

87th Texas Legislature

Special Sessions

Final Bill Report

2021



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Bill Summaries for the 2nd Called Special Session of the 87th Legislative Session

SB 3 – Civics Training Programs and Instructional Requirements/Prohibitions in Public Schools **Hughes**

Civics Training Program

Requires the Texas commissioner of education to develop and make available civics training programs for teachers and administrators. Mandates that the training program include training in: (1) TEKS for social studies related to civics knowledge; (2) guided classroom discussion of current events; (3) specified classroom simulations and models of governmental and democratic processes; (4) specified media literacy; and (5) strategies for incorporating civics instruction into subjects other than social studies. Mandates the commissioner establish, by rule, the grade levels for teacher eligibility in the training programs and include the grade levels for which the SBOE makes the most significant social studies TEKS revisions per SB 3 provisions. Requires the SBOE to annually review and approve the civics training programs.

Mandates that each district and open-enrollment charter school that offers a grade level that the commissioner has established by rule as eligible to participate in the civics training program has at least one teacher and principal or instructional leader attend. Mandates that TEA aid districts and open-enrollment charter schools in complying with these provisions. Allows a teacher who attends a training program to receive a stipend in an amount determined by the commissioner. Provides that a stipend is not included in determining whether a district is paying the minimum monthly salary.

Allows the commissioner to delay implementation of these requirements to not later than the 2025-2026 school year if the social studies TEKS revisions or training program availability does not occur in a reasonable manner that allows compliance. Expires this subsection September 1, 2026. Establishes that nothing in this section may be construed as limiting the teaching of, or instruction in, the essential knowledge and skills curriculum.

Civics Training Advisory Board

Requires the commissioner to establish an advisory board in developing the civics training programs. Mandates the advisory board be composed of nine members appointed by the commissioner and that each member be a current or former educator with at least 10 years of experience. Establishes that members are not entitled to reimbursement for travel or other expenses and are not subject to Government Code, Chapters 551 (open meetings), 552 (public information), or 2110 (state agency advisory committees).

Parent Access to Learning Management System or Online Learning Portal

Requires each school district and open-enrollment charter school that uses a learning management system or any online learning portal to assign, distribute, present, or make available instructional materials that contain content that conveys the TEKS of a subject in public school curriculum to students to provide login credentials to the system or portal to each student's parent.

Social Studies TEKS

Requires the State Board of Education, in adopting the social studies TEKS for K–12, to include skills that develop each student's civic knowledge, including: (1) an understanding of: (A) the fundamental moral, political, entrepreneurial, and intellectual foundations of the American experiment in self-government; (B) the history, qualities, traditions, and features of civic engagement in the US; (C) the structure, function, and processes of government institutions at the federal, state, and local levels; and (D) the founding documents of the US; (2) the ability to: (A) analyze and determine the reliability of information sources; (B) formulate and articulate reasoned positions; (C) understand the way local, state, and federal government works and operates; (D) actively listen and engage in civil discourse, including with those of different viewpoints; and (E) participate as a citizen in a constitutional democracy by voting; and (3) an appreciation of: (A) the importance and responsibility of participating in civic life; (B) a commitment to the US and its form of government; and (C) a commitment to free speech and civil discourse.

Requires TEA to ensure that each district and open-enrollment charter school teach civics education in a manner consistent with the TEKS requirements of this bill. Establishes that nothing in these subsections may be construed as limiting the teaching of, or instruction in, the social studies TEKS.

Certain Instructional Requirements and Prohibitions

(a) Requires for any course or subject at a K–12 grade level, including an innovative course: (1) a teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs; (2) a teacher who chooses to discuss a topic as described above shall explore that topic objectively and in a manner free from political bias; (3) a school district or open-enrollment charter school may not require, make part of a course, or award a grade or course credit, including extra credit, for a student's: (A) work for, affiliation with, or service learning in association with any organization engaged in: (i) lobbying for legislation at the federal, state, or local level, if the student's duties involve directly or indirectly attempting to influence social or public policy or the outcome of the legislation; or (ii) social policy advocacy or public policy advocacy; (B) political activism, lobbying, or efforts to persuade members of the legislative or executive branches to take specific actions by direct communication; or (C) participation in any internship, practicum, or similar activity involving social policy advocacy or public policy advocacy; and (4) a teacher, administrator, or other employee of a state agency, school district, or open-enrollment charter school may not: (A) require or make part of a course inculcation in certain concepts (e.g., that one race or sex is inherently superior to another race or sex); (B) teach, instruct, or train any administrator, teacher, or staff member of a

state agency, school district, or open-enrollment charter schools to adopt a concept identified above or require an understanding of the 1619 Project.

