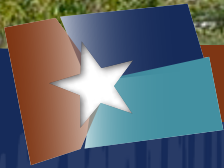


85th Regular and Special Legislative Sessions

# Final Bill Report—2017



**TASA**

**Texas Association of School Administrators**



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## EDUCATION-RELATED LEGISLATION THAT FAILED PASSAGE

- Home school participation in UIL activities
- Vouchers/ESAs/tax credits
- Prohibition of payroll deduction of school employees' professional association dues
- Bond ballot language
- Restricting the use of unspent bond money
- November-only TREs
- Aligning state tests with only those required by the federal government
- Increasing the number of state required assessments
- Elimination of high stakes for students in grades 5 and 8 who fail STAAR
- TRS-ActiveCare opt out
- Limiting start date options
- Merit pay for teachers
- Mandated pay increase for teachers with no corresponding state funding
- School finance overhaul
- Changes to the top 10 percent rule
- Lessening the accountability of alternative educator preparation programs
- Prohibition of school districts hiring lobbyists

## EDUCATION-RELATED LEGISLATION VETOED BY THE GOVERNOR

- HB 61 (Guillen) would have added the academic performance of students formerly receiving special education services to Accountability Domain IV for elementary, middle, and junior high school campuses. It would have also added the academic performance of students formerly receiving special education services to the postsecondary readiness distinction designation. Finally, it would have required the placement, operation, and maintenance of a video camera in a self-contained classroom or other special education setting during the regular school year and extended school year services. The governor's veto statement reads: "I have signed House Bill 22, which reforms our public school accountability system to provide additional transparency on school performance. Multiple provisions of House Bill 61 are based on the existing accountability system, which was overhauled by House Bill 22. Additionally, parts of House Bill 61 regarding the use of video cameras in special education classrooms are already adequately addressed by Senate Bill 1398, which I have signed."
- HB 1342 (Parker) would have amended the TEC to add more specific detail and a reporting requirement to the current requirement that school districts provide child abuse anti-victimization programs in elementary and secondary schools. The governor's veto statement reads: "I have signed Senate Bill 2039, which directs the TEA to develop an optional curriculum regarding sexual abuse prevention for use by school districts. While both Senate Bill 2039 and House Bill 1342 seek to achieve a good purpose, Senate Bill 2039 does so in a more suitable way. By recognizing both the importance of this topic and the right of parents to opt their children out of the instruction, Senate Bill 2039 strikes the correct balance. House Bill 1342 was well-intentioned, but it lacked a provision for parental opt-out. This is inconsistent with the longstanding rule in Texas schools that parents can remove their child from 'any part of the district's human sexuality instruction.' Tex. Educ. Code § 28.004(i)."
- HB 1500 (Giddings) would have expanded the components of Domain 4 of the Texas public school accountability system. It also would have required the commissioner of education to approve or reject any campus turnaround plan in writing. The bill would have also required a district or campus that receives a performance rating of D to implement a targeted improvement plan.
- SB 196 (Garcia) would have required the principal of a school or charter school to give written notice to parents if the school does not have a full-time nurse, school counselor, or librarian for more than 30 consecutive instructional days during the same school year. The bill would not have applied to a school district or charter school with a student enrollment of less than 10,000 students. The governor's veto statement reads: "Our public schools should be focused on educating students in the classroom. Senate Bill 196 detracts from that focus and imposes a needless regulatory mandate on schools."

Disclaimer: This document is for informational purposes only. It is intended to provide superintendents and administrators with brief summaries of school-related legislation passed during the regular and special sessions of the 85<sup>th</sup> Legislature. This document is not intended to be a substitute for legal advice. Specific questions and circumstances regarding a bill's impact on a school district should be individually discussed with the district's attorney.

## EDUCATION-RELATED BILLS THAT PASSED

### ASSESSMENT and ACCOUNTABILITY

#### **HB 22 - Public School Accountability Huberty**

##### Performance Indicators: Achievement

Groups indicators of achievement into three domains: student achievement, school progress, and closing the gaps. Maintains the requirement that the indicators be compared to state-established standards and based on information disaggregated by race, ethnicity, and socioeconomic status. Amends language to require the commissioner to periodically versus biennially review the indicators.

##### Student Achievement Domain

Requires that indicators of student achievement include: performance on STAAR at the satisfactory and college readiness levels; and STAAR Alt as applicable for the district and campus.

Requires that for evaluating the performance of high schools and districts that include high schools, indicators include:

1. satisfactory performance on TSI college readiness benchmarks;
2. satisfactory performance on AP or similar tests;
3. dual course credits earned in dual credit courses;
4. enlistment in the U.S. Armed Forces
5. industry certifications;
6. admission to postsecondary industry certification programs that have as a prerequisite, successful secondary performance;
7. successful completion of a college preparatory course required under TEC Section 28.014 that indicates preparation for postsecondary readiness without need for remediation;
8. satisfaction of a research-based composite of indicators that indicate postsecondary readiness without the need for remediation;
9. high school graduation rates, computed in accordance with ESSA, and subject to certain exclusions;
10. successful completion of an OnRamps dual enrollment course; and,
11. award of an associate degree.

##### School Progress Domain

Requires indicators for effectiveness in promoting student learning to include:

1. the percentage of students who met the standard for annual improvement on STAAR as determined by the commissioner; and,
2. for evaluating relative performance, the performance of districts and campuses compared to similar (student demographics) districts or campuses.

##### Closing the Gaps Domain

Defines this domain as “the use of disaggregated data to demonstrate the differentials among students from different racial and ethnic groups, socioeconomic backgrounds, and other factors,” including:



1. students formerly receiving special education services (gives specific definition of which students this applies to);
2. students continuously enrolled (not defined in the bill); and
3. students who are mobile.

Requires that any standard for improvement determined by the commissioner allow for appropriately crediting a student for growth if the student performs at the highest achievement standard in the *previous and current* school year.

Requires the commissioner to annually define the standard for the current school year for each achievement indicator in this domain. Mandates that the commissioner consult with educators, parents, and business and industry representatives to establish and modify standards to *“continuously improve student performance to achieve the goals of eliminating achievement gaps based on race, ethnicity, and socioeconomic status and to ensure this state is a national leader in preparing students for postsecondary success.”* Removes language related to having Texas rank in the top 10 states in terms of college readiness.

#### Feasibility Study

Requires the commissioner to study the feasibility of adopting an indicator for evaluating district and campus performance based on extra- and co-curricular activities. Permits the commissioner to adopt the indicator if he determines that it is appropriate. Allows the commissioner to establish an advisory committee to assist in feasibility decisions. Requires the commissioner to report the results of the feasibility study to the Texas Legislature not later than December 1, 2022, if an indicator has not already been adopted. Expires this section September 1, 2023.

#### Rules

Authorizes the commissioner to adopt rules and to solicit input statewide from persons who would likely be affected by the proposed rule, including school district boards of trustees, administrators, and teachers employed by school districts, parents of students enrolled in school districts, and other interested stakeholders. Prohibits an advisory committee appointed under Chapter 39 from being subject to Chapter 2110, Government Code for state agency advisory committees.

#### District and Campus Improvement Plans

Requires that district and campus improvement plans include provisions that address the achievement indicators adopted under the three domains.

#### Charter Authorizer Accountability

Requires the report comparing the three types of open-enrollment charters and matched traditional campuses to include performance as measured by the academic achievement indicators under the three domains and student attrition rates.

#### Bilingual and Special Language Programs Compliance

Requires the agency to evaluate the effectiveness of bilingual and special language programs based on achievement indicators under the three domains, including the results of assessment instruments.

#### Public Education Grant (PEG) Eligibility

Amends student eligibility to receive a PEG grant to attend another public school in the district in which the student resides only if the student’s assigned campus is rated unacceptable for the student achievement or the school progress domain for the current school year. Removes previous provisions allowing transfers.

### A-F Ratings

Maintains the requirement that the commissioner assign an *overall* performance rating of A-F to each campus and district.

Maintains the requirement that the commissioner assign a *separate* performance rating of A-F for each domain to each campus and district.

Changes a performance rating of “D” to reflect performance that “needs improvement.”

Maintains a performance rating of “F” to reflect performance that is “unacceptable.”

Maintains a provision that *prevents* a district from receiving an overall or domain performance rating of “A” if the district has any campus with a corresponding overall or domain performance rating of “D” or “F.”

### Calculation of Overall Performance Rating

Adds that the commissioner, in calculating an overall performance rating for a district or campus *shall* consider the rating under the student achievement domain and the school progress domain and take whichever performance rate is higher, *unless* the district or campus received a rating of “F” in either domain, in which case the district or campus may not be assigned a performance rating higher than a “B” *for the composite score for the two domains*.

Mandates that the commissioner attribute *not less than 30 percent* of the rating to the closing the gaps domain. In summary, the overall campus/district rating is determined by taking the best rating of domain 1 and domain 2, and then averaging that composite rating with the domain 3 rating.

### Campus Ratings

Amends TEC so that campuses will *not be* rated by A–F letter grades in the August 2018 performance ratings (a one-year delay for campuses only). Requires the commissioner to issue only a rating of “improved required” or “met standard” for the 2017–2018 school year.

### District Ratings

Maintains provisions in TEC that requires districts to be rated by A–F letter grades beginning in the 2017–2018 school year.

### Campus and District Ratings

Requires the commissioner to ensure that the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an “A” rating.

### Indicators and Standards

Permits the commissioner to adopt indicators and standards *at any time* during a school year before the evaluation of a district or campus.

### Explanatory Materials

Requires the commissioner to provide each district, each school year, with a document that, in a simple, accessible format, explains the accountability performance measures, methods, and procedures that will be applied that school year in assigning ratings. Requires the document to be easily distributable to parents and other interested parties.

Mandates that the commissioner, in collaboration with interested stakeholders, develop standardized language for each domain that does not exceed 250 words and that clearly explains what each letter performance rating means.

#### Local Accountability System

Eliminates TEC allowing Community and Student Engagement (CASE) indicators.

Adds a new section to TEC that allows a district to create a Local Accountability Plan for use in rating its *campuses*, if the commissioner has not assigned a campus a “D” or “F” rating.

Requires the commissioner to adopt rules for the plans that allow a local district or open-enrollment charter to assign a campus letter rating. Mandates that the rules:

1. require a district or school, in assigning an overall performance rating for a campus, to incorporate:
  - a. domain performance ratings assigned by the commissioner; and
  - b. performance ratings based on locally developed domains or sets of accountability measures;
2. may permit a district or school to assign weights to each domain or set of accountability measures, providing that in the aggregate, the domain grades account for at least 50 percent of the overall performance rating;
3. must require that each locally developed domain or set of accountability measures:
  - a. contains levels of performance that allow for differentiation, with assigned standards for achieving the differentiated levels;
  - b. provides for the assignment of a letter grade of A, B, C, D, or F; and
  - c. meets standards for reliability and validity;
4. must require that calculations for overall ratings and each locally developed domain or set of accountability measures be capable of being audited by a third party;
5. must require that a district or school produces a campus score card that may be displayed on the agency’s website; and
6. must require that a district or school develop and make available to the public an explanation of the methodology used to assign performance ratings.

Requires the commissioner to develop a process to approve a request by a district or charter to implement a Local Accountability Plan. Mandates the plan may only be approved if:

1. TEA determines the plan meets minimum requirements;
2. at the commissioner’s discretion, an audit conducted by TEA verifies the calculations included in the plan; and
3. a review panel approves the plan.

Requires the commissioner to appoint a review panel to review the Local Accountability Plans that include a majority of members who are superintendents, school board trustees, or charter governing body members who already have approved Local Accountability Plans.

Applies the review panel requirement after the 2019 ratings cycle, and only if at least 10 districts or open-enrollment charters have obtained commissioner approval of Local Accountability Plans.

Requires a district or open-enrollment charter authorized for a Local Accountability Plan to assign each campus an *overall* A–F rating and an A–F rating for *each* locally developed domain or set of accountability measures.

Requires that, not later than a date established by the commissioner, the district or school report the performance ratings to TEA, and make the ratings available to the public as provided by commissioner rule.

#### Needs Improvement Rating

Requires the commissioner to order a district or campus assigned an overall or domain performance rating of “D” to develop and implement a targeted improvement plan approved by the board of trustees. Does not require the plan be sent to the agency.

Requires the commissioner to implement interventions and sanctions that apply to an unacceptable campus, to a campus or a district that receives two consecutive years of an overall performance rating of “D.” Requires those interventions and sanctions to continue for each consecutive school year in which the campus is assigned an overall “D” rating.

#### “What If” Report

Requires the commissioner, not later than January 1, 2019, to submit a report to the legislative committees having primary jurisdiction over education, that provides a preliminary evaluation of campus performance.

Applies beginning with the 2017–2018 school year.

Earliest effective date: Immediately

### **HB 657 - ARD Decisions Regarding Grades 5 & 8 STAAR for Students Receiving Special Education Services Bernal**

Amends TEC Sec. 28.0211 that requires satisfactory performance on grades 5 and 8 math and reading STAAR tests before a student may advance to the next grade level.

Requires the student’s ARD committee to meet before the student is administered a STAAR reading or math test at these grade levels for the second time.

Permits a student’s ARD committee to promote the student to the next grade level if the committee concludes that the student made sufficient progress in the measurable academic goals identified in the student’s IEP.

Amends code so that if the ARD committee determines the student under these provisions is to advance to the next grade level, the school district does not have to provide an additional opportunity for the student to take the applicable STAAR test a second time.

Requires a district to notify parents of students receiving special education services about these new options for the ARD to consider, no later than September 1 of each school year.

Earliest effective date: Immediately

**HB 789 - Minimum Scores Required for Students in Certain Districts to Pass Exam for Acceleration or Credit Meyer**

Amends TEC Sec. 28.023 Credit by Examination by adding new subsection (h) that applies only to Highland Park ISD.

Allows the board of trustees to establish a minimum required score for each section of an exam for acceleration or credit approved by the board under Subsection (a) that is higher than the minimum scores required under Subsections (b) and (c) respectively (current minimum score requirement is the 80<sup>th</sup> percentile).

Mandates that a minimum score established by a board of trustees under this section: 1) be not greater than a score in the 90<sup>th</sup> percentile; 2) be established prior to the start of the school year; and 3) apply for at least the entire school year.

Applies beginning with the 2017–2018 school year.

Earliest effective date: Immediately

**HB 1553 - Partnerships Between Districts that Have Failed to Satisfy Performance Standards and Institutions of Higher Education  
Lozano**

Amends TEC Sec. 39.102(a) Interventions and Sanctions for Districts, by providing the commissioner with a new option for districts that don't satisfy accreditation criteria. Permits the commissioner to authorize the district to enter into an MOU agreement with an institution of higher education to assist in improving the district's performance.

Applies beginning with the 2017–2018 school year.

