

87th Legislative Session

Final Bill Report 2021



TASA 

TEXAS ASSOCIATION OF
SCHOOL ADMINISTRATORS

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VETOED EDUCATION-RELATED BILLS/87th REGULAR LEGISLATIVE SESSION

- **HB 3207 – Herrero**
Relating to preventing the loss of benefits by certain retirees of the Teacher Retirement System of Texas who resume service during a declared disaster.
- **SB 1109 – West**
Relating to the requiring public schools to provide instruction and materials and adopt policies relating to the prevention of child abuse, family violence, and dating violence.

LEGISLATION THAT FAILED PASSAGE/87th REGULAR LEGISLATIVE SESSION

- Banned lobbyists who represent local governments, such as those representing TASA, TASB, Texas PTA, cities, and counties.
- Provided outcomes-based funding based on a student’s standardized test score.
- Removed a 0.5 elective credit and mandated that all students earn 0.5 credit of Personal Financial Literacy as a graduation requirement.
- Eliminated STAAR tests and EOC exams not required by the USDE/ESSA.
- Created an Office of Inspector General at TEA.
- Provided funding for the continuation of virtual instruction beyond the pandemic.
- Extended the provisions for 313 agreements.
- Limited the SBOE’s veto authority on charter schools.
- Limited application of city regulations to charter schools.
- Provided charter schools with eminent domain authority.
- Allowed charter schools to have sensitive student data prior to a weighted lottery application process.
- Changed the content of, or repealed statute, regarding the Charter School Common Application.
- Exempted charter schools from TEA investigations.
- Applied the same costly and time extensive SHAC requirements that apply to school districts to open-enrollment charter schools.
- Required a district or open-enrollment charter school to report data regarding restraints administered to, complaints filed against, citations issued to, and arrests made of students.

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 87th Legislative Session. 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

HB 1525 – School Finance and Other Public Education Matters

Huberty

HB 1525 started out as a “cleanup” bill for the passage of HB 3 in 2019 but turned into a more comprehensive bill covering school finance and other public education matters.

School Funding Highlights

- Requires school districts to continue salary increases provided for in HB 3 in 2019 as long as the district continues to receive the same amount of money it received in 2019-20.
- Adds the small and mid-sized adjustment to the basic allotment for calculating CTE funding.
- Makes changes to CTE weights: 1.1 for courses not in an approved program of study; 1.28 for courses in an approved program of study determined by TEA; and 1.47 for courses in levels 3 and 4.
- Re-establishes the GT allotment eliminated by HB 3 in 2019. Only 5 percent of a district’s students in ADA are eligible for this funding, and the weight is set at 0.07. Total funding for this program is capped at \$100 million.
- Caps Formula Transition Grant funding at \$400 million per year.
- Creates a weighted tiered funding system for the Fast Growth Allotment, which can’t exceed \$270 million for the 2021-22 school year, \$310 million for the 2022-23 school year, and \$315 million for the 2023-24 school year. This allotment is limited to those districts with enrollment growth in excess of 250 students for the preceding six school years. Districts that received the allotment for the 2019-20 school year but didn’t qualify for the 2021-22 funding will receive a portion of the 2019-20 allotment in 2022.
- Establishes a commission on special education funding that will develop and make recommendations on methods of financing special education in public schools.
- Allows districts to use compensatory education funds for instructional coaches, attendance officers, expenses related to reducing dropout rates and increasing high school completion, and for programs that build skills related to managing emotions, establishing and maintain positive relationships, and making responsible decisions.
- Extends grants to school districts for autism and dyslexia to 2023.
- Allows districts to use TIMA funds for costs associated with distance learning including Wi-Fi, hotspots, wireless network service, broadband service, and other services and technological equipment necessary to facilitate internet access.
- Adds uncertified teachers to those who can receive the teacher incentive allotment.
- Provides that districts that swap M&O pennies over to I&S to draw down additional state aid to assist in paying off debt after the effective date of this bill can have FSP funding withheld by TEA.
- Requires the commissioner to come back the following year and get any recapture money the agency failed to collect from a district TEA failed to notify being subject to recapture.
- Creates the “Resource Campuses” designation for low-performing campuses that receive multiple F ratings. Campuses that receive this designation from TEA qualify for additional funding.

- Requires the commissioner to adjust FIRST ratings to account for the impact of financial practices necessary to respond to COVID.
- Provides one-time reimbursement for costs incurred as a result of Winter Storm Uri, including any resulting electricity price increases.
- Provides funding for ESC staff salary increases.

College, Career, or Military Readiness Outcomes Bonus

Provides additional criteria for determining college readiness to include a graduate that earns an associate degree from an approved institution while attending high school or during a time period established by the commissioner.

School Safety Allotment

Adds developing and implementing programs focused on restorative justice practices, culturally relevant instruction, and providing mental health support to the list of allowable expenses for this allotment.

Requires the commissioner to annually publish a report regarding the use of these funds, including the programs, personnel, and resources purchased by districts and other purposes for which these funds were used.

Texas Commission on Special Education Funding

Establishes a commission to develop and make recommendations regarding methods of financing special education in public schools. The commission is composed of seven appointed members. One member is appointed by the governor, three members are appointed by the lieutenant governor, and three members are appointed by the speaker of the House of Representatives. The governor will choose the presiding officer. TEA will provide administrative support for the commission from funds appropriated by the Legislature.

Requires the commission to develop recommendations to address issues related to special education funding. Allows the commission to establish working groups to study, discuss, and address specific policy issues and recommendations to refer to the full commission for consideration. A report from the commission to the governor and the Legislature must be completed by December 31, 2022. The report must recommend statutory changes to improve funding for special education.

Grant Funding Providing Services for Students with Autism

Allows ESCs to administer the grants awarded under this program.

PTA/PTO Donations

Requires a school district to accept from a PTA, PTO, or association recognized by the district, a donation designated to fund supplemental educational staff positions at a school campus. Mandates the donation be spent by the campus for the designated purpose at the direction of, and within the time frame specified, for which the donation was designated. Expires this subsection September 1, 2025.

Student Health Advisory Council (SHAC) and Human Sexuality Instruction

SHAC Meeting Notifications

Mandates that the SHAC, at least 72 hours before each meeting, post notice of the date, hour, place, and subject of the meeting on a bulletin board in the central administrative office of each campus in the district and ensure that the notice is posted on the district's internet website if the district has a website.

SHAC Meeting Minutes/Audio/Video

Mandates the SHAC prepare and maintain minutes of the meeting that state the subject and content of each deliberation and each vote, order, decision, or other action taken during the meeting; and, make an audio or video recording of the meeting, and not later than the 10th day after the meeting, submit the minutes and audio or video recording of the meeting to the district. Requires, as soon as practicable after receipt of the minutes and audio or video recording, the school district to post the minutes and audio or video recording on the district's internet website, if the district has a website.

The Board of Trustees

Requires the board of trustees to adopt a policy establishing a process for the adoption of curriculum materials for the school district's human sexuality instruction. Mandates the policy require: (1) the board to adopt a resolution convening the local SHAC for the purpose of making recommendations regarding the curriculum materials; (2) the local SHAC to: (A) after the board's adoption of the resolution, hold at least two public meetings on the curriculum materials before adopting recommendations; and (B) provide the adopted recommendations to the board at a public meeting; and (3) the board, to act on the adoption of the recommendations by a record vote at a public meeting.

Curriculum Materials on Human Sexuality Instruction

Requires proposed curriculum materials to be adopted for the school district's human sexuality instruction be made available, as applicable. Mandates that before adopting curriculum materials for the school district's human sexuality instruction, the board of trustees ensure that the curriculum materials are: (1) based on the advice of the local SHAC; (2) suitable for the subject and grade level for which the curriculum materials are intended; and (3) reviewed by academic experts in the subject and grade level for which the curriculum materials are intended. Requires the board of trustees to determine the specific content of the district's instruction in human sexuality, in accordance with this section.

Written Notice to Parent

Mandates that before each school year, a school district provide written notice to a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district will provide human sexuality instruction to district students. Requires the notice to include: (1) a statement informing the parent of the human sexuality instruction requirements under state law; (2) a detailed description of the content of the district's human sexuality instruction and a general schedule on which the instruction will be provided; (3) a statement of the parent's right to: (A) at the parent's discretion, review or purchase a copy of curriculum materials; (B) remove the student from any part of the district's human sexuality instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and (C) use the grievance procedure or the appeals process under TEC, Section 7.057 concerning a complaint of a violation of this section; (4) a statement that any curriculum materials in the public domain used for the district's human sexuality instruction be posted on the district's internet website, if the district has a website, and the website address at which the curriculum materials are located; and (5) information describing the

opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the local SHAC. Allows a parent to use the grievance procedure adopted under TEC, Section 26.011 concerning a complaint of a violation of this section.

Written Consent of Parent

Mandates that before a student is provided with human sexuality instruction, a school district obtain the written consent of the student's parent. Requires that a request for written consent under this subsection: (1) may not be included with any other notification or request for written consent; and (2) be provided to the parent not later than the 14th day before the date on which the human sexuality instruction begins. Expires this subsection August 1, 2024.

Curriculum Materials Accessibility

Requires a school district to make all curriculum materials used in the district's human sexuality instruction available. Requires for curriculum materials in the public domain: (A) provision of a copy of the curriculum materials by mail or email to a parent of a student enrolled in the district at the parent's request; and (B) posting of the curriculum materials on the district's internet website, if the district has a website. For copyrighted curriculum materials, requires districts to allow a parent of a student enrolled in the district to: (A) review the curriculum materials at the student's campus at any time during regular business hours; (B) purchase a copy of the curriculum materials from the publisher as provided by the district's purchase agreement for the curriculum materials; or (C) review the curriculum materials online through a secure electronic account in a manner that prevents the curriculum materials from being copied and that otherwise complies with copyright law.

Copyrighted Materials

Requires a school district that purchases from a publisher copyrighted curriculum materials for use in the district's human sexuality instruction to ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials. Defines: (1) "curriculum materials" as including the curriculum, teacher training materials, and any other materials used in providing instruction; and (2) "human sexuality instruction," "instruction in human sexuality," and "instruction relating to human sexuality" as including instruction in reproductive health. Applies this subsection only to a purchase agreement entered, amended, or renewed on or after September 1, 2021.

This section takes immediate effect (applies beginning with the 2021-2022 school year).

Reading Academies

Extends the deadline for K-3 teachers and principals to complete reading academy training by no later than the 2022-2023 school year. Requires that for the 2022-2023 school year and subsequent years, each classroom teacher and principal initially employed in a K-3 grade level or at a K-3 campus must attend reading academy training by the end of the teacher's or principal's first year of placement in that grade level or campus.

One-time Intensive Educational Supports that Address COVID-19 Learning Loss

TEA Provided Programs

Requires TEA, with state discretionary funds and other appropriated funds, to establish programs that assist districts and open-enrollment charter schools in implementing intensive supports to ensure students perform at grade level and graduate demonstrating CCMR. Mandates that these programs include: (1) expanding learning options for P-TECH, the Texas Regional Pathways Network; and the JET grant program; (2) supplemental instructional supports, including tutoring; and (3) COVID-19 learning acceleration supports that include specified components. Permits the agency to take necessary action to implement the intensive supports, including providing grants to districts, open-enrollment charters, and regional ESCs.

One-time Federal Funding to Ensure Grade Level Support and Reimbursement

Permits TEA to provide grants to regional ESCs, school districts, and open-enrollment charter schools to implement this subsection. Dedicates the funding to support students who are not performing satisfactorily, for the 2021-2022 and 2022-2023 school years. Requires TEA to provide in an amount equal to the sum of: (1) \$208.35 for each student enrolled in the district or charter school; and (2) \$1,290 for each student enrolled in the district or charter during the 2020-2021 school year multiplied by the percentage of students who are not performing satisfactorily. Prescribes the methods that TEA must use to determine the percentage of students not performing satisfactorily. Requires TEA to reduce the amount of the allotment by the amount of COVID-19 relief subgrants an LEA receives and requires TEA to distribute the total allotment in an equal amount for the 2021-2022 and 2022-2023 school years. Prohibits an allotment under this section from reducing funding to which a district or charter is otherwise entitled. States that TEA may not provide allotments under this section after the 2022–2023 school year. Expires this section September 1, 2024.

Broadband Technical Support for Students

Requires TEA to use appropriated state, federal, or other funds to provide technical assistance to districts and charters to ensure internet access for students who have limited or no access.

One-Time Technology Reimbursement

Mandates that TEA use state discretionary COVID-19 relief funds to reimburse technology acquisitions made by districts and charters prior to February 28, 2021. Expires this section September 1, 2023.

Legislative Oversight on COVID-19 State Response

Requires TEA, at least quarterly, to update specified elected officials regarding the state response to the pandemic with respect to certain education matters. Expires this section September 1, 2024.

Resource Campus

Allows a school district campus that has received an overall performance rating of “F” for four years over a 10-year period to be eligible to apply to the TEA commissioner for a designation as a resource campus that provides quality education and enrichment. Provides that for each year a campus has been designated and maintains approval as a resource campus, it qualifies for funding. States that to be designated as a resource campus, the campus must: (1) implement a Targeted Improvement Plan; (2) adopt an Accelerated Campus Excellence Turnaround Plan; (3) be in a district that has adopted an

approved local optional teacher designation system; (4) satisfy specified staff criteria; (5) implement a positive behavior program; (6) implement a family engagement plan; (7) develop and implement a plan to use high-quality instructional materials; (8) meet certain provisions if an elementary campus; and, (9) annually submit to the commissioner data as required to assess fidelity of implementation. Mandates that TEA assist a district in becoming a resource campus and the commissioner provide notification of a designation not later than the 60th day after receiving the request. Requires a campus to submit information on fidelity annually to the commissioner to maintain its status as a resource campus. States that a campus that fails to maintain its status as a resource campus for two consecutive years is no longer eligible for the resource campus designation. Mandates that the commissioner's decision on whether to designate a campus as a resource campus is final and may not be appealed. Allows the commissioner to adopt rules to implement this section.

