

88th Legislative Session

# Final Bill Report 2023



**TASA** 

TEXAS ASSOCIATION OF  
SCHOOL ADMINISTRATORS

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## VETOED EDUCATION-RELATED BILLS/88<sup>th</sup> REGULAR LEGISLATIVE SESSION

- **SB 361 (Eckhardt)** — Relating to the eligibility of a person employed by a school district as a teacher to serve on the appraisal review board of an appraisal district.

## LEGISLATION THAT FAILED PASSAGE/88<sup>th</sup> REGULAR LEGISLATIVE SESSION

- Added indicators to the accountability system in lower grades.
- Allowed open enrollment student transfers.
- Banned lobbyists who represent local government, such as those representing TASA, TASB, Texas PTA, cities, and counties.
- Eliminated STAAR tests and EOC exams not required by the USDE/ESSA.
- Eliminated the SBOE's ability to veto SBEC rules or that called for a super majority board vote to veto charters.
- Established vouchers or education savings account programs.
- Expanded indicators for measuring student performance e.g., participation in courses for enrichment, extra-curricular, co-curricular.
- Included JROTC and LOTC as CTE programs and as an indicator of achievement for military readiness.
- Made unvetted changes to the state testing system.
- Made performance rating decisions issued by the commissioner final.
- Prohibited community decisions to implement four-day school weeks.

**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 87<sup>th</sup> 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 1605 — Instructional Materials, Curriculum, Teacher Contracts, & Certification Buckley

#### Limits to Requirements for Classroom Teachers

Amends Education Code regarding the written information that school trustees can require that a classroom teacher prepare for a unit or weekly lesson plan by specifying that a unit or weekly lesson plan included in instructional material as defined in this legislation and adopted by the trustees for the district at which a teacher is employed, is sufficient to satisfy the written lesson plan requirement.

#### Training Requirements for Educator Certificate

Amends the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program to include a thorough understanding of, and competence in the use of, open education resource (OER) instructional materials included on the list of approved instructional materials maintained by the SBOE in each subject area and grade level covered by the person's certificate.

#### Prohibition on Three-Cueing Method

Prohibits an educator preparation program from including instruction on the use of instructional materials that incorporate the three-cueing method into foundational reading skill instruction. Defines three-cueing and prohibits a school district or open-enrollment charter school from including any instruction that incorporates three-cueing in the phonics curriculum.

#### Planning and Noninstructional Duties of Teachers

*Permits* a district to enter into a supplemental agreement with a classroom teacher under which the teacher agrees to perform a duty relating to initial lesson plan design or instructional material selection that is *not* a duty generally anticipated to be performed during the instructional day and assigned to all classroom teachers of the same subject and grade level under those teachers' employment contracts.

Prohibits a district from requiring a classroom teacher for a foundation course to spend their designated planning and preparation time creating or selecting instructional materials to *initially* cover the TEKS for the course unless the teacher has entered into a supplemental agreement. Establishes this provision does not prohibit a classroom teacher from choosing to spend time creating or selecting instructional materials.

Requires a supplemental agreement in which a teacher is assigned responsibility for a greater number of duties unrelated to providing instruction than other full-time teachers of the same grade level to explicitly state each of the duties unrelated to providing instruction.

#### Immunity from Disciplinary Proceedings

Adds immunity provisions for classroom teachers from disciplinary proceedings including the Establishment Clause of the First Amendment of the U.S. Constitution, or a related state or federal law, if using only instructional material on the list approved by the SBOE and adopted by the district, and if the allegation does not dispute the teacher used the material with fidelity.

#### Parental Access to Instructional Materials

Requires a district to make *tests* readily available for review by parents *in person* and teaching materials available for review both in person and, if applicable, through an instructional materials parent portal as established in this legislation. The district must: (1) allow access beginning not later than 30 days before the school year begins and concluding not earlier than 30 days after the school year ends; and (2) include, for the entire period specified, access to all instructional materials that pertain to each subject area in the grade level in which the student is enrolled, except for tests or exams that have not yet been administered to the student and the student's graded assignments. Allows the district to specify reasonable hours for in-person review. Prohibits a district from denying a parent access to the instructional materials parent portal.