Earliest effective date: Immediately

**HB 2130\* - TEA Study of Statewide Assessment Program in Relation to Students in Special Education Programs  
Roberts**

*Also listed under Special Programs (page 57).*

Amends Chapter 39 TEC by adding Sec. 39.02302 Study of Impact of Statewide Assessment Program on Students in Special Education Programs, which directs TEA, from funds already appropriated, to conduct a study of the impact of the statewide assessment program on students in a special education program under Subchapter A, Chapter 29.

Requires TEA to address in the study:

1. whether the agency has determined that the administration of alternate assessment instruments to students in a special education program under Subchapter A, Chapter 29, as provided by Sec. 39.023(b) complies with the *Every Student Succeeds Act* (20 U.S.C. Sec. 6301 et seq.);
2. whether administering state-required assessment instruments, other than assessment instruments developed or adopted under Sec. 39.023(b) to students in a special education program under Subchapter A, Chapter 29, will:
  - a. provide an accurate assessment of the academic achievement of the students;
  - b. result in the administration of assessment instruments that are inappropriate for the educational capacity of the students;
  - c. result in a decrease in the number of students promoted to the next grade level;
  - d. result in a decrease in graduation rates for the students;
  - e. result in fewer opportunities to pursue higher education options;
  - f. result in fewer opportunities for competitive integrated employment for the students; and
  - g. result in any other:
    - i. restrictions on the students;
    - ii. alternative placements for the students;
    - iii. limitations on the advancement of the students; and
3. whether, making a statutory change that has the effect of exempting students in a special education program under Subchapter A, Chapter 29, from the administration of an assessment instrument under Sec. 39.023 unless the student's parent or guardian requests such administration would impact the statewide assessment program and the extent of any such impact, including any legal impact.

Requires TEA when conducting the study, to identify specific recommendations to improve the impact of the statewide assessments program on students in special education programs, including recommendations for:

1. any reforms or changes with respect to contracting with assessment instrument vendors;
2. any reforms or changes with respect to improving student grade-level promotion rates and student graduation rates;
3. any reforms or changes with respect to developing allowable accommodations and applying principles of universal design for students during the administration of assessment instruments;
4. any changes to rules adopted by the SBOE or the commissioner in relation to the development, adoption, or administration of assessment instruments;
5. any statutory changes to this code relating to the development, adoption, or administration of assessment instruments; and
6. any additional reforms or changes based on the results of the study.

Mandates that not later than October 1, 2018, the TEA must submit a report to each member of the Texas Legislature that contains the agency's determinations and recommendations. Requires the agency to publish on its website the report and all data on which the agency relied to form the basis of its determinations and recommendations, and the methodologies used to conduct the study.

Expires this Section of TEC, January 1, 2019.

Earliest effective date: Immediately



**HB 2263 - Continued Monitoring of Certain Campuses that Have Been Assigned a Campus Intervention Team**  
**Gooden**

Requires a campus intervention team to work with a campus to update its improvement plans and submit the plans to board trustees, only for each year that a campus is assigned an unacceptable performance rating. Eliminates the requirement for the campus intervention team to continue working with a school for one or two years after receiving acceptable accountability ratings. Requires, not later than June 15 of each year, the commissioner to approve or reject, in writing, any campus turnaround plan submitted by a district. Creates other deadlines the commissioner must meet with regard to turnaround plans.

Earliest effective date: September 1, 2017

**HB 3075 - Exclusion of Certain Students from Computation of Dropout and Completion Rates for Purposes of Public School Accountability**  
**Huberty**

Amends TEC Sec. 30.053 Performance Indicators; Achievement, to exclude the following students from the computation of dropout and completion rates for purposes of public school accountability: students who are detained at a county pre-adjudication or post-adjudication juvenile detention facility, and are: 1) in the district exclusively as a function of having been detained at the facility but are otherwise not students of the district in which the facility is located; or 2) provided services by an open-enrollment charter school exclusively as the result of having been detained at the facility.

Applies beginning with the 2017–2018 school year.

Earliest effective date: Immediately

**SB 160\* - Prohibition of Monitoring System Performance Indicator Based on the Number or Percentage of Students Receiving Special Education Services**  
**Rodriguez**

*Also listed under Special Programs (page 60).*

Amends TEC by adding Sec. 29.0011 Prohibited Performance Indicator. Prohibits the commissioner or TEA from adopting or implementing a performance indicator in any monitoring system, including PBMAS, that solely measures the aggregated number or percentage of enrolled students in a district or open-enrollment charter who receive special education services.

Doesn't prohibit or limit the state from collecting and examining data under federal requirements, including determinations of significant disproportionality based on race or ethnicity with respect to the:

- (1) identification rates of students with disabilities, including particular types of impairments;
- (2) placement in particular educational settings; and
- (3) incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

Authorizes the state to implement in its statewide plan the percentages of districts or open-enrollment charters with disproportionate representation rates of racial and ethnic groups in special education and related services and in specific disability categories that results from inappropriate identification.

Earliest effective date: Immediately

### **SB 463 - Individual Graduation Committees (IGCs)**

**Seliger**

Extends the availability of IGCs until September 1, 2019. Applies to a student who:

1. entered ninth grade before the 2011–2012 school year;
2. successfully completed the curriculum requirements for high school graduation (as applicable when the student entered the ninth grade);
3. hasn't performed satisfactorily on an end-of-course (EOC) exam or part of an EOC exam required for graduation, including an alternative assessment offered under Sec. 39.025(c-1); and
4. has been administered the EOC exam or part of the EOC exam for which the student has not performed satisfactorily as least three times.

#### Pre-STAAR EOC Cohort of Students

Requires the commissioner to establish, by rule, a procedure to determine whether a student who entered ninth grade before the 2011–2012 school year (pre-STAAR EOC cohort) and meets certain criteria may qualify to graduate with an IGC and receive a diploma.

Notwithstanding these requirements, the commissioner must adopt rules to establish a procedure to determine whether a student subject to this section may qualify to graduate and receive a high school diploma. Requires the commissioner in adopting rules to:

1. designate the school district in which a student is enrolled or was last enrolled to make the decision regarding whether the student qualifies to graduate and receive a diploma; and
2. establish criteria for school districts to develop recommendations for alternative requirements by which a student subject to this section may qualify to graduate and receive a diploma.

Allows the commissioner in adopting rules to authorize as an alternative requirement:

1. an alternative assessment and performance standard for that assessment;
2. work experience; and
3. military or other relevant life experiences.

Requires a district to administer only an assessment or parts of assessments applicable to a student's graduation requirements. Prohibits a district from administering TAKS and any earlier assessments effective September 1, 2019, (meaning these tests will be discontinued or eliminated as options after this date).

Prevents a school district's decision regarding whether the student qualifies to graduate and receive a diploma from being appealed (decision is final).

Authorizes the commissioner to adopt rules.

### Longitudinal Follow-Up Study

Requires the THECB, in coordination with TEA, to collect longitudinal data relating to the post-graduation pursuits of each student awarded a diploma under an IGC before September 1, 2019, including whether the student:

1. enters the workforce;
2. enrolls in an associate degree or certificate program at a public or private IHE;
3. enrolls in a bachelor's degree program at a public or private institution of higher education; or
4. enlists in the armed forces of the United States or the Texas National Guard.

Requires the THECB, not later than December 1 of each even-numbered year, to provide a report to the Texas Legislature that includes a summary compilation of the data without identifying an individual student.

Requires the THECB and the TEA to adopt rules as necessary.

Earliest effective date: Immediately

### **SB 825 - District Discretion to Administer College Preparation Assessments at State Costs Taylor**

Amends the TEC so that school district administration of preliminary college preparatory assessments in eighth grade and 10<sup>th</sup> grade are no longer mandatory, but optional and at state cost.

Applies beginning with the 2017–2018 school year.

Earliest effective date: Immediately

### **SB 1005 - Use of SAT, ACT, TSI, or EOC as Secondary Exit-level Assessments to Allow Certain Students to Receive a High School Diploma Campbell**

Eliminates the requirement that the commissioner maintain the TAKS exit-level assessments for students who in 2011–2012 were enrolled in grade levels above the ninth grade or were repeating the ninth grade.

Authorizes the commissioner to establish satisfactory performance levels for the SAT, the ACT, the Texas Success Initiative (TSI), and EOC exams that are equivalent in rigor to the passing standard on the TAKS tests.

Allows a student to satisfy a TAKS graduation requirement and receive a high school diploma by retaking and performing satisfactorily on relevant portions of the TAKS until it is no longer available, or by performing satisfactorily on the SAT, the ACT, the TSI, or an EOC exam.

Requires a school district to determine which assessment(s) qualify a student to receive a high school diploma from the district.

Earliest effective date: Immediately

## **SB 1566\* - Powers and Duties of the Board of Trustees Kolkhorst**

*Due to the dense content of SB 1566, the bill is divided into sections by topic. (Other provisions are listed under Administration/Governance on page 25, and Parents on page 53).*

### Academic Achievement & Website

Requires trustees to provide oversight regarding student academic and strategic leadership to maximize student performance.

Requires TEA, if requested by a school board, to create a website that those trustees can use to review campus and academic achievement data. Mandates that the website also be available to be used by campuses in a similar manner. Requires the website to include: 1) district information disaggregated by campus, grade, sex, race, academic quarter or semester, and school year regarding the following: (a) student academic achievement and growth; (b) teacher and student attendance; and (c) student discipline records; and (d) be updated at least once each quarter of the school year.

Requires the website to allow trustees to compare the district's academic performance with the performance of other districts of similar size and racial and economic demographics. Mandates that districts provide information requested by the commissioner related to this website. Allows TEA to contract with a third party to implement this section. Requires TEA to design a website that ensures public information is accessible to the public without releasing confidential information.

### Board Improvement and Evaluation Tool

Requires the commissioner to develop a board of trustee's improvement and evaluation tool that is researched-based and designed to assist districts in improving board oversight and academic achievement. Doesn't mandate that districts use this evaluation tool except as required by TEC 39.102(a).

### Dropout Prevention Strategies

Requires districts to implement dropout recovery prevention plans that include career and technology education courses or technology applications courses that lead to industry or career certification. Requires the plan to integrate research-based strategies to assist students in becoming academically able to pursue postsecondary education including: (a) high-quality, college readiness instruction with strong academic and social supports; (b) secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and (c) information concerning supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for the purpose. Mandates that districts plan to offer advanced academic and transition opportunities, including dual credit courses and college prep courses, such as AP courses. Allows districts to partner with a public junior college to fulfill the plan.

#### Accreditations, Interventions and Sanctions

Allows the commissioner to order the use of the board improvement and evaluation tool under TEC 11.182 if a school district fails to satisfy accreditation criteria.

#### Campus Turnaround Plan

Provides that a campus turnaround plan must also include a detailed description for developing and supporting the oversight of academic achievement and student performance by the board of trustees.

Earliest effective date: September 1, 2017

## ADMINISTRATION/GOVERNANCE

### **HB 357 - Eligibility of Certain First Responders' Children for Free Prekindergarten**

**Huberty**

Refers to Government Code use of the "Star of Texas" award, which honors peace officers, firefighters, and emergency medical first responders who are seriously injured or killed in the line of duty. Extends free prekindergarten eligibility to the children (age 3) of a person eligible for the Star of Texas award. Applies beginning with the 2017–2018 school year.

Earliest effective date: Immediately

### **HB 441 - Operation of Schools on Memorial Day**

**Martinez, Armando**

Prohibits school districts from providing instruction on Memorial Day. Requires the commissioner to waive the required instructional minutes if a school district must provide instruction on Memorial Day to compensate for minutes lost because of school closure caused by disaster, flood, extreme weather, fuel curtailment, or other calamity. Applies beginning with the 2017-18 school year.

Earliest effective date: Immediately

### **HB 523 – Video Recordings of Certain Work Sessions**

**Schofield**

Requires school districts with student enrollments of 10,000 or more to make video and audio recordings of work sessions or special called meetings if the board of trustees votes on any matter or allows public comment or testimony and make available an archived copy of the video and audio on the Internet (current law only applies to regularly scheduled school board meetings). Applies only to meetings held on or after the effective date of this law.

Earliest effective date: September 1, 2017

### **HB 639 - Purchase of Insurance Coverage by School Districts**

**Anderson, Doc**

Permits school districts to obtain accident, liability, or automobile insurance to protect businesses and students participating in career or technology programs and to give certain students participating in career and technology programs immunity from liability. Requires the insurance coverage be obtained from a reliable insurer authorized to do business in Texas or be provided through the district's self-funded risk pool. Requires the amount of coverage to be reasonable considering the financial condition of the district or school and prohibits the coverage from exceeding the amount that is reasonably necessary as determined by the school board.



Requires districts that obtain this insurance to notify the parent or guardian of each student participating in the career and technology program. Prohibits districts from charging a student or the student's parent or guardian for the cost of providing the insurance to the student. Prohibits a district's failure to obtain this insurance coverage from being construed as placing any legal liability on the district or the district's officers, agents, or employees or the school or the school's officers, agents, or employees. Provides that a student who participates in a career and technology program is entitled to immunity in the same manner as a volunteer who is serving as a direct service volunteer of a district or school. Applies beginning with the 2017–2018 school year.

Earliest effective date: Immediately

### **HB 867 - School Marshals** **Villalba**

Allows the trustees of a school district or the governing body of an open-enrollment charter school to appoint not more than the greater of: 1) one school marshal per 200 students in average daily attendance per campus; or 2) for each campus, one school marshal per building of the campus at which students regularly receive classroom instruction.

Requires that the written regulations adopted by the trustees of a school district or the governing board of an open-enrollment charter school state that a handgun carried by, or within access of, a school marshal may be loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement.

Allows school marshals in private schools.

Earliest effective date: Immediately

### **HB 1076 - Mandatory Spinal Screening of Public and Private School Students** **Oliverson**

Requires the executive commissioner of the Health and Human Services Commission to consider the most nationally accepted and peer-reviewed scientific research in determining the appropriate ages for conducting the spinal screening when adopting rules.

Requires the executive commissioner, in cooperation with TEA, by rule to develop a process to notify a parent, managing conservator, or guardian of the: 1) screening requirement; 2) the purposes of and reasons for the screening requirement; 3) the noninvasive nature of the method; and the method for declining to comply with the screening requirement.

Earliest effective date: September 1, 2017

## **HB 1556 - Appointment of Foster Parents and Other Qualified Persons to Serve as Educational Decision-makers**

**Gonzáles, Mary**

Removes the requirement that a school district shall give preferential consideration to a foster parent or a child with a disability when assigning a surrogate parent for the child.

Requires a foster parent who will act as a parent of a child with a disability to complete a training program before the next scheduled ARD committee meeting for the child but not later than the 90<sup>th</sup> day after the date the foster parent begins acting as the parent.

Prohibits a school district from requiring a foster parent to retake a training program to continue serving as the child's parent if the foster parent completed a training program provided by the Department of Family and Protective Services, a school district, an education service center, or any other entity that receives federal funds to provide special education training to parents.

Requires the Department of Family and Protective Services, no later than the fifth day after the child with a disability is enrolled in a school, to inform the appropriate school district if the child's foster parent is unwilling or unable to serve as a parent.