(b) Establishes that subsection (a)(3) above does not apply to a student's participation in: (1) community charitable projects; (2) an internship or practicum for which the student receives course credit under a CTE program or under the P-TECH program, and that does not involve the student directly engaging in lobbying, social policy advocacy, or public policy advocacy; or (3) a program that prepares the student for participation and leadership in the US democratic process at all levels through the simulation of a governmental process.

(c) Prohibits prescribed entities from accepting private donations for curriculum or training for certain activities.

(d) Prohibits districts and open-enrollment charters from enforcing any rule that would result in punishment of a student for reasonably discussing certain concepts during school or a school-sponsored activity.

(e) Prohibits this section from being construed as limiting the teaching of, or instruction in, the TEKS in this subsection.

(f) Prohibits creation of a private cause of action against a teacher, administrator, or other employee of a school district or open-enrollment charter school.

(g) Establishes that nothing in this section may be construed as prohibiting a teacher employed by a school district or open-enrollment charter school from directing a classroom activity that involves student communication with an elected official so long as the district, school, or teacher does not influence the content of a student's communication.

Repeals specified sections of HB 3979 as added by the 87th Legislature. Requires the civics provisions of this Act to apply beginning with the 2022–2023 school year. Requires the SBOE to revise the social studies TEKS as required by this Act no later than December 31, 2022. Prohibits the SBOE from removing certain social studies TEKS required in HB 3979 as added by the 87th Legislature during the revision process.

Earliest effective date: December 2, 2021

SB 7 – One-Time Supplemental Payment of TRS Benefits

Huffman

Requires TRS to make a one-time supplemental payment of a retirement or death benefit not later than January 2022 and, to the extent practicable, on a date or dates that coincide with the regular

annuity payment payable to each annuitant. The additional payment will be equal to the lesser of the gross amount of the regular annuity the annuitant is otherwise entitled or \$2,400.

Earliest Effective date: Immediately

SB 8 – Homestead Exemption Beginning Year Property Acquired Bettencourt

Provides a homestead property tax exemption immediately when an individual qualifies instead of January 1 of the following year if the prior property owner did not receive the same exemption for that tax year. The state will hold school districts harmless for any resulting loss in revenue.

Prohibits an indicator in the state accountability system or any other performance measure that penalizes a school district for failure to collect the amount of taxes equal to the total amount of tax refunds.

Earliest Effective date: Immediately

SB 9 – Child Abuse Prevention, Family Violence, Dating Violence, & Sex Trafficking Instruction Huffman

SHAC

Establishes this Act as the Christine Blubaugh Act. Amends the local school health advisory committee (SHAC) duties to include recommending appropriate grade levels and curriculum for instruction regarding child abuse, family violence, dating violence, and sex trafficking, including likely warning signs that a child may be at risk for sex trafficking, provided that the local SHAC recommendations don't conflict with the TEKS adopted by the SBOE under this subchapter.

Curriculum Materials

Adds a requirement that all curriculum materials relating to the prevention of child abuse, family violence, dating violence, and sex trafficking be made available in the same manner as the curriculum materials used in the district's human sexuality instruction. Mandates that if a school district purchases from a publisher, copyrighted materials for these topics of instruction, the district must 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. Applies the copyright provisions only to a purchase agreement entered, amended, or renewed on or after the effective date of this Act.

Board of Trustees

Requires that any course materials related to these topics be selected by the local board of trustees with advice from the local SHAC. Requires the board of trustees to adopt a policy establishing a process for the adoption of curriculum materials for these topics. Mandates the policy require: 1) the board to adopt a resolution convening the SHAC for the purpose of making recommendations regarding the curriculum materials; 2) the SHAC to hold at least two public meetings after the resolution is adopted before adopting recommendations; and 3) upon receipt, the board to act on the SHAC recommendations by a record vote at a public meeting. Requires the proposed curriculum materials be available for review as applicable. Requires the board, before adoption, to ensure the materials are based on the SHAC advice, suitable for the intended audience, and have been reviewed by academic experts. Authorizes the board of trustees to determine the specific content of the instruction.

Written Notice and Consent

Requires, before each school year, the district to provide written notice to each parent regarding whether instruction will be provided on the topics, and if so, establishes specific information that the notice must include. Requires a district to obtain written consent of the student's parent before the student may be provided instruction on these topics. Specifies content and timelines for the written consent.

Dating Violence Policy; Educational Materials and Resources

Amends school discipline code to require a school district's dating violence policy to include a clear statement that dating violence is not tolerated at school, and reporting procedures and guidelines for students who are victims of dating violence, including a procedure for immediately notifying a student's parent/guardian if the district receives a report that identifies the student as an alleged victim or perpetrator of dating violence. Mandates that a district to the extent possible, make available to students age-appropriate educational materials that include information on the dangers of dating violence; and resources to students seeking help.