Tutoring Program

Provides that a member of a nonprofit teacher organization or person who meets certain requirements may participate in a tutoring program to provide supplemental instruction to K-12 students in an individualized or small-group basis. Outlines eligibility requirements for a tutor under this section.

Mandates the superintendent or chief executive officer or their designee: (1) oversee the tutoring program; and (2) not later than the last day of each semester, submit a report to trustees that includes specified information. Allows any available funds to be used to compensate a tutor under this program. Allows a district or charter that is contacted by a retired teacher who is approved for participation as a tutor, to: (1) use the tutoring on a volunteer basis if offered; or (2) if funded, allow the retired teacher to provide tutoring for compensation.

Mandates that nonprofit organizations provide certain information on a quarterly basis to its members. Establishes that this section does not create a cause of action, liability, obligation, or duty that provides a basis for a cause, of action, or liability against a nonprofit teacher organization approved by the commissioner for the purpose of participating in the tutoring program, for any action taken by a member of the organization participating in the program as a tutor.

Prekindergarten

Requires school districts to follow TEA guidance in soliciting partnerships for expanding pre-K.

Protection of Student Information

Requires any operator that possesses covered information to use the unique identifier established by the Texas Student Data System (TSDA) or a successor data management system maintained by TEA for any account creation, data upload, data transmission, analysis, or reporting to mask all personally identifiable student information. Operators must adhere to a state-required student data sharing agreement that includes an established unique identifier standard for all operators as prescribed by TEA. Allows operators to include any other data field identified by TEA, a school district or charter school, or by and ESC as need for the information being released to be useful.

Allows a school district, charter school, or ESC to include additional data fields in an agreement or the amendment to an agreement with an operator. While an operator can agree to the additional fields be included, they are prohibited from requiring additional data fields be included.

Provides that a school district, charter school, or ESC may require an operator that contracts with them to adhere to a state-required student data sharing agreement that includes the use of an established unique identifier standard for all operators prescribed by TEA.

Provides that a national assessment provider that receives covered information from a student, school district, or campus on behalf of a student is not required to adhere to these restrictions if the information they received is used solely to provide access to: (1) employment, educational scholarships, financial aid, or postsecondary educational opportunities; or (2) educational resources for middle school, junior high school, or high school students.

College Preparation Assessments

Provides that the commissioner may adopt a rule allowing a student to take at state cost a college preparation assessment if circumstances existed that prevented the student from taking the test before they graduated from high school.

Teacher Retirement System (TRS)

Includes increased compensation paid to a teacher by a school district under the teacher incentive allotment as compensation for TRS purposes.

Prohibits TRS from withholding benefit payments for retirees working in the tutoring program created under TEC 33.913 (Tutoring Program). Requires TRS to regularly provide information in an electronic format to members and retirees regarding the tutoring program that includes: (1) general information regarding the tutoring program; and (2) a statement directing the members and retirees who want to participate in the program to contact their local school districts or charter schools for further guidance.

Effective date: September 1, 2021

ADMINISTRATION/GOVERNANCE

HB 699 – Attendance Requirements

Rosenthal

Amends attendance code by requiring a school district to excuse a student for an absence resulting from a serious or life-threatening illness or related treatment that makes the student's attendance infeasible. Requires the student or parent/guardian to provide certification from a physician licensed to practice medicine in Texas specifying the student's illness and the anticipated period of the student's absence relating to the illness or related treatment. Prevents a school district from referring a student to truancy court if the truancy is a result of severe or life-threatening illness or related treatment and requires that the district provide additional counseling to the student. Prohibits a school from denying promotion to a

student if it is determined that failure to meet requirements for advancement was primarily due to circumstances resulting from a serious or life-threatening illness or related treatment.

Earliest effective date: Immediately (applies beginning with the 2021-2022 school year)

HB 750 – Posting Employment Policy on a District’s Website

Burns

Requires a school district to post on its internet website, if it has a website, the employment policy adopted by the board of trustees and the full text of any regulation referenced in the policy. Requires a district to make available any forms referenced in the policy: (1) on an intranet website that is maintained by the district and accessible to district employees; or (2) if the district does not maintain an intranet website, at a district administration office designated by the district.

Earliest effective date: September 1, 2021

HB 1476 – Vendor Remedies for Nonpayment of Contract

Bell, Keith

Requires a school district to notify a vendor of a disputed amount in an invoice not later than 21 days after the date the entity receives the invoice and must include a detailed statement of the amount of the disputed invoice. Prohibits a school district from withholding more than 110 percent of the disputed amount. Applies only to a contract that was entered into on or after the effective date of this Act.

Earliest effective date: September 1, 2021

HB 3767 – Workforce Development and Establishment of the Tri-Agency Workforce Initiative

Murphy

Establishes the Tri-Agency Workforce Initiative to coordinate and improve information and other resources as necessary to: (1) ensure that the use of state and federal education and workforce funds is efficiently aligned to achieve the state’s workforce development goals, (2) align career education and training programs to workforce demands, and (3) enable local and state policy makers to identify the workforce outcomes of participants in career education and training programs and progress toward the state workforce development goals.

Requires TEA, the Texas Higher Education Coordinating Board (THECB), and the Texas Workforce Commission (TWC) to enter into interagency agreements establishing policies and procedures for sharing and matching relevant data and cooperatively managing education and workforce information collected by each agency and coordinating the assignment of existing staff and other resources to effectuate the workforce development goals and the strategies for achieving those goals.

Requires the commissioner of education, commissioner of higher education, and chair of the workforce commission to discuss the work of the initiative at least once per quarter and develop the initial state workforce goals by January 31, 2022. In addition, initial strategies must be developed by April 30, 2022.

Requires THECB to develop the strategic plan for the operation of a unified repository for education and workforce data by August 1, 2022.

Earliest effective date: September 1, 2021

SB 157 – Eminent Domain Reporting Requirements

Perry

Allows school districts located in a county with a population of less than 25,000 to confirm the accuracy of their prior year eminent domain report and does not require them to refile a report annually if nothing has changed. Provides that if anything has changed, the school district must file the annual eminent domain report with the comptroller's office.

Earliest effective date: September 1, 2021

SB 204 - Public School Transportation System

Schwertner

Allows school districts to establish and operate a public school transportation system outside the district if the students enrolled in the district reside outside the district and the district: (1) has a policy that prohibits screening transfer students who reside outside the district based on the student's academic performance, disciplinary history, or attendance record regardless of any relevant district or innovation plan adopted by the board to screen transfer students; and (2) certifies that the district has an overall performance rating of a C or higher for the preceding school year or the most recent school year in which a rating was assigned, an overall accountability score of 70 or higher, and the same or better overall performance rating for the prior school year or the most school year in which a rating was assigned to the school district from which the district will transport the students.

Requires school districts to post information on their website regarding the district's compliance with this statute.

Earliest effective date: Immediate

SB 219 – Liability and Responsibility for Defects of an Improvement to Real Property

Hughes

Provides that a contractor is not responsible for the consequences of design defects and may not warranty the accuracy, adequacy, sufficiency, or suitability of plans, specifications, or other design documents provided to the contractor by a person other than the contractor's agents, contractors, fabricators, or suppliers, or its consultants. Prohibits this protection for the contractor from being waived via contract. Requires a contractor within a reasonable time after learning of a defect in the plans to disclose in writing to the person with whom the contractor enters a building contract of the existence of the defect.

Earliest effective date: September 1, 2021

SB 289 – Excused Absences for Students to Obtain a Driver’s License

Seliger

Allows a district to excuse a student who is 15 years of age or older from attending school to visit a driver’s license office to obtain a driver’s license or learner’s license, provided that: (1) the district not excuse more than one day of school during the period the student is enrolled in high school to obtain a driver’s license or a learner’s license; and (2) the district verifies the student’s visit to the driver’s license office in accordance with district adopted procedures.

Earliest effective date: Immediate (applies beginning with the 2021-2022 school year)

SB 338 – Adoption of Uniform General Conditions for Building Contracts

Powell

After reviewing the uniform general conditions adopted by the Texas Facilities Commission, school districts may adopt uniform general conditions to be incorporated in all district building construction contracts. Adds two members to the committee that reviews the uniform general conditions. One member will be appointed by the commission to represent TASB, and one member will be appointed to represent TASA. Requires the Texas Facilities Commission to appoint the additional members by December 1, 2021.

Earliest effective date: Immediate

SB 369 – Option to Decline to Submit a Financial Aid Application

Kolkhorst

Requires a school district or open-enrollment charter school to adopt a form that provides the student or student’s parent or guardian the opportunity to decline to complete and submit a financial aid application as required for high school graduation purposes. Establishes that a school counselor may report only whether a student has complied with the requirement and may not indicate the way a student complied, except as necessary for the district or open-enrollment charter school to comply with commissioner rule. Establishes that the school counselor may not indicate that a student has not complied with the graduation requirement if the district or open-enrollment charter school fails to provide the adopted form to the student, parent, or guardian. Requires an open-enrollment charter school, in addition to school districts, to report specified information to TEA about the financial aid applications.

Earliest effective date: Immediate (applies beginning with the 2021-2022 school year)

SB 445 – Use of Flashing Warning Lights and Equipment on a School Bus

Hughes

Allows school bus operators to use flashing warning signal lights and other equipment on the bus to warn other drivers that the bus is being stopped or stopped to permit the distribution of food or technological equipment for use by a student for education purpose.

Earliest effective date: September 1, 2021

SB 481 – Student Transfers to a School Offering In-Person Instruction

Kolkhorst

If a school district provides notice to parents that instruction by the district will be delivered primarily over the internet for more than one grading period during the school year, the student may transfer for that school year to another school district that offers in-person instruction during that school year and accepts the student's transfer. Prohibits a student transferring from being charged tuition, and that student is included in the ADA of the district where the student attends school.

Earliest effective date: Immediately (applies beginning with the 2021-22 school year)

SB 741 – Carrying or Storage of a Handgun by a School Marshal

Birdwell

Amends current statute relating to the carrying and storage of a handgun by a school marshal. Allows a school marshal appointed by the school board to carry a concealed handgun on the applicable physical premises and on their person, regardless of the marshal's primary duties and subject to certain written regulations adopted by the school board.

Earliest effective date: September 1, 2021

SB 746 – Requirement for Parent to Update Contact Information

Miles

Requires a parent of a student enrolled in a school district to provide in writing to the district: (1) on enrollment of the student and not later than two weeks after the beginning of each school year the parent's address, phone number, and email address; and (2) if the parent's contact information changes during the school year, not later than two weeks after the date the information changes, the updated information.

Earliest effective date: Immediate (applies beginning with the 2021-2022 school year)

SB 788 – Model Data-Sharing Agreement for Sharing Student Information

Creighton

Requires TEA, the Texas Higher Education Coordinating Board, and the Texas Workforce Commission to develop and make available model data-sharing agreements for sharing information subject to the federal Family Educational Rights and Privacy Act of 1974 (FERPA) for purposes of the evaluation of the electronic student records system and improved support of students and workforce preparation participants.

Earliest effective date: September 1, 2021

SB 797 – Display of National Motto in Schools

Hughes

Requires a public elementary or secondary school or institution of higher education (IHE) to display in a conspicuous place in each building a durable poster or framed copy of the US national motto, "In God We Trust," if one has been donated for display or purchased from private donations and made available to the school or IHE. Mandates that such a poster or framed copy contain a representation of the US flag centered under the national motto and a representation of the state flag; and may not depict any words, images, or other representations.

Earliest effective date: Immediate

SB 1351 – Donation of Food by School Campuses

Miles

Provides that packaged, unserved food that is packaged on the campus of a school district or charter school and has not been removed from the campus cafeteria may be donated by the campus to a nonprofit organization. Provides that foods required to be maintained at a certain temperature by law cannot be donated unless the campus has maintained the food at the required temperature.

Earliest effective date: September 1, 2021

SB 1955 – Exemptions for Learning Pods

West

Provides that learning pods are exempt from any ordinance, rule, regulation, policy, or guideline adopted by a local governmental entity that applies to a school district campus or child-care facility, including any requirement regarding staff-to-child ratios, staff certification, background checks, physical accommodations, or building or fire codes. Additionally, any group, building, or facility associated with or used by a learning pod is exempt from any ordinance, rule, regulation, policy, or guideline adopted by a local governmental entity that would not apply to them if it was not associate with or used by a learning pod.

Prohibits an employee, contractor, or agent of a school district or other local governmental entity from conducting or initiating a site inspection of, investigation of, or visit to a location in which the learning pod meets. Does not allow school districts to discriminate against, or otherwise distinguish any child or child's parent because of the child's participation in a learning pod. Prohibits school districts from requiring learning pods to be registered with the district or other entity.

Earliest effective date: Immediate

SB 2081 – Class Size Limits for Prekindergarten

Menendez

Mandates, that except as otherwise provided, a school district may not enroll more than 22 students in a prekindergarten class. Requires, when a district contracts with a private entity for operation of its prekindergarten program, the private entity to comply with the class size requirement. Applies the class size requirements to programs provided by a private provider. Establishes that the class size requirements do not apply to a charter or open-enrollment charter school prekindergarten program.

Earliest effective date: Immediate

SB 2158 – TEA to Provide Identification Kits

Campbell

Requires TEA to provide to all school districts and open-enrollment charter schools inkless, in-home fingerprint and DNA identification kits to be distributed on request to the parent or guardian of any student in K-8. Requires TEA to adopt rules relating to the destruction of fingerprints and photographs made or kept under specified circumstances. Establishes that TEA is only required to implement this Act if the Legislature appropriates funds.