Requires a school district to appoint an individual to serve as the surrogate parent for a child if the district is unable to identify or locate a parent for a child with a disability or the foster parent of a child is unwilling or unable to serve as a parent. Provides that a surrogate parent appointed by a school district may not be an employee of the state, the school district, or any other agency involved in the education or care of the child or have any conflicts of interest.

Provides that a surrogate appointed by a school district must be willing to serve in that capacity, exercise independent judgment, ensure that the child's due process rights are not violated and meet other requirements.

Requires a school district to consult with the Department of Family and Protective Services if a court-appointed surrogate parent is failing or not properly performing the duties listed in the statute.

Earliest effective Date: September 1, 2017

## **HB 1569 - Disclosure of Certain Records of Students Placed in Residential Facilities**

**Ashby**

Requires a residential facility to provide a school district or open-enrollment charter school that provides educational services to a student placed in a facility any information retained by the facility relating to the student's school records, any behavioral history, and the student's record of convictions or the student's probation, community supervision, or parole status.

Specifies that the disclosure of records does not apply to a juvenile pre-adjudication secure detention facility or a juvenile post-adjudication secure correctional facility.

Earliest effective Date: Immediately

**HB 2087 - Restricting the use of Student Information**  
**VanDeaver**

Prohibits the use of certain student information, including personally identifiable information, by an operator of a website, online service, online application, or mobile application for a school purpose. Provides that an operator may not knowingly: 1) engage in targeted advertising on any website, online service, online application, or mobile application if the target of the advertising is based on any information that the operator acquired through the use of the operator's website, online service, online application, or mobile application for a school purpose; 2) use information created or gathered by the operator's website, online application, or mobile application, to create a profile about a student unless the profile is created for a school purpose; or 3) sell or rent a student's covered information. Provides parameters for when an operator may use or disclose covered information (exceptions in TEC 32.152 (c)).

Earliest effective date: September 1, 2017

**HB 2369 - Municipal Fees Charged for Water and Sewer Service**  
**Nevarez**

Prohibits a municipally owned utility that provides retail water or sewer services to school districts from charging a fee based on the number of students or employees in the district in addition to the rates the utility charges the district for the service.

Earliest effective date: Immediately

**HB 3157 - Requirements for Screenings in Public Schools for Vision Disorders**  
**Bonnen, Dennis**

Provides that the rules related to screening for vision and hearing disorders must allow for students to be screened using photo screening to detect vision disorders.

Earliest effective date: September 1, 2017

**HB 3270 - Criminal Background Checks**  
**Bohac**

Establishes detailed criminal history checks that must be conducted on individuals who are employed by contractors or subcontractors who contract directly with a school district or shared services arrangement to provide engineering, architectural, or construction services to the district, school, or arrangement. Requires

these criminal history background checks for those persons that have or will have continuing duties related to the contracted services and have the opportunity to have direct contact with students. Contractors must consider 30 years of criminal history. Applies only to contracts executed on or after September 1, 2017.

Earliest effective date: September 1, 2017

#### **SB 489 – Use of E-cigarettes**

**Lucio**

Adds the prevention of the use of e-cigarettes to the list of duties of local school health advisory councils.

Earliest effective date: Immediately

#### **SB 490 - Information School Counselors in Public Schools Must Provide**

**Lucio**

Requires a high school counselor in a public school or an open-enrollment charter school to provide a student and a student's parent information about the availability of education and training vouchers and tuition and fee waivers to attend an institution of higher education for a student who is or was previously in the conservatorship of the Department of Family and Protective Services. Requires a counselor to report to the student and the student's parent the number of times the information has been provided.

Requires the annual performance report published by the board of trustees to include the number of school counselors providing counseling services at each campus.

Provides that the commissioner, by rule, require each school district and open-enrollment charter school to report through PEIMS information regarding the availability of school counselors at each campus and the number of full-time equivalent school counselors (40 hours per week) providing counseling services at a campus.

Earliest effective date: Immediately

#### **SB 579 - Use of Epinephrine Auto-Injectors on Private School Campuses**

**Taylor, Van**

Applies the provisions in the TEC relating to the use of epinephrine auto-injectors to private schools.

Earliest effective date: Immediately

#### **SB 693 - Three-point Seat Belts on Buses**

**Garcia**

Requires a school bus, school activity bus, multifunction school activity bus, or a school-chartered bus that is operated or contracted for use by a school for the transportation of schoolchildren to be equipped with a

three-point seat belt for each passenger, including the operator. This requirement does not apply to: 1) a bus purchased by a district that is a 2017 model or earlier; or 2) a bus operated by a district that is a 2018 or later model if the school board determines that the district's budget does not permit the district to purchase a bus equipped with the seat belts and votes to approve that determination in a public meeting.

Earliest effective date: September 1, 2017

#### **SB 725 - Authority of School District to Donate Food Miles**

Allows school districts to permit campuses to donate food to a nonprofit organization that is directly affiliated with the campus, including a teacher, counselor, or parent of a student enrolled at the campus. Permits the donated food to be received, stored, and distributed on the campus. Allows food donated by the campus to include: 1) surplus food prepared for breakfast, lunch, or dinner meals, or a snack to be served at the campus cafeteria (subject to any applicable local, state, and federal requirements); or 2) food donated to the campus as a result of a food drive or similar event. Allows the type of food donated to include: 1) packaged or unpackaged unserved food; 2) packaged served food if the packaging is in good condition; 3) whole, uncut produce; 4) wrapped raw produce; and 5) unpeeled fruit required to be peeled before consumption.

Permits food donated to a nonprofit organization to be distributed at the campus at any time. Allows campus employees to assist in preparing and distributing the food as volunteers for the nonprofit organization.

Provides that school districts may adopt policies under which the district provides food at no cost to a student for breakfast, lunch, dinner meals, or a snack if the student is unable to purchase them. Applies beginning with the 2017–2018 school year.

Earliest effective date: Immediately

#### **SB 877 - Liability of Certain Political Subdivisions in Certain Worker's Compensation Actions Hancock**

Provides that a political subdivision that self-insures either individually or collectively is liable for attorney's fees.

Earliest effective Date: September 1, 2017

**SB 1152 - Excused Absences Related to Student Enlistment**  
**Menendez**

Requires school districts to excuse a student who is 17 years of age or older from attending school to pursue enlistment in a branch of the armed services of the United States or the Texas National Guard. Prohibits school districts from excusing more than four days for this purpose during the period the student is in high school. Requires the school district to verify the student's activities related to pursuing enlistment in a branch of the armed services or Texas National guard. Applies beginning with the 2017-18 school year. Requires school districts to adopt a policy to verify a student's activities no later than October 1, 2017.

Effective date: Immediately

**SB 1404 – Reporting Expanded Learning Opportunities**  
**Hughes**

Requires school districts to report through PEIMS for each campus the availability of expanded learning opportunities and the number of students participating in those programs.

Requires the Sunset Advisory Committee to determine the availability of expanded learning opportunities and the role of ESCs in providing those opportunities as part of the review of the Expanded Learning Opportunities Council. Requires Sunset review of ESCs in 2023.

Earliest effective date: Immediately

**SB 1553 - Requirements of Sex Offenders Who Enter the Premises of a Public School**  
**Menéndez**

Requires a registered sex offender to notify the administrative office of the school of the person's presence and the person's registration status. Allows the administrative office to provide a chaperone to accompany the person while the person is on school premises.

Provides that the notification requirements do not apply to a student enrolled at the school, a student from another school participating at an event at the school, or a person who has entered into a written agreement with the school that exempts the person from the notice requirements.

Allows a school administrator, school resources officer, or school district peace officer of a school district to refuse to allow a person to enter, or may eject a person from, property under the district's control if the person refuses to leave peaceably on request, and: 1) the person poses a substantial risk of harm to any person, or; 2) the person behaves in a manner that is inappropriate for a school setting and the administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result a refusal or entry or ejection and the person persists in that behavior.

Requires a school district to maintain a record of each verbal warning, including the name of the person to whom the warning was issued and the date of issuance.



Requires the district to provide to the person written information explaining the appeal process at the time the person is refused entry or ejected from school district property.

Requires a school district to accommodate the parent of a child or guardian who was refused entry to ensure the parent or guardian participates in the child's ARD committee or in the child's team under the Rehabilitation Act.

Provides that the term of a person's refusal of entry to or ejection from a school district's property may not exceed two years.

Requires a school district to post on the district's website and each district campus to post on any website of the campus, a notice regarding the provisions relating to refusal or entry or ejection, including the appeals process to the school board of trustees.

Requires the TEA commissioner to adopt rules establishing a process for a person to appeal to the board of trustees of the school district the decision to refuse the person's entry or to eject the person from the district's property.

Earliest effective Date: Immediately, except certain sections of the bill are effective September 1, 2017.

## **SB 1566\* - Powers and Duties of the Board of Trustees Kolkhorst**

*Due to the dense content of SB 1566, the bill is divided into sections by topic. (Other provisions are listed under Assessment and Accountability on page 16, and Parents on page 53).*

### CFO/COO Appear at Board Meetings

Provides that a school board may require a school district's chief business official, curriculum director, or person holding an equivalent position to appear at an executive session of the board or to testify at a public hearing held by the board. Prohibits a superintendent from interfering with an appearance or testimony in these circumstances.

### School Information to Trustees

Provides that a school district must provide trustees with information, documents, and records within 20 business days after the district receives the request. Allows that a district may take additional time not to exceed 30 business days to respond to a request if the 20<sup>th</sup> business day deadline would be unduly burdensome due to the amount, age, or location of the requested information. Requires the district to inform the trustee of the reason for the delay.

Allows a trustee to bring suit against a district that does not provide the requested information within the time required. Entitles a member who prevails to recover reasonable attorney fees that will come from the budget of the superintendent's office. Requires trustees to maintain the confidentiality of the information, documents and records as required by the Family Educational Rights and Privacy Act (FERPA) and any other applicable privacy laws.

### Trustee visits

Requires districts to develop a policy regarding visits by trustees to a district campus or other facility.

### Academic Achievement and Website

Requires trustees to provide oversight regarding student academic and strategic leadership to maximize student performance.

Requires TEA, if requested by a school board, to create a website that those trustees can use to review campus and academic achievement data. Provides that this website also be available to be used by campuses in a similar manner. Requires that the website include: district information disaggregated by campus, grade, sex, race, academic quarter or semester, and school year regarding the following: (a) student academic achievement and growth; (b) teacher and student attendance; and (c) student discipline records. Requires the website be updated at least once each quarter of the school year.

Mandates that the website allow trustees to compare the district's academic performance with the performance of other districts of similar size and racial and economic demographics. Requires districts to provide requested information from the commissioner related to this website. Permits TEA to contract with a third party to implement this section. Requires TEA to design a website that ensures public information is accessible to the public but not releasing confidential information.

### Trustee Training

Requires the minutes of the last regular board meeting held before an election reflect whether each trustee has met or is deficient in meeting required training as of the first anniversary of the trustee's election or appointment. Requires the district to post those minutes on the district's website if a trustee is deficient with their training within 10 business days of the meeting.

Provides that the SBOE require a trustee to complete at least three hours of training every two years on evaluating student performance. Requires that the training be research-based and designed to support the oversight role of the board. Trustees serving on a school board on September 1, 2017, must complete this training by September 1, 2018. Allows a candidate for trustee to complete the required training up to one year prior to becoming elected. Requires new trustees complete this training within 120 days of being elected or appointed. Requires a returning trustee to complete this training by the second anniversary of the completion of the trustee's previous training. Allows a trustee to receive this training at an ESC or other authorized provider that can certify the completion of the training by a trustee or candidate.

### Board Improvement and Evaluation Tool

Requires the commissioner to develop a board of trustees improvement and evaluation tool that is researched-based and designed to assist districts in improving board oversight and academic achievement. Doesn't mandate districts to use this evaluation tool except as required by TEC 39.102(a).

### Posting of Local Innovation Plan

Requires districts of innovation to post the local innovation plan in a prominent place on the district's website. Requires districts to submit adopted, amended, or renewed plans to TEA within 15 days. Mandates that TEA promptly post current local innovation plans on its website.

### Patriotic Society Access to Students

Requires districts to adopt a policy, at the beginning of each school year, that allows principals to provide representatives of a "patriotic society" with the opportunity to speak to students during regular school hours

about membership in the society. Defines “patriotic society” as a youth membership organization listed in Title 36 of the U.S. Code with educational purpose that promotes patriotism and civic involvement (example: Boy Scouts of America). Requires that the board policy give the principal complete discretion over the specific date and time of the opportunity and allows the principal to limit the opportunity to a single day and any presentation to 10 minutes in length. Applies beginning with the 2017–2018 school year.

#### Complaints (Parental Rights)

Provides that school boards are not required to address a complaint that the board receives concerning a student’s participation in an extracurricular activity that does not involve a violation of a parental right. This does not affect IDEA or other federal statute addressing special education services for a child with a disability.

#### Dropout Prevention Strategies

Requires districts to implement dropout recovery prevention plans that include career and technology education courses or technology applications courses that lead to industry or career certification. Requires that the plan integrate research-based strategies to assist students in becoming academically able to pursue postsecondary education including: (a) high-quality, college readiness instruction with strong academic and social supports; (b) secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and (c) information concerning supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for the purpose. Requires districts to offer advanced academic and transition opportunities, including dual credit courses and college prep courses, such as AP courses. Allows districts to partner with a public junior college to fulfill the plan.

#### Before-School and After-School Programs

Allows districts to establish before- and after-school programs for students enrolled in elementary or middle schools. Defines a student eligible to participate in these programs as a student who is enrolled in a public or private school, or resides within the boundaries of a school district.

Requires districts to conduct a request for proposals for procurement process to enable districts to determine if contracting with a child-care facility that provides a before- or after-school program would serve the district’s best interest. Allows districts to enter into a contract with a child-care facility or implement a program operated by the district. Prohibits a district contract with a child-care facility from exceeding a term of three years.

#### Transportation or Storage of a Firearm and Ammunition by License holder in School Parking Area

Prevents school districts from prohibiting any person who holds a license to carry a handgun from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned, or leased vehicle in a parking lot, parking garage, or other parking area provided by the district as long as the handgun, firearm, or ammunition is not in plain view.

#### Notice of Lice

Requires school boards to adopt a policy requiring an elementary school nurse who determines or otherwise becomes aware that a student enrolled in the school has lice, to provide written or electronic notice of that fact to the parent of the child with lice as soon as practicable but not later than 48 hours. Requires the notice also be given to the parent of each child assigned to the same classroom as the child with lice not later than the fifth school day, but the notice cannot identify the child who has lice. Mandates that the notice include the recommendations of the Centers for Disease Control and Prevention for the treatment and prevention of lice. Applies beginning with the 2017–2018 school year.

#### Accreditations, Interventions, and Sanctions

Allows the commissioner to order the use of the board improvement and evaluation tool under TEC Sec. 11.182 if a school district fails to satisfy accreditation criteria.

