relating to the reporting of child abuse and neglect and to training regarding the recognizing and reporting of child abuse and neglect at schools, institutions of higher education, and other entities.
- Amends the Education Code relating to the posting of the child abuse hotline telephone numbers operated by the Department of Family and Protective Services at each public school and open-enrollment charter school in English and in Spanish. The bill would allow the commissioner to adopt rules relating to the size and location of the sign.

### **SAFETY & POLICE & DISCIPLINE**

#### [HB 347, Representative Jim Pitts](#)

- Amends the Transportation Code to extend the prohibition of using a wireless communication device while operating a motor vehicle to the property of a public or private elementary or middle school during the time a reduced speed limit is in effect for the school crossing zone unless the vehicle is stopped or a hands-free device is used.
- The bill preempts all local ordinances, rules, or regulations adopted by a political subdivision relating to the use of a wireless communication device by the operator of a motor vehicle except that a political subdivision may prohibit the use of a wireless communication device while operating a motor vehicle throughout its entire jurisdiction.

#### [HB 1009, Representative Jason Villalba](#)

- Allows an ISD or charter school to appoint one person, certified as eligible by TCLEOSE, as a school marshal for every 400 students.
- An appointed school marshal could carry or possess a handgun on the physical premises of a school only in accordance with district or charter school written regulations and at the school specified by the ISD or charter school. However, the marshal may not possess a handgun if in direct contact with students, but rather must keep the gun in a locked and secured safe.
- The marshal may make arrests and exercise all authority given peace officers, but may not issue traffic citations and is not entitled to state benefits normally provided by the state to a peace officer.
- A school marshal would be required to have a license issued by TCLEOSE.
- TCLEOSE would be required to establish and maintain a school marshal training program.
- A trainee school marshal could be licensed by TCLEOSE only if the trainee passes a psychological exam.

#### [SB 393, Senator Royce West](#)

- Allows a judge to offer a child defendant who incurs a fine and court costs a choice between paying the fine and court costs or performing community service in lieu of payment. Also allows a judge the option of waiving fines and court costs for children.

- Amends the Education Code to create "school offenses" which are Class C misdemeanor offenses other than traffic offenses committed on property under the control and jurisdiction of a school district. A peace officer may not issue a citation to a child who is alleged to have committed a school offense. A child may go through a graduated sanctions program for the school offenses of disruption of class, disruption of transportation, and disorderly conduct before a complaint may be filed against them.
- Amends the Family Code to add Class C misdemeanors other than traffic offenses to the list of offenses which are eligible for disposition without referral to juvenile court and first offender programs. The bill would also amend the education code to allow campus peace officers to dispose of cases without referring them to juvenile court or use a first offender program.
- Amends the Penal Code to prohibit a person from being prosecuted or convicted of a misdemeanor punishable by fine only or a violation of a penal ordinance of a political subdivision that the person committed when younger than 10 years of age.
- The bill would amend the Penal Code related to a child with mental illness, disability, or lack of capacity to determine whether a child lacked the capacity to understand the proceedings in criminal court or lacked the capacity to appreciate the wrongfulness of the child's conduct or to conform the child's conduct to legal requirements.

#### [SB 1114, Senator John Whitmire](#)

- Requires a law enforcement officer who issues a citation or files a complaint for conduct by a child 12 years of age or older that is alleged to have occurred on school property or on a vehicle owned or operated by a county or ISD to submit to the court the offense report, a statement by a witness to the alleged conduct, and a statement by a victim of the alleged conduct, if any.
- Prohibits a law enforcement officer from issuing a citation or filing a complaint for conduct by a child younger than 12 years of age that is alleged to have occurred on school property or on a vehicle owned or operated by a county or ISD.
- Requires a court to dismiss a truancy-related complaint or referral made by a school district that does not comply with statutory referral and filing requirements.
- Requires a school district student code of conduct to specify the circumstances under which a student may be removed from a vehicle owned or operated by the district.
- Removes the requirement that a school district peace officer perform administrative duties for the applicable district, and clarifies a peace officer's authority to take a child into custody for certain offenses of which a justice or municipal court has jurisdiction.
- Requires the chief of police of a school district police to report solely to the superintendent, rather than to the superintendent or the superintendent's designee.
- Prohibits the issuance of a warrant for the arrest of a person for a Class C misdemeanor under the Education Code committed when the person was younger than 17 years of age.
- Exempts a primary or secondary grade student enrolled in a school from the offenses of disruption of classes or other school activities and disruption of transportation.

#### [SB 1541, Senator Leticia Van de Putte](#)

- Requires that student codes of conduct specify the circumstances under which a student may be removed from a school bus.

- Allows a school bus driver to send a student to the principal's office to maintain effective discipline on the school bus.