Earliest effective date: September 1, 2021

ASSESSMENT, ACCOUNTABILITY, and GRADUATION

HB 773 – Indicators of Achievement under the State Accountability System

VanDeaver

Requires TEA to add a performance indicator for students who successfully complete a program of study in career and technical education when evaluating the performance of high school campuses and districts that include high school campuses.

Effective date: Immediately (applies beginning with the 2021-2022 school year)

HB 999 – Individual Graduation Committee Requirements for Seniors 2020 – 2021

Bernal

Provides that an Individual Graduation Committee may determine that a student is qualified to graduate without considering performance on any end-of-course exam if the student is a senior during the 2020-2021 school year. Expires this subsection September 1, 2022.

Effective date: Immediate

HB 1147 – College, Career and Military Readiness (CCMR)

Huberty

Adds an annual graduate's enrollment in the Texas National Guard during a time frame established by commissioner rule as an indicator of "military readiness" for the purpose of the CCMR outcomes bonus under the Foundation School Program.

Effective date: September 1, 2021

HB 1603 – Individual Graduation Committees

Huberty

Repeals the expiration date for Individual Graduation Committees. Allows the commissioner of education to authorize special accreditation investigations when 10 percent or more of the students graduating in a particular school year from a particular high school campus are awarded a diploma based on the determination of an Individual Graduation Committee.

Effective date: Immediate

HB 3261 – Electronic Administration of STAAR and EOC Exams **Huberty**

Use of Instructional Materials and Technology Allotment (TIMA)

Allows funds from the TIMA to be used to purchase services, equipment, and technology infrastructure necessary to ensure internet connectivity and adequate bandwidth as well as to pay for training personnel in the electronic administration of assessment instruments.

Commissioner

Requires the TEA commissioner to assess the technology needs of all school districts and to provide an estimate of the cost to the State Board of Education (SBOE). Allows the commissioner to permit a school district or open-enrollment charter school, upon request, to administer an assessment instrument on the first instructional day of the week if administering the assessment on another day would result in a significant administrative burden.

State Board of Education (SBOE)

Requires the SBOE to consider the cost of all district technology requirements when funding the TIMA. Limits the SBOE to issuing proclamations for instructional materials that are capped at 75 percent of the total amount used to fund the allotment.

School Districts

Mandates that districts secure technological solutions that meet the various needs of students and teachers and to also consider the long-term cost of ownership and flexibility for innovation.

Matching Grant Program for Transition to Electronic Test Administration

Permits the commissioner of education to establish a matching grant program to ensure districts and open-enrollment charter schools have the necessary infrastructure to administer assessment instruments electronically. This includes setting eligibility criteria as well as contracting with developers to ensure the most efficient and cost-effective implementation of internet connectivity infrastructure for the electronic administration of assessments.

Electronic Administration of Assessments

Requires each state assessment instrument to be administered electronically, unless otherwise provided by commissioner rule, beginning not later than the 2022-2023 school year.

Multiple Choice

Limits to not more than 75 percent of the available points on a state assessment be attributable to questions presented in a multiple-choice format, beginning with the 2022-2023 school year.

External Keyboards

Allows TEA to recommend that a school district make external keyboards available for student use with tablet devices for electronic administration of assessments, including any portion of an assessment that contains constructed response or essay items.

Effective date: Immediately (applies beginning with the 2021-2022 school year)

HB 4545 – Accelerated Instruction and Strong Foundations Grant Program

Dutton

Repeals grade promotion requirements and retesting tied to STAAR reading and math tests for students in grades 5 and 8. Repeals the provision for the development and option to administer the Algebra II and English III Exams.

Accelerated Learning Committee (ALC)

Establishes an ALC (same membership as that of the Grade Placement Committees) for students who do not perform satisfactorily on grades 3, 5, and 8 math and reading STAAR tests. Mandates the ALC be composed of the principal or principal's designee, the student's parent or guardian, and the teacher of the subject area on which the student failed to perform satisfactorily. Requires the ALC to develop an educational plan for the student, not later than the start of the subsequent school year. Mandates that the plan be documented in writing and a copy provided to the student's parent or guardian.

School Board Trustees and ALC

Requires the board of trustees to adopt policy consistent with the district grievance procedure to allow a parent to contest the content or implementation of an educational plan developed by the student's ALC. Mandates the board of trustees adopt the policy as soon as practicable after the effective date of this Act.

School District and ALC

Requires a school district to establish policy that allows a parent or guardian of a student in grades 3, 5, or 8 who does not perform satisfactorily on the STAAR reading or math tests to request, for district consideration, that the student be assigned to a particular classroom teacher in the applicable subject area the following school year if there is more than one classroom teacher available.

Superintendent and ALC

Mandates the superintendent or the superintendent's designee meet in person with the ALC if the student fails the STAAR in the same subject area the following school year. Prohibits the superintendent's designee from being a member of the ALC and allows the designee to be a regional ESC employee. Requires the superintendent or designee to: (1) identify the reason the student did not perform satisfactorily; and (2) determine if the student's educational plan must be modified and if additional resources are required.

Students who have an ALC

Requires that a student who fails to perform satisfactorily on a grade 3, 5, or 8 reading or math STAAR who is promoted to the next grade level, be assigned in the subsequent school year with an appropriately certified teacher for each corresponding subject area. Allows the commissioner to waive the assignment of a student to an appropriately certified classroom teacher in a manner consistent with federal guidelines upon request of a school district.

ARD acts as ALC

Establishes that the ARD committee for a student receiving district special education services who does not pass a state exam will determine the way the student will participate in an accelerated program.

Accelerated Instruction (AI)

Requires AI during the subsequent summer or school year for a student who fails a STAAR test in grades 3-8, and either: (1) allow the student in the following school year to be assigned a certified Master, Exemplary or Recognized teacher in the applicable subject area; or (2) provide the student supplemental instruction as specified for districts receiving federal COVID-19 relief funds. Establishes that AI provided during the following school year may require participation before or after normal school hours. Prohibits a district from removing a student to provide AI during instruction in the foundation and enrichment TEKS; or during recess/physical activity. Mandates that the commissioner provide resources to districts to assist in the provision of an AI program.

AI for High School Students

Mandates the AI requirements be applied to high school students who fail an EOC exam.

TEA Commissioner and AI

Allows the commissioner to adopt rules as necessary.

Supplemental Instruction (SI)

Requires districts receiving COVID-19 federal relief funds to provide SI that will: (1) include targeted TEKS instruction for the applicable grade/subject; (2) be provided in addition to instruction normally provided at the grade level/subject area; (3) be provided for no less than 30 total hours during the subsequent summer or school year, and unless fully provided in the summer, include instruction no less than once per week during the school year; (4) be designed to assist the student in achieving satisfactory performance; (5) include effective instructional materials designed for supplemental instruction; (6) be provided individually or in groups of no more than three students to one teacher, unless the parent or guardian of each student in the group authorizes a larger group; (7) be provided by a person with training in the instructional materials used and under the oversight of the district, and; (8) to the extent possible, be provided by one person.

Strong Foundations Grant Program

Requires the commissioner to establish a strong foundations grant program available to campuses serving students in prekindergarten through grade 5 that includes multiple rigorous components, including: (1) use of high-quality instructional materials; (2) use of aligned diagnostic and formative assessments; (3) aligned professional supports; (4) practices designed to ensure high-quality supports

for students with disabilities; (5) evidence-based practice to increase and maintain parental involvement; and (6) measurement of fidelity for program implementation.

Allows the grant to be in the form of funds, in-kind resources, or both. Requires the commissioner to use funds appropriated, federal funds, and other funds to assist districts and charters in implementing the program. Permits a district or charter that receives the grant funds to: (1) financially support or train or prepare educators and otherwise prepare educators and other staff; (2) pay for agreements with other entities to provide prekindergarten services; and (3) pay for required accelerated instruction. Allows the commissioner to accept gifts, grants, and donations from any source, including private and nonprofit organizations, for the program. Permits a private or nonprofit organization to receive an award under code for the Employers for Education Excellence Award.

Strong Foundations Interventions for Certain Campuses

Allows the commissioner to require a district to comply with all requirements of the strong foundations grant program for a campus that does not meet annual performance standards, or to require a combination of actions under this section, including grant participation, ordering a hearing, or establishing a school community partnership.

Permits the commissioner to require districts and open-enrollment charter schools to comply with all requirements of the strong foundations grant program at a campus that: (1) includes students at any grade level from prekindergarten through grade 5; (2) is assigned an overall performance rating of D or F; and (3) is in the bottom 5 percent of STAAR grade 3 reading scores in the state during the previous school year, as determined by the commissioner. Allows the commissioner to provide grant funds if appropriated to any campus required to implement the requirements of the program under this section. Mandates the commissioner establish rules to monitor adequate compliance.

Effective Date: Immediate (applies beginning with the 2021-2022 school year)

SB 1365 – Accountability Ratings, Interventions, Sanctions, Fiscal Management Bettencourt

Commissioner of Education Powers and Duties

Establishes that to perform the duties of the agency, and notwithstanding any other law, the commissioner’s power to delegate ministerial and executive functions is a valid delegation of authority.

Powers and Duties of Board of Trustees

Amends TEC regarding trustees’ exclusive and special powers and duty to govern and oversee the management of public schools of the district.

Definitions

Defines “appeal,” to include: an order, decision, or determination in specified chapters of TEC that may be appealed only as authorized by statute or rule.

Open-Enrollment Charter School

Applies new provisions regarding unacceptable performance to open-enrollment charter schools.

Public Education Grant (PEG) Eligibility

Expands PEG eligibility to apply to a student assigned to a public-school campus assigned an unacceptable rating made publicly available under any portion of TEC, Section 39.054 Methods and Standards for Evaluating Performance.

Special Investigations

Amends reference to special “accreditation investigations” to “special investigations.”

Prohibits the agency from substituting its judgement for that of the board of trustees in response to an allegation involving a conflict between members of the board or between the board and district administration, if the agency’s findings indicate that the board of trustees has observed a lawfully adopted policy that does not otherwise violate a law or rule.

Allows the commissioner, based on the results of a special investigation and before issuing a report with the agency’s final findings, to defer acting until: (1) a person who is a third party, selected by the commissioner, has reviewed programs or other subjects of investigation, and submitted a report identifying problems and proposed solutions; (2) a district completes a corrective action plan developed by the commissioner; or (3) the completion of both actions.

Conduct of Special Investigations

Requires the agency to adopt written procedures for conducting special investigations. Specifies that during the pendency of a special investigation, the agency is not required to disclose the identity of any witness.

Preliminary Findings of a Special Investigation

Requires the agency, in presenting preliminary findings to a district, to: (1) provide a written report of the preliminary findings; (2) provide any evidence used to make the preliminary findings; (3) disclose to the district the identity of any witness whose statement the agency relied on in making the findings; and (4) not include any recommended sanctions or interventions.

Provides that the evidence collected by the agency is confidential and not subject to disclosure under statute except under specified circumstances. Permits the board of trustees, not later than 30 days after receipt of the written report of preliminary findings, to accept the findings or respond in writing to the agency.

Final Written Report of a Special Investigation

Mandates the agency consider any responses from the trustees or the district before providing a final written report with proposed sanctions or interventions. Requires the commissioner or the commissioner’s designee, before issuing a final report or sanction, to provide an informal review. Allows the commissioner or the designee to subpoena current or former district employees to attend a deposition or to produce documents. Provides actions that the commissioner, acting through the attorney general, may take if a person fails to comply with the subpoena. Allows a court to enjoin a

special investigation. Requires a district to exhaust all administrative remedies before appealing the final findings or recommendations of a special investigation to a court.

Hearing Following Special Investigation

Applies specific actions to a district, subject to a special investigation, that resulted in a final report with agency recommendations for the appointment of a board of managers, alternative management of a campus, or closure of the district or campus. Includes actions for school trustees to request a hearing, provisions that apply to a hearing as it is being conducted, and a timeline for the hearing examiner or person conducting the hearing to issue and submit to the commissioner findings of fact and conclusions of law. Prohibits the hearing examiner or person conducting the hearing from issuing a recommendation for relief.

Commissioner Determination

Requires the commissioner, after a hearing is conducted, to provide an opportunity of equal time for the district and agency to present oral argument to the commissioner on the disagreement. Mandates that after hearing an oral argument, the commissioner issue a written decision to the district that contains findings of fact; conclusions of law; and sanctions interventions, or other actions authorized by law. Requires the commissioner in determining the written decision to consider: (1) the record of the hearing; (2) the findings of fact and conclusions of law as issued; and (3) oral arguments. Permits the commissioner to accept, reject, or amend the conclusions of law. Prohibits the commissioner from rejecting or amending a finding of fact issued by the hearing examiner or person who conducted the hearing, unless the commissioner determines that a finding of fact is not supported by substantial, admissible evidence. Mandates the commissioner provide in writing the legal basis and reason for any amendment, or rejection of a finding of fact or conclusion of law.

Judicial Appeal

Establishes that a district may appeal a decision made by the commissioner ONLY to: (1) a district court with jurisdiction in the county where the school district's central office is located; and (2) a district court in Travis County, if agreed to by the school district and commissioner. Establishes timelines for a district to file an appeal, procedures for court hearings upon an appeal, and provisions for the court to reject commissioner findings. Prohibits a court from reversing or remanding a commissioner's decision based on a procedural error and other factors.

Campus and District Performance Ratings

Requires the commissioner to adopt rules to evaluate district and campus performance. Mandates that not later than August 15 of each year, the following information be made available: (1) the performance ratings for each district and campus; and (2) if applicable, the number of consecutive school years of unacceptable performance ratings for each district and campus.

