

DIRECT FROM SHAPIRO

HAPPENINGS IN THE 82nd LEGISLATIVE SESSION

June 8, 2011

Dear Frank,

The 82nd Regular Session of the Texas Legislature is now over. By all accounts, this was a session about the budget and, in the end, we produced a conservative, balanced budget that maintains essential services without raising any additional taxes.

As I write this letter, the Governor has called us into a Special Session to finish work on several important measures left unfinished when the Regular Session adjourned on May 30. This work is now nearing completion, and I wanted to take this opportunity to update you on what we were able to achieve during the 82nd Texas Legislative Session.

When we arrived in Austin in January, we were faced with what I called on numerous occasions the "perfect storm." State revenues were down and we faced a major budget deficit. Everyone knew cuts would have to be made, but we also knew priorities had to be established. My main priority was to protect public education and, specifically, to protect the classroom. I'm happy to report we achieved this goal.

We were able to restore nearly \$6 billion in funding for public education, while still maintaining key accountability standards. We were able to make sure the local school districts in Senate District 8 received the funding they needed for instructional materials, while also giving them greater flexibility to adjust their operations in this difficult economic environment.

Beyond the budget, the 82nd Legislature also focused on addressing the priorities expressed by you, the citizens of Texas. We passed important

legislation to protect the integrity of the vote through the establishment of a voter identification system. We also passed important legislation to encourage economic development, promote greater water use conservation, and fund critical infrastructure for our growing transportation needs. More information about key legislation that will have a direct impact on the residents of Senate District 8 can be found below.

In the end, it was a productive session for Texas and I want to thank you for being an active and engaged citizen. My office benefited immensely from correspondence on issues under consideration during the session. Your feedback and comments were invaluable to me as I made decisions that will affect the future of Texas. Please continue to use your powerful voice to let me and others in the Legislature know how you feel about the issues of the day.

Thank you for continuing to honor me with the privilege to serve as your State Senator. This session, like every other, I have worked to do my best to improve the lives of Texans in District 8 and all across the state.

Very truly yours,

Florence Shapiro
Texas State Senator, District 8

A WORD ON THE STATUS OF SCHOOL FINANCE

During the 82nd Legislative Session, Senator Shapiro and the Senate delivered on their promise to make education the top priority of budget negotiations. The final budget included \$5.3 billion of additional funding for the Foundation School Program above the base budget. The budget also included \$300 million in additional monies for new textbooks--funding which is necessary for ensuring students have access to curriculum infused with post-secondary standards.

A sticking point throughout the session was how to distribute the funding to school districts. This impasse was finally broken through in the waning hours of the session, when Senate and House negotiators reached a

consensus. The compromise utilized a mixture of proportionate reductions to all school districts while focusing a portion on districts with significant target revenue hold harmless. This approach ensured no single district's reduction was devastating while also providing greater parity of funding between school districts.

The compromise legislation was before the Senate on the the last day for bills to pass. Senator Wendy Davis took the floor and spoke until time expired. As a result, the compromise legislation was not voted on. With the demise of this legislation, funding for all Texas schools was jeopardized.

Due to the bill not passing --and the Legislature's constitutional requirement to pass a balanced budget--Governor Rick Perry called the Legislature into a special session on Tuesday, May 31 at 8 a.m. (the day after the regular session ended). The compromise legislation has now been refiled in the forms of SB 1 and HB 1; the goal is to have school finance pass during this special session. The good news is that, as of this posting, SB 1 has already passed out of the Senate.

In honor of Memorial Day and its meaning, the Texas Legislature hosted a Fallen Heroes Memorial Ceremony on Saturday, May 28, 2011. Senator Shapiro attended the Joint Session between the House and the Senate to honor all the fallen soldiers, including her constituent, Pfc. Cody A. Board, who died of wounds suffered when insurgents attacked his unit with a roadside bomb at Mirwais in the Chorah district of Uruzgan province, Afghanistan, on October 4, 2010. Barely nineteen years old, Pfc. Board showed tremendous courage and sacrifice in a life cut tragically short. Cody's father, Chris and brother, Aaron, were both in attendance to represent the family as Cody and other fallen soldiers were honored in the House chamber. Senator Shapiro was able to personally thank the Boards for Cody's valiant service and the sacrifice made by their entire family.