#### Campus Turnaround Plan

Provides that a campus turnaround plan must also include a detailed description for developing and supporting the oversight of academic achievement and student performance by the board of trustees.

#### Dallas County Board of Education

Provides that the Dallas County Board of Education is abolished effective November 15, 2017, unless the continuation of the county board of education, board of county trustees, and office of the county superintendent is approved by the majority of voters at an election held on the November 2017 uniform election date in Dallas County. Provides a process for dissolution.

Earliest effective date: September 1, 2017

#### **SB 1901 - Texas Military Heroes Day in Public Schools** **Campbell**

Requires the governor to designate Texas Military Heroes Day in public schools to recognize the sacrifices and service of Texans who have served in the U.S. Armed Forces.

Requires school districts to determine appropriate instruction for Texas Military Heroes Day.

Allows TEA to collaborate with other agencies to promote Texas Military Heroes Day.

Earliest effective date: Immediately

#### **SB 2080 - Reporting Certain Information Regarding Children with Disabilities Who Reside in Residential Facilities** **Taylor, Larry**

Requires the TEA commissioner to implement a rule requiring each school district and open-enrollment charter school to include in the district's or school's PEIMS report the number of children with disabilities residing in a residential facility who are required to be tracked by Residential Facility Monitoring (RFM) System and receive educational services from the district or school.

Earliest effective date: Immediately, if the 85<sup>th</sup> Texas Legislature appropriated funding.

## STATE AGENCIES

### **SB 1873 - Report Regarding Health and Safety Information**

**Taylor, Larry**

Requires TEA to complete and publish a report on the agency's website of the physical education (PE) information provided by school districts within one year of being collected. Mandates that the report include: 1) the number of PE classes offered at each campus in the district and detail the number of days, classes, and minutes offered each week by each campus; 2) the ratio of students enrolled in PE classes in the district compared to the overall enrollment; 3) the average PE class size at each campus in the district; 4) the number of PE teachers in the district who are licensed, certified, or endorsed by an accredited teacher preparation program to teach PE; 5) whether each campus in the district has the appropriate equipment and adequate facilities for students to engage in the amount and intensity of physical activity required by the state's curriculum; 6) whether the district allows modifications or accommodations that allow PE courses to meet the needs of students with disabilities; and 7) whether the district has a policy that allows teachers or administrators in the district to withhold physical activity from a student as punishment.

Earliest effective date: Immediately

### **SB 2105 - Employment Information for Secondary Students**

**Miles**

Requires the Texas Workforce Commission to provide TEA with quarterly information, disaggregated by county or other appropriate region career and technical education partnership opportunities with business and industry and professional development opportunities for teachers and learning opportunities for students through industry mentorships, internships, summer programs, after-school programs, and career-based student leadership opportunities.

Earliest effective date: September 1, 2017

## CERTIFICATION

### **HB 1934 - Temporary Certification of Spouse of Active Military Service Member Minjarez**

Amends TEC Sec. 21.052 Certification of Educators from Outside the State, to require SBEC to propose rules to establish procedures to expedite the processing of an application for a certificate submitted by an educator who is the spouse of a person who is serving on active duty as a member of the U.S. Armed Forces. Requires that the rules include provisions for providing the appropriate documentation to establish the educator's status as a spouse of a person who is serving on active duty as a member of the U.S. Armed Forces.

Mandates that if SBEC issues a temporary certificate under these provisions, the certificate may not expire before the third anniversary of the date on which the board completes the review of the educator's credentials and informs the educator of the examination(s) required under Sec. 21.048 on which the educator must perform satisfactorily to receive a standard certificate.

Requires SBEC to implement this Act only if the Texas Legislature appropriates money specifically for this purpose. Allows SBEC to implement this Act using other appropriations available for this purpose, if the Legislature does not appropriate money for this Act.

Earliest effective date: Immediately

### **HB 2039 - Early Childhood Teaching Certificate Huberty**

Requires SBEC to establish an early childhood through grade three (EC-3) teaching certificate. Doesn't require a person to hold this certificate to provide instruction in prekindergarten through grade three. Establishes that, to be eligible for the EC-3 certification, a person must:

- (1) either:
  - a. satisfactorily complete the course work for that certificate in an educator preparation program, including a knowledge-based and skills-based course of instruction on early childhood education that includes:
    - i. teaching methods for:
      1. using small group instructional formats that focus on building social, emotional, and academic skills;
      2. navigating multiple content areas; and
      3. managing a classroom environment in which small groups of students are working on different tasks; and
    - ii. strategies for teaching fundamental academic skills, including reading, writing, and numeracy; or
  - b. hold an early childhood through grade six certificate issued under this subchapter and satisfactorily complete a course of instruction described by paragraph (a);
- (2) perform satisfactorily on an early childhood certificate examination prescribed by SBEC; and
- (3) satisfy any other requirements prescribed by SBEC.

Mandates that the prescribed course of instruction to earn this certificate be developed by SBEC in consultation with faculty members who provide instruction at institutions of higher education in education preparation programs for an early childhood through grade six certificate.

Requires SBEC to establish requirements and prescribe an examination for an early childhood certificate examination and to establish standards to govern the approval and renewal of approval of educator preparation programs for early childhood certification.

Earliest effective date: Immediately

## **SB 1839 - Educator Preparation, Certification, Classification, and Professional Development Hughes**

### PEIMS Data for Educator Preparation Programs

Requires TEA to provide educator preparation programs with PEIMS data that enables a program to: 1) assess the impact of the program; and 2) revise the program as needed to improve the program's design and effectiveness.

Requires TEA to coordinate with SBEC to solicit input from educator preparation programs to determine the data to be provided through PEIMS. Mandates that TEA provide to each educator preparation program the PEIMS data related to its program that is compiled and analyzed by the agency to assist the program in improving its design and effectiveness.

States that the commissioner must implement this section only if the Texas Legislature appropriates money specifically for this purpose. Allows the commissioner to use other appropriations available if money is not appropriated for these sections.

### Minimum Requirements in Digital Learning

Amends TEC Sec. 21.044 by adding a requirement that any minimum academic qualifications for a certificate under subsection (a) that require a person to have a bachelor's degree to also receive instruction in digital learning, including a digital literacy evaluation followed by a prescribed digital learning curriculum. Mandates that the instruction: 1) be aligned with the International Society for Technology in Education's standards for teachers; 2) provide effective, evidence-based strategies; and 3) include resources to address any deficiencies identified by the digital literacy evaluation.

### Continuing Education Requirements for a Classroom Teacher

Amends TEC Sec. 21.054 by adding digital learning and digital teaching to the type of instruction that can't be included as more than 25 percent of the training required every five years as continuing education requirements for a classroom teacher.

Requires SBEC to propose rules allowing an educator to receive credit toward continuing education requirements related to digital literacy and digital technology.

### Observation Requirements for Certifications other than Classroom Teacher

Amends TEC Sec. 21.044 by adding a requirement that SBEC rules for an ongoing educator preparation program for a candidate seeking a certification other than as a classroom teacher may not require the program to conduct one or more formal observations on the candidate's site in a face-to-face setting.

Mandates the rules permit each required formal observation to occur on the candidate's site or through use of electronic transmission or other video-based or technology-based method.

#### Early Childhood Certification \*same requirements as HB 2039 by Huberty

Requires SBEC to establish an early childhood through grade three (EC–3) teaching certificate. Doesn't require a person to hold this certificate to provide instruction in prekindergarten through grade three. Establishes that to be eligible for the EC-3 certification, a person must:

- (1) either:
  - a. satisfactorily complete the course work for that certificate in an educator preparation program, including a knowledge-based and skills-based course of instruction on early childhood education that includes:
    - i. teaching methods for:
      1. using small group instructional formats that focus on building social, emotional, and academic skills;
      2. navigating multiple content areas; and
      3. managing a classroom environment in which small groups of students are working on different tasks; and
    - ii. strategies for teaching fundamental academic skills, including reading, writing, and numeracy; or
  - b. hold an early childhood through grade six certificate issued under this subchapter and satisfactorily complete a course of instruction described by paragraph (a);
- (2) perform satisfactorily on an early childhood certificate examination prescribed by SBEC; and
- (3) satisfy any other requirements prescribed by SBEC.

Mandates that the prescribed course of instruction to earn this certificate be developed by SBEC in consultation with faculty members who provide instruction at institutions of higher education in education preparation programs for an early childhood through grade six certificate.

Requires SBEC to establish requirements and prescribe an examination for an early childhood certificate examination and to establish standards to govern the approval and renewal of approval of educator preparation programs for early childhood certification.

#### Field Experience after Admission to an Educator Preparation Program

Amends TEC Sec. 21.051 by allowing a candidate, after admission to an educator preparation program, or during the two years before the date the candidate is admitted to the program, to complete the 15 hours of field-based experience requirement by serving as a long-term substitute teacher as prescribe by SBEC rule. Requires that the candidate's experience in instructional or educational activities be documented by the educator preparation program and be obtained at a public school or approved for the purpose by the TEA; or a private school recognized for the purpose by the agency.

#### Certification for Educators from Outside the State

Permits the commissioner to adopt rules establishing exceptions to the examination requirements prescribed for an educator outside the state to obtain a certification



### Repeal of NCLB Language

Repeals language from NCLB referring to “highly-qualified” teachers.

This Act applies beginning with the 2017–2018 school year.

Earliest effective date: Immediately

### **SB 1963 - Requirements for Educator Preparation Programs Creighton**

Prohibits SBEC rules from requiring, in relation to a certification class *other than* classroom teacher, that an educator preparation program conduct one or more formal observations of a candidate on the candidate’s site in a face-to-face setting. Mandates the SBEC rules permit each required formal observation to occur on the candidate’s site or through use of electronic transmission or other video-based or technology-based method.

Earliest effective date: Immediately

## SCHOOL CHOICE

### **SB 587 - Virtual School Network and Dependents of Military Families** **Campbell**

Allows a dependent of a member of the U.S. military who has been deployed or transferred to this state and was enrolled in a publicly funded school outside of this state in the preceding school year to participate in the state virtual school network

Earliest effective date: Immediately

### **SB 1177 - Requirements for Charter Schools Established for the Benefit of Certain Juvenile Offenders** **Hughes**

Requires the TEA commissioner to adopt a form and procedure to allow a detention, correctional, or residential facility or an eligible entity that has entered into a contract with a detention, correctional, or residential facility to apply for a charter.

Allows a charter school operating under a charter to receive open-enrollment charter school funding.

Earliest effective date: September 1, 2017

### **SB 1480 - Guarantee Charter District Bonds by the Permanent School Fund** **Hughes**

Incrementally increases the capacity of the guarantee bond program for charter schools.

Earliest effective date: September 1, 2017

### **SB 1882 - School District Contract to Partner with an Open-enrollment Charter School to Operate a District Campus** **Menendez**

Permits school districts to enter into contracts with charter schools to operate a district campus and share teachers, facilities, or other education resources on that campus. Prohibits participation by a charter that has been revoked or received an unacceptable rating for each of the three preceding school years. Prohibits the commissioner from imposing sanctions or taking action against the district campus during the first two school years of the partnership.

Requires districts proposing to enter into a contract with a charter school to notify the commissioner of the district's intent. Requires the commissioner to establish rules and timelines for districts to provide the notice of intent. Provides that a district must be notified if the contract is approved by the commissioner no later

than 60 days after the district submits all the information required. Provides that the proposed contract is considered approved if the commissioner fails to notify the district within the 60-day period.

Allows the charter-run campus to be considered for additional funding. Provides that districts and charters that enter into one of these agreements are entitled to receive the greater of the following amount for each student in weighted average daily attendance at the campus: 1) the amount to which the district would be entitled under this chapter (TEC Chapter 42); or (2) the amount described by TEC Sec. 12.106.

Applies beginning with the 2017–2018 school year.

Earliest effective date: Immediately

## CURRICULUM

### **HB 136 - Inclusion of Career Technology Education in Mission of Public Education** **Bell**

Includes technology education and workforce training in the mission of public education. Adds language in objective 4 to include, "Through that curriculum, students will be prepared to succeed in a variety of postsecondary activities, including employment and enrollment in institutions of higher education." Adds language in objective 11 to include, "The State Board of Education, the TEA, and the commissioner shall assist school districts and charter schools in providing career and technology education to students."

Earliest effective date: Immediately

### **HB 264 - Public Outreach Materials to Foster Awareness of Certain Public-School Curriculum Requirements** **Hernandez, Ana**

Amends TEC Sec. 28.015 that alerts students and parents of the following: curriculum requirements needed to gain automatic college admission; components of each available high school endorsement; and financial aid options for college. Removes reference to the Texas B-on-Time loan program as that program no longer exists. Extends the expiration date of this section of code from September 1, 2018, to September 1, 2020.

Earliest effective date: Immediately

### **HB 728 - SBOE Establishment of an Advanced Computer Science Program for High School Students** **Guerro**

Requires the SBOE to develop and implement a program that permits students in participating districts to successfully complete an advanced computer science course as their advanced math or science credit. Requires participating districts to implement rigorous standards for these courses, as developed by the SBOE, that are focused on the creation and use of software and computing technologies.

Mandates that the commissioner adopt rules. Requires the SBOE to establish this program no later than September 1, 2018, for implementation during the 2018–2019 school year.

Earliest effective date: Immediately

### **HB 1638 - Statewide Goals for Dual Credit Programs** **Guillen**

Requires TEA and the THECB to develop statewide goals for dual credit programs, including early college high school programs, career and technical education dual credit programs, and joint high school and college credit programs, to provide uniform standards for evaluating those programs. Requires that the goals, which must be developed no later than August 31, 2018, address: 1) a dual credit program's achievement of enrollment in

and acceleration through postsecondary education; 2) performance in college-level coursework; and 3) the development of an effective bridge between secondary and postsecondary education in the state.

Requires any agreement, including a memorandum of understanding or articulation agreement between a school district and public institution of higher education to provide a dual credit program: 1) include specific program goals aligned with the statewide goals; 2) establish or provide a procedure for establishing the course credits that may be earned under the agreement, including by developing a course equivalency crosswalk or other method for equating high school courses with college courses, and identifying the number of credits that may be earned for each course completed through the program; 3) describe the academic supports and, if applicable, guidance that will be provided to students participating in the program; 4) establish the district's and the institution's respective roles and responsibilities in providing the program and ensuring the quality and instructional rigor of the program; 5) state the sources of funding for courses offered under the program, including, at a minimum, the sources of funding for tuition, transportation, and any required fees or textbooks for students participating in the program; and 6) be posted each year on the district's and the institution's respective websites.

Earliest effective date: Immediately

#### **HB 2010 - Workplace Safety Training Information for Public School Curriculum Bonner**

Requires TEA to collect and make available to a school district, upon request, information regarding workplace safety and training that may be included in the district's curriculum. Permits a school district to develop a workforce safety program that provides educators access to such information and encourages educators to include the training information in the curriculum of appropriate courses provided to students in grades 7 through 12. Applies beginning with the 2017–2018 school year.