Overall Performance Rating of "Not Rated"

Permits the commissioner to assign a district or campus an overall performance rating of "Not Rated" if it is determined that the assignment of a performance rating of A, B, C, D, or F would be inappropriate because: (1) location is subject to a declaration of state of disaster that would make it difficult to measure or evaluate performance; (2) breaches or other failure in data integrity to the extent that

performance indicator analysis isn't feasible; (3) number of students is insufficient to evaluate performance; or (4) other reasons outside the control of the district or campus that would result in an inaccurate representation of student achievement. Establishes that a performance rating of "Not Rated" is not included in calculating consecutive years of unacceptable performance ratings.

Performance Rating Requiring Intervention or Other Action

Establishes that a reference to acceptable performance includes an overall or domain performance rating of A, B, C, or performance that is exemplary, recognized, or acceptable. Defines reference to an unacceptable performance rating or unacceptable performance to include an overall or domain performance rating of F. Specifies that for purposes of public reporting, an overall or domain performance rating of D shall be referred to as performance that needs improvement.

Establishes that a total of three overall performance ratings of D trigger F-rating sanctions. Specifies, a rating of D is considered an acceptable performance rating only if the district or campus has previously received a rating of C or higher; has not previously received more than one overall performance rating of D; and has not received an overall performance rating of F. Provides that otherwise, a performance rating of D is considered unacceptable performance. Excludes an overall performance rating of D prior to the 2018-2019 school year from being considered when determining acceptable performance.

Alternative Methods and Standards for Determining Evaluation for the 2020-2021 School Year

Requires the commissioner to adopt rules to develop and implement alternative methods and standards for evaluating performance for the 2020-2021 school year for a campus: (1) that meets the ESSA 95 percent participation requirements for all students in all subjects; and (2) the most recent performance rating is a D, F, or needs improvement. Requires that the rules evaluate a campus under the student achievement and the school progress domains. Mandates that the commissioner review eligible campuses with the alternative method upon request of the school district that meets the deadline established by commissioner rule. Provides that a performance rating of acceptable assigned under these alternative methods is considered a break in consecutive school years of unacceptable performance ratings. Requires the commissioner to assign a rating of "Not Rated" if the campus would not be assigned an acceptable rating. Establishes that the alternative provisions do not apply to an intervention ordered based on consecutive years of unacceptable campus performance ratings accrued before the effective date of this statute. Expires this section September 1, 2027.

COVID-19 Recovery Accountability for the 2021-2022 School Year

Requires the commissioner to assign a school district or campus with a rating of "Not Rated" for the 2021-2022 school year unless it is determined the district or campus should be assigned a rating of C or higher. Establishes that a campus that would have otherwise received an unacceptable performance rating is considered unacceptable for the purposes of PEG eligibility. Requires the commissioner to act under 39A.111(1) and (2) Continued Unacceptable Performance Rating if a campus: (1) is not assigned an overall performance rating of C or higher for the 2021-2022 school year; and (2) has been assigned an unacceptable performance rating for five or more school years prior to the 2021-2022 school year. Expires this section September 1, 2028.

Challenge to Agency Decision

Requires the commissioner, by rule, to provide a process for an open-enrollment charter school or school district to challenge an agency decision, including a determination of consecutive years of performance. Mandates the rule provide for the commissioner to appoint a committee to make recommendations on such a challenge. Prohibits a challenge in another proceeding if the district or school has had an opportunity to challenge a decision under this section.

Conservator or Management Team

Allows a conservator or management team to exercise the powers and duties defined by the commissioner regardless of whether each was appointed to oversee the operations of a school district in its entirety or the operations of a certain campus within the district. Amends 39A.006(a) and (b) Board of Managers for School District Managed by Conservator or Management Team to apply the section to a conservator or management team appointed under any provision of this title, regardless of the scope or any changes to the scope of the conservator's or team's oversight. Requires the commissioner to appoint a conservator to a school district unless and until: (1) each campus that has been ordered to have a turnaround plan and receives an acceptable performance rating for the school year; or (2) the commissioner determines a conservator is not necessary.

Appointment of Board of Managers

Amends the reasons the commissioner can appoint a board of managers. Amends application of statute to apply regardless of satisfaction of accreditation criteria; and to a conservator or management team appointed under any provision of this title, regardless of the scope or any changes to the scope of the conservator's or team's oversight. Allows the commissioner to appoint a board of managers if, for two consecutive school years, including the current year, a district has had a conservator or management team assigned to the district or a district campus for any reason under this title.

Local Improvement Plan

Allows the commissioner to authorize a targeted improvement plan, an updated targeted improvement plan, or a local improvement plan (LIP) to supersede the revision of a campus improvement plan. Requires an open-enrollment charter school, school district, school district campus, or charter school campus assigned a D rating that qualifies as acceptable performance to develop and implement an LIP. Requires the LIP be presented to the board of trustees of the district or governing board of the open-enrollment charter school. Requires the commissioner to adopt rules and establish requirements for a LIP components and training. Prohibits the commissioner from requiring a school district or open-enrollment charter to submit the LIP to the agency.

Implementation of Updated Targeted Improvement Plan

Requires the commissioner to appoint a conservator to a school district to support the implementation of an updated targeted improvement plan, unless and until: (1) each campus in the district for which a campus turnaround plan has been ordered receives an acceptable performance rating for the school year; or (2) the commissioner determines a conservator is not necessary.

Modification of Campus Turnaround Plan

Permits the commissioner to authorize modification of an approved campus turnaround plan if the commissioner determines that, due to a change in circumstance after the plan's approval, a modification of the plan is necessary to achieve plan objectives.

Continued Unacceptable Performance Rating

Extends the period of consecutive unacceptable campus performance ratings from three consecutive school years to five consecutive school years after which the commissioner must intervene by closing the campus or appointing a board of managers.

Intervention for Certain Districts or Campuses

Adds a new section of code that establishes transition provisions that require the commissioner to: (1) determine the number of school years of unacceptable performance ratings occurring after school year 2012-2013; and (2) use the number of school years of unacceptable performance ratings as the base number of consecutive years of unacceptable performance for which the performance ratings in school year 2021-2022 will be added. Adds that these transition provisions may not be construed to provide or prohibit specified items. Expires this section September 1, 2027.

Intervention if Assigned Certain Performance Needs Improvement Rating

Adds a new section of code that establishes subsections (a) – (f).

(a) Prohibits TEA, until another performance rating is issued from implementing the intervention or sanction for a school district, open-enrollment charter school, district campus, or charter campus if the performance rating initiating the action is based on the first or second overall performance rating of D, since previously receiving a rating of C or higher. Provides that a performance rating of D assigned prior to the 2018-2019 school year shall not be considered (expires this subsection September 1, 2027).

(b) Establishes the following interventions or sanctions are subject to a pause: (1) revocation of a charter; (2) annexation; (3) change in accreditation status under rules; and (4) interventions or sanctions under specified sections of code.

(c) Prohibits the performance rating identified in subsection (a), from being included in the calculation of consecutive school years of unacceptable performance ratings; and establishes it is not considered a break in consecutive school years of unacceptable performance ratings.

(d) Mandates that interventions or sanctions implemented prior to a pause continue during a school year for which interventions or sanctions listed under subsection (b), are paused.

(e) Specifies that this section doesn't apply to a commissioner action based on performance or reasons not listed as interventions or sanctions under subsection (b).

(f) Establishes that for purposes of subsection (a), a district or campus that has never been assigned an overall performance rating shall be considered to have previously received an overall performance rating of C or higher.

Challenge to Commissioner’s Decision

Requires a district or open-enrollment charter to appeal under the State Office of Administrative Hearings if it intends to challenge a commissioner’s decision: (1) for closure; (2) for alternative management; (3) to appoint a board of managers; or (4) to appoint a conservator or management team.

Commissioner Authority

Establishes that a commissioner’s decision under TEC Chapter 39 and TEC, Section 39A.906, is final and may not be appealed unless an applicable provision of the specified chapters provides otherwise.

Fiscal Management

Prohibits school districts from spending public funds to challenge in court a final and unappealable decision. Amends the tier two component of the FSP by prohibiting an allotment from being used for such a purpose.

Repeals

Repeals TEC, Section 39A.203 Board of Managers of Campus.

Effective Date: Immediate

CERTIFICATION

HB 159 – SBEC Requirements for Improving Training for Primary and Secondary Educators Gonzalez

Defines “student with disability” to mean a student who is: eligible to participate in a district’s special education program; covered by Section 504, Rehabilitation Act; and covered by the Individual with Disabilities Act (IDEA). Adds requirements for which the State Board for Educator Certification (SBEC) must propose rules, including specifying what each educator is expected to know and be able to do, particularly regarding students with disabilities. Amends training requirements for a certificate to include: (1) basic knowledge of each category of disability under IDEA and conditions that may be considered a disability under Section 504; (2) competence in the use of proactive instructional planning techniques; and (3) competence in the use of evidence-based inclusive instructional practices. Requires SBEC to require EPPs to provide teacher candidates with information about the skills and responsibilities of all teachers about all students, including students with disabilities. Incorporates requirements related to knowledge of and instruction for students with disabilities throughout Chapter 21, including requirements for school districts designing staff development.

Earliest effective date: September 1, 2021

HB 2256 – Bilingual Special Education Certification Guerra

Requires the State Board for Educator Certification (SBEC) to establish a bilingual special education certificate by rule. Defines eligibility for the certificate to include satisfactory completion of specified coursework; satisfactory performance on the certification exam prescribed by SBEC; and satisfaction of any other prescribed SBEC requirements.

Effective September 1, 2021

HB 2519 – Sanctions for Teacher Contract Abandonment and SBEC Composition

Darby

Requires at least two members of the State Board for Educator Certification (SBEC) serving in a public school district to be from a school district eligible for a small or mid-sized school allotment.

Defines “teacher” to include superintendent, principal, supervisor, classroom teacher, school counselor, paraprofessional, or other full-time professional employee who is required to hold a certificate under this subchapter. Requires SBEC to promptly notify a teacher of a suspension of the teacher’s certificate or permit issued under TEC, Chapter 21, Subchapter B. Mandates the notice include the basis for the suspension; and information on the method in which the teacher may respond to the suspension. Does not require notification if the suspension was by agreed order.

Amends Chapter 21 provisions regarding teacher resignations from probationary, continuing, and term contracts. Requires a school district that submits a complaint to SBEC that a teacher resigned, without good cause and who fails to comply with the contract, to promptly notify the teacher. Requires the notice to include: the basis of the complaint; how the teacher may contact SBEC; and a reminder to verify that SBEC has the teacher’s current address on file.

Requires SBEC, before imposing sanctions against a teacher who resigned from a probationary, continuing, or term contract without following statutory procedures, to consider any mitigating factors relevant to the teacher’s conduct; and may consider alternatives to sanctions, including additional continuing education or training. Prohibits SBEC from suspending or revoking a teacher’s certification as a sanction if a teacher fails to timely file a written resignation per statutory requirements at the end of a school year but files a written resignation to the board of trustees or its designee at least 30 days before the first day of instruction of the following school year. Applies new provisions added by this Act on or before the effective date.

Earliest effective date: September 1, 2021

SB 1590 – Virtual Observation Options for Educator Certification

Bettencourt

Requires the State Board for Educator Certification to propose rules providing flexible options for field-based experience or internship required for certification, including options for candidate observations that provide for at least: (1) two observations to occur in person and two additional observations to occur in virtual settings that are equivalent in rigor to in-person options for observation; or (2) three observations to occur in person.

Earliest effective date: Immediate

SB 2066 – Requirements for SBEC and Educator Prep re: Instruction for Emergent Bilingual Students

Menendez

Requires the State Board for Educator Certification to make available information regarding educator preparation programs (EPP) to the extent the EPP prepares educators to effectively teach emergent bilingual students. Requires continuing education requirements for a classroom teacher or principal to include instruction regarding emergent bilingual students. Mandates reading academy training for teachers of middle school students to include an adaptive framework for emergent bilingual students. Amends additional language throughout Texas Education Code replacing reference to limited English proficiency with the term emergent bilingual.

Earliest effective date: September 1, 2021

CHARTER SCHOOLS

HB 189 – Severance Payment to a Superintendent or Administrator of a Charter School

Canales

Applies the same law related to severance payments for traditional public school administrators to charter school administrators. Applies only to a severance payment made under an agreement entered into on or after the effective date of this Act.

Earliest effective date: Immediate

HB 3610 – Applicability of Laws to Charter Schools

Gervin-Hawkins

Provides that the portion of real property that is leased to a school district, community college, or charter school is qualified and exempt from property taxes if the portion of the property is used exclusively by the public school for the operation or administration of the school or the performance of other educational functions of the school and reasonably necessary as determined by the school's governing body. Applies only to property taxes imposed in a tax year that begins on or after the effective date of this Act.

Earliest effective date: September 1, 2021

SB 346 – Participation of Open-Enrollment Charter Schools in the JET Grant Program

Paxton

Adds eligibility for the Jobs and Education for Texans (JET) grant program to open-enrollment charter schools.

Earliest effective date: Immediate

SB 879 – Qualifications for Designation as a Dropout Recovery School for Open-Enrollment Charter Schools or Campuses

Lucio

Amends eligibility for the commissioner of education to designate an open-enrollment charter school or open-enrollment charter school campus as a dropout recovery school to require that it serves students in grades 9-12 and has an enrollment of which at least 60 percent of the students are at least 16 years or older as of the fall semester PEIMS submission. Requires an open-enrollment charter school or open-enrollment charter school campus that applies for and receives designation as a dropout recovery school in accordance with commissioner rule to be evaluated as a dropout recovery school.

Earliest effective date: Immediate (applies beginning with the 2021-2022 school year)

CURRICULUM and INSTRUCTION

HB 572 – Students enrolled in a Dropout Recovery School At-Risk for Dropping Out of School

Dutton

Amends code to establish that, for the purpose of this section, a “student at risk of dropping out of school” includes each student who is under 26 years of age and who is enrolled in a school district or open-enrollment charter school, or a campus of a district or charter, that is designated as a dropout recovery school.