#### Parental Right to Request Instructional Material Review

Requires the board of trustees of each school district to establish a process by which a parent of a student at a campus may request an instructional material review for a subject area in the grade level in which the student is enrolled. Mandates the process: (1) may not require more than one parent make the request; (2) provide for the trustees to determine if the request will be granted, either originally or through an appeal process; and (3) may permit the requesting parent to review the instructional material directly before the district conducts a review. Establishes that if the parents of at least 25 percent of the students enrolled at a campus present to the trustees a petition for the board to conduct an instructional materials review, the board shall conduct the review, unless the petition is presented by the parents of less than 50 percent of the students enrolled at the campus and, by a majority vote, the board denies the request. Mandates the review include materials for each subject area or grade level specified in the petition. Establishes that the board of trustees is not required to conduct a review for a specific subject or grade level more than once per school year and that parental access to material reviewed is in addition to any other right to access the material. Allows the SBOE to adopt rules.

#### Vocabulary List and Literary Works for English Language Arts (ELA)

Requires the SBOE in adopting TEKS for ELA to specify a list of required vocabulary and at least one literary work to be taught at each grade level. Mandates the vocabulary support the TEKS adopted for other courses offered under the foundation curriculum.

Mandates the SBOE initiate the process of specifying an initial list of vocabulary and literary works not later than February 1, 2024. Requires the SBOE to request from TEA recommendations for the list and establishes that the request may be considered as initiation of the process. Expires this subsection September 1, 2025.

### District Curriculum Scope and Sequence

Amends Education Code related to district curriculum scope and sequence by adding “instructional materials” as part of the consideration. Prohibits a district from penalizing a teacher who does not follow the pacing of recommended or designated instructional materials or the pacing of the recommended or designated scope and sequence for a subject in the required curriculum.

### Instructional Materials: Definitions

Amends Education Code related to instructional materials by adding “technology” and defining different levels of materials. Defines “full subject tier one instructional material” as material designed to, if implemented as designed, provide a student with mastery of the TEKS for required curriculum or for pre-K without the need for supplementation. Amends the definition of “instructional material” to include material: used by a teacher, including a lesson plan, answer key, grading rubric, or unit plan; used by a principal or campus instructional leader to support instruction; and used by a student, including specified materials.

Defines “partial subject tier one instructional material” as material designed to, if implemented as designed, assist in the instruction of one or more of the TEKS adopted by the SBOE for a subject in the required curriculum or for pre-K.

### Instructional Material Rules

Amends rulemaking authority to allow the commissioner to adopt rules, consistent with this legislation, and as necessary to implement the provisions the commissioner or agency is responsible for implementing. Maintains the SBOE’s authority to also adopt rules for this chapter.

### Instructional Materials Advisory Committee

Permits the SBOE or TEA to form an advisory committee to comply with the provisions of this legislation. Does not apply Government Code provisions to an advisory committee formed under these provisions.

### Instructional Materials and Technology Fund

Adds new options for money in the instructional materials and technology fund to be used for an internet website and to pay the expenses associated with the purchase, licensing, printing, or other reproduction of OER material.

### Instructional Materials and Technology Account

Removes the provision that allowed districts to use funds in their instructional materials and technology account to purchase electronic instructional materials or technological equipment. Requires a district to provide to TEA the title and publication for any instructional materials requisitioned or purchased with the district’s instructional materials and technology allotment (IMTA). Requires TEA to provide for the development and maintenance of an online requisition and disbursement system for each school district’s instructional materials and technology account.

#### Adjustment for High Enrollment Growth Districts

Repeals the commissioner's option to adopt rules as necessary for this section.

#### Instructional Materials and Technology Allotment Purchases

Requires the commissioner to allow a district or open-enrollment charter school to place an order for instructional materials before the beginning of a fiscal biennium and to receive materials before payment. Repeals the commissioner's option to adopt rules to implement this section.

#### Instructional Materials and Technology Allotment (IMTA)

Adds conforming language to this section. Adds a new provision prohibiting funds allotted under the IMTA from being used to purchase instructional material that contains obscene or harmful content or would otherwise cause the district not to be able to submit the required certification.

#### Agency Purchase of Instructional Materials and Technology

Allows TEA, from funds appropriated, to contract directly, including by extending a contract, for the purchase of instructional materials and technology for use by school districts. Does not require TEA to follow state procurement provisions as established in Government Code.

#### State Board of Education Instructional Materials Review and Approval

Repeals provisions that required the SBOE to adopt a review and adoption cycle for instructional materials. Makes conforming changes throughout to remove references to the adoption cycle. Establishes new requirements for the SBOE to review instructional materials provided to the board by TEA. Allows the SBOE to review the materials before approving and requires the board to determine that the material is free from factual error and suitable for the subject and grade level for which the material is designed, and, if the material is intended to cover foundational skills reading curriculum in grades K–3, make sure the material does not include the three-cueing method. Mandates the board add each material approved to a list of approved instructional materials and permits the board to add a material not approved to a list of rejected instructional materials.