Earliest effective date: December 2, 2021 (applies beginning with the 2022–2023 school year)

SB 12 – Limitation on Total Amount of Taxes Imposed by School Districts on Homestead Bettencourt

Extends the M&O tax rate compression from HB 3 that passed in 2019 to those homeowners who have an over 65 or disabled exemption if a constitutional amendment is approved by voters. If the amendment is not approved by voters, this Act has no effect. This change would apply only to property taxes imposed for a tax year beginning on or after the effective date of this Act.

Earliest Effective date: January 1, 2023

SB 15 – Local Remote Learning Programs

Taylor

Local Remote Learning Program Overview

Allows school districts and open-enrollment charter schools that have an overall performance rating of C or higher in the prior school year or the most recent school year to operate a local remote learning program to offer virtual courses outside the state virtual school network to eligible students. Expires September 1, 2023.

Requires the full-time remote learning programs to include: (1) at least one grade level in which a state assessment is required to be administered, including each subject for which the assessment is required or a complete high school program, including each course for which an end-of-course assessment is required by the state; and (2) offer the option for a student's parent or person standing in parental relation to select in-person instruction for the student.

Prohibits school districts and open-enrollment charter schools operating a local remote learning program from enrolling more than 10 percent of the total number of students enrolled in the district or school during the 2021-22 school year. Allows the commissioner to waive this provision by application of the district or charter school or in response to a public health emergency. Requires districts and charter schools, in calculating the percentage, to count a student who spends at least half of their instructional time during the 2021-22 or 2022-23 school year (as applicable) enrolled in virtual courses or was receiving remote instruction, other than by enrollment in electronic courses offered through the state virtual school network. The calculation must also include a student who is enrolled in virtual courses or who received remote instruction during the 2021-22 or 2022-23 school year (as applicable) because the student was medically fragile, was placed in a virtual setting by an ARD committee, or was receiving 504 accommodations.

Allows virtual courses to be provided through synchronous, asynchronous, or a combination of synchronous and asynchronous instruction to meet the needs of individual students. Permits virtual courses to be provided in combination with in-person instruction as appropriate to meet the needs of students.

Requires a student seeking to enroll in a virtual course under this program to: (1) be enrolled in a school district or open-enrollment charter school; (2) have reasonable access to in-person services for the courses at a school district or school facility; (3) meet any additional criteria, including minimum academic standards established by the school district or charter school in which the student is enrolled. Requires school districts and charter schools operating a virtual program to periodically assess the performance of students enrolled in virtual courses.

Allows a student to be removed from virtual course offerings and returned to in-person learning if the school district or open-enrollment charter school determines the student does not meet the above

eligibility requirements. Mandates that removal of a student can occur only if the school district or charter school establishes a process that ensures each student and the student's parent or person standing in parental relation have sufficient notice and an opportunity to provide input prior to the student's removal from the courses.

Prohibits a student who has 10 or more unexcused absences in the program in a six-month period from being counted for purposes of calculating the districts or school's ADA.

Allows a school district or open-enrollment charter school to adopt a policy to exempt students from TEC 25.092 (minimum attendance for class credit or grade) for one or more courses identified by the policy that are offered under a local remote learning program. This provision expires September 1, 2023.

Authorizes school districts and open-enrollment charter schools to contract with another school district or charter school to allow a student enrolled in the sending district or school to enroll in virtual courses offered under the program of the receiving district or school. Provides that a student enrolled in virtual courses under an agreement is considered enrolled in the sending district or school for ADA and accountability purposes.

Requires state assessments to be administered to a student enrolled in a virtual course in the same manner as the assessment is administered to other school district or charter school students.

Requires school districts or open-enrollment charter schools offering virtual courses under this program for students receiving special education services to ensure the courses meet the needs of a participating student in the same manner consistent with state and federal law.

Prohibits a teacher from providing virtual instruction unless the teacher has completed a professional development course on virtual instruction. Prohibits a school district from directly or indirectly coercing a teacher to agree to an assignment to teach a full-time local remote learning program.

Prohibits school districts and open-enrollment charter schools from requiring a teacher to provide both virtual and in-person instruction for a course during the same class period. Permits the commissioner to waive this requirement for courses included in the enrichment curriculum.

UIL & Extracurricular Activities

Allows a student enrolled in virtual courses to participate in UIL or extracurricular activities in the same manner as other students in the district or school in which the student is enrolled.

Funding

Requires that a student enrolled in virtual courses be counted toward the district's or open-enrollment charter school's ADA in the same manner as other students in the district or school.

Requires the commissioner to adopt rules providing for a method of taking attendance once each school day for a student enrolled in a virtual course.