REVIEW OF THE ISSUES

To find more information on a specific bill discussed below, or that was passed during the 82nd Legislature, please [click here to visit the Texas Legislature online](#).

Education

The Senate Committee on Education, which Senator Shapiro chairs, had a very full legislative session. The Committee had extensive debates about productivity, accountability, teacher quality, middle grades, dropouts, bullying, end-of-course testing (STAAR), special education, instructional materials, charter schools, and virtual learning.. While not all of the aforementioned issues became legislative successes during the Regular Session, many of these issues have now returned for debate and consideration during the Special Session. Below is a more in-depth review of some of the issues discussed by the Education Committee during the Regular Session:

Bullying/Discipline

During the 82nd Session, bullying and school discipline were amongst the most discussed issues. Texas schools looked to the Legislature to respond with real solutions. With the help of her committee members, Senator Shapiro worked with stakeholders, parents, and others to come together on House Bill 1942, a bill that empowers school districts to write a local policy specific to bullying and outlines a way to report and respond to incidents of bullying.

While current law prohibits bullying, it only addressed it in a general way. Unfortunately, existing law does not require a district-level policy to address bullying and doesn't reflect the increasing use of technology as a method of bullying.

Specifically, HB 1942 established a new bullying definition, that includes bullying through electronic means and integrates awareness, prevention, identification, intervention, and resolution of bullying into the Health curriculum.

HB 1942 provides local school boards with discretion to transfer a student that bullies into another classroom or to another campus within the district.

Finally, the legislation requires local school districts to adopt and implement a bullying policy that recognizes minimum guidelines such as a prohibition on bullying, provides counseling options, and establishes procedures for reporting any incidence of bullying.

Special Education

Senator Shapiro made certain that our students with special learning needs should be at the forefront of any policy conversation. This began with authoring Senate Bill 596, which would allow school districts extra time to plan effectively for a student's transition into college, a job, or group living. The provision finally passed as a part of SB 1788 by Senator Dan Patrick, which authorizes the Texas Education Agency (TEA) to develop a model form for Individualized Education Plans (IEPs) for students with special learning needs. This model IEP form will both streamline and make it easier for schools, parents, and students to understand what is now a very complicated document.

Representative Alma Allen sent HB 1335 to the Senate Committee on Education, a bill which provides for a process by which classroom teachers with special education students can request a review of the student's Individualized Education program (IEP). The district can then respond to the request and give parents notice to ensure that decisions made at the local level for special education students are actually made within a partnership among all parties.

Dropouts

The state's budget constraints set up a number of obstacles to address some of the Senator's biggest concerns regarding the future of Texas, including students who have dropped out of school.

Senator Juan "Chuy" Hinojosa brought forward Senate Bill 975, a bill to prevent dropouts--which Senator Shapiro co-authored allowing--allowing a public junior college to partner with school districts in the junior college's district to provide a dropout recovery program for students. SB 975 focuses on students who have recently dropped out and need only a few credits to graduate.

During the Regular session, Senator Shapiro had several important pieces of legislation pass both the House and Senate and head to the Governor for signature. Below are descriptions of each bill she passed

SB 738

Senate Bill 738 empowers parents to catalyze change at low-performing schools through a mechanism called the "parent trigger." If a school has been failing for two years, parents may organize under this bill and petition the Education Commissioner for closure, re-purposing (bringing in new principals and teachers), or alternative management of the campus (i.e. bringing in a group of leaders with a track record of turnaround success). A school board will also be a partner in this process by either approving or suggesting an alternative pathway to turning around the campus. The purpose of SB 738 is to have parents--in partnership with district leaders--actively engaged in improving their children's educational opportunities.