Permits the SBOE to adopt criteria necessary for approval of instructional material (i.e., all material submitted as full subject tier one instructional material must cover a minimum percentage of the TEKS for the subject and grade level for which the material is designed).

Allows the SBOE to remove instructional material from the approved list if the TEKS are revised or the material is revised without board approval. Provisions also cover the steps required for the SBOE to remove a material from the list because of planned revisions to the TEKS applicable to the material (i.e., notification to a school district of an updated material list). Requires the SBOE to indicate if an instructional material undergoing review is capable of being made available on the state's parent portal.



#### Instructional Material Review by TEA

Requires the commissioner, in consultation with and with the approval of the SBOE, to establish a process for the annual review of instructional materials by the agency. Establishes the steps that must be included in the selection process for review requests submitted to TEA from a publisher, a school district, or by a majority vote of the SBOE. Requires that the process: describe the types of instructional materials the agency may review; establish procedures for the agency to conduct reviews; and ensure the procedures for review allow the agency to review at least 200 individual instructional materials each year.

Requires the agency to use a rubric developed by the agency in consultation with and approved by the SBOE that includes specified determinations with respect to the instructional material being reviewed.

Mandates the agency, after completion of a review, to provide the results and any related recommendations to the SBOE for approval of, or rejection of, the material and inclusion on the SBOE list. Requires the agency to use funds appropriated for the review purpose or available in the state instructional materials and technology fund. Provides that a process established, or a rubric developed is automatically approved by the SBOE if not rejected by the board before the 91<sup>st</sup> day after the date the agency submits the item to the board.

#### Instructional Material Internet Website

Mandates the agency develop and maintain an instructional material internet website to assist school districts in locating and selection instructional materials. Requires the website provide: (1) the price of the material; (2) the technological requirements needed; (3) the results of the agency review; (4) a statement of whether the material is on the SBOE approved or rejected list; and (5) any other relevant information.

Requires the website to include the repository of OER material. Requires the agency to use funds appropriated for the review purpose or available in the state instructional materials and technology fund to develop and maintain the website.

#### Instructional Material Support

Requires the agency to provide a district, upon request, assistance in evaluating, adopting, or using instructional materials. Except as otherwise provided, the agency may not require a district to adopt or use agency-reviewed or SBOE-approved materials.

#### Local Review of Classroom Instructional Material

Requires the agency to develop standards in consultation with stakeholders, including educators, by which a school district may conduct a review of instructional materials used by a classroom teacher in a foundation curriculum course to determine the degree to which the material: (1) corresponds with the instructional materials adopted by the district or campus; and (2) meets the level of rigor of the TEKS for the grade level in which it is being used.

Mandates that when developing the standards, the agency: (1) shall minimize, to the extent possible, the time a teacher is required to spend complying with a review; (2) may not, unless unavoidable, require a teacher to spend more than 30 minutes on a single review; and (3) may not authorize the review of materials used by a classroom teacher for a specific subject or grade level at a specific district campus more than once per year.

Requires the agency to develop a rubric, approved by the SBOE, to determine if reviewed instructional material complies with rigor requirements of the perspective TEKS.

Mandates the agency permit a regional ESC, or a curriculum review service provider approved by the agency, to conduct the review for a district. Requires the agency to provide training to the approved entities relating to appropriately conducting the review. Mandates the agency award grants to assist school districts in conducting the reviews.

#### References to State-Developed OER Instructional Material

Establishes that a reference to state-developed OER instructional material refers to “full subject tier one instructional material” as defined in this legislation.

#### Availability of OER Instructional Material

Requires the commissioner to ensure OER materials are available for use by school districts. Permits the commissioner to: (1) purchase a license authorizing the use of OER materials in a manner that complies with all applicable state laws and rules relating to agency procurement; (2) purchase or otherwise acquire ownership of OER materials; (3) develop OER materials; (4) adopt OER materials; (5) use any combination of the above methods to acquire OER materials. Allows the commissioner to make available more than one OER material for a subject or grade level.

Requires the commissioner to:

(1) the extent practicable ensure full subject tier one instructional materials are available as OER materials for:

- (a) ELA and math courses in grades K–8;
- (b) pre-K, in subject areas related to ELA and math; and
- (c) all foundation curriculum courses in grades K–5 in a manner that permits the instruction of the content to be provided in an integrated manner and for approximately 240 minutes of instructional time per day, including time needed each day for required accelerated instruction; and

(2) ensure OER materials are available to all students, parents, classroom teachers, and school districts in this state free of charge, except for a fee for the printing or shipping of the material.