Authorizes a school district or open-enrollment charter school that operated during the 2020-21 school year a full-time virtual program outside the state virtual school network with at least 10 percent of the enrollment for the program, including students who resided outside the district's geographic boundaries or school to: (1) continue to operate the virtual program on a full-time basis; (2) apply the same enrollment and transfer criteria used during the 2020-21 school year; and (3) offer the program to students in any grade level or combination of grade levels from K-12 as long as the program includes at least one grade level for which a state required assessment instrument is administered.

Subject to rules adopted by the commissioner, time that a student participates in a course or a program under TEC 48.0071(b) Off Campus Programs Approved for ADA must be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student for ADA purposes.

Prohibits school districts or open-enrollment charter schools from counting for ADA purposes a student (except for students enrolled in the virtual school network or in certain special purpose districts) who received virtual or remote instruction for a majority of the instructional days for the preceding school year if the student: (1) did not achieve satisfactory performance or higher or the equivalent in the preceding school year on: (a) each state required assessment instrument; or (b) if the student was not administered a state assessment that was required to be administered during the prior school year, an assessment instrument designed to show grade-level proficiency in TEKS for the student's grade level; (2) had a number of unexcused absences that exceeds 10 percent of the number of instructional days in the preceding year; or (3) did not earn a grade of C or higher or the equivalent in each of the foundation courses taken virtually or remotely in the preceding school year.

Entitles a school district or open-enrollment charter school that operates a full-time local remote program during the 2021-22 school year that meets state requirements to funding in the manner prescribed by this Act regardless of whether the district or school began operating the program before, on, or after the effective date of the Act.

State Virtual School Network

Allows a student enrolled in a school district or open-enrollment charter school virtual program to also enroll in courses offered through the state virtual school network.

Evaluating Virtual and Local Remote Programs

Requires the commissioner, in evaluating the performance of a school district or open-enrollment charter school that operates a full-time local remote program, to assign the program separate overall and domain performance ratings as if the program were a campus of the district or school. Provides

that for purposes of assigning performance ratings, a student who spends at least half of the student's instructional time receiving virtual or remote instruction are considered enrolled in the program including a student: (1) enrolled in virtual courses offered under a local remote learning program; or (2) receiving remote instruction, regardless of whether the student is enrolled in a remote learning program and including a student receiving remote instruction who is medically fragile, placed in a virtual setting by an ARD committee, or receiving 504 accommodations. Establishes that the performance ratings are not required to be made publicly available or to be used for purposes of performance in community and student engagement of overall district and campus ratings. Prohibits performance ratings assigned for this program from being used for local accountability purposes or for determining whether to impose any interventions or sanctions.

Requires the indicators for reporting purposes include, for each school district and campus, the performance of students who spend at least half of their instructional time: (1) in virtual courses offered under a local remote program; or (2) receiving remote instruction regardless of whether the student is enrolled in a remote learning program and including a student receiving remote instruction who is medically fragile, placed in a virtual setting by an ARD committee, or receiving 504 accommodations.

Field Based Experience and Internships for Teachers

Allows a teacher candidate to satisfy certification requirements through an internship that provides the candidate employment as a teacher for courses offered through a local remote learning program or the state virtual school network. This provision expires September 1, 2023.

Earliest effective date: Immediate (this Act applies beginning with the 2021-22 school year)

Bill Summaries for the 3rd Called Special Session of the 87th Legislative Session

HB 25 – Transgender Participation in UIL Sports **Swanson**

Provides that an interscholastic team sponsored or authorized by a school district or open-enrollment charter school is prohibited from allowing a student to compete in an interscholastic athletic competition sponsored or authorized by the district or charter school that is designated for the biological sex opposite to the student's biological sex as stated on the student's official birth certificate or if the student's official birth certificate is unobtainable, another government record. A statement of student's biological sex on the student's official birth certificate is considered to have correctly stated a student's biological sex only if the statement was entered at or near the time of the student's birth or modified to correct any type of scrivener or clerical error in the student's biological sex.

An athletic team may allow a female student to compete in an interscholastic athletic competition that is designated for male students if a corresponding competition for a female is not offered or available.

Requires the UIL to adopt rules and be approved by the commissioner of education. The rules must ensure compliance with state and federal law regarding the confidentiality of student medical information.

Applies to a competition sponsored or authorized by a school district or open-enrollment charter school that occurs on or after the effective date of this Act.

Earliest effective date: January 18, 2022

SB 1 – Homestead Exemption Increase **Bettencourt**

Permanently increases the mandatory homestead exemption from \$25,000 to \$40,000 for school property taxes using surplus state revenue. The state will provide a hold harmless for school district

taxes lost on M&O and I&S. This change requires voter approval of a constitutional amendment slated for May 2022.

Earliest effective date: The increased homestead exemption would apply beginning with the 2022 tax year