SB 1383

Senate Bill 1383 creates a principal appraisal and professional development system. Principals serve as the leaders of their respective schools, and as such, must ensure that every public school campus has a positive learning environment where teachers are committed to continuously improving classroom performance. Unfortunately, principals are often forgotten in the "cycle of continuous improvement" and we must begin providing better feedback and support to principals.

Principals have a large impact on the success of their teachers and students. SB 1383 addresses the need for greater accountability and begins the process of improving and fostering effective school leadership.

SB 1484

Texas presently awards "distinction designations" to public schools that are strong in the core academic subjects; fine arts; physical education; second language acquisition; and 21st Century workforce development programs. However, public charter schools are not explicitly able to compete for these awards.

SB 1484 will allow charter schools to compete for recognition in the five distinction designation categories to highlight all public school successes. This positive development is important for charter school teachers, students, and parents and will further serve to remind Texans that charter schools are public schools.

Throughout the session, Sen. Shapiro meets with different school groups from her District and elsewhere in the state that are in Austin to see how the Legislature works. In mid-May, on the East side of the Capitol, she had the pleasure of visiting with more than one hundred 8th graders from Thomas C. Marsh Middle School (Dallas).

Last autumn, she served as Principal for a Day at Marsh. Having already built a rapport with many of these students, she enjoyed spending time quizzing them about the Legislature. The Senator, who put a large emphasis during the session on improving the middle grades, told the students she looks forward to a return visit to Marsh sometime soon.

Session Headlines--Issues That Commanded Statewide Attention

Tort Reform, "Loser Pays" (HB 274)

House Bill 274, the "Loser Pays" bill, seeks to make the Texas court system more efficient by preventing the filing of frivolous lawsuits. HB 274 will create ways to both streamline and lower the costs associated with litigation in Texas.

This bill will allow trial courts to dismiss frivolous lawsuits immediately. The bill will also encourage the timely settlement of disputes and help prevent a party that's already been offered a fair settlement from dragging out the litigation. Additionally, HB 274 will allow plaintiffs to request an expedited civil action (as long as the plaintiff is seeking less than \$100,000)

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Mail-in Ballot Fraud (HB 2449)

Senator Shapiro's mail-in ballot fraud bill, Senate Bill 997, passed the Senate and was then amended onto House Bill 2449, which is now awaiting the Governor's signature. According to Shapiro, "We have heard repeated testimony about the perils of mail-in ballot fraud and how it serves to undermine the integrity of the vote itself. This bill targets the root of this problem."

HB 2449 closes a current loophole which allows an individual to acquire copies of any mail-in ballot application from the voting clerk at any time. This legislation will move the availability of copies of mail-in ballot applications for public inspection to after Election Day.

The Senator's aim was to enhance ballot integrity without raising barriers to vote. The fraudulent use of early voting mail-in ballots and the pattern of targeting minority communities, the elderly, and the disabled is not confined to any particular region in Texas. According to the 2005 report issued by the highly respected Carter-Baker Commission on Federal Election Reform, "Absentee ballots remain the largest source of potential voter fraud."

As Shapiro put it earlier this session, "The total integrity of our democratic system depends on legitimately free and fair elections. Voter fraud compromises the entire system." If voters sense their legitimate votes will be outweighed by fraudulent ones, they will feel disenfranchised. It is vital to address any issue which involves the integrity of the vote--and that most certainly includes curbing the fraudulent use of early voting mail-in ballots.

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Sonogram Bill (HB 15)

House Bill 15, known as the "Sonogram Bill," requires a physician to provide a sonogram at least twenty-four hours before performing an abortion (except in the case of a medical emergency) in an effort to ensure that any woman considering an abortion is fully informed before making a final decision. Under HB 15, a physician displays the sonogram image, explains it, and makes the fetal heartbeat audible.

The bill permits women--prior to receiving the sonogram--to opt out of seeing the image and hearing the heartbeat; however, opting out would require a signed statement from the woman acknowledging her decision.

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United States Balanced Budget Amendment (HCR 18)

Senator Shapiro successfully sponsored House Concurrent Resolution (HCR 18), which urges Congress to propose and submit to the states a balanced budget amendment to the United States Constitution. HCR 18

is now awaiting signature from Governor Rick Perry.