Provides that other than content that is not state owned, an OER material must be licensed to this state under an intellectual property license that allows for free use, modification, or sharing with others. Mandates the costs for ensuring the availability of OER material be paid from funds appropriated for this purpose and the state instructional materials and technology fund, *as determined by the commissioner*.

#### OER Instructional Material: Free Use, Reuse, Modification, or Sharing License

Establishes that instructional material is licensed to the state under an intellectual property license that allows free use, reuse, modification, or sharing if the license meets specified criteria.

#### OER Instructional Material: Content not Owned by the State

Permits content of OER material not owned by the state to be used under specified circumstances.

#### OER Instructional Material Advisory Board

Requires the agency to establish an OER Advisory Board to ensure that materials made available are: high quality; aligned with the TEKS; age-appropriate; free from bias and factual error; and in compliance with instructional requirements and prohibitions.

#### OER Instructional Material Content Requirements

Amends provisions to require that OER material must be evaluated by Texas parents, teachers or other experts as determined by the commissioner before being made available. Allows the commissioner to, at any time, require an additional revision of the available OER materials based on feedback received from teachers, parents, and other experts on OER materials.

#### Review and Release of OER Instructional Material

Prohibits OER materials from being made available before the instructional review process has occurred and the material has been included on the SBOE list. Permits the agency to make OER material available to a limited number of classroom teachers for a limited time prior to the formal review and placement on the list to assist in developing or testing the quality of the material. Requires that a district only use unreviewed materials for this purpose in a grade level in which the materials have not been used previously if the board of trustees approves the use and the district provides evidence to TEA showing that classroom teachers support the use of the materials. Mandates that the materials will no longer remain available after being amended or modified until it has gone through the approval process and been placed on the SBOE list.

#### OER Instructional Materials Repository

Creates an OER materials repository that the commissioner must maintain on the instructional materials internet website. Requires materials released for a limited time to districts to assist the agency with quality control also be available on the website. Mandates the repository comply with requirements and allow a person to provide comments on the material. Requires the agency to ensure that a print copy of any OER materials is included in the repository if it is reducible to print.

#### Commissioner May Not Force Use of OER Instructional Material

Prohibits the commissioner, except as otherwise provided, from requiring a school district or open-enrollment charter school to adopt or use an OER material and from being charged a cost associated with the selection of an OER material except for the cost of printing the material.

Makes conforming changes to provisions related to the distribution of, and licensing requirements for, OER materials.

#### OER Instructional Material Transition Plan

Requires the board of trustees to adopt an OER instructional material transition plan to qualify for the additional state aid of \$20 per student for printing and shipping costs. Mandates the transition plan assist classroom teachers who will be using an OER material in a specific subject or grade level for which the teacher has not previously used an OER material. Requires the plan to ensure that OER materials are used in a manner that maintains the instructional flexibility of a classroom teacher to address the needs of each student. *Does not* require a district that participates in the agency's OER instructional material support program to adopt a transition plan.

#### OER Instructional Material Support Program

Requires the agency to develop and maintain a program to assist school districts and open-enrollment charter schools in adopting and using OER instructional material, including assistance in maintaining the instructional flexibility of classroom teachers to address student needs, and schedule instructional periods in a manner that allows classroom teachers sufficient time to effectively prepare and present the material within the teacher's normal workday.

#### Teacher Candidate Access and Support Program

Requires the agency to develop and maintain a program to assist educator preparation programs in implementing OER instructional material provisions in their programs.

#### Final Decision

Establishes that a decision made by the commissioner regarding OER instructional material is final and may not be appealed.

#### Certification of Provision of Instructional Materials

Amends provisions related to the annual requirement that each school district and open-enrollment charter school provide certification to the SBOE and commissioner that their instructional materials cover the TEKS. Adds a requirement that each district and charter certify compliance with statute and regulations that protect students from obscene or harmful content in instructional materials.

#### New Report to the Agency

Requires each school district to annually report to the agency information regarding the instructional materials used by the district during the previous school year, including the cost of each material.

#### School District Purchases

Adds provisions that establish a school district is not required to use a method in state purchasing requirements to purchase instructional materials that have been reviewed by the agency and placed on the SBOE's list of approved materials.

### Publishers and Manufacturers

Amends provisions related to requirements for a publisher or manufacturer of instructional materials to conform with this legislation.