Earliest effective date: Immediately

#### **HB 2937 - Pilot Program Under Which a Licensed Hospital May Offer Dual Credit Courses Canales**

Establishes a medical dual credit pilot program. Requires the THECB to develop and implement a pilot program under which a licensed hospital may offer dual credit courses to high school students enrolled in a school districts. Requires the THECB to select one licensed hospital located in a county that borders the United Mexican States and that has a population of at least 700,000 and not more 800,000 to participate in the pilot program. A student enrolled in a dual credit course under this program is entitled to the benefits of the Foundation School Program for the time spent by the student on that course. Prohibits students from being charged tuition or fees, or for required textbooks or other instructional materials needed for the course. Holds school districts in which the student is enrolled responsible for the cost of the student's tuition, fees, or required textbooks or other instructional materials for the course to the extent those amounts are not waived by the licensed hospital. Applies beginning with the 2017–2018 school year.

Earliest effective date: Immediately

## **HB 3593 - Instruction in Career Technology Education**

### **Bernal**

Requires the SBOE to approve courses in cybersecurity for credit for high school graduation. Requires that school districts annually report the names of the courses and institutions of higher education in which the district's students have enrolled. Permits a district to offer a course in cybersecurity that is approved by the board of trustees for credit without obtaining SBOE approval if the district partners with a public or private institution of higher education that offers an undergraduate degree program in cybersecurity to develop and provide the course.

Allows computer coding classes to qualify as the non-English language credits. Amends the STEM endorsement to include cybersecurity and computer coding courses. Directs the SBOE to adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for STEM endorsement. Provides a subsidy for teachers who pass a certification exam in cybersecurity.

Provides that technology applications courses on cyber security are included in the definition of "career and technology education class" and "career and technology education program."

Eliminates the requirement that Texas State Technical College System campuses that partner with school districts to provide cybersecurity programs obtain approval from the THECB.

Allows instructional facility allotment funds to be used for the renovation of an existing instructional facility that will serve as a dedicated cybersecurity computer laboratory.

Applies beginning with the 2017–2018 school year.

Earliest effective date: Immediately

## **SB 30 - Instruction Regarding Interaction with Peace Officers**

### **West**

#### Instruction for High School Students in Grades 9–12

Requires the SBOE and the Texas Commission on Law Enforcement (TCLE) to enter an MOU to establish each agency's respective responsibilities in developing instruction, including curriculum and instructional modules, on proper interaction with peace officers during traffic stops and other in-person encounters. Mandates the instruction include information regarding: 1) the role of law enforcement and duties and responsibilities of peace officers; 2) a person's rights concerning interactions with peace officers; 3) proper behavior for civilians and peace officers during interactions; 4) laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity, and consequences for failure to comply with those laws; and 5) how and where to file a complaint against, or a compliment on behalf of, a peace officer.

Allows the SBOE and the TCLE to consult with any interested party for the purpose of making recommendations regarding the instruction. Requires the SBOE and the TCLE to provide a reasonable period for public comment. Allows a district to tailor the instruction, subject to the rules adopted by the SBOE, and

mandates that, if tailoring the instruction, the district or school solicit input from local law enforcement and others.

Amends TEC Sec. 28.025 to require the SBOE to adopt rules to include the instruction in one or more course in the required curriculum for students in grades 9 through 12.

#### Instruction in Driver Education and Driver Safety Courses

Amends TEC, Subchapter C, Chapter 1001 by requiring the TCLE by rule to require that information relating to law enforcement procedures for traffic stops be included in the curriculum of each driver education course and driving safety course. Mandates the curriculum include: 1) a demonstration of the proper actions to be taken during a traffic stop; and 2) the same information required in the curriculum as noted in the five bullets at the beginning of this bill summary.

Allows TCLE, while developing the curriculum, to consult with any interested party, for the purpose of making recommendations.

#### Civilian Interaction Training Program

Amends Occupations Code, Subchapter F, by adding Sec. 1701.268 Civilian Interaction Training Program. Requires the TCLE and SBOE to enter an MOU to establish each agency's respective responsibilities in developing a training program, including training and testing materials, on proper interaction with civilians during traffic stops and other in-person encounters. Mandates the training program include the same five areas of information required in the curriculum that are listed at the beginning of this bill summary.

Allows the TCLE and the SBOE, while developing the training, to consult with any interested party for the purpose of making recommendations. Requires the TCLE and the SBOE to provide a reasonable period for public comment.

Requires, as part of the minimum curriculum requirements, the TCLE to require an officer to complete the training program no later than the second anniversary of the date the officer is licensed under this chapter unless the officer completes the program as part of the officer's basic training course.

Provides a schedule for the rules and provisions of this bill to occur.

Earliest effective date: September 1, 2017.

### **SB 276 - Charter School Pilot Program for an Adult High School Diploma and Industry Certification Watson**

Allows the TEA commissioner, if funding was appropriated by the 85<sup>th</sup> Texas Legislature, to grant a charter to a single nonprofit entity to provide an adult education program to individuals to successfully complete a high school program that can lead to a diploma, and career and technology education courses that can lead to industry certification.

Specifies objective standards a charter must provide in order to receive a high school diploma.

Provides that an adult education program operated by a charter is subject to certain provisions in the TEC, including: PEIMS; high school graduation requirements to the extent they are applicable; special education

programs; bilingual education programs; health and safety; reporting of an educator's misconduct; and the right of an employee to report a crime.

Requires the TEA commissioner to develop and adopt performance frameworks that establish standards by which to measure the performance of an adult high school program.

Earliest effective date: Immediately, except to the provision relating to the granting of a charter.

### **SB 671 - High School Graduation Credit for a Language Other Than English** **Campbell**

Requires the SBOE to adopt criteria to allow a student to comply with the curriculum requirement for one credit of a language other than English by successfully completing a dual language immersion program under TEC Sec. 28.0051 at an elementary school.

Earliest effective date: Immediately

### **SB 801 - Instructional Material List** **Seliger**

Adds requirements to materials included on the Instructional and Supplemental Materials Lists. The materials on the lists must be suitable for the subject and grade level for which the materials were submitted and be reviewed by academic experts in the subject and grade level. Applies only to the lists adopted on or after the effective date of this law.

Earliest effective date: September 1, 2017

### **SB 826 - Sequencing of Required High School ELA and Math Courses** **Taylor**

Eliminates the requirement that a student successfully complete English I, II, and III before being allowed to take an advanced English course. Eliminates the requirement that a student successfully complete Algebra I and Geometry before taking an advanced math course.

Permits a student to comply with curriculum requirements for the third and fourth math and science credits by successfully completing an advanced career and technical course designated by the SBOE as containing substantively similar and rigorous academic content.

Applies beginning with the 2017–2018 school year.

Earliest effective date: Immediately



## **SB 1091 - Limitations on Dual Credit Course Offerings**

**Seliger**

Restricts dual credit course offerings to only those courses which are: 1) in the core curriculum of the public institution of higher education providing college credit; 2) a career and technical education course; or 3) a foreign language course. Doesn't apply this restriction to a dual credit course offered as part of an Early College High School Program or other early college program that assists students in earning a certificate or an associate degree while in high school. Requires TEA and the THECB to coordinate and adopt necessary rules for implementation of the bill.

Earliest effective date: Immediately

## **SB 1318 - Mathematics Innovation Zones**

**Taylor, Van**

Permits the commissioner, on application of a district or charter, to designate a campus as a Mathematics Innovation Zone and award a grant from appropriated funds to support implementation of innovative math instruction.

Prohibits the total amount of grants awarded during the state fiscal biennium ending August 31, 2019, from exceeding \$12.5 million. Requires that a campus designated as an innovation zone: 1) implement with fidelity an innovative math program that addresses the math TEKS; 2) comply with requirements of commissioner rules for this program; and 3) provide all data on the innovative program requested by TEA.

Excludes a campus designated as an innovation zone from interventions under TEC Section 39.107(a) (campus turnaround plan after two consecutive years of unacceptable performance) or (e) (appointment of a board of managers, alternative management or closure after three consecutive years of unacceptable performance) for the first two years of the designation, provided the campus is implementing the program with fidelity, and to the satisfaction of the commissioner. States that the period that a campus is exempt from these specified accountability interventions is not: 1) included in calculating consecutive school years; or, 2) considered for a break in consecutive school years of unacceptable ratings for purposes of determining the need for intervention.

Authorizes the commissioner to revoke the designation and suspend grant funding if the campus fails to implement the program with fidelity or to comply with requirements.

Allows a district or charter to use a "Pay for Success" program approved by the commissioner for the program costs. Allows the commissioner to accept gifts, grants, or donations from any public or private source for this program. Permits the commissioner to adopt rules for this section, and states that a decision or determination made by the commissioner is final and may not be appealed.

Establishes a Pay for Success program as one involving private financing under which payments are dependent on achievement of measurable outcomes. Permits the commissioner to:

1. structure and approve the programs;
2. evaluate and approve the following participants in a program:
  - a. a private investor;
  - b. an education service provider; and
  - c. a third-party evaluator; and
3. require an approved participant to comply with the objectives, metrics, and other program requirements prescribed by the commissioner.

Allows the commissioner in evaluating a potential participant to: 1) verify the availability and liquidity of the investment funds of a private investor; 2) evaluate the credentials and effectiveness of an education service provider; and 3) evaluate the credentials and independence of a third-party evaluator.

States that notwithstanding any other law, a district or charter that uses a Pay for Success program approved by the commissioner is not subject to state procurement requirements that would otherwise apply to the activity funded through the program.

States that the commissioner, the agency, and agency employees are immune from liability for actions associated with the structuring, approval, or implementation of a Pay for Success program. Allows the commissioner to adopt rules for a Pay for Success program.

Earliest effective date: September 1, 2017

### **SB 2039 - Instructional Modules and Training for Public Schools on the Prevention of Sexual Abuse and Sex Trafficking**

**Zaffirini**

Requires the TEA commissioner, in cooperation with the human trafficking prevention task force and any other person the commissioner deems appropriate, to develop one or more sexual abuse and sex trafficking instructional modules that a school district may use in its health curriculum.

Provides that the modules may include certain types of information, including information on the different forms of sexual abuse and assault, sex trafficking, and risk factors for sex trafficking, the procedures for reporting sexual abuse and sex trafficking, and strategies for sexual abuse and assault prevention and overcoming peer pressure.

Requires a school district that elects to use a module developed in the district's health curriculum to provide written notice to the parent of each student enrolled in the district that includes: 1) a statement that the district will provide instruction relating to sexual abuse and sex trafficking awareness to students enrolled in the district; 2) a description of the material that will be used; and 3) a statement that the parent has the right to review and remove the student from the instruction.

Allows a parent to file a grievance in accordance with the district's grievance procedure if the school district does not comply with the notice requirements.

Allows a school district to collaborate with local law enforcement and consultants with expertise in the prevention of sexual abuse and sex trafficking to create the policy addressing sexual abuse, sex trafficking, and other maltreatment of children, which is required to be included in the district improvement plan and any informational handbook.

Earliest effective date: Immediately, if the 85<sup>th</sup> Texas Legislature appropriated funding.

## ELECTIONS

### **HB 332 - Use of School District Buildings as Polling Place**

**Meyer**

Requires that district multi-hazard emergency operations plans include a policy for district property that is selected for use as a polling place. Permits school boards to consult with a local law enforcement agency regarding the reasonable security accommodations that may be made to the property. Does not require school boards to obtain or contract for the presence of law enforcement or security personnel for the purpose of securing a polling place located on school district property.

Earliest effective date: September 1, 2017

## **EMPLOYEE RELATIONS/BENEFITS**

### **HB 88 - Discriminatory Leave Policy Relating to a Foster Child**

**Martinez**

Prohibits an employer from administering a leave policy that treats differently a foster child who resides with the employee and is under the conservatorship of the Department of Family and Protective Services.

Earliest effective date: September 1, 2017

### **HB 1469 - Qualifications of Certain Teachers in Certain Open-Enrollment Charter Schools**

**Bailes**

Allows an open-enrollment charter school that serves youth referred to or placed in a residential trade center by a local or state agency to employ a person as a teacher for a noncore vocational course without a baccalaureate degree if the person has: 1) demonstrated subject matter expertise related to the subject taught; and 2) received at least 20 hours of classroom management training.

Earliest effective date: Immediately

### **HB 4056 - Best Practice-Based Programs and Research-Based Practices for Implementation in Public Schools**

**Rose**

Amends the list of practice-based programs prepared by the Department of State Health Services to include research-based practices in the areas of: building skills relating to emotions, positive relationships, and responsible decision-making; trauma-informed practices; positive school climates; and positive behavior supports.

Specifies that the suicide prevention programs on the list must include components that provide for training for school personnel, law enforcement, and social workers who interact with students.

Earliest effective date: Immediately

### **SB 7 - Improper Relationships Between Educators and Students**

**Bettencourt**

Expands the prohibition on improper employee and student relationships to any school employee serving in a capacity that requires a license, regardless of whether the employee holds that license. Expands the offense to include any employee engaging in an improper relationship with a student who the employee knows is enrolled in any public or private primary or secondary school, or with any student participant in an educational activity sponsored by a school district or public or private primary or secondary school.

Maintains the “knew” standard for superintendents regarding an educator’s termination of employment or resignation following an alleged incident of misconduct or an employee’s criminal record. Creates a state jail felony for a superintendent, director, or principal who fails to file a report with the intent to conceal an educator’s criminal record or alleged incident of misconduct.

Adds a district of innovation, regional education service center, or shared services arrangement to the list of entities required to conduct an investigation. Requires the principal of a school district, district of innovation, or open-enrollment charter school campus to notify the superintendent or director of the school district, district of innovation, or charter school not later than the seventh business day after the date: 1) of an educator’s termination of employment or resignation following an alleged incident of misconduct; or 2) the principal knew about an educator’s criminal record.

Extends immunity to a principal of a school district, district of innovation, open-enrollment charter school, regional education service center, or shared services agreement that in good faith files a report with SBEC or communicates with another superintendent, director, or principal concerning an educator’s criminal record or alleged incident of misconduct.

Requires a board of trustees or governing body of a school district, district of innovation, open-enrollment charter school, regional education service center, or shared services agreement to adopt a policy under which notice is provided to the parent or guardian of a student with whom an educator is alleged to have engaged in misconduct.

Requires an applicant for a position that requires certification to submit a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.

Allows SBEC to impose an administrative penalty to superintendents, directors, or principals who fail to provide a report or notice by the due dates in the legislation.

Requires educator preparation programs to provide information regarding appropriate relationships, boundaries, and communications between educators and students. Requires continuing education programs for principals to prevent, recognize, and report any sexual conduct between an educator and student. Allows SBEC to suspend or revoke a certificate held by a person, impose other sanctions against the person, or refuse to issue a certificate to the person if: 1) the person assists another person in obtaining employment at a school district or open-enrollment charter school, other than by the transmission of administrative and personnel files; and 2) the person knew that the other person previously engaged in sexual misconduct with a minor or student in violation of the law.