Requires TEA to conduct a study on the implementation of competency-based educational programs by public schools in the state. Requires the study to analyze methods of: (1) providing funding for competency-based programs that do not rely on average daily attendance; assessing the performance of competency-based programs under the public-school accountability system; and (3) providing competency-based programs to nontraditional students, including adult students. Permits TEA to solicit and accept gifts, grants, and donations to fund the study. Requires TEA, not later than December 1, 2022, to prepare and submit study results and recommendations to the Legislature. Provides that TEA is required to implement a provision of this Act only if money is appropriated. Allows TEA to implement a provision of this Act using other available appropriations. Establishes that to the extent of any conflict, this Act prevails over another Act of the 87th Legislature relating to non-substantive additions and corrections.

Earliest effective date: Immediate

HB 725 – Eligibility for Pre-K for Certain Foster Care Students

Patterson

Extends eligibility for free prekindergarten to a child who is or ever has been in foster care in another state or territory, if the child resides in Texas.

Earliest effective date: Immediate (applies beginning with the 2021-2022 school year)

HB 1247 – Tri-Agency Work-Based Learning Strategic Framework

Lozano

Requires the Texas Workforce Commission (TWC), TEA, and the Texas Higher Education Coordinating Board (THECB) to jointly develop a tri-agency strategic framework to encourage work-based learning in Texas. Requires each agency to appoint an existing employee to lead the development of the framework. Requires the tri-agency, not later than December 31, 2022, to jointly prepare and submit a report to the Legislature. Requires the report to include 13 specific components. Mandates the tri-agencies to implement report recommendations as soon as practicable after it has been submitted to the Legislature. Expires this chapter September 1, 2023.

Earliest effective date: September 1, 2021

HB 1525 – School Finance and Other Public Education Matters

Huberty

Please see p. 6 of this Final Bill Report for a full summary of HB 1525, including sections related to SHAC, Reading Academies, one-time intensive supports that address COVID-19 learning loss, and tutoring programs.

HB 2681 – Elective Bible Study Courses for Middle School Students

Wilson

Allows a district to offer to students in grades 6 and above (formerly grades 9 or above) separate elective courses on Hebrew Scriptures (the Old Testament) and the New Testament, or an elective course that combines both. Requires a teacher of the course(s) to hold a certificate in language arts, social studies, or history that qualifies the teacher to teach at the grade level at which the course is offered. Mandates that the course(s) only be taught by a teacher who has successfully completed specified training under TEC, Section 21.459 Bible Course Training.

Effective date: Immediately (applies beginning with the 2021-2022 school year)

HB 3938 – Industry-Based Certification Advisory Council

Bell, Keith

Establishes the Industry-Based Certification Advisory Council to advise the Texas Workforce Commission (TWC) on the alignment of public high school career and technology education programs with current and future workforce needs in communities, regions, and the state. Establishes the composition and terms of service for the nine-member advisory council. Requires the TWC to use existing resources to provide administrative and staff support for the council.

Requires the advisory council to develop an inventory of industry-recognized credentials and certificates that could be earned by a public high school student through certain career and technology education programs. Authorizes the council, when developing the inventory to consult with local workforce boards, the Texas Workforce Investment Council, the Texas Economic Development and Tourism Office, and the Texas Higher Education Coordinating Board.

Requires the advisory council to establish a process for developing the inventory, including the criteria for the inclusion of a credential or certificate. Mandates the council annually review, revise, and adopt the inventory and provide a copy to the Texas Education Agency and each school district and institution of higher education that offers a career and technology education program to public high school students. Requires the advisory council to develop the initial inventory as soon as practicable after the bill's effective date but not later than January 1, 2022.

A vacancy on the council would be required to be filled in the same manner as the original appointment for that position. A member of the council would not be entitled to compensation but would be entitled to reimbursement for actual and necessary travel expenses incurred in the performance of council functions.

Earliest effective date: Immediate

HB 3979 – Civics and Social Studies Curriculum

Toth

Requires that the TEKS for social studies curriculum adopted by the SBOE include an understanding of: (1) the fundamental moral, political, and intellectual foundations of the American experiment in self-government; (2) the history, qualities, traditions, and features of civic engagement in the US; (3) the history of Native Americans; (4) the structure, function, and processes of government institutions at the federal, state, and local levels; (5) the founding documents of the US, including specified documents; (6) historical documents related to the civic accomplishments of marginalized populations, including specified documents; (7) the history of white supremacy, including the ways in which it is morally wrong; (8) the history and importance of the civil rights movement, including specified documents; (9) the history and importance of the women's suffrage movement, including specified documents; (10) the life and works of Dr. Hector P. Garcia; (11) the American GI Forum; (12) the League of United Latin American citizens; and (13) *Hernandez v. Texas* (1954).

Mandates that for any social studies course in the required curriculum: (1) a teacher may not be compelled to discuss a particular current event or widely debated and currently controversial issue of public policy or social affairs; (2) requires a teacher who does choose to discuss such a topic, to the best of the teacher's ability, to strive to explore the topic from diverse and contending perspectives, without giving deference to any one perspective; (3) prohibits school districts, open-enrollment charter schools, and teachers from requiring, making part of a course, or awarding a grade or course credit for a student's: (A) political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or (B) participation in an internship, practicum, or similar activity involving social or public policy advocacy.

Prohibits a teacher, administrator, or employee of a school district, state agency, or open-enrollment charter school from being required to do the following for any social studies course in the required curriculum: (1) engage in training, orientation, or therapy that presents any form of race or sex stereotyping, or blame on the basis of race or sex; (2) make part of a course specified concepts, including the idea that an individual, by virtue of their race or sex, is inherently racist, sexist, or oppressive; and (3) ensure that a student have an understanding of the 1619 Project.

Prohibits state agencies, school districts, and open-enrollment charters from accepting private funding for the purpose of developing, purchasing, or selecting curriculum or for the provision of teacher training for such specified courses. Prohibits school districts from implementing, interpreting, or enforcing rules or a student code of conduct that would result in punishment of a student for discussing or have a chilling effect on student discussion of any of the specified stereotyping concepts. Requires the SBOE, not later than December 31, 2022, to revise the social studies TEKS to align with the requirements of this bill.

Effective date: Immediately (applies beginning with the 2021-2022 school year)

Effective date: Implementation of the revised social studies TEKS applies beginning with the 2022-2023 school year.

HB 4509 – Instruction on Informed Patriotism

Bonnen

Amends the public education goals in statute to require that educators cultivate in students an informed American patriotism and lead students in a close study of the founding documents of the US and Texas. States the purpose of this objective is to: 1) increase students’ knowledge of the deepest and noblest purposes of the US and Texas; 2) enhance students’ intellectual independence so that students may become thoughtful, informed citizens who have an appreciation for the fundamental democratic principles of our state and national heritage; and 3) guide students toward understanding and productively functioning in a free enterprise society. Defines “informed American patriotism” to mean a reasoned appreciation, gained through the study of historical primary sources, of why America has been, is now, and continues to be the destination of choice for those around the world who yearn to live in freedom.

Requires the SBOE, when adopting TEKS for the foundation curriculum, to ensure that the skills develop each student’s civic knowledge, including an understanding of the: (1) fundamental moral, political, and intellectual foundations of the American experiment in self-government; (2) history, qualities, traditions, and features of civic engagement in the US; (3) structure, function, and processes of government institutions at the federal, state, and local levels, and; (4) founding documents of the US, including specified documents (e.g., the entirety of the Declaration of Independence). Mandates that when providing instruction regarding the founding documents of the US, that a school district or open-enrollment charter school use the documents as part of the instruction.

Effective date: Immediate (applies beginning with the 2021-2022 school year)

SB 123 – Instruction in Positive Character Traits

Johnson

Requires the SBOE to add “personal skills” to the TEKS for positive character traits for grades K-12, as appropriate. Mandates the inclusion of self-management skills, interpersonal skills, and responsible decision-making skills.

Effective date: September 1, 2021 (applies beginning with the 2022-2023 school year)

SB 348 – Parental Access to Virtual Instruction and Materials

Kolkhorst

Grants parents the authority to observe virtual instruction and review any teaching or instructional materials, or other teaching aids provided to the parent’s child while the child is participating in virtual or remote learning.

Effective date: Immediate

SB 801 – Agriculture Education Program for Public Elementary Schools

Kolkhorst

Requires TEA to develop an agriculture education program for elementary school students to encourage appreciation and improve students’ understanding of agriculture. Requires TEA to coordinate with the Department of Agriculture and nonprofit organizations with expertise in agriculture education as identified by TEA. Mandates TEA to develop a list of agriculture education programs approved by the agency and the State Board of Education that may be used as part of the elementary curriculum. Requires that a program on the list be available at no cost to the school district or open-enrollment charter school.

Earliest effective date: September 1, 2021

SB 1063 – Course in Personal Financial Literacy and Economics

Alvarado

Creates a new economics course as an alternative to the traditional economics course required for a high school graduation credit. Requires the SBOE to ensure the new course allocates two-thirds of instructional time to TEKS for personal financial literacy and one-third of instructional time to economic TEKS. Does not add a graduation requirement or remove an elective credit from the foundation graduation program. Requires TEA to develop a list of free, open-source, and publicly available curricula that may be used to provide instruction in the new course. Requires TEA to seek, accept, and spend any federal or private funds and gifts for the purpose of providing the course.

Effective date: Immediate (applies beginning with the 2022-2023 school year)

SB 1095 – Work-based Education Programs and Subsidies for Certain AP/IB tests

Creighton

Requires a district each school year to notify parents of students enrolled in grade 9 or above of the availability of: career and technology education programs or other work-based education programs in the district, including any internship, externship, or apprenticeship programs or a P-TECH program; and subsidies based on financial need available for fees paid to take college AP exams or IB exams. Mandates the information include the qualifications for enrolling in the programs.

Effective date: Immediate (applies beginning with the 2021-2022 school year)

SB 1277 – Agreement Between District and Public IHE for Dual Credit Programs

West

Requires that any agreement, articulation, or MOU between a school district and public institution of higher education to provide a dual credit program designate at least one employee of the district or institution as responsible for providing academic advising to a student who enrolls in the program prior to beginning the course. Applies these requirements only to an agreement entered or renewed on or after September 1, 2021.

Effective date: Immediate

SB 1356 – Nonprofit Teacher Organization Participation in Tutoring Program

Hughes

Mandates that TEA provide equivalent access to the registry under this section to private schools, public schools, and nonprofit teacher organizations approved by the commissioner for the purpose of participating in the tutoring program.

Establishes a tutoring program in which a member of a nonprofit teacher organization or a person who is not a member but meets specified requirements may participate to provide supplemental instruction to students in grades K-12 on an individualized or small-group basis.

Establishes that, to participate as a tutor, a person must: (1) be an active or retired teacher; (2) apply for the position in a manner specified by the nonprofit organization; (3) designate in the application whether the person plans to provide tutoring: (A) for compensation, on a volunteer basis, or both; and (B) in person, online, or both; and (4) not be included in the registry of persons not eligible for employment by a public school.

Requires the superintendent, chief executive officer, or their designee to: oversee the tutoring program; and not later than the last day of each semester, submit a report to the board of trustees or the governing body that includes, with respect to that semester: (1) the number of active or retired teachers who contacted the district or school to offer tutoring services; and (2) the number of active or retired teachers who were used as a tutor on a volunteer basis or employed with compensation. Allows a district or open-enrollment charter to use any available local, state, or federal funds to provide the compensation. Establishes that if an approved active or retired teacher offers tutoring service a district or charter is allowed to: (1) use the volunteer services if the teacher is providing tutoring on volunteer basis; or (2) employ the teacher for compensation if local, state, or federal funds are available.

Requires, at least quarterly, each participating nonprofit organization to provide to its members a description and guidance for participation in the tutoring program; and the contact information for districts and open-enrollment charters in or adjacent to the area that the member resides. Prohibits this section from creating a cause of action, liability, or obligation against a nonprofit approved by the

commissioner for participation in the tutoring program, or for any action taken by a member of the organization participating as a tutor.

Establishes that TRS may not withhold a monthly benefit payment if the retiree is employed in a Texas public education institution as a tutor under this section. Requires TRS to regularly provide information regarding the tutoring program that includes general information; and a statement directing members and retirees who want to participate to contact their local school district or open-enrollment charter for further guidance.

Effective date: Immediate (applies beginning with the 2021-2022 school year)

SB 1697 – Parents Authorized to Request a Student Repeat a Grade or Retake a Course Paxton

Establishes provisions for parental options to retain a student that apply to school districts and open-enrollment charter schools. Allows a parent or guardian to elect for a student to: (1) repeat prekindergarten; (2) enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year and the student has not yet enrolled in kindergarten; (3) repeat kindergarten; (4) enroll in kindergarten, if the student would have been eligible the previous school year and hasn't enrolled in first grade; (5) for grades one through three, repeat the grade in which the student was enrolled during the previous school year.

Allows a parent or guardian to elect for a student to: for a student in grades 4-8, repeat the grade the student was enrolled in the previous school year; and to repeat any course for high school credit for which the student was enrolled in during the previous school year.

Prohibits a parent or guardian from electing for a student to repeat a course for high school graduation credit if the district or charter determines the student has met all graduation requirements. Applies these provisions to students who repeat courses from 2020-2021 during the 2021-2022 school year. Expires this subsection September 1, 2022.