### Instructional Materials Parent Portal

Requires the SBOE to adopt standards for entities that supply instructional materials reviewed by the agency to make materials supplied by the entity available on a parent portal hosted by the entity. Establishes that the standards *may not* require a classroom teacher to submit materials developed by the teacher for inclusion in the portal, or an entity hosting a portal to include tests or exams in the portal. Requires an entity hosting a portal to comply with the requirements of this legislation.

Mandates that the parent portal: (1) provide to each parent access to instructional materials, other than tests or exams, that are included in the portal and used by the district or school; (2) organize the material by unit and in the order in which it is to be used; (3) be capable of being searched by key word; and (4) for material not available in digital format, contain sufficient information to allow a parent to locate a physical copy of the material.

Establishes requirements that may be required of a parent before the parent is given access to material on the portal to comply with intellectual property license or other security restrictions.

### Parental Access

Requires each school, before implementing a comprehensive school counseling program, to annually conduct a preview of the program that includes parental access during school hours to all curriculum and materials that are *not* available digitally through an instructional materials parent portal. Prohibits use of materials or curriculum not included in the parent portal of available on the campus for preview from being used.

### Maintenance & Operations (M&O)

Makes conforming changes to statute regarding the calculation of M&O revenue to include the additional state aid available for state-approved instructional materials.

### Additional State Aid for State-Approved Instructional Materials

Establishes that for each student enrolled in the district, a school district is entitled to additional state aid for each school year in an amount equal to \$40, or a greater amount provided by appropriation, to procure instructional material that has been: (1) through the agency review process; (2) placed on the SBOE's list of approved materials; (3) designated by the SBOE as being included or capable of being included on a parent portal; and (4) acquired from a publisher, manufacturer, or other entity not in violation of requirements of this legislation.

Establishes that a school district is entitled to the amount of state aid provided each school year, regardless of whether the district uses the amount during the school year for which it was

provided. Mandates that additional state aid provided be deposited to the credit of the district's instructional material and technology account maintained by the commissioner and may be accessed only for the procurement of instructional materials under these provisions. Mandates funds provided to a district be spent on compliance with this legislation.

#### Additional State Aid for OER Instructional Material

Establishes that a school district is entitled to additional state aid for each school year in an amount not to exceed \$20 for each student for costs associated with the printing and shipping of OER materials. Prohibits the amount a district receives from exceeding actual costs. Mandates that any additional state aid provided be deposited to the credit of the district's instructional material and technology account maintained by the commissioner and may be accessed only for the procurement of instructional materials under these provisions. Mandates funds provided to a district be spent on compliance with associated provisions.

#### Transparency on Use of Certain Funds

Amends Government Code with the addition of a new section that requires inclusion in the budget of estimated appropriations: (1) the amount set aside by the SBOE from the available school fund (ASF) for the state instructional materials and technology fund; and (2) the amount that is remaining in the fund from the previous fiscal biennium that is available for use by school districts and open-enrollment charter schools. Establishes that if the amount estimated to be appropriated for the state instructional materials and technology fund for a fiscal biennium is less than the amount set aside by the SBOE, an explanation must be provided of the difference, including the amount of the difference and to what the additional funds have been appropriated. Requires the explanation be included with the documents provided on the Legislative Budget Board's internet website.

#### Repeals

Repeals 15 provisions included in Education Code, Chapter 31, Instructional Materials.

#### Contracts

Establishes that a contract entered under the provisions for agency purchase of instructional materials and technology or duties of publishers and manufacturers *before* the effective date of this Act is governed by the law in effect on the date the contract was entered, and the former law is continued in effect for that purpose.

Establishes that a contract entered under the provisions for agency purchase of instructional materials and technology or duties of publishers and manufacturers *after* the effective date of this Act for a program called for by the SBOE under Proclamation 2024 is governed by the law in effect on the date the proclamation was issued, and the former law is continued in effect for that purpose.

Establishes that the agency purchase of instructional materials, as amended by this Act, does not apply to the review of a contract for the purchase or licensing of instructional materials required by the SBOE pursuant to Proclamation 2024 and are governed by the law as it existed



immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

Establishes that Section 21.045, Planning and Non-Instructional Duties of Teachers, as added by this Act, applies only to a contract entered *on or after* the effective date of this Act, and a contract entered *before* the effective date is governed by the law in effect on the date the contract was entered, and the former law is continued in effect for that purpose.

\*Section 21.045, Planning and Non-Instructional Duties of Teachers, as added by this Act applies beginning with the 2024-2025 school year.