Authorizes a school district or open-enrollment charter school to give TEA a document evaluating the performance of a teacher or administrator employed by the district or school for purposes of an investigation. Authorizes the commissioner of education to conduct special accreditation investigations when a school district fails to produce, upon request, evidence or an investigation report relating to an educator who is under investigation by SBEC.

Requires a school district to adopt a written policy concerning electronic communications between a school employee and student enrolled in the district.

Prohibits a person from receiving a service retirement annuity from TRS if the person is convicted of continuous sexual abuse of a young child or children, an improper relationship between an educator and student, sexual assault, or aggravated sexual assault.

Earliest effective date: September 1, 2017

### HB 21 - School Finance System (85<sup>th</sup> Legislative Special Session - 1) Huberty

HB 21 is to be funded by transferring from the Health and Human Services Commission a total of \$563 million in General Revenue appropriations for the 2018–2019 biennium to TEA (\$351 million) and TRS (\$212 million) for implementation. Addresses other areas of school finance:

- creates a \$150 million grant program for fiscal years 2018 and 2019 to provide **transition aid for school district financial hardship (ASATR)** with grants provided according to a specified formula to districts;
- provides, beginning in the 2018–2019 school year, \$60 million in **facilities funding for charter schools** with acceptable performance ratings;
- increases, beginning in fiscal year 2019, the guaranteed yield for the FSP **Existing Debt Allotment** for school districts each year to the lesser of \$40 or the amount that would result in a \$60 million increase in state aid from the level of state aid provided by a yield of \$35;
- increases annually, beginning in fiscal year 2019 and ending in 2024, the **small district adjustment** for districts with boundaries encompassing less than 300 square miles until the adjustment is equal to the level currently provided for small districts encompassing 300 or more square miles (\$41 million allocated for this purpose);
- creates two \$20 million **grant programs for special needs students**: one to provide innovative services to students with autism and a second to provide innovative services to students with dyslexia;
- creates the **Texas Commission on Public School Finance** to develop and make recommendations for improvements to the current public school finance system or for new methods of financing public schools, and:
  - provides that the commission be composed of 13 members, consisting of: four members appointed by the governor; four members appointed by the lieutenant governor; four members appointed by the speaker; and a member of the SBOE, as designated by the chair of that board.
  - requires the members appointed by the governor to have an interest in public education and include at least: one person who is a current or retired classroom teacher with at least 10 years of teaching experience; one person who is a member of the business community; and one person who is a member of the civic community.
  - requires the appointments made by the lieutenant governor and the speaker to each consist of: three members of the applicable legislative chamber; and an administrator in the public school system or an elected member of the board of trustees of a school district.



- provides **\$212 million for TRS-Care participants** to: reduce costs, including premiums, deductibles, and prescription drugs, during the 2018 and 2019 plan years; and reduce the premium and maximum out-of-pocket cost for an enrolled adult child with a mental disability or a physical incapacity during the 2018 and 2019 plan years.

Earliest effective Date: September 1, 2017

#### **HB 1081 - New Instructional Facility Allotment** **Arevalo**

Increases the NIFA allotment from \$250 ADA to \$1,000 ADA for the first and second year in which students attend that instructional facility. Redefines instructional facility to include: (a) newly constructed instructional facility, (b) a repurposed instructional facility; and (c) a leased facility operating for the first time as an instructional facility with a minimum lease term of 10 years.

Earliest effective date: September 1, 2017

#### **HB 2442 - Minutes of Operation** **King, Ken**

Provides that school districts are eligible to receive one-half ADA if the district's prekindergarten provides at least 32,400 minutes of instructional time to students. Opens eligibility for a district to receive full ADA if the district provides at least 43,200 minutes of instruction for students enrolled in: 1) a dropout recovery school or program; 2) an alternative education program; 3) a program located in a day treatment facility, residential treatment facility, psychiatric hospital, or medical hospital; 4) a school program offered at a correctional facility; or 5) an adult high school diploma and certification charter pilot program. Permits school districts that operate more than one of these programs to receive full ADA for each program if the programs satisfy all applicable state and federal requirements. Applies beginning with the 2018–2019 school year.

Requires the commissioner to adopt rules to calculate ADA for students participating in a blended learning program where classroom instruction is supplemented with applied workforce learning opportunities, including participation of students in internships, externships, and apprenticeships.

Earliest effective date: Immediately

#### **HB 3526 - Renaming the Instructional Materials Allotment** **Howard**

Renames the Instructional Materials Allotment the "Technology and Instructional Materials Allotment." Requires the commissioner to develop and maintain a web portal to assist school districts in selecting instructional materials. Requires the portal include general information such as price, computer system requirements, and any other relevant specifications for each instructional material on the instructional materials list, including the adopted list or instructional material submitted by a publisher for the inclusion on the web portal. Requires the commissioner to use a competitive process to contract for the development of

the portal. Provides that money in the state Technology and Instructional Materials Allotment be used to pay the expenses associated with the portal.

Requires the commissioner to contract with a private entity to conduct independent analysis of each instructional material submitted by a publisher for inclusion in the web portal. Requires the analysis evaluate the quality of the material and determine the extent to which the material covers the TEKS, including each of the TEKS for the subject and grade level, and the percentage of the TEKS for the subject and grade level or levels covered by the material.

Provides that the commissioner must include in the web portal a repository of open educational resources and other electronic instructional materials that school districts may access at no cost, including state-developed open-source instructional materials. Allows publishers to submit instructional materials for inclusion in the repository.

Allows the commissioner to establish a technology lending program grant for school districts to provide students with equipment needed to access and use electronic instructional materials. Requires the commissioner, in awarding grants to districts, consider: 1) the availability of existing equipment to students in the district or school; 2) other funding available to the district or school; and 3) the district's or school's technology plan. Allows the commissioner to determine the terms of a grant including limits on the grant amount and approve use of the grant funds. Prohibits the commissioner from using more than \$50 million from the state technology and instructional materials fund for the biennium for the program. Allows school districts to use the grant funds to purchase, maintain, and insure equipment for a technology lending program. Provides that equipment purchased by the district with the grants funds is the property of the school district. Requires the commissioner to review the program and submit a report to the governor, lieutenant governor, the speaker of the House and the chairs of the House and Senate Education committees by January 1, 2019.

Earliest effective date: Immediately

## **SB 1 - General Appropriations Bill Nelson**

Provides \$216.75 billion in all funds for 2018–2019, an increase of \$359.4 million for the biennium. The state's General Revenue budget is \$106.7 billion, which is a decrease of \$1.28 billion from the previous biennium.

The state used \$3.6 billion in local school district value growth along with a payment delay of \$1.8 billion to the state's highway fund and \$988 million from the Rainy Day Fund to help fund the state's budget. The Rainy Day Fund is estimated to be \$11 billion.

The state provided \$2.7 billion to fund enrollment growth along with an increase in the Austin Yield of \$1.5 billion, but overall funding for public education decreased by \$1.38 billion from the prior biennium.

Highlights of SB 1 include:

- Basic Allotment \$5,140 (no change)
- Austin Yield increases from \$77.53 to \$99.41 in 2017–2018 and to \$106.28 in 2018–2019
- NIFA \$47.5 million

- \$75 million for rapid property value decline (more than 4 percent)
- Increases school district contributions to TRS-Care from 0.55 percent to 0.75 percent of active employee payroll (\$133.9 million)
- Eliminates all funding for the state's High-Quality Pre-K grant program from the prior biennium
- \$11 million for the Student Success Initiative, down from \$31.7 million in the prior budget
- \$9 million for Texas Math Academies, down from \$22.8 million in the prior budget
- \$23,750 million for education service centers, down from \$25 million in the prior budget
- \$800,00 for Texas Virtual School Network, down from \$8 million in the prior budget
- \$11 million for Teach for America, down from \$12 million in the prior budget
- \$14.6 million for the Texas AP Initiative, down from \$16.3 million in the prior budget
- \$3.5 million for the Early Child School Readiness program (half of what was appropriated in the prior budget)
- \$20 million for open source instructional materials, an increase of \$10 million from the prior budget
- \$2.9 million for School Improvement and Governance, down from \$3.5 million in the prior budget
- \$1.3 million for Amachi, down from \$2.5 million in the prior budget

Earliest effective date: September 1, 2017

#### **SB 195 - Funding for Students Subject to High Risk of Violence While Walking to School** **Garcia**

Allows a district to apply for an additional amount of up to 10 percent of its transportation allotment to be used in the transportation of children living within 2 miles of their school who would be subject to a high risk of violence if they walked to school. Designates an area as presenting a high risk of violence if law enforcement records indicate a high incidence of violent crimes in the area. Requires that school boards requesting these funds provide the commissioner with consolidated law enforcement records that document violent crimes identified by the reporting agencies within the relevant jurisdiction.

Allows a district to use all or part of the funds to support community walking transportation programs, including walking school bus programs, provided that the district requires each supported program to submit a financial report to the district each semester that covers services provided by the program for the benefit of the district.

Earliest effective date: September 1, 2017

#### **SB 754 - Extension of Depository Contract** **Perry**

Allows a school district and the district's depository bank to extend the depository contract for three additional years (instead of two years) if the parties mutually agree to the terms.

Earliest effective date: September 1, 2017

**SB 1353 - Financial Assistance to a School District to Which an Academically Unacceptable School District is Annexed**  
**Taylor, Larry**

Provides an additional five years of state aid to a district to which an adjoining district was annexed by the commissioner because of poor academic performance. Requires the commissioner to determine the amount of additional state aid provided each year by dividing the amount of debt service taxes received by the district during the tax year prior to the tax year in which the annexation occurred by the number of students enrolled in the district on September 1 after annexation. Applies to any annexation that occurred on or after July 1, 2016.

Earliest effective date: Immediately

**SB 2084 - Calculation of Average Daily Attendance of Public School Students in Blended Learning Programs**  
**Taylor, Larry**

Requires the TEA commissioner to adopt rules to calculate the daily attendance for students participating in blended learning programs in which classroom instruction is supplemented with applied workforce learning opportunities, including internships, externships, and apprenticeships.

Effective date: Immediately

## PARENTS

### **HB 3563 - Parental Notification Regarding Public School Teacher Qualifications**

**Koop**

Amends the law to make conforming changes regarding notification requirements under the Every Student Succeeds Act (ESSA) rather than the No Child Left Behind Act.

Provides that the notice requirement in the TEC is not required if a school district is required under ESSA to provide notice to a parent or guardian regarding a teacher who does not meet certification requirements at the grade level and subject area in which the teacher is assigned, provided that school provides notice in accordance with ESSA.

Earliest effective date: Immediately

### **SB 1566\* - Powers and Duties of the Board of Trustees**

**Kolkhorst**

*Due to the dense content of SB 1566, the bill is divided into sections by topic. (Other provisions are listed under Assessment and Accountability on page 16, and Administration/Governance on page 25).*

#### Complaints (Parental Rights)

Provides that school boards are not required to address a complaint that the board receives concerning a student's participation in an extracurricular activity that does not involve a violation of a parental right. Doesn't affect IDEA or other federal statutes addressing special education services for a child with a disability.

#### Notice of Lice

Requires school boards to adopt a policy requiring an elementary school nurse that determines, or otherwise becomes aware, that a student enrolled in the school has lice, to provide written or electronic notice of that fact to the parent of the child with lice as soon as practicable but not later than 48 hours. Requires the notice also be given to the parent of each child assigned to the same classroom as the child with lice not later than the fifth school day. Prohibits the notification from identifying the student with lice. Requires the notice include the recommendations of the Centers for Disease Control and Prevention for the treatment and prevention of lice. Applies beginning with the 2017–2018 school year.

Earliest effective date: September 1, 2017

## RETIREMENT

### **HB 3976 - Administration Benefits Payable Under the Texas Public School Retired Employees Group Benefits Act** **Ashby**

Increases the state contribution for TRS-Care from 1.0 percent to 1.25 percent of active employee payroll (\$167.4 million). Creates the TRS-Care Standard plan (high deductible) for retirees, spouses, and dependents who are not eligible for Medicare. Creates the TRS-Care Medicare Advantage Plan for retirees, spouses, and dependents eligible for Medicare. Changes in these plans apply only to health benefits beginning with the 2018 plan year.

Earliest effective date: September 1, 2017

### **SB 1663 - Contributions to, Benefits from, Late Fees Imposed by, and the Administration of Systems and Programs Administered by the Teacher Retirement System of Texas** **Huffman**

Makes changes to retire-rehire with regard to a promise of reemployment. Provides that an individual is employed if they are doing a job within a year of retirement as an independent contractor or on a volunteer basis without compensation at a Texas public educational institution. Extends the sunset date for the Teacher Retirement System of Texas agency from 2019 to 2025.

Allows TRS to impose a late fee for districts failing to timely report employee retirement information to TRS. Permits TRS to establish the fee, which will be based on the size of the district. Prohibits the fee from exceeding \$1,000 for each business day after the deadline and caps the cumulative amount at \$25,000 per reporting period. Allows TRS to establish a process for districts to reduce or waive these late fees. Requires employers to remit the information to TRS before the 11<sup>th</sup> day after the last day of a calendar month in which a retiree is employed.

Earliest effective date: September 1, 2017

### **SB 1664 - Contributions to, Benefits from, Membership in, and the Administration of Systems and Programs Administered by the Teacher Retirement System of Texas** **Huffman**

Directs TRS to use the common law test when determining an individual's status as an employee versus and independent contractor. This was an omnibus bill making numerous changes to various sections of the code, including purchasing service credits and rolling over to a qualified plan.

Earliest effective date: September 1, 2017

**SB 1665 - Relating to the Investment Authority of the Teacher Retirement System of Texas**  
**Huffman**

Allows the board's authority to delegate investment authority to certain investment managers to invest and manage not more than 30 percent of the total assets held by TRS.

Earliest effective date: September 1, 2017

## SPECIAL PROGRAMS

### **HB 1645 - Letter Grade for Participants in Special Olympics**

**Lozano**

Requires a school district to allow high school students who participate in Special Olympics to earn a letter grade.

Earliest effective date: Immediately

### **HB 1886 - Dyslexia and Transition Planning for Students Enrolled in a Special Education Program**

**Miller**

#### Dyslexia: Screening, ESC Specialists, and Training for Educators

Requires each ESC to employ a licensed dyslexia therapist (under Chapter 403 Occupations Code) as a specialist to assist school districts with support and resources.

Amends TEC Sec. 38.003 to require that public school students will be screened or tested as appropriate for dyslexia and related disorders in accordance with a program approved by the SBOE. Adds a new provision that the program must include screening at the end of the school year for students in kindergarten and first grade. Changes to Sec. 38.003 apply beginning with the 2017–2018 school year. (*Note: SBOE rule will need to be amended accordingly.*)

Requires TEA to annually develop a list of training opportunities regarding dyslexia that satisfy the requirements of TEC Sec. 21.054(b). Mandates that the list include at least one training that is available online. Requires the training: 1) comply with the knowledge and practice standards of an international organization on dyslexia; 2) enable an educator to understand and recognize dyslexia; and 3) implement instruction that is systematic, explicit, and evidence-based to meet the education needs of a student with dyslexia.