Requires an election to retain or repeat under these provisions be made in writing to the school district or charter by the parent or guardian. Establishes that if a district or charter disagree with an election, it must convene a retention committee to meet with the parent or guardian in person, unless the parent or guardian wants to meet in an alternative setting. Prohibits a student from being retained if the parent or guardian doesn't meet with the retention committee. Mandates that the retention committee be composed of the principal or designee; the parent or guardian; the teacher of the course or grade level for the parent or guardian request; and additional teachers at the discretion of the principal if the student will potentially repeat multiple courses.

Requires the retention committee to discuss merits and concerns with advancement and retention options; and review and consider the student's grade in each subject and course, results of formative or summative assessments, and other relevant information. Requires the district or charter to abide by the decision of the parent or guardian. Establishes that a student who receives a passing grade or earns credit for high school graduation must retain the original assignment of a grade or award of credit when

retained unless the district or charter has adopted a policy to a different effect. Provides that the rights of a parent or guardian transfer to a student who is 18 years of age or older or has had the disabilities of a minor removed, unless the student is under a form of guardianship imposed by law or court order that continues after the student turns 28 years of age. Allows the commissioner to adopt rules for implementation. Prohibits students retained under this section from being assigned to the at-risk category for dropping out under specified circumstances. Allows the commissioner to adopt a rule excluding students retained by a parent or guardian from being considered a student “at-risk of dropping out of school,” under specified provisions. Requires the commissioner adopt a rule to allow a grade or course repeated to qualify for ADA even if the student previously passed or earned credit for the grade or course if the grade or course would otherwise be eligible.

Effective Date: Immediate

SB 1888 – Early High School Graduation Programs & Enrollment in Institution of Higher Education (IHE)

Creighton

Requires TEA, in coordination with the Texas Higher Education Coordinating Board, to establish the Texas First Early High School Completion Program to allow public high school students who demonstrate early college readiness to graduate early from high school. Establishes the purpose of the program, in conjunction with the Texas First Early Scholarship Program, is to promote efficiency in the state public education system and incentivize the enrollment of high performing students at eligible institutions.

Requires the coordinating board, in consultation with TEA and eligible institutions, to establish by rule standards for use in the program. Allows a school district or open-enrollment charter school to issue a high school diploma using the standards established. Requires that upon a student’s initial enrollment in high school in a grade level below grade 12, the district or charter provide to the student and the student’s parent or guardian information regarding the requirements to earn a high school diploma under the program and the Texas First Scholarship Program. Mandates that TEA and the coordinating board jointly prepare and post on their internet websites a publication that includes information that a district or charter can reproduce for distribution.

Adds adjustments for Texas First Early High School Completion Program graduates. Requires the commissioner to count toward a district’s or open-enrollment charter’s ADA each student who graduates early under the Texas First Early High School Completion Program for the period in which the student is enrolled at an eligible institution using state credit awarded under the Texas First Scholarship Program, based on a 100 percent attendance rate. Requires the commissioner, as soon as practicable after the report, to reduce the amount of a district or charter entitlement for the school year in an amount equal to the total amount of state credit issued during the preceding school year to the district or charter high school graduates under the Texas First Scholarship Program.

Establishes the Texas First Scholarship Program to promote efficiency in the state public education system and incentivize the enrollment of high performing students at eligible institutions. Establishes eligibility requirements for the award and entitlement of aid, calculation of aid, and expiration date for

each eligible student. Provides for eligible students upon enrollment at an eligible institution. Allows the coordinating board to adopt rules. Repeals Subchapter K, Chapter 56 Education Code. Provides specifics on provision implementation dates and appropriations for both TEA and the coordinating board.

Effective Date: Immediate

SB 1955 – Exemptions for Learning Pods

West

Please see the Administrative/Governance section, of this Final Bill Report for a full summary of SB 1955.

ELECTIONS

SB 1116 – School District Posting Election Results on Website

Paxton

Requires school districts to post on their websites: (1) the results of each election; (2) the total number of votes cast; (3) the total number of votes cast by personal appearance on election day; (4) the total number of votes cast for each candidate or for or against each measure; (5) the total number of votes cast by personal appearance or mail during early voting; and (6) the total number counted, and uncounted provisional ballots cast. Requires this information be accessible on the website without having to make more than two clicks from the homepage.

Requires school districts to post no later than 21 days before election day: (1) the date of the next elections; (2) the location of each polling place; (3) each candidate for an elected office on the ballot; and (4) each measure on the ballot.

Earliest effective date: September 1, 2021

EMPLOYEE MATTERS/BENEFITS/TRAINING

HB 189 – Severance Payment to a Superintendent or Administrator of a Charter School

Canales

Please see Charter School section, page 30, of this Final Bill Report for a full summary of HB 189.

HB 246 – Prosecution of Improper Relationship Between Educator and Student

Amends Penal Code to prohibit public and private schools, or a person or entity that operates the school, from releasing externally to the public the name of an employee accused of committing an offense until the person is indicted for the offense. Permits the release of the person's name under prescribed circumstances for a school to: (1) report the accusation to an entity as required by statute; or (2) investigate the accusation. Defines "sexual contact" for this section. Establishes that the provisions of this Act do not go into effect until on or after the effective date.

Earliest effective date: September 1, 2021

SB 179 – Use of Public School Counselors' Work Time

Lucio

Requires school boards to adopt a policy that requires a school counselor to spend at least 80 percent of their time on duties that are set forth in statute (TEC 33.005). Provides that time spent on administering assessment instruments or other assistance in connection with it, except time spent on interpreting the data from the assessments, is not considered time spent on counseling. Requires each school in the district to implement the policy, maintain a copy of the policy in the office of each school in the district, and make it available upon request during regular school hours to district employees, parents, and the public.

If a school district determines, due to staffing needs, that school counselors must spend less than 80 percent of their total work time on duties set forth in statute, the policy shall include the reasons why, list the duties the counselor is expected to do that are not statutorily required, and set the percentage of time in policy that the counselor is required to spend on the statutorily required duties.

Prohibits school districts from including provisions in an employment contract that would conflict with this new requirement. Requires school districts to annually assess district compliance with this policy and, upon request by the commissioner, provide a written copy of the assessment to TEA.

Earliest effective date: September 1, 2021 (applies beginning with the 2021-22 school year)

SB 226 – Instruction in Educator Preparation Programs Regarding Digital and Virtual Learning

Paxton

Defines “virtual instruction” as instructional activities delivered to students primarily over the internet. Defines “virtual learning” as digital learning facilitated by virtual instruction. Requires, for a person seeking a certificate, training in instruction in virtual learning and virtual instruction. Mandates the instruction cover: best practices in assessing students receiving virtual instruction, based on academic progress; and developing a virtual learning curriculum.

Earliest effective date: September 1, 2021

SB 1267 – Continuing Education and Training Requirements for Educators and Personnel

West

Amends various laws governing continuing education and training requirements for educators and school personnel.

Research on Mathematics Skills Acquisition and Program Effectiveness

Establishes that appropriated funds the commissioner of education uses to award a grant to an institution with demonstrated ability to conduct science-based research on effective instructional strategies in mathematics will be used to monitor the effectiveness of mathematics achievement academies (replacing monitoring of professional development institutes). Requires that the

determination of effectiveness be based on the performance of the students of teachers who have attended an academy. Requires examination of the effect of the mathematics achievement academies on classroom performance of the teachers who have attended an academy.

Cybersecurity Training

Specifies that only a district's cybersecurity coordinator is required to complete cybersecurity training on an annual basis. Provides that any other district employees will complete the training as determined by the district, in consultation with the district's cybersecurity coordinator.

Continuing Education Requirements

Mandates that continuing education requirements for educators include training regarding educating students with disabilities. Requires continuing education requirements for educators, principals, and counselors be limited to not more than 25 percent of each area of training required every five years. Reduces the overall number of specified areas of training under this provision.

Continuing Education and Training Clearinghouse and Advisory Group

Requires the State Board for Educator Certification (SBEC) to develop and publish a comprehensive clearinghouse of information regarding continuing education and training requirements for educators and other school personnel. Mandates the clearinghouse must: (1) include best practices and industry recommendations for the frequency of training of educators and other school personnel; and (2) be published in consultation with the clearinghouse advisory group. Requires SBEC to establish an advisory group with specified composition, and requires the published clearinghouse reflect input provided by the advisory group. Establishes that not later than December 1 of each even-numbered year, the advisory group submit a report to the Legislature of the group's recommendations. Requires SBEC to publish the clearinghouse not later than June 1, 2022.

Annual Adoption of Professional Development Policy

Requires the board of trustees of a school district and governing body of an open-enrollment charter school to annually review the clearinghouse and to adopt a professional development policy that must: (1) be guided by clearinghouse training recommendations; (2) note any difference in adopted policy from the clearinghouse recommendations; and (3) include a schedule for all required training. Establishes that to the extent of a conflict, a frequency requirement for the completion of training prevails over the frequency scheduled adopted by a school board or governing body of a charter school. Prohibits the commissioner from adopting rules regarding a required frequency for training unless: (1) a frequency is provided by statute; and (2) the commissioner is granted explicit rulemaking authority related to the training. Requires each school district, not later than August 1, 2022, to adopt a professional development policy for district personnel.

Literacy Achievement Academy

Amends provisions to require the commissioner to develop and make available literacy achievement academies for a teacher at any grade level and establishes what must be included in the training for teachers at different grade levels. Provides that completion of a literacy academy by an educator who teaches children with dyslexia satisfies the training requirement in statute and State Board of Education rule for those teachers.

Mandates that the commissioner require teachers to attend a literacy academy if the teacher provides instruction in reading, mathematics, science, or social studies to students in grades 6–8 at a campus that fails to satisfy any standard of student performance on the reading assessment administered to students in any grade level at the campus.

Mathematics Achievement Academy

Amends provisions to require the commissioner to develop and make available mathematics achievement academies for a teacher at any grade level and establishes what must be included in the training for teachers at different grade levels.

Texas English Language Proficiency Assessment System (TELPAS) Training

Prohibits the commissioner from requiring a school district employee to repeat training or online calibration activities the employee has previously successfully completed related to TELPAS administration, unless the administration or assessment has changed significantly since the employee completed training. Permits a district employee overseeing TELPAS administration to require others involved in TELPAS administration to complete the training. Prohibits a school district employee from being required to complete TELPAS training in one sitting.

Miscellaneous

Adjusts requirements for mentor teacher training. Extends the timeline for each school district and open-enrollment charter school to provide for a phonics curriculum with specified requirements to not later than the 2022–2023 school year. Extends the timeline for each K-3 teacher and each principal at a campus for K-3 students to attend a literacy achievement academy before the teacher’s or principal’s first year of placement in that grade level or campus to the 2022–2023 school year. Prohibits TEA from requiring members of a language proficiency assessment committee (LPAC) complete training to serve on the committee. Amends code for safety training programs, dating violence policies, training on test administration, and other areas. Repeals numerous sections of code related to training requirements. Establishes that to the extent of any conflict, this Act prevails over another Act of the 87th Legislature relating to non-substantive additions and corrections. Provides that TEA is required to implement a provision of this Act only if money is appropriated. Allows TEA to implement a provision of this Act using other available appropriations.

Earliest effective date: Immediate (applies beginning with the 2021-2022 except as otherwise provided)

SCHOOL FINANCE/TAXATION

HB 1090 – Appraisal for Taxes of Property Erroneously Omitted

Bailes

Shortens the time from five to three years in which a chief appraiser may go back on prior appraisal rolls and assess back taxes and penalties for property that was erroneously left off the rolls.

Earliest effective date: September 1, 2021

HB 1525 – School Finance Portion

Huberty

Please see full summary of HB 1525 at the beginning of this Final Bill Report, including the sections related to school finance.

SB 462 – Funding for Transporting Meals and Instructional Materials

Lucio

Allows districts to receive state funding for transporting meals or instructional materials to a student's residence or other location during the duration of a declared disaster.

Earliest effective date: September 1, 2021

SB 742 – Installment Payments for Taxes in Disaster Area

Birdwell

Allows the governing body of a taxing unit to authorize installment payments for taxes due on qualifying property that is in a disaster or emergency area but has not been damaged as a result of the disaster or emergency.

Earliest effective date: Immediately

SB 1232 – Management and Investment of the Permanent School Fund

Taylor

Creates a government corporation called the Texas Permanent School Fund Corporation, which will be the sole entity overseeing the management of the Permanent School Fund (PSF). Currently, the PSF is overseen by the SBOE and School Land Board (SLB). The new board of directors will consist of: (1) five members of the SBOE appointed by the board; (2) the commissioner of the General Land Office (GLO); (3) one member appointed by the commissioner of the GLO with experience in investments and asset management; and (4) two members appointed by the governor with the advice and consent of the Senate who have experience in asset management and are not members of the SBOE or SLB.

The corporation, SBOE, and TEA must coordinate to determine the corporation's role in the operation and management of the PSF in connection with the bond guarantee program to ensure the proper and efficient operation of the program, including the handling of any associated reimbursements, transfers, and disbursements.

The corporation shall employ a chief executive officer to manage and carry out policies of the corporation. The CEO will be responsible for hiring all employees of the corporation. The corporation has the authority to distribute funds from the PSF to the Available School Fund (ASF) and is subject to annual audits that must be submitted to the Legislative Budget Board (LBB). Additionally, the corporation is required to submit an annual report on the assets and investment performance it oversees to the SBOE and GLO. Requires the corporation to submit to the Legislature, comptroller, SBOE, and LBB a report

that states the date a transfer from the PSF to the ASF will be made and the amount the corporation will transfer during the subsequent state fiscal biennium.

Earliest effective date: December 31, 2022

TECHNOLOGY and INSTRUCTIONAL MATERIALS

HB 5 – Expansion of Broadband Services

Ashby

Creates the Broadband Development Office within the Comptroller’s office to serve as a resource for information regarding broadband service and digital connectivity in Texas. The new office will engage in outreach efforts to communities regarding the expansion, adoption, affordability, and use of broadband service and the programs administered by the office, and it will serve as an information clearinghouse for federal broadband programs providing assistance to local communities and addressing barriers to digital connectivity. Prohibits the comptroller from regulating broadband services or providers.