Earliest effective date: Beginning with the 2023-2024 school year

## ADMINISTRATION/GOVERNANCE

### HB 108 — Special License Plates for Teachers and Retired Teachers

#### Cortez

Amends Transportation Code to allow the Department of Public Safety to issue specialty license plates, designed in consultation with TEA, for a \$10 fee for classroom teachers with at least 15 years of service teaching public school students. Mandates that the plates include the words “Texas Teacher” and depict a Texas public education logo. Requires the department to also issue specialty license plates designed in consultation with TEA, for a \$5 fee for retired public school teachers with at least 20 years of service. Mandates that the plates include the words “Retired Texas Teacher” and depict a Texas public education logo.

Earliest effective date: September 1, 2023

### HB 114 — Certain Drugs or E-Cigarettes on or Near School Property

#### Thompson

Amends Education Code to make the removal of a student from class and placement in a DAEP a requirement only under specified circumstances for a student who possesses, uses, is under the influence of, or sells, gives, or delivers to another person marijuana or e-cigarettes on or within 300 feet of school property or while attending a school-sponsored or school-related activity. Establishes new requirements regarding DAEP placement for these students to include:

- If a DAEP is at capacity when the campus behavior coordinator is deciding placement, the student shall be:
  - placed in in-school suspension; and
  - if a space becomes available before the suspension period is expired, transferred to the DAEP.
- If a DAEP is at capacity when the campus behavior coordinator is deciding placement for an offense that constitutes violent conduct, as defined by commissioner rule, a student whose offense is related to marijuana or e-cigarettes:

- may be moved from the DAEP to in-school suspension to make room for the student engaged in violent conduct; and
- if an opening becomes available before expiration of the placement after the student has been removed from DAEP under these circumstances, the student must be returned to the DAEP.

Adds a program of educational support as an option for a student and the student's parents for an offense involving e-cigarettes.

Earliest effective date: September 1, 2023

### **HB 567 – Discrimination on Basis of Hair Texture or Style Associated with Race**

**Bowers**

Prohibits school districts from adopting a policy, including a student dress code, or grooming policy, that discriminates against a hair texture or protective hairstyle commonly or historically associated with race. "Protective hairstyle" includes braids, locks, and twists.

Effective date: September 1, 2023

### **HB 1212 – Verification of Excused Absences for Observation of Religious Holy Days**

**Jetton**

Requires school districts to accept a note from a parent indicating that a student's absence occurred due to observance of a religious holy day or travel for such observance. Prohibits school districts from requiring documentation from a clergy person or other religious leader. Applies beginning with the 2023-24 school year.

Effective date: Immediate

### **HB 1263 – High School Crossing Zones and Crosswalks in Certain Municipalities**

**Thompson, Senfronia**

Prohibits a local authority from adopting or enforcing measures that prohibit or preclude the designation of a school crossing zone or school crosswalk at a high school campus that is located in a municipality with a population of 2 million or more.

Effective date: September 1, 2023

### **HB 1825 – Alcoholic Beverages at Certain School-Owned Performing Arts Facilities**

**Turner**

Authorizes a school board to adopt a policy allowing the consumption, possession, and sale of an alcoholic beverage at an event held at a performing arts facility owned by the district if the district is located in a county with a population of not more than 300,000 and in which a component university of the University of Houston System is located, or a county in which is located a facility within two miles of two or more stadiums with a capacity of 40,000 people.

Effective date: September 1, 2023

### **HB 2012 — Display of National Motto in Public Schools and Higher Ed Classrooms**

#### **Oliverson**

Establishes that a classroom teacher and a public elementary or secondary school teacher or a teacher or professor at an institution of higher education may not be prohibited from displaying in a classroom a poster or framed copy of the national motto.

Earliest effective date: Beginning with the 2023-2024 school year

### **HB 2285 – Authority of Certain ISDs to Change Terms for Trustees**

#### **Noble**

Provides that a school board may adopt a resolution changing the length and terms of its trustees by December 31, 2023. This change applies only to a school district with a central administrative office located in a county with a population of more than 1 million but less than 1.25 million and in which a municipality with a population of 4,500 or less is located. Requires the resolution to include staggered terms of either three or four years and specify the way the transition from the length of the former term to the modified term is made. The transition must begin with the first regular election for trustees that occurs after the board adopts the resolution, and a trustee who serves on the date the resolution is adopted must serve the remainder of that term.

Effective date: Immediate

### **HB 3991 — Texas Fruit and Vegetable Day**

#### **Issac**

Designates the first Friday in April as Texas Fruit and Vegetable Day in public schools to promote awareness of the health benefits of and encourage consumption of fruits and vegetables. Requires each school district to determine appropriate instruction. Allows TEA to collaborate with other state agencies to promote this event.