#### Transition Planning

Amends TEC Sec. 29.011 Transition Planning for Students Enrolled in Special Education Programs, by allowing a student's parents and the school district in which the student is enrolled to invite other persons to participate in the transition planning if the student is younger than 18 years of age. Allows a student who is at least 18 years of age to invite other persons to participate in the student's transition and future planning or allows participation if the other person(s) have the student's consent via a supported decision-making agreement under Chapter 1357 Estate Code.

Extends the number of issues that a student's ARD committee must consider and, if appropriate, address in the student's IEP under TEC Sec. 29.011. Adds the Texas Workforce Commission to the list of organizations that school districts must communicate and collaborate with under this section. Adds a requirement that the commissioner review, and if necessary, update the minimum training guidelines at least once every four years for the district's designated transition employee or shared services arrangement's designee, by soliciting input from stakeholders.



Requires that new information be included in the transition and employment planning guide, and extends access to the guide.

Adds specific information that a school district must provide in writing, not later than one year before the 18<sup>th</sup> birthday of a student with a disability, to the student and to the student's parents regarding guardianship, and alternatives to guardianship, including a supported decision-making agreement under Chapter 1357 Estates Code. Requires a school district to provide the same information upon request of a student with a disability, or upon request of the student's parents. Requires the commissioner to develop and post on TEA's website a model form for districts to use in providing these notifications, and to adopt rules.

Applies beginning with the 2018–2019 school year.

Earliest effective date: Immediately

**HB 2130\* - TEA Study of Statewide Assessment Program in Relation to Students in Special Education Programs**  
**Roberts**

*Also listed under Assessment and Accountability (page 11).*

Amends Chapter 39 TEC by adding Sec. 39.02302 Study of Impact of Statewide Assessment Program on Students in Special Education Programs, which directs TEA, from funds already appropriated, to conduct a study of the impact of the statewide assessment program on students in a special education program under Subchapter A, Chapter 29.

Requires TEA to address in the study:

1. whether the agency has determined that the administration of alternate assessment instruments to students in a special education program under Subchapter A, Chapter 29, as provided by Sec. 39.023(b) complies with the Every Student Succeeds Act (20 U.S.C. Sec. 6301 et seq.);
2. whether administering state-required assessment instruments, other than assessment instruments developed or adopted under Sec. 39.023(b) to students in a special education program under Subchapter A, Chapter 29, will:
  - a. provide an accurate assessment of the academic achievement of the students;
  - b. result in the administration of assessment instruments that are inappropriate for the educational capacity of the students;
  - c. result in a decrease in the number of students promoted to the next grade level;
  - d. result in a decrease in graduation rates for the students;
  - e. result in fewer opportunities to pursue higher education options;
  - f. result in fewer opportunities for competitive integrated employment for the students; and
  - g. result in any other:
    - i. restrictions on the students;
    - ii. alternative placements for the students;
    - iii. limitations on the advancement of the students; and
3. whether, making a statutory change that has the effect of exempting students in a special education program under Subchapter A, Chapter 29, from the administration of an assessment instrument under Sec. 39.023 unless the student's parent or guardian requests such administration would impact the statewide assessment program and the extent of any such impact, including any legal impact.

Requires TEA, when conducting the study, to identify specific recommendations to improve the impact of the statewide assessments program on students in special education programs, including recommendations for: 1) any reforms or changes with respect to contracting with assessment instrument vendors; 2) any reforms or changes with respect to improving student grade-level promotion rates and student graduation rates; 3) any reforms or changes with respect to developing allowable accommodations and applying principles of universal design for students during the administration of assessment instruments; 4) any changes to rules adopted by the SBOE or the commissioner in relation to the development, adoption, or administration of assessment instruments; 5) any statutory changes to this code relating to the development, adoption, or administration of assessment instruments; and 6) any additional reforms or changes based on the results of the study.

Mandates that not later than October 1, 2018, the TEA must submit a report to each member of the Texas Legislature that contains the agency's determinations and recommendations. Requires the agency to publish on its website the report and all data on which the agency relied to form the basis of its determinations and recommendations, and the methodologies used to conduct the study.

Expires this Section of TEC, January 1, 2019.

Earliest effective date: Immediately

**HB 2729 - Inventory Credentials and Certificates May be Earned by a Public High School Student Through a Career and Technology Education Program**  
**Lucio**

Requires TEA, THECB, and the Texas Workforce Commission (TWC) to develop and post on their respective websites an inventory of industry-recognized credentials and certificates that may be earned by a high school student through a career and technology education program that: 1) are aligned to state and regional workforce needs; and 2) serve as an entry point to middle and high-wage jobs. Requires the inventory include for each credential or certificate: 1) the associated career cluster; 2) the awarding entity; 3) the level of education required and any additional requirements for the credential or certificate; 4) any fees for obtaining the credential or certificate; and 5) the average wage or salary of jobs that require or prefer the credential or certificate. Requires all three agencies to jointly review and update the inventory and provide a copy of the inventory to each school district and institution of higher education that offers a career and technology education program to high school students.

Requires TEA, THECB and TWC to jointly develop and post the inventory of industry recognized credentials and certificates on their respective websites by September 1, 2018.

Earliest effective date: Immediately

**HB 3632 - Notice of Extension of Timeline for Parent to Request a Special Education Impartial Due Process Hearing**  
**Moody**

Requires TEA to include in the notice of procedural safeguards that the statute of limitations for the parent of a student to request an impartial due process hearing may be tolled if the parent is an active-duty service member of the armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration or the Commissioned Corps of the United States Public Health Service.

Earliest effective date: Immediately

**SB 22 - Pathways in Technology Program**  
**Taylor**

Creates the Pathways in Technology Early College High School Program (P-TECH). Establishes a P-TECH advisory council composed of: 1) three members representing school districts and open-enrollment charter schools appointed as follows: (a) one member appointed by the governor; (b) one member appointed by the lieutenant governor; and (c) one member appointed by the speaker of the House of Representatives; 2) three members representing institutions of higher education appointed as follows: (a) one member appointed by the governor; (b) one member appointed by the lieutenant governor; and (c) one member appointed by the speaker of the House of Representatives; and 3) six members representing industry or business partners that participate or seek to participate in the P-TECH program appointed as follows: (a) two members appointed by the governor; (b) two members appointed by the lieutenant governor; and (c) two members appointed by the speaker of the House of Representatives.

Provides that the advisory council advises the commissioner in regards to the establishment of the P-TECH program and the criteria for designation as a P-TECH campus. Requires that the commissioner establish the program for students who wish to participate in a work-based education program. Requires the program: 1) be open enrollment; 2) provide for a course of study that enables a participating student in grade levels 9 through 12 to combine high school courses and postsecondary courses; 3) allow a participating student to complete high school, and, on or before the sixth anniversary of the date of the student's first day of high school: (a) receive a high school diploma and an associate degree, a two-year postsecondary certificate, or industry certification; and (b) complete work-based training through an internship, apprenticeship, or other job training program; 4) include: (a) articulation agreements with institutions of higher education in this state to provide a participating student access to postsecondary educational and training opportunities at an institution of higher education; and (b) memoranda of understanding with regional industry or business partners in this state to provide a participating student access to work-based training and education; and 5) provide a participating student flexibility in class scheduling and academic mentoring. Requires the program be provided at no cost to students.

Provides that each articulation agreement must address: 1) curriculum alignment; 2) instructional materials; 3) the instructional calendar; 4) courses of study; 5) student enrollment and attendance; 6) grading periods and policies; and 7) administration of statewide assessment instruments under TEC Subchapter B, Chapter 39.

Requires the commissioner to collaborate with the TWC and THECB to develop and implement a plan for the P-TECH program that addresses: 1) regional workforce needs; 2) credit transfer policies between institutions of higher education; and 3) internships, apprenticeships, and other work-based education programs.

Allows businesses to partner with schools to provide work-based training for students.

Allows a school district to obtain accident medical expense, liability, or automobile insurance coverage to protect: 1) a business or entity that partners with the district to provide students with work-based training and education under the P-TECH program; and 2) a student enrolled in the district or at the school who participates in the district's or school's P-TECH program. Requires the coverage authorized by this section be in the amount reasonably necessary, as determined by the board of trustees and be: 1) obtained from a reliable insurer authorized to engage in business in this state; or 2) provided through a self-funded risk pool of which the school district is a member. Requires the district notify parents, if such coverage is obtained. Entitles a student who participates in the program while enrolled in a school district is to immunity in the same manner as a professional employee of a school district.

Allows school districts that implement or seek to implement the P-TECH program at a campus to apply to the commissioner for the designation. Requires the commissioner to establish criteria for the campus's designation as a P-TECH school and for the participation in the grant program. Mandates the criteria require a school district to: 1) enter into an articulation agreement only with institutions of higher education that are accredited by a national or regional accrediting agency recognized by the THECB; 2) review, and as necessary, update each MOU with a regional industry or business partner at least once every two years; and 3) explain how the district's P-TECH program will address regional workforce needs.

Requires the commissioner to establish a grant program to help schools that implement the program. Prohibits the total amount of grants awarded under the grant program for the state fiscal biennium ending August 31, 2019, from exceeding \$5 million.

Requires the commissioner adopt rules to ensure a student participating in the program is not considered for accountability purposes to have dropped out of high school or failed to complete the curriculum requirements for high school graduation until after the sixth anniversary of the date of the student's first day in high school.

Applies beginning with the 2018–2019 school year.

Earliest effective date: September 1, 2017

**SB 160\* - Prohibition of Monitoring System Performance Indicator Based on the Number or Percentage of Students Receiving Special Education Services**  
**Rodriguez**

*Also listed under Assessment and Accountability (page 13).*

Amends the TEC by adding Sec. 29.0011 Prohibited Performance Indicator. Prohibits the commissioner or TEA from adopting or implementing a performance indicator in any monitoring system, including PBMAS, that solely measures the aggregated number or percentage of enrolled students in a district or open-enrollment charter who receive special education services.

Doesn't prohibit or limit the state from collecting and examining data under federal requirements, including determinations of significant disproportionality based on race or ethnicity with respect to the:

- (1) identification rates of students with disabilities, including particular types of impairments;
- (2) placement in particular educational settings; and
- (3) incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

Authorizes the state to implement in its statewide plan the percentages of districts or open-enrollment charters with disproportionate representation rates of racial and ethnic groups in special education and related services and in specific disability categories that results from inappropriate identification.

Earliest effective date: Immediately

#### **SB 436 - Special Education Continuing Advisory Committee Rodriguez**

Requires the Special Education Continuing Advisory Committee to be conducted in accordance with the Open Meetings Act. Requires the committee to provide a procedure for members of the public to speak at committee meetings. Prohibits the committee from adopting a procedure that requires a member of the public to register to speak earlier than the day of the meeting.

Requires TEA to post on its website: 1) contact information for the committee, including an email address; 2) notice of each open meeting of the committee; 3) minutes of each open meeting; and 4) guidance concerning how to submit public comments to the committee.

Requires the committee to develop a policy to encourage public participation with the committee.

Requires the committee to submit a report no later than January 1 of each odd-numbered year with recommended changes to state law and agency rules relating to special education.

Earliest effective date: September 1, 2017

#### **SB 748 - Transition Planning for a Public School Student in a Special Education Program Zaffirini**

Amends the transition planning requirements for special education students by modifying the issues in the student's IEP a student's ARD must consider, including specifying the type of involvement by parents and other persons if the child is younger or older than 18 years of age, preparation for postsecondary-level course work and the use and availability of appropriate supplementary aids, services, curricula and other opportunities to assist the student in developing decision-making skills.

Requires the ARD to annually review the issues designated in statute and to update a student's IEP, if necessary.

Requires the TEA commissioner to develop and post on TEA's website a list of government services and public benefits for which referral may be appropriate.

Requires the TEA commissioner to review and, if necessary, update the minimum training guidelines at least once every four years.

Requires a school district, not later than one year before the 18<sup>th</sup> birthday of a student with a disability, to provide to the student and the student's parents: 1) written notice regarding the transfer of rights and information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement and other supports and services that may enable the student to live independently; and 2) ensure that the student's IEP include a statement that the district provide written notice.

Requires a school district to provide information regarding guardianship or alternatives to guardianship, if the student or the student's parents request it.

Requires the TEA commissioner to post on TEA's website a model form for use by school districts in notifying students and parents about information and resources regarding guardianship and alternatives to guardianship.

Earliest effective date: Immediately

### **SB 1153 - Parental Rights and Information Regarding Certain Intervention Strategies Menendez**

Defines "intervention strategy" as a strategy in a multi-tiered system of supports that is above the level of intervention generally used in that system with all children that includes strategies such as Response to Intervention (RTI).

Requires a district to give written notice to a child's parent of record relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

Amends the statute that TEA provide districts with written information regarding options and requirements for providing assistance to students who have learning difficulties or who may need special education services by adding a new requirement that written explanation include information regarding "aid, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794)." Maintains the requirement that districts include this information in the student handbook or by another means.

Requires a district each school year to notify a parent of each child, other than a student enrolled in a special education program, who receives assistance from the district for learning difficulties, including through intervention strategies. Mandates the notice be provided when the child begins to receive the assistance for that school year; and be written in English or, to the extent practicable, the parent's native language. Requires the notice include:

1. a reasonable description of the assistance;
2. information regarding any "base tier" interventions;
3. estimate of the duration for which the assistance will be provided;
4. estimate time frame for when a progress report will be provided; and
5. copy of the TEA-provided notice, which may be given to a parent during a 504 meeting.

Requires the commissioner by rule to mandate that a district and open-enrollment charter report through the PEIMS system, the number of students receiving aids, accommodations, or services under Section 504. Requires the total number of students enrolled in the district or school who provided the services to be reported through PEIMS. Requires TEA to maintain the information provided.

Adds a requirement for open-enrollment charter schools to notify parents of information regarding the provision of assistance for learning difficulties to the parent's child.

Applies beginning with the 2017–2018 school year.

Earliest effective date: Immediately

### **SB 1220 - Continuity of Education and Access to Higher Education, Career Information, and Skills Certification for Current and Former Foster Care Youth Miles**

Requires TEA to assist the transition of students who are homeless, or in substitute care, from one school to another by developing procedures to ensure that a new school relies on decisions made by the previous school regarding placement in programs for a student who is homeless or in substitute care. Requires that the student be placed in comparable courses or educational programs at the new school.

Requires school districts to provide comparable services to a student who is homeless or in substitute care during the referral process for special education services or until the new school develops an IEP program for the student.