Requires the office to create, update annually, and publish on the comptroller’s website a map classifying each designated area in the state as an eligible or ineligible area. The map must be published on the comptroller’s website by January 1, 2023. An eligible area is one with fewer than 80 percent of the addresses in the area having access to broadband service and one that the federal government has not awarded funding to under a competitive process to support the deployment of broadband services to the area. An ineligible area is one with 80 percent or more of the addresses in the area having access to broadband or one that the federal government has awarded funding to under a competitive process to support deployment of broadband service to the area. A broadband service provider or political subdivision may petition the office to reclassify a designated area as an eligible or ineligible area.

The map must display the number of broadband service providers that serve each area. For each eligible area, there must be an indication of whether the area has access to Internet services that is not broadband service, regardless of the technology used to provide the service. In addition, the map must include each public school campus in the state with an indication of whether the campus has access to broadband service.

Requires the office to create a program to award grants, low-interest loans, and other financial incentives to applicants for the purpose of expanding access to and adoption of broadband service in areas determined to be eligible. The office is required to establish criteria for making the awards and shall: (1) take into consideration grants and other financial incentives awarded by the federal government for the deployment of broadband service in a designated area; (2) prioritize the application of applicants that will expand access to and adoption of broadband service in eligible areas in which the lowest percentage of addresses have access to broadband; and (3) prioritize the applications of those that will expand broadband service in public and private primary and secondary schools and institutions of higher education. The office is prohibited from favoring any broadband technology in awarding grants, loans, or other financial incentives.

Requires the comptroller to post information about the application process and the receipt of awards on its website and update the information as necessary. Information from each application, including the applicant's name, the area targeted for expanded service access or adoption by the application, and other relevant information determined by the office, must be posted on the comptroller's website at least 30 days before the office decides on the application.

Requires the broadband development office to prepare, update, and publish on the comptroller's website a state broadband plan that establishes long-term goals for greater access to and adoption, affordability, and use of the broadband service to the state. In developing the plan, the office must: (1) to the extent possible, collaborate with state agencies, political subdivisions, broadband industry stakeholders and representatives, and community organizations that focus on broadband services and technology access; (2) consider the policy recommendations of the governor's broadband development council; (3) favor policies that are technology-neutral and protect all members of the public; (4) explore state and regional approaches to broadband development; and (5) examine broadband service needs related to public health and safety, and public education and state and local LEAs in the electronic administration of the STAAR.

Establishes the Broadband Development Account in the general revenue fund that consists of: (1) appropriations of funds by the Legislature; (2) gifts, donations, and grants; and (3) interest earned on the investment of the account funds. Money in the account may only be used for: (1) creating or updating the map; (2) administering the broadband development program; (3) creating or updating the state broadband plan; or (4) engaging in outreach to communities regarding the expansion, adoption, affordability, and use of broadband service and the programs administered by the office and equipment.

Creates the broadband development board of advisors composed of 10 members appointed as follows: (1) two members appointed by the governor, including one member to represent the Texas Economic Development and Tourism Office and one member to represent nonprofit corporations that work in the expansion, adoption, affordability, and use of broadband service; (2) three members appointed by the lieutenant governor, including one member who resides in an urban area, one member to represent the public primary and secondary education community, and one member who resides in a county that is adjacent to an international border, is located not more than 150 miles from the Gulf of Mexico, and has a population in excess of 60,000; (3) three members appointed by the speaker of the Texas House, including one member who resides in a rural area, one member who represents the health and telemedicine industry, and one member to represent the public higher education community; (4) the comptroller or their designee; and (5) one non-voting member appointed by the broadband development office to represent the office. Each appointing authority must appoint the member(s) of the board by November 1, 2021.

The comptroller or comptroller's designee serves as the presiding officer of the broadband development board of advisors. Members of the board serve at the pleasure of the appointing authority for staggered two-year terms. Requires the board to provide guidance to the office regarding the expansion, adoption, affordability, and use of broadband service and the programs administered by the office. One year after the effective date of this legislation the board shall meet at least one every other month with

representatives from the broadband development office for the purpose of advising the work of the office.

Earliest effective date: Immediately

SB 58 – Purchasing of Cloud Computing Services

Zaffirini

Allows political subdivisions to finance the purchase of cloud computing services through the Public Property Finance Act.

Earliest effective date: Immediately

HB 3261- Electronic Administration of STAAR and EOC Exams

Huberty

Please see the Assessment/Accountability Section of this Final Bill Report for a full summary of HB 3261, that includes a section on the use of TIMA funds.

HB 3489 – Guidelines for Use and Integration of Digital Devices

Parker

Please see Student Health section of this Final Bill Report for a full summary of HB 3489.

SB 1716 – Supplemental Special Education Services and Instructional Materials

Taylor

Please see Special Populations section of this Final Bill Report for full summary of SB 1716.

SCHOOL SAFETY

HB 168 – Emergency School Drills and Exercises; Mandatory School Drills

Ordaz Perez

Requires the commissioner of education, in consultation with the Texas School Safety Center and the state fire marshal, to adopt rules for best practices for emergency school drills and exercises, including definitions for relevant terms. Requires that before a school district may conduct an active threat exercise, including an active shooter simulation, it ensure that: (1) adequate notice is provided to students, staff, and parents, including the date, content, form, tone, and whether the exercise will include a live simulation; (2) an announcement is made to students and staff prior to the start of the exercise, including if a live simulation that mimics or appears to be an actual threat will occur; (3) first responder organizations that would likely respond in event of a false report or alarm are notified; (4) a safe zone is created around the area in which the exercise will be conducted to keep out actual firearms, ammunition, and other weapons that district officials are authorized to carry on school grounds; (5) the content of the exercise is: (A) age and developmentally appropriate; (B) developed by a team of specified school staff and law enforcement officers, with parent and student input; and (C) is designed for the well-being of the student before, during, and after the exercise; (6) data regarding the efficacy

and impact of the exercise will be tracked. Requires the data be submitted to the Texas School Safety Center. Permits the commissioner to adopt rules as necessary to implement this section.

Establishes that the safe zone does not prohibit a parent or legal guardian from transporting or storing in their motor vehicle a firearm, ammunition, or other weapon the person is legally authorized to possess while picking up a child from school. Applies the safety provisions in this section to open-enrollment charter schools.

Earliest effective date: Immediately (applies beginning with the 2021-2022 school year)

HB 690 – Training Requirements for Board of Trustees

Metcalf

Mandates that the State Board of Education (SBOE) require a school board trustee to complete training on school safety. Requires the SBOE, in coordination with the Texas School Safety Center, to develop the curriculum and materials for the training not later than January 1, 2022.

Earliest effective date: September 1, 2021

HB 1788 – Immunity from Liability of School and Security Personnel

Hefner

Extends immunity from liability to school district peace officers, school marshals, resource officers and retired peace officers who have been hired by school districts or charter schools for damages resulting from any reasonable action taken by security personnel to maintain the safety of the school campus, including actions relating to the possession or use of a firearm. Immunity from liability also extends to reasonable actions taken by an employee who has written permission from the school board to carry a firearm on campus. This immunity also extends to school districts or charter schools for any damages resulting from any reasonable action taken by security personnel to maintain the safety of the school campus, including action related to the use or possession of a firearm. This additional immunity does not preempt the common law doctrine of official and governmental immunity. If another statute provides greater immunity to a school district or charter school, that statute prevails.

Earliest effective date: September 1, 2021

HB 3597 – MOU between a School District and the Texas School Safety Center

Metcalf

Provides that a memorandum of understanding or mutual aid agreement provided to the Texas School Safety Center (TSSC) from a school district addressing issues that affect school safety and security are confidential and not subject to disclosure under chapter 552, Government Code (Public Information).

Allows TSSC to obtain from the Texas Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to a person who is registering with the TSSC to provide school safety or security consulting services to school districts.

Earliest effective date: Immediate

SB 741 – Carrying or Storage of a Handgun by a School Marshal

Birdwell

Please see Administration/Governance section of this Final Bill Report for a full summary of SB 741.

SB 785 – Expiration of School Marshall License

Creighton

Changes the date on which an original or renewed school marshal license expires from the license holder's first birthday occurring after the second anniversary of the issuance or expiration date to August 31 following that second anniversary.

Earliest effective date: September 1, 2021

SB 1191 – Definition of School Resource Officer

Seliger

Provides that the definition of a school resource officer does not include a peace officer who provides law enforcement at a public school or public school event only for extracurricular activities.

Earliest effective date: September 1, 2021

SB 1696 – Sharing Information on Cyber Attacks in Schools

Paxton

Requires TEA and the Department of Information Resources to establish and maintain a system to coordinate the anonymous sharing of information concerning cyberattacks or other cybersecurity incidents between participating school districts, charter schools, and the state. Requires school districts to report to TEA or to the new system any cyberattack or other cybersecurity incident against the school district or charter school that constitutes a breach of the system security as soon as practicable after the discovery of the attack or incident. The new system is required to include each report made by a school district or charter school, share those reports with participating school districts in real time if possible, and preserve the anonymity of the district or charter where the incidents occurred. Allows TEA to contract with a third party to administer the new system.

Earliest effective date: September 1, 2021

SPECIAL POPULATIONS

HB 159 – SBEC Requirements for Improving Training for Primary and Secondary Educators

Gonzalez

Please see Certification section of this Final Bil Report for a full summary of required training for what educators are expected to know and be able to do, particularly regarding instruction for students with disabilities.

HB 785 – Behavior Improvement and Behavioral Intervention Plans

Allen

Requires that a behavior improvement or behavioral intervention plan that is included in a student's IEP be reviewed at least once per year and at times more frequently to address changes in the student's circumstances or the safety of the student or others.

Requires a school district to provide written notification to the student's parent or person standing in parental relation to the student for each use of restraint that includes: (1) the name of the student; (2) the name of the district employee or volunteer or independent contractor of the district who administered the restraint; (3) other specifics such as the time, date, location, nature, and efforts made to de-escalate the restraint; and (4) information for a parent of a student who doesn't have a behavior improvement or behavioral intervention plan that describes how to request such a plan. Requires a school district to include certain information in a student's special education eligibility school records. Mandates that a school district, for a student who has a behavior improvement or behavioral intervention plan, document each use of time-out prompted by a behavior of the student specified in the student's plan, including a description of the behavior that prompted the time-out.

Requires that a school district that takes disciplinary action that constitutes a change in placement under federal law of a student with a disability who receives special education services, not later than the 10th school day after the change in placement: (1) seek consent to conduct a functional behavioral assessment of the student; and (2) review any previously conducted functional behavioral assessment or plan developed for the student because of the assessment. Requires a district as necessary to develop a behavior improvement plan or behavioral intervention plan if the student does not have one, or to revise a plan if the student has one in place.

Earliest effective date: Immediate (applies beginning with the 2021-2022 school year)

HB 1252 – Filing a Due Process Complaint

Moody

Prohibits the commissioner and TEA from adopting or enforcing a rule that establishes a shorter deadline for filing a due process complaint alleging a violation of state or federal special education laws and requesting an impartial due process hearing than the maximum time allowed under federal law.

Earliest effective date: September 1, 2022

HB 3932 – State Advisory Council on Educational Opportunity for Military Children

Bernal

Requires the Commissioner of the Interstate Compact on Educational Opportunity for Military Children, in coordination with TEA, to establish the State Advisory Council on Educational Opportunity for Military Children. Establishes that the purpose of the council is to provide coordination among state agencies, school district, and military installations related to the state's participation in and compliance with the compact and its activities. Establishes the composition of the council; allows meetings to be conducted

in person or via telephone or other electronic communication; and requires that the council meet at least quarterly. Provides that the council is a governmental body and subject to the requirements of Texas open meetings statute.

Earliest effective date: September 1, 2021

HB 4124 – Enrollment in Certain Special-Purpose Districts

Hinojosa

A school district that is operated by a general academic teaching institution may when enrolling students or creating a waitlist for student enrollment, prioritize military-connected students. They may also enroll a student who is a dependent of a member of the U.S. military, was previously enrolled in a school in Texas, and does not reside in this state due to military deployment or transfer. Provides funding.

Earliest effective date: September 1, 2021

SB 89 – Individualized Education Program (IEP) Supplement

Menendez

Establishes the COVID-19 Special Education Recovery Act. Requires a district, for each child who was enrolled in a district's special education program during the 2019-2020 or 2020-2021 school years, to prepare a written supplement to be included with the student's IEP. Mandates the supplement include: (1) if applicable, whether the report for the student's individual and initial evaluation was completed during the specified school years by the required date; (2) if applicable, whether the student's IEP was developed during the specified school years by the required date; (3) whether IEP provisions during the specified school years were interrupted, delayed, reduced, suspended, or discontinued; and (4) whether compensatory education services are appropriate based on the information in (1)-(3) or any other factors. Establishes that if a student's IEP already documents the information required in the supplement, it does not have to duplicate efforts. Permits the commissioner to adopt rules as necessary. Expires this section September 1, 2023. Requires applicable districts to submit the required supplement not later than May 1, 2022.

Earliest effective date: Immediate

SB 560 – Strategic Plan for Improvement and Expansion of High-Quality Bilingual Education

Lucio

Requires TEA, in collaboration with the Texas Higher Education Coordinating Board and the Texas Workforce Commission, to develop a strategic plan that sets tangible goals and establishes timelines to: (1) increase the number of educators certified in bilingual education instruction; (2) increase the number of dual language immersion/one-way and two-way program models; (3) educate families and district employees of the importance of bilingual education in early childhood; (4) adopt a uniform process for specified goals; and (5) increase the number of bilingual and multilingual high school graduates.