Earliest effective date: Beginning with the 2023-2024 school year

### **HB 4210 – Appointment of Trustee Terms for Military Reservation ISD**

#### **Lujan**

Amends current law relating to the qualifications to serve as a member of a board of trustees of a military reservation school district. Provides that a person who retires from active duty or civilian service while serving a term as a member of the board of trustees may continue to serve for the remainder of that person's term. Requires the SBOE to adopt rules for the governance of a special-purpose district.

Effective date: September 1, 2023

## **SB 29 – Prohibition of Government Mandates for Masks, Vaccines, or School Closures**

### **Birdwell**

Prohibits a governmental entity, including a school district, from implementing, ordering, or otherwise imposing a mandate requiring persons to wear a face mask or other face covering to prevent the spread of COVID-19. This prohibition does not apply to some state-supported entities such as hospitals, living centers, or jails, etc. Provides that local governmental entities may not impose a mandate requiring a person to be vaccinated against COVID-19 with some exemptions. Prohibits a governmental entity from implementing, ordering, or otherwise imposing a mandate requiring the closure of a public school to prevent the spread of COVID-19.

Effective date: September 1, 2023

## **SB 68 — Excused Absence for Career Investigation Day**

### **Zaffirini**

Permits a school district to excuse a student from school for a career investigation day to visit a professional at the professional's workplace during the student's junior and senior years of high school for the purpose of determining the student's interest in pursuing a career in that field. Limits an excused absence for this purpose to no more than two days during the student's junior year and two days during the senior year. Requires a school district to adopt a policy that establishes when an absence can be excused for this purpose and adopt a procedure to verify the student's visit to the professional's workplace. Prohibits a student whose absence is excused for this purpose from being penalized, includes the student in ADA as in attendance, and requires a reasonable time be allowed for makeup work.

Earliest effective date: Beginning with the 2023-2024 school year

## **SB 763 — Chaplains Employed at or Volunteering in Public Schools**

### **Middleton**

Permits a school district or an open-enrollment charter school to employ or accept as a volunteer a chaplain to provide support, services, and programs for students as assigned by the board of trustees or governing body. Establishes that under these provisions a chaplain is not required to be certified by SBEC. Requires the district or charter school to ensure that the chaplain complies with applicable requirements under Education Code, Subchapter C, Chapter 22 (i.e., non-certified fingerprint requirements), before employment or volunteering. Prohibits a district or charter from hiring or accepting as a volunteer a chaplain who has been convicted of or placed on deferred adjudication community service for which they have been required to register as a sex offender. Makes other conforming changes regarding chaplains throughout.

Requires each board of trustees and governing body to take a record vote not later than six months after the effective date of this Act on whether to adopt a policy authorizing employment or the volunteering of a chaplain.

Earliest effective date: Beginning with the 2023-2024 school year

### **SB 1008 – Establishment of Residency for Public School Admission**

**Flores**

Increases the number of arrival days from 10 to 90 for those establishing proof of residency in a school district attendance zone. Applies beginning with the 2023-24 school year.

Effective date: Immediate

### **SB 2069 – Posting of Human Trafficking Penalty Signs at Public Schools**

**Bettencourt**

Removes the requirement that private schools must post warning signs about the increased penalties for human trafficking in a conspicuous place that can be reasonably viewed by school employees and visitors. School districts are still required to post these notices.

Effective date: September 1, 2023

## **ASSESSMENT/ACCOUNTABILITY**

### **HB 1225 — Paper Administration of STAAR and EOC Exams**

**Metcalf**

Permits a school district to administer a STAAR (English or Spanish version) or EOC exam in paper format at the request of any student's parent, guardian, or teacher in the applicable subject area. Requires the request for a fall administration to be submitted to the district not later than September 15 and for a spring administration not later than December 1 of the school year the exam will be administered. Prohibits paper format for any single exam administration from exceeding 3 percent of the number of students enrolled in the district. Requires a district that receives requests that exceed the 3 percent to accept the requests in the order received until the maximum is reached. Does not apply the 3 percent limitation to a student whose ARD committee determines a paper test administration is a needed modification.

Earliest effective date: Beginning with the 2023-2024 school year

### **HB 1416 — Accelerated and Supplemental Instruction**

**Bell, Keith**

Amends HB 4545 (87th Legislature) provisions related to accelerated and supplemental accelerated instruction.