A balanced budget amendment is a constitutional rule requiring that the state not spend more than its income, creating a balance between projected revenues and expenditures of the government. Except for Vermont, every state in the nation has a balanced budget amendment. Texas is working tirelessly to deal with its budget crisis. It is critical for the Federal Government to proceed with the same sense of urgency.

The Texas Constitution requires the Legislature to adopt, certify, and operate within the confines of a balanced budget. While this keeps Texas economically viable and fiscally sound, our nation operates under no such provision. As a result, the national debt has now surpassed 14 trillion dollars.

As the Governor stated upon passage of the legislation: "A constitutional limit on Washington's excessive spending and borrowing is crucial to getting our country back on track to economic stability and prosperity. Now more than ever, we need the federal government to live within its means, using the same fiscal discipline that families and employers do every day. I commend the Texas Senate for passing HCR 18, and applaud Rep. Creighton and Sen. Shapiro for their leadership on this measure, which is an important step forward in the effort to bring greater fiscal responsibility to our government in Washington."

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Eminent Domain (SB 18)

Senate Bill 18 implements significant eminent domain reforms in order to strengthen the private property rights of Texans. The bill requires both local and state government entities that desire to acquire private property to first make an offer to the landowner to purchase the property through a voluntary sale--and for a fair price. This offer must be made in writing and based on an appraisal. This will prevent interested parties from making "lowball" offers when they know the land can be taken by eminent domain if the landowner doesn't accept their offer.

SB 18 also requires condemnation petitions to state specifically the public use for which the land is needed. This serves to eliminate instances where someone's land is taken without current plans for its use. The bill also

makes very clear that eminent domain may only be utilized for public use.

Importantly, SB 18 also allows landowners to repurchase their land at the price for which they were paid if that land becomes unnecessary for the project for which it was acquired (or if no actual progress is made toward said project in ten years, regardless of whether or not the project has been canceled).

Other Major Pieces of Legislation that Passed During the 82nd Session

Criminal Justice & Child Protection

HB 3: Life without Parole (Thompson/Huffman)

It has been reported that sexual assault and aggravated sexual assault are among the crimes with the highest recidivism rates. Interested parties believe that repeat offenders of these crimes should be subject to a prison sentence of life without parole because of the heinous nature of these crimes and the high recidivism rates.

SB 377: Capital Murder of a Child (Huffman/Riddle)

This bill raises the threshold age of the victim for a capital murder charge from 6 to 10. Most states with an age-based trigger set the limit at under 12. Anyone who murders a child should receive the maximum punishment under the law.

HB 2118: Bath Salts (Coleman/Estes)

This bill outlaws currently legal chemical compounds that mimic the effects of cocaine and/or ecstasy.

Higher Education

HB 33: Textbook Affordability (Branch/Zaffirini)

Senator Shapiro filed this bill last session to put Texas in line with federal law related to textbook affordability. This legislation ensures that students have the ability to get their book list long in advance so they can buy their books in places other than their school bookstore.

HB 1000: National Research University Fund (NRUF) (Branch/Zaffirini)

This bill creates the methodology for Tier One funding.

HB 9: Creating a Methodology for Outcomes-based Funding for Higher Ed.

The fund is based on degree completion.

A Boost for UT-Dallas & the Wider Community

Senator Shapiro fought for over \$35 million in Texas Research Investment Program (TRIP) funds. These are matching funds used to help emerging research institutions receive private donations. Because UT-Dallas is an emerging research institution, this will help the University further its goals of becoming a Tier One Research University.

Senator Shapiro also successfully advocated for \$3 million in funding for UT-Dallas' Middle School Brain Years. This is a program designed to study the development of the brain during the critical pre-teen and teen development years.