#### [SB 1556, Senator Kel Seliger](#)

- Establishes the School Safety Task Force which duties include studying, on an ongoing basis, best practices for school multi-hazard emergency operations planning and based on these studies, make recommendations to the legislature, the Texas School Safety Center, and the governor's office of homeland security.
- The center, in consultation with the task force, would develop a school safety certification program. The center would award school safety certificates to school districts that meet certain criteria as specified by the bill including a multi-hazard emergency operations plan and drill requirements.

### **SANCTIONS**

#### [HB 1781, Representative Ken King](#)

- Prohibits the Texas Department of Agriculture from imposing on an ISD a sanction, including disallowing meal reimbursement, based on the sale to students at a high school of food of minimal nutritional value, if the sale is approved in advance by the school and is made: (1) outside of a school area designated for food service or food consumption or during a period other than a school meal service period; and (2) for the purpose of raising money for a student organization or activity sponsored or sanctioned by the school or the ISD in which the school is located.

### **SCHOOL CHOICE & CHARTER SCHOOLS**

#### [HB 1926, Representative Ken King](#)

- Authorizes the ISD to deny a student from enrolling in an electronic course if:
  - A student attempts to enroll in a course load that is inconsistent with the student's high school graduation plan or requirements for college admission or earning an industry certification;
  - The ISD offers a substantially similar course.
- Authorizes the ISD to decline to pay the cost for a student of more than three electronic courses during the school year.
- Allows an ISD to provide a course through distance learning, and in an effort to inform other ISDs about the course, enables them to submit information to TEA to make the course information available on TEA's website. TEA may not regulate the price for the course, the pricing is to be determined by the ISDs.
- Allows a private entity to act as a provider so long as:
  - The entity complies with all federal and state laws prohibiting discrimination;

- possesses prior experience offering online courses to elementary, middle, junior high, or high school students, with demonstrated student success in course completion and performance;
  - Demonstrates financial solvency.
- Prohibits a provider from offering any thing of value to a student or a student's parent in an effort to induce them to enroll in a course.

#### [SB 2, Senator Dan Patrick](#)

- Increases the cap on charters from 215 to 305 by the year 2019.
- If an ISD is going to lease or sell a facility, it must consider the offer of a charter school within its geographic boundaries, but it does not have to accept the offer.
- Toughens the standard for a charter holder to replicate from current law of “acceptable” to at a minimum “recognized”
- Authorizes ISDs to convert campuses that have received the lowest performance rating to a “district charter” which operates under the laws and rules of an open-enrollment charter school.
- Repeals the nepotism prohibition exemption that applies to charter schools, however it grandfathered in currently employed individuals.
- Requires superintendents of charter schools to post their salaries on the school's website.
- Strengthens closure language to close underperforming schools.

### **SPECIAL EDUCATION**

#### [HB 590, Representative Elliot Naishtat](#)

- Requires a school district or charter school to ensure that the evaluation of a child's initial eligibility for special education services on the basis of visual impairment be conducted by a certified orientation and mobility specialist (COMS) under a variety of conditions and settings and that the COMS be included on the multidisciplinary team evaluating the child's initial eligibility.

#### [HB 617, Representative Eddie Rodriguez](#)

- Requires TEA to develop a transition and employment guide for students enrolled in special education programs and their parents.
- Requires school districts and shared services arrangements to designate at least one employee to serve as the designee on transition and employment services for students enrolled in special education programs.



#### [SB 39, Representative Judith Zaffirini](#)

- Requires that the comprehensive statewide plan for the education of children with visual impairments include methods to ensure that children with visual impairments receiving special education services in school districts receive prior to placement, or soon after placement in a classroom, an evaluation of the impairment and instruction in an expanded core curriculum.

#### [SB 542, Senator Kirk Watson](#)

- Requires TEA to provide information to parents regarding individualized education program facilitation as an alternative dispute resolution method that may be used to avoid a potential dispute between a school district and a parent of a student with a disability.

#### [SB 709, Senator Eddie Lucio](#)

- Allows a person to be represented in a due process hearing by either a licensed attorney or by a person who had special knowledge or training with respect to problems of children with disabilities and who met the qualifications established by the commissioner of education by rule.

#### [SB 816, Glenn Hegar](#)

- Changes the date by when a written report of the initial evaluation is due from 60 calendar days to 45 school days. Certain exceptions apply.

#### [SB 906, Senator Bob Deuell](#)

- Prohibits the TEA from adopting a performance standard for students receiving special education services that indicated that the student did not meet standards if the admission, review, and dismissal committee determined that the lowest level of an assessment accurately represented the student's developmental level.