Requires TEA to consult with representatives of specified organizations and allows TEA to collaborate with representatives of other specified organizations when developing the strategic plan. Requires TEA

to study the use of the Bilingual Target Language Proficiency Test to certify educators in bilingual instruction and to determine specified information. Mandates TEA submit the plan to certain elected officials not later than December 1, 2022. Expires this section, January 1, 2023.

Earliest effective date: Immediate

SB 1716 – Supplemental Special Education Services and Instructional Materials

Taylor

Defines terms used in this subchapter. Requires TEA by rule to establish and administer a supplemental special education services and instructional materials program for students who meet the program eligibility requirements. Requires TEA to establish an application process and to provide each approved student a grant of not more than \$1,500 to purchase supplemental services and materials. Mandates TEA to maintain a system of online accounts to provide grant access to an eligible student’s parent. Establishes parameters for the commissioner to set aside grant funds for each fiscal year. Requires TEA to designate one or more regional ESCs to administer the program. Requires TEA, when establishing eligibility requirements, to include criteria that the students be enrolled in the current school year at a school district or open-enrollment charter school and be receiving special education services. Maintains that eligibility requirements also prioritize students at a school that is eligible for compensatory education services.

Establishes restrictions for an account after an application has been approved. Requires TEA to establish criteria needed to be an agency-approved provider or vendor. Mandates that a student’s ARD committee develop a student’s IEP in compliance with IDEA without consideration of potential supplemental services and to provide to parents whose child has been approved information regarding the supplemental program. Expires this subchapter September 1, 2024. Requires the commissioner to adopt rules necessary to establish and administer the supplemental program not later than December 1, 2021. Provides that TEA is required to implement a provision of this Act only if money is appropriated. Allows TEA to implement a provision of this Act using other available appropriations.

Earliest effective date: Immediate

SB 2066 – Requirements for SBEC and Educator Prep re: Instruction for Emergent Bilingual Students

Menendez

Please see Certification section of this Final Bill Report for a full summary of SB 2066.

STUDENT HEALTH

HB 1525 – SHAC

Huberty

Please see first part of this Final Bill Report for a summary of the section in HB 1525 related to SHAC requirements.

HB 2287 – The Collaborative Task Force on Public School Mental Health Services

Thompson

Establishes deadlines for the Health and Human Services Commission, regional ESCs, and TEA to submit specified reports and lists to the Collaborative Task Force on Public School Mental Health Services. Expires these subsections December 1, 2025. Permits the task force, or TEA on behalf of the task force, to request data or to consult with school districts, open-enrollment charter schools, and other entities that possess information relative to task force duties. Prohibits specified disclosures and requires confidentiality of student information. Adds to the list the task force must gather data about. Permits the task force to consult with relevant experts and stakeholders. Prohibits the task force when consulting with stakeholders from disclosing a student’s medical or educational information. Allows the task force to enter into agreements with institutions of higher education or other relevant entities as needed. Establishes that to the extent of any conflict, this Act prevails over another Act of the 87th Legislature relating to non-substantive additions and corrections.

Earliest effective date: September 1, 2021

HB 3489 – Guidelines for Use and Integration of Digital Devices

Parker

Requires TEA, in consultation with the Health and Human Services Commission, to develop and distribute model health and safety guidelines that school districts and open-enrollment charter schools may use to determine best practices for the effective integration of digital devices in public schools. Establishes the content the guidelines must address. Requires school trustees or governing bodies to adopt a policy for digital device integration and may adopt the guidelines developed by the state. Allows each district and charter to implement the guidelines that meets the individual needs of the district, charter, and students. Requires a district or charter that adopts the state guidelines to post on its internet website. Mandates TEA to develop and distribute the guidelines for use beginning with the 2023–2024 school year.

Earliest effective date: September 1, 2021

SB 279 – Suicide Prevention Information on Student ID Cards

Hinojosa

Requires that each student ID card issued by a public school to a student in grade 6 or higher: (1) have printed on the card the contact information for: (A) the National Suicide Prevention Lifeline; and (B) the Crisis Text Line; and (2) as an option, have printed on the card the contact information for a local suicide prevention hotline if available. Establishes similar requirements for an ID card issued by an institution of higher education. Specifies that the requirements only apply to a student ID card issued after the effective date of this Act.

Earliest effective date: Immediate

SB 2050 – Prevention and Reporting of Bullying by Students

Menendez

Requires school districts to adopt a policy that prevents and mediates bullying incidents between students that interfere with a student’s educational opportunities or substantially disrupt the orderly operation of a classroom, school, or other school-sponsored or school-related activity. This policy must comply with the minimum standards adopted by TEA.

TEA’s minimum standards must: (1) include an emphasis on bullying prevention by focusing on school climate and building healthy relationships between students and staff; (2) require a school campus to establish a committee to address bullying by focusing on prevention efforts and health and wellness initiatives; (3) require students at each grade level to meet periodically for instruction on building relationships and preventing bullying, including cyberbullying; and (4) include an emphasis on increasing student reporting of bullying incidents to school employees and providing for anonymous reporting of bullying incidents. Districts must also collect information annually through student surveys on bullying, including cyberbullying, and use the results to develop action plans to address student concerns and require districts to develop a rubric or checklist to assess an incident of bullying and to determine the district’s response to the incident.

Requires TEA develop rules that will require school districts and charter schools to annually report through PEIMS the number of reported incidents of bullying that have occurred at each campus and specify the number of incidents of bullying that included cyberbullying.

Earliest effective date: Immediately (applies beginning with the 2021-22 school year)

TEACHER RETIREMENT SYSTEM

HB 2022 – Enrollment in Texas Public School Employees Group Insurance Program

Darby

Allows Medicare-eligible TRS retirees who voluntarily terminated membership in TRS-Care on or after January 1, 2017, and on or before December 31, 2019, a one-time opportunity to reenroll in TRS-Care on or before December 31, 2023. Requires TRS to adopt rules necessary for implementation of this Act by November 1, 2021.

Earliest effective date: Immediate

SB 202 – Employer Contributions for Employed Retirees of TRS

Schwertner

Prohibits school districts from directly or indirectly passing required employer contribution costs on to retirees. Applies to a retiree of TRS regardless of whether the person retired before, on, or after the effective date of this Act.

Earliest effective date: Immediately (applies beginning with the 2021-22 school year)

SB 288 – Preventing Loss of Benefits for Retirees who Resume Service

Seliger

Requires TRS to provide a written warning regarding subsequent employment that exceeds Employment After Retirement (EAR) provisions prior to any impact to the retiree’s monthly annuity.

Allows retirees who are employed in a school district in a position performing duties related to the mitigation of learning loss attributable to COVID, if the position: (1) is in addition to the normal staffing level at the district; (2) is funded wholly by ESSER funds; and (3) ends on or before December 31, 2024. Districts will not be required to pay the employer surcharges for these specific employees during this time period. Applies only to the employment of a retiree on or after the effective date of this Act. Requires TRS to adopt rules as soon as practicable.

Earliest effective date: September 1, 2021

SB 483 – Biennial Report on Investment Returns of TRS

Schwertner

Requires TRS to provide a report to the governor, lieutenant governor, and Legislature that compares the assumed rate of return and the actual rate of return achieved by the system for the most recent one, five, 10, and 20 fiscal periods. The report must include the value of the fund should it have met its assumed rate of return and compare that with the value of the fund due to the actual rate of return.

Earliest effective date: September 1, 2021

SB 1444 – Uniform Group Coverage Program for Active Employees

Taylor

Allows school districts, regardless of size, the ability opt out of TRS-ActiveCare and provide an alternative group health coverage plan while protecting the stability of the system effective September 1, 2022. Prohibits school districts from offering any alternative group plan if they are participating in TRS-ActiveCare. School districts choosing to opt out of TRS-ActiveCare must remain out of the system for at least five plan years. School districts seeking to opt out of the system must notify TRS in writing by December 31 of the year before the plan year they intend to leave the plan. School districts currently not in TRS-ActiveCare may opt in before December 31 of the year prior to the year they intend to join and must remain in the system for at least five plan years.

Requires each ESC to establish a regional school district health coverage advisory committee to conduct a study assessing: (1) health care needs of and health coverage options currently available to employees of school districts served by the ESC; and (2) alternative health coverage options that may be available. Each ESC executive director will serve as the chair of that region’s committee.

The ESC executive director must appoint nine superintendents of school districts in the region to serve as members of the committee. The study must include, with respect to school districts in the region, an overview of current health coverage plans made available to district employees, including the amount

paid by districts and by district employees for premiums under the plan, the schedule of benefits under the plan, and deductibles and other cost-sharing amounts under the plan. A survey of district employees related to satisfaction of the plan is also required with respect to the current costs to the employees and the benefits available along with access to care.

An assessment of the three alternative health coverage options available on the market or through self-funding of the school district is required. This alternative assessment must include: (1) the amount that would be paid by the district and their employees for premiums; (2) the schedule of benefits under the alternative, and (3) whether, in obtaining the alternative, some or all the districts in the region should jointly seek health coverage under the alternative plan as a group. Requires each committee to submit a written report on their study to the governor, lieutenant governor, the speaker of the House, the executive director of TRS, the commissioner of education, and to certain legislative committees by November 1, 2022.

Earliest effective date: September 1, 2021

UIL/EXTRA CURRICULAR PROGRAMS

HB 547 – Home-Schooled Student Access to UIL Sponsored Activities

Frank

Allows school districts to permit home-schooled students who are eligible to participate in University Interscholastic League (UIL) activities the option to participate in those activities as if they were enrolled in the school district. Students must meet league eligibility requirements to represent the school in a league activity on behalf of the school in the same manner as students enrolled in the school.

Home-schooled students seeking to participate in league activities on behalf of a school are subject to the following policies that apply to students enrolled in the school: (1) registration for league activities; (2) age eligibility; (3) fees; (4) insurance; (5) transportation; (6) physical condition; (7) responsibilities; (8) qualifications; (9) event schedules; (10) standards of behavior; and (11) performance.

Home-schooled students may only participate in a league activity for the school district in which the student would be eligible to attend based on the student's residential address. Requires a student wishing to participate during the first six weeks of a school year to demonstrate grade-level proficiency on any nationally recognized, norm-referenced assessment, such as the IOWA Test of Basic Skills, Stanford Achievement Test, California Achievement Test, or Comprehensive Test of Basic Skills.

After the first six weeks of school, the home-schooled parent must periodically, in accordance with the school's grading calendar, provide written verification to the school indicating that the student is receiving a passing grade in each course or subject being taught.

Prohibits home-schooled students from participating in league activities during the remainder of any school year during which the student was previously enrolled in a public school.

Provides that nothing in this Act can be construed to permit an agency of the state, a public school district, or any other governmental body to exercise control, regulatory authority, or supervision over a home-schooled student or a parent or person standing in parental relation to the student beyond what is required to participate in a league activity. The curriculum or assessment requirements, performance standards, practices, or creed of the education program provided to the home-schooled student may not be required to change for the student to participate in league activities.

Earliest effective date: September 1, 2021 (applies beginning with the 2021-22 school year)

**HB 1080 – Participation in UIL for Students Receiving Outpatient Mental Health Services
Patterson**

Clarifies that students receiving outpatient mental health services may not be prohibited from participating in UIL activities based solely on their receipt of mental health services or the student's absence during instructional time while receiving the outpatient mental health services. Requires school districts to propose or amend policies as necessary to comply with this Act.

Earliest effective date: Immediate

**HB 2721 – Prohibiting Students from Extracurricular Activities for Assault of an Official
Lucio**

Prohibits a student who participates in a UIL competition from participating in any future UIL or school-sponsored extracurricular activity if the state executive committee of the UIL determines that the student intentionally, knowingly, or recklessly caused bodily injury to a person serving as referee, judge, or other official in retaliation for or as a result of the person's actions taken in performing the duties of a referee or other official. Prohibits these students from participation in practice or rehearsals with other students for an extracurricular activity.

A student may request to participate in future UIL activities if the request is submitted at least one year after the date the student engaged in the prohibited conduct if the student was in eighth grade or below at the time of the conduct or two years after the date the student engaged in the conduct if the student was in ninth grade or above at the time of the conduct. These students must have completed a course in anger management and completed any other course, activity, or action required by the school district in which the student is enrolled and demonstrate to the satisfaction of the UIL that the student has been rehabilitated and is unlikely to engage in the prohibited conduct.

When determining whether to grant a request, UIL must consider the severity of the conduct and may set conditions for the student's future participation in extracurricular activities. Allows UIL to prohibit a student from participating in future extracurricular activities if the student violates one of the conditions set by UIL.

Earliest effective date: Immediately (applies beginning with the 2021-22 school year)

SB 776 – Students with Disabilities Access to Team Sports

Lucio

Requires the UIL to ensure students with intellectual disabilities have an opportunity to participate in team athletic activities by establishing and maintaining an inclusive sports program. The league must adopt rules necessary to establish, maintain, and expand the inclusive sports program. The rules must: (1) accommodate inclusive team sports offered through the program at participating public middle, junior high schools, and high schools in the state; (2) establish eligibility requirements for participation in each inclusive team sport offered through the program; (3) identify best practices for school districts to incorporate inclusive sports; and (4) require the program incorporate activities that promote: bullying prevention, moral intelligence, character development, leadership development, physical fitness, and positive school culture.

In maintaining the inclusive sports program, UIL must, to the greatest extent possible, require: (1) students who participate in the inclusive sports program to be subject to the same rules and requirements as the students who participate in other athletics offered by the league, including grade, disciplinary, and safety requirements. In addition, team sports provided through the inclusive sports program must, to the extent possible, be organized similarly to other athletic programs offered by UIL, including team practices, seasonal play, and local and statewide competitions.

Earliest effective date: September 1, 2021

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