Transportation & Homeland Security

Immigration/Homeland Security Bills--

- **HB 2734: Pertains to the Deportation of Illegal Immigrants Who Have Been Incarcerated and Released from Prison**--This measure requires a parole panel to add deportation as a condition of parole.
- **SB 1649: Border Prosecution Unit**
- **HB 1201: Repeals Trans-Texas Corridor**
- **SB 548: Expedited Environmental Review**--Expedites Transportation Projects

Safety Bills--

- **HB 993: Lane Closure by Firefighters**
- **HB 378: Tow Truck Operators**
- **SB 1330: Alive at 25 Program**
- **SB 1610: Bus Seat Belt Requirement**

Natural Resources

HB 451: Don't Mess with Texas Water Program (Lucio III/Hegar)

Illegal dumping is a major environmental and public health issue that can

have very negative effects on the water quality of Texas surface water bodies. The nature of illegal dumping, however, makes it difficult for law enforcement agencies to combat this crime. HB 451 will help to solve this problem by raising awareness through the establishment of this program.

SB 332: Groundwater Property Rights (Fraser/Ritter)

This is a property rights bill that drastically changes the way in which groundwater ownership is viewed in Texas. Historically, there has been little regulation of groundwater resources, as Texas has operated under the Rule of Capture. That rule allowed a landowner to use as much of the groundwater as he could put to beneficial use without consideration of the needs of others pumping from the aquifer.

Under this bill, a landowner has a vested property interest in groundwater below the surface of his property. The bill explicitly states that groundwater conservation districts still have the ability to regulate production of groundwater, and that the bill does not impact common law defenses.

Health & Human Services

HB 335: Federal Healthcare Reform Implementation (Shelton/Birdwell)

Interested parties contend that the state's response to federal mandates within the recently enacted federal Patient Protection and Affordable Care Act must be proactive in order to protect the state's health care system. HB 335 seeks to create a method of reporting by state agencies to the Legislative Budget Board relating to the implementation and requirements of federal health care reform laws that will protect government transparency and better inform citizens of the impact of those laws.

HB 1720: Efforts to Reduce Medicaid Fraud (Davis/Patrick)

Estimates of health care fraud within government programs range from 10 percent to 30 percent of health care spending. The Texas Legislature has enacted numerous bills over the past decade aimed at curbing Medicaid fraud. Despite these efforts, Medicaid fraud remains a significant problem that the Legislature must continue to take seriously. Additionally, the Affordable Care Act contains mandates aimed at reducing fraud at the state level that the Health and Human Services Commission (HHSC) needs

the authority to enact should the federal health care reform be upheld in court.

SB 260 (West/Raymond; Shapiro, co-author): Increased Training Requirements for Childcare Providers

This bill benefits 1.3 million young Texans. It improves the quality of childcare throughout the state by increasing the minimum training standards for childcare workers and directors.

Elections

- **SB 100: Military Overseas Voter Act (moving election dates)**
 - **SB 1046/HB 174: Removing Deceased or Ineligible Voters from the Voting Rosters**
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GENOCIDE AWARENESS AND PREVENTION MONTH APRIL 2011

Sen. Shapiro declared April 2011 in Texas as Genocide Awareness and Prevention Month. As part of her Senate floor resolution, commissioners and staff of the Texas Holocaust and Genocide Commission were recognized for their work. This resolution was a prelude to Senator Shapiro's Senate Concurrent Resolution (SCR) 39, which passed both the House and the Senate and made its way to the Governor for signature. The result of SCR 39 is to designate every April from 2011-2020 as Genocide Awareness and Prevention Month in the State of Texas.

Senator Shapiro's Significant Legislative Accomplishments

Public Health & Safety

K2 BILL--SB 331

Senator Shapiro's SB 331 creates a statewide ban of the manufacture, sale, and production of K2, a form of synthetic marijuana that has caused many health and safety concerns in Texas. The law goes into effect on September 1, 2011.

This bill is the most comprehensive K2 legislation in the nation. It will render

illegal six subclasses of synthetic cannabinoids that street chemists have been using to create a series of very harmful legal drugs. The bill creates a new Penalty Group 2-A to regulate the substances and make possession a misdemeanor offense, but will also ensure that manufacturers and sellers be charged with a felony.