#### [SB 914, Senator Eddie Lucio](#)

- Authorize the committee that develops an individualized education program for a student to determine that a behavior improvement plan or a behavioral intervention plan is appropriate for the student. The bill requires the behavior improvement plan or behavioral intervention plan, if the committee makes that determination, to be included as part of the student's individualized education program and provided to each teacher with responsibility for educating the student.

## **TEXAS RETIREMENT SYSTEM**

### **[HB 3357, Bill Callegari](#)**

- Allows certain retirees to change their annuity selection post-retirement.
- The bill would make changes regarding the privacy of TRS members and the types of information TRS or another governmental agency, including the comptroller, would be required to make public regarding TRS members.
- Removes the requirement that TRS-ActiveCare offer a plan comparable to that of the Employees Retirement System of Texas. The bill would modify eligibility for the two health care plans (TRS-Care and TRS-ActiveCare) administered by TRS to be consistent with federal health care laws.

### **[SB 1458, Senator Robert Duncan](#)**

- Increases contribution rates for all parties, starting Sept. 2014 ISDs will be required to contribute 1.5% of the employee's compensation
- Employee contribution increases from 6.4% to 7.7%
- State's contribution increases from 6.4% to 6.8%
- COLA increases by 3% for certain retirees
- Retirement age increases to 62 for employees that have been employed less than 5 years with the system.

## **MISCELLANEOUS**

### **[HB 308, Representative Dwayne Bohac](#) – Holiday Greetings**

- Authorizes a school district to educate students about the history of traditional winter celebrations, and allows students and district staff to offer traditional greetings regarding the celebrations including: "Merry Christmas", "Happy Hanukkah" and "Happy Holidays".
- Authorizes a school district to display on school property scenes or symbols associated with traditional winter celebrations, including a menorah or a Christmas image such as a nativity scene or Christmas tree, if the display includes a scene or symbol of more than one religion, or one religion and at least one secular scene or symbol. However, there is a prohibition against a display relating to a traditional winter celebration from including a message that encourages adherence to a particular religious belief.

### **[HB 674, Representative Bennett Ratliff](#) – Zoning Changes**

- Requires municipalities to provide written notice of certain proposed zoning changes to each school district in the area in which the proposed change is located.

#### [HB 697, Representative Drew Springer](#) – Taxes

- This bill would exempt from sales-and-use taxes food products, meals, soft drinks, and candy provided these items were sold during an event sponsored or sanctioned by a school or school district at a concession stand operated by a booster club or other school support organization formed to support the school or school district.
- The exemption applies only if the proceeds from the sales benefit the school or school district.

#### [HB 773, Representative Marsha Farney](#) – Pledge of Allegiance & Flags

- Requires charter school students to recite the pledges to the United States and Texas flags, and provide for a moment of silence after reciting the pledges.
- Requires each board of trustees of a school district and the governing board of an open-enrollment charter school to require the United States and Texas flags to be prominently displayed in each classroom in which students are assigned at the time of the pledge. A district or charter school could raise money and accept gifts, grants, and donations to purchase the required flags and would not be required to spend federal, state or local funds. This would apply beginning with the 2016-2017 school year.

#### [HB 1501, Representative Richard Raymond](#) – Commemoration of September 11th

- In each year that September 11<sup>th</sup> falls on a regular school day, each school must provide for the observance of one minute of silence, beginning in the first class period of the day, in commemoration of the events of September 11, 2001.
- Immediately after the period of observance the class instructor must make a state of reference to the memory of individuals who died on September 11, 2001.
- The period of observance may be held in conjunction with the minute of silence otherwise required by law.

#### [HB 3483, Representative Alan Fletcher](#) – Drivers Ed

- Increases the number of behind-the-wheel instruction hours required in a driver education course from 20 to 30 hours.
- Prohibits a person under 18 years of age from operating a motor vehicle after midnight and before 5 a.m., unless the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency, or with more than one passenger in the vehicle under 21 years of age who is not a family member.
- Authorizes licensed driver education schools to administer the highway sign and traffic law portions of the driver's license examination. Also authorizes licensed driver education schools to use electronic means to administer the highway sign and traffic law portions of the driver's license examination.

[SB 715 – Senator Eddie Lucio](#) - Counselors

- Amends the term “counselors” in the Education Code to “school counselors”.
- Provides that a person cannot be employed as a licensed professional counselor in a school district unless they hold the appropriate credential from the appropriate state agency and hold the appropriate certification.

[SB 1557, Senator Eddie Lucio](#) – Private Industry Participation

- Allows private and nonprofit organizations that contribute to the early college high schools fund to receive the Employers for Education Excellence Award.
- Requires the commissioner of education to collaborate with the Texas Workforce Commission (TWC) and Texas Higher Education Coordinating Board (THECB) to develop and implement a strategic plan to increase private industry participation and incentives for businesses and nonprofits that donate to the ECHS to maximize job placement opportunities for ECHS graduates.