Requires the Department of Family and Protective Services to collaborate with local workforce development programs, foster care transition centers, community and technical colleges, schools, and any other appropriate workforce industry resources to create a program that: 1) assists current and former foster care youth in obtaining a high school diploma or a GED and industry certifications that are necessary for occupations that are in high demand; 2) provides career guidance to current and former foster youth; and 3) informs current and former foster care youth about the tuition and fee waivers for institutions of higher education.

Requires the Department of Family and Protective Services and TEA to produce a report with recommendations for legislative action on the career development and education program.

Requires the Department of Family and Protective Services to submit the report to the governor, lieutenant governor, the speaker of the House of Representatives and legislative committees with jurisdiction over education.

Earliest effective date: Immediately

### **SB 1398 - Video Cameras in Special Education Classrooms and Settings** **Lucio**

Clarifies legislative intent after the attorney general issued an opinion in 2016 regarding placement of video cameras in special education settings.

Requires written request by certain authorized persons to trigger placement in classrooms where a student receives services.

Provides detailed procedures to act on a written request received by authorized persons.

Except for a parental request, requires a school or campus to begin operation of a video camera no later than the 45<sup>th</sup> school business day, or the first school day after the 45<sup>th</sup> day after the request is authorized unless TEA grants an extension.

Establishes procedures for an expedited review by TEA of a district's denial of a request, request for an extension of time, or determination to not release a video recording.

Reduces the video retention period to three months after the date the video was recorded.

Does not require a video camera to be in operation for the time during which students are not present in the classroom or special education setting.

Earliest effective date: Immediately

### **SB 2141 - Requirements for a Representative in a Special Education Due Process Hearing** **Taylor, Larry**

Requires the TEA commissioner to adopt rules requiring a representative who receives monetary compensation from a person for representation in an impartial due process hearing to: 1) abide by a voluntary code of ethics and professional conduct during the period of representation; and 2) to enter into a confidential written agreement for representation with the person who is the subject of the special education due process hearing.

Earliest effective date: Immediately



## STUDENT SERVICES

### **HB 156 - Junior Reserve Officers' Training Corps Pilot Program**

**Raymond**

Establishes a Junior Reserve Officers' Training Corps program in two high schools in Webb County as an alternative to placement in a disciplinary alternative education program (DAEP) or a juvenile justice alternative education program (JJAEP).

Allows a student required or permitted to be placed in a DAEP or JJAEP to choose to be placed in the Junior Reserve Officers' Training Corps and to attend regularly assigned classes.

Requires that the student code of conduct in the high schools designated in the pilot program contain the conditions, considerations, and guidelines for participation in the training corps program.

Requires a school district to notify the student's parents of a proposed placement in the Junior Reserve Officers' Training Corps.

Requires the school board of trustees of the district to designate the term of placement consistent with the guidelines adopted under the student code of conduct.

Requires the school board trustees of the district to inform each educator who has responsibility for the instruction of the student of the student's participation in the Junior Reserve Officers' Training Corps. Requires the educator to keep the information confidential. Allows SBEC to revoke or suspend the certification of an educator who intentionally discloses the confidential information.

Requires the school board of trustees of the district to provide records of the student's participation in the Junior Reserve Officers' Training Corps to another school district if the student enrolls in that school district.

Earliest effective date: Immediately

### **HB 674 - Suspension of a Student Below the Third Grade**

**Johnson**

Allows a school district and open-enrollment charter school to develop and implement a program that provides a disciplinary alternative for a student below the third grade who engages in conduct that violates the student code of conduct and subjects the student to a suspension. Provides the requirements for the program that may be implemented, including that it be age-appropriate and research-based and promote a positive school environment. Allows a school district and open-enrollment charter school to conduct annual training on the program adopted.

Prohibits a school district or open-enrollment charter school placing a student below the third grade in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in conduct that contains the elements of a weapons-related offense, a violent offense, or sells, gives, or delivers to another person or possesses, uses or is under the influence of any amount of marijuana, a dangerous drug, or alcoholic beverage.

Earliest effective date: Immediately

**HB 1545 - Acceptance of Certain High School Courses to Obtain a Peace Officer License**  
**Clardy**

Requires the Texas Commission on Law Enforcement to adopt rules that establish a procedure under which credit hours are earned for the successful completion of high school courses that directly relate to law enforcement. Requires the rules allow successful completion of the courses to count toward the training hours required to obtain a peace officer license.

Provides that the rules adopted by the commission must require an applicant for peace officer license a high school transcript that indicates the applicant earned an endorsement in the public services category.

Earliest effective date: September 1, 2017

**HB 1593 - Engagement Strategies Included in A School District's Family Engagement Plan**  
**Bohac**

Requires a school district to include in its family engagement plan, programs, and interventions that engage a family in supporting a student's learning at home.

Earliest effective date: Immediately

**HB 2413 - Certain Identifying Information Regarding Career School or College Students**  
**Burkett**

Amends the definition of "student information" pertaining to career school or college students. Establishes the new definition as "identifying information regarding a student that is in the possession of the commission, a career school or college, or any other school, educational institution, or business entity from which the commission receives, or regarding which the commission reviews, information through its administration or enforcement of this chapter."

References the Texas Workforce Commission as the "commission" in the definition.

Earliest effective date: September 1, 2017

**HB 2431 - Participation of Public State Colleges in the Jobs and Education for Texans (JET) Grant Program**  
**Deshotel**

Amends the law to include public state colleges in the JET Grant Program.

Allows the Texas Workforce Commission to award a grant to an independent school district that has entered into a partnership with a public state college to promote career and technical education or to offer dual credit courses to the district's students.

Earliest effective date: Immediately

**HB 2537 - Information School Counselors in Public Schools Must Provide**  
**Guerra**

Requires a high school counselor in a public school or an open-enrollment charter school provide a student and a student's parent information about the availability of education and training vouchers and tuition and fee waivers to attend an institution of higher education for a student who is, or was previously, in the conservatorship of the Department of Family and Protective Services.

Earliest effective date: Immediately

**HB 2790 - Funding Apprenticeship Training Programs**  
**White**

Allows apprenticeship programs to be sponsored by independent apprenticeship committees in addition to school districts and state postsecondary institutions.

Effective date: September 1, 2017

**HB 2880 - Criminal Punishment for Threatened Exhibition of Use of a Firearm in or on School Property or on a School Bus**  
**Dutton**

Provides that a person commits an offense if the person intentionally threatens to exhibit or use a firearm in or on school property or on a school bus and was in possession of, or had immediate access to, the firearm or threatens to exhibit or use a firearm in or on school property or on a school bus.

Earliest effective date: September 1, 2017

## **HB 3706 - Alternative Education Programs to Address Workforce Development Needs for At-Risk Students** **Lucio**

Allows a school district to offer a dropout recovery education program at a campus or through the use of an online program that leads to a high school diploma and prepares the student to enter the workforce.

Specifies the requirements for a campus-based recovery education program and an online dropout recovery education program.

Earliest effective date: Immediately

## **SB 179 - Bullying and Cyberbullying** **Menéndez**

Provides specific definitions for “bullying” and “cyberbullying.”

Requires a school district to establish a procedure for providing notice of an incident of bullying, as defined in the statute, to a parent or guardian of an alleged victim “on or before the third business day after the date the incident is reported.” Maintains the current requirement that a school district notify the parent or guardian of an alleged bully “within a reasonable amount of time after the incident.”

Requires a school district to establish a procedure to allow a student to anonymously report an incident of bullying.

Allows a school district to establish a district-wide policy to assist in the prevention and mediation of bullying incidents between students.

Allows a school district to place a student in a disciplinary alternative education program if the student engages in bullying that encourages a student to commit or attempt to commit suicide, incites violence against a student through group bullying, or without a student’s consent, releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older.

Allows the principal of a public primary or secondary school, or another designated school employee, to make a report to a school district police department, a municipal police department, or the sheriff of a county if he has reasonable grounds to believe that a student engaged in conduct that constitutes an assault or harassment via repeated electronic communications under the Penal Code. Allows the name and address of each student who may have participated in the conduct to be included in the report.

Provides immunity from civil or criminal liability to a person who voluntarily makes a police report. Provides immunity from civil or criminal liability or disciplinary action to a person who takes any action regarding the report to law enforcement.

Provides immunity from suit to a school district, school personnel, and school volunteers for an act relating to the report to law enforcement, including acts under related policies and procedures.

Defines a “mental health condition” as an “illness, disease, or disorder, other than epilepsy, dementia, substance abuse, or intellectual disability, that ... substantially impairs a person’s thought, perception of

reality, emotional process, or judgment; or ... grossly impairs behavior as demonstrated by recent disturbed behavior.”

Subjects open-enrollment charter schools to the bullying prevention policies and procedures, the right of a school to place a student in a disciplinary alternative education program, and the right to report to local law enforcement certain conduct constituting assault or harassment.

Allows instruction regarding how grief and trauma affect student learning and how trauma-informed strategies support academic success to be included in the continuing education requirements for a classroom education teacher and a principal.

Requires TEA, in coordination with the Health and Human Services Commission, to establish and maintain a website to promote resources regarding working with students with mental health conditions. Specifies four different types of information that must be included on the website.

Requires a school district counselor to serve as an impartial, nonreporting resource for interpersonal conflicts and discord involving two or more students accused of bullying and cyberbullying.

Allows the recipient of cyberbullying behavior or the parent or another person standing in parental relation to the recipient to seek injunctive relief against the person who was cyberbullying or against the parent or another person standing in parental relation to the individual who was cyberbullying.

Requires the Texas Supreme Court to promulgate forms for use by individuals representing themselves seeking injunctive relief in suits involving cyberbullying.

Earliest effective Date: September 1, 2017

### **SB 1843 – Armed Services Vocational Aptitude Battery Test or Alternate Test Campbell**

Requires school districts to provide an opportunity for students in grades 10-12 to take the Armed Services Vocational Aptitude Battery (ASVAB) test during school hours and at a time that limits conflict with extracurricular activities. Requires district provide these students and their parents notice of the date, time, and location of the scheduled ASVAB test.

Does not require a district to provide the test if the district provides an alternative test that: 1) assesses a student’s aptitude for success in a career field other than a career field that requires postsecondary education; 2) is free to administer; 3) requires minimal training and support of district faculty and staff to administer the test; and 4) provides the student with a professional interpretation of the test results that allows a student to explore occupations that are consistent with the student’s interest and skills, and develop strategies to attain their career goals. Provides that TEA will annually publish the list of school districts that elected not to provide the ASVAB during the previous school year.

Requires school districts to provide an opportunity for students in grades 10-12 to consult with a military recruiter.

Applies beginning with the 2017–2018 school year.

Earliest effective date: Immediately

## TAXATION

### **HB 150 - Ad Valorem Taxation for Disabled Veterans**

**Bell**

Extends a partial ad valorem exemption for partially disabled veterans and their surviving spouses if the residence was provided to the veteran at some cost, as long as that cost does not exceed more than 50 percent of the appraised market value of the residence homestead.

Earliest effective date: January 1, 2018, if the constitutional amendment is approved by voters

### **HB 455 - Protest Hearing by Phone**

**Metcalf**

Allows property owners protesting appraisals to appear via conference call. Requires a protest hearing via telephone if either: 1) a property owner notifies an appraisal board that the the owner will participate via telephone; or 2) the appraisal board proposes that the hearing be conducted by telephone conference call and the property owner agrees to the hearing via conference call. Applies only to a notice of protest that is filed after the effective date of this law.

Earliest effective date: September 1, 2017

### **SB 810 - Open Educational Resources Kolkhorst**

Changes the title of the Instructional Materials Allotment to the “Instructional Materials and Technology Allotment.” Changes the name of open-source instructional material to “open education resource.” Defines open education resource as “teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbook, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.”

Requires the SBOE, in reviewing and adopting instructional materials, consider a school district’s need for technology as well as instructional materials. Permits the SBOE in any biennium to limit the adoption of instructional materials to provide sufficient resources to purchase technology resources, including digital curriculum. Requires the SBOE to include information regarding open education resource instructional materials during the adoption cycle, including any cost savings associated with the adoption of open education resource instructional materials.

Requires the commissioner to develop and maintain a web portal to assist school districts in selecting instructional materials. Mandates that the portal include general information such as price, computer system requirements, and any other relevant specifications for each instructional material on the instructional materials list, including the adopted list or material submitted by a publisher for the inclusion on the web portal. Requires the commissioner to use a competitive process to contract for the development of the portal. Provides that money in the state instructional materials and technology fund shall be used to pay the expenses associated with the portal.

Requires the commissioner to contract with a private entity to conduct an independent analysis of each instructional material submitted by a publisher for inclusion in the web portal. Mandates that the analysis evaluate the quality of the material and determine the extent to which the material covers the TEKS, including each of the TEKS for the subject and grade level, and the percentage of the the TEKS for the subject and grade level or levels covered by the material.

Requires that the commissioner include in the web portal a repository of open educational resources and other electronic instructional materials that school districts may access at no cost, including state-developed open-source instructional materials. Allows publishers to submit instructional materials for inclusion in the repository.

Allows districts to consider the use of open education resource instructional materials when selecting instructional materials annually.

Creates a feasibility study on state repository of open educational resources. Requires that the study consider: 1) methods for facilitating public access to open educational resources; 2) the resources needed to create the repository; and 3) any potential challenges in creating the repository. Requires the THECB to collaborate with relevant state agencies, textbook publishers, representatives of the open educational resource community,



and other stakeholders, including TEA and representatives of public institutions of higher education and school districts. Requires the THECB submit a report on the results of the study.

Earliest effective date: Immediately

#### **SB 1784 - State-developed Open Education Resources**

**Taylor, Larry**

Amends the definition of “open-source instructional material” to mean teaching, learning and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and other tools, materials, or techniques used to support access to knowledge. Specifies that state developed open-source instructional materials may include content not owned by the state.

Provides that open-source materials not owned by the state may be purchased by the state if the content: 1) is in the public domain; 2) may be used under limitation or exception to copyright law; or 3) is licensed to the state under a license that: (a) grants unlimited authority to modify, delete, combine, or add content; (b) permits free use and repurposing of the material; and (c) is for a term acceptable to the commissioner.

Requires the commissioner to provide a license to school districts that allows for the free use, reuse, modification, or sharing of material by any person or entity to encourage the use of state-developed instructional materials. Sets parameters for the commissioner regarding the terms of a license provided by the commissioner.

Earliest effective date: Immediately

## **UIL/EXTRA CURRICULAR PROGRAMS**

### **HB 1075 - Frequency of Criminal Background Checks for Sports Officials Thompson, Ed**

Requires sports officials to undergo a subsequent criminal background check once every three years following the date of the initial criminal background check.

Earliest effective date: September 1, 2017

### **HB 3024 - Removal of a School Student from Athletic Activity Due to Suspected Concussion Price**

Includes licensed chiropractors to the list of individuals who can determine whether a student should be removed from a UIL practice or competition if they believe the student might have sustained a concussion during the practice or competition.

Earliest effective date: Immediately



# 85th Regular and Special Legislative Sessions Final Bill Report—2017



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