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Natural Resources & the Environment

Gallons Per Capita Per Day (GPCD)--SB 181

The most common metric used to measure water usage is Gallons Per Capita Per Day (GPCD). GPCD is a planning tool that is used to project the future water needs of every municipality, as well as to implement and track water conservation efforts.

In order for GPCD measures to be effective and provide a true comparison of water usage and likely future needs, these measurements and methods of calculation must be uniform. Because the system currently lacks uniformity, total GPCD does not produce reliable comparisons between utilities; this results from differences in industrial, commercial, and institutional uses among communities.

SB 181 addresses this problem by requiring the Texas Water Development Board (TWDB), in consultation with the Texas Commission on Environmental Quality (TCEQ) and the Water Conservation Advisory Council, to develop a standard formula for calculating and reporting municipal water use in GPCD. This development should help Texas municipalities and water utilities to both better use and conserve water resources going forward.

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Higher Education

Developmental Education--SB 162

With the implementation of new college readiness standards and end-of-course exams, every student should be college-ready when they graduate from high school. However, for those students who still need extra assistance to get them prepared for college-level courses, SB 162 will lead to the creation of individualized plans which will help each student more efficiently navigate his or her way through developmental education.

Online For-Profit Career Schools--SB 1534, HB 736

During the Regular Session, Senator Shapiro put great focus on career schools and colleges. With the passage of Senate Bill 1534 and House Bill 736, Senator Shapiro has created significantly enhanced transparency for consumers who utilize career schools. Senator Shapiro worked to amend HB 736 so that consumers who wish to earn a certificate at a career school can go online to the Texas Workforce Commission or Texas Higher Education Coordinating Board website to learn information about career schools to help them make informed decisions about which career school or college is most suitable to their needs.

For those who choose to utilize online career schools not located in Texas, Senator Shapiro has passed SB 1534 to clarify regulation and to state that if a school is not physically located in Texas, but has students located within Texas, that school must post on their website that they are not regulated in the State of Texas, but must list which state and accreditation agencies do regulate them and ways in which a Texas resident can register a complaint regarding that particular online career school or college.

For students wishing to attend a degree-offering career school, SB 1534 adds degree-granting career schools to the Texas Higher Education Accountability System, which is online information posted by the Texas Higher Education Coordinating Board. With these changes to Texas law, Senator Shapiro hopes to create added transparency and help more consumers make well-informed higher education decisions.

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Child Advocacy

Childcare Co-Ops Bill--SB 400

Senator Shapiro's Senate Bill 400, a bill that will enable quality childcare programs to access cooperative purchasing, passed both the House and Senate and will be signed into law by the Governor. This bill came about because in Texas, more than 9,200 child care providers care for more than 1.5 million young children daily and the cost barriers for many providers and parents remain high.

Before now, only local governments, Mental Health Mental Retardation community centers, and "Assistance organizations" could access the State Comptroller's Co-op.

As a result of its successful passage, SB 400 will be able to authorize Texas Rising Star members, who are providing quality care, to access the State of Texas Co-ops. This will enable many more providers the opportunity to purchase consumable supplies, advanced technology, and related services at a discounted rate. This development is a win for everyone. It helps approved providers to better manage their costs; gives thousands more children across Texas access to better care; and provides parents with the peace of mind that their children are receiving a high level of care.

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Transportation & Homeland Security

Assisting Law Enforcement--SB 1376/HB 1116

This legislation prohibits the sale of radar jamming devices.

Transportation Funding Formulas for Both Rural & Statewide Connectivity--SB 161/Prop 12 & Texas Mobility Funds

DFW region is one of the fastest-growing regions in the country. Sufficient and reliable transportation infrastructure is crucial to continue this growth. At the beginning of the 82nd Session, Sen. Shapiro raised concerns regarding the unfair/disproportionate Proposition 12 allocations to the DFW region. Not only did the Senator verbalize these concerns, she filed legislation that would have established formulas for all revenues; eventually, the scope was narrowed to Prop 12 and Texas Mobility Funds. Through her determined efforts, a rider to the budget will now allocate \$856 million in Prop. 12 bonds to North Texas.