#### Repeal of Accelerated Learning Committees

Repeals all provisions related to accelerated learning committees for students who do not perform satisfactorily on certain state assessments.

#### Repeal of Separate Provisions for High School Students

Repeals the separate provisions for accelerated instruction requirements for high school students. Applies this repeal to begin with the 2023-2024 school year. Adds accelerated instruction requirements for high school students to the provisions for students in grades 3–8.

#### Satisfactory Performance on STAAR

Requires a district to ensure that each student receives a satisfactory performance on the STAAR tests by making certain that the district’s curricular and instructional systems provide instruction to all students that: 1) is consistently aligned with the TEKS for each subject area and grade level; and 2) strategically and timely addresses deficiencies in the prerequisite TEKS.

#### Accelerated Instruction

Requires a district to provide accelerated instruction in the applicable subject area to a student who fails to perform satisfactorily on a STAAR test in grades 3–8 or an EOC exam in the summer or subsequent school year. Does not make the same requirement for a student who does not perform satisfactorily on an assessment developed or adopted based on alternative academic achievement standards. Establishes that a district is not required to provide accelerated instruction to a student who was administered a substitute assessment allowed by statute or agency rule.

#### Parental Notification of Accelerated Instruction

Requires a district to provide notice to the parent or guardian of a student who fails to perform satisfactorily on a STAAR test in grades 3–8 or an EOC exam that the student is not performing on grade level in the applicable subject area. Mandates the district provide the notice at a parent-teacher conference or by another means. Requires TEA to develop and provide to districts a model notice in plain language for use with these requirements.

#### Accelerated Education Plan

Requires a school district to develop an accelerated education plan for each student who does not perform satisfactorily on a STAAR or EOC exam for two or more consecutive school years in the same subject area. Mandates that, not later than the start of the subsequent school year, the district develop the plan that enables the student to perform at the applicable grade or course level by the conclusion of the school year.

Requires the plan to: identify the reason the student did not perform satisfactorily on the applicable assessment and require the student to be provided with no less than 30 hours of *supplemental* instruction (as defined in this legislation) for each consecutive year the student does not perform satisfactorily in the applicable subject area assessment. Permits the district to: include in the plan an expanded time in which the supplemental instruction is available; assign the student to a specific teacher; and provide any necessary additional resources to the student. Mandates the plan be documented in writing, provided to the parent or guardian, and monitored for student progress.



Requires the board of trustees of each district to adopt a policy to allow a parent to contest the content of the plan. Allows notice or a written copy of all required communications.

#### Parent-Teacher Conference to Discuss Accelerated Education Plan

Requires a school district to make a good faith attempt to provide to the parent or guardian of a student who has an accelerated education plan a parent-teacher conference with the student's primary teacher at the start and end of the subsequent school year. Mandates the district provide at the conference: an explanation of the notice; the accelerated instruction the student is entitled to; and way the parent or guardian may participate in developing the plan.

#### Assignment of Teachers to Students with an Accelerated Education Plan

A student who has an accelerated education plan must be assigned in each school year and for each subject area covered in the plan to an appropriately certified teacher who meets all state and federal qualifications to teach that subject and grade, unless a parent has already requested a specific teacher in the applicable subject area for their child who does not perform satisfactorily on a STAAR or EOC exam in the subsequent school year.

#### ARD Requirements

Requires the ARD committee for a student who does not perform satisfactorily on assessment specified in this legislation at the next annual review meeting to review the student's participation and progress in accelerated or supplemental instruction or an accelerated instruction plan. Allows a parent to request, or the district to schedule, an additional ARD meeting if a committee member believes the student's IEP needs modification to meet these requirements. Requires a district that refuses to convene an ARD meeting requested by a parent for these purposes to provide written notice to the parent explaining the rationale for refusing to convene the meeting.

#### Homebound or Off-Campus Instruction

Allows the district to determine that a student who attends school in a homebound or other off-campus instructional setting, including at a residential treatment campus or state hospital, and who is unable to participate in the accelerated program due to the student's condition, receive the instruction when attending school in an on-campus instructional setting. Establishes that if the student's condition prevents attendance in an on-campus setting during the school year the accelerated instruction is to be provided, the district is not required to provide the instruction that school year.

#### Supplemental Instruction

Requires a district receiving COVID-Relief, Comp Ed, or Strong Foundation Grant funds to provide the additional supplemental instruction to a student who is not assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher in the subsequent school year.

Adjusts the required time for supplemental instruction to be provided to each student for no less than 15 hours, or 30 hours for a student whose performance was significantly below

satisfactory as defined by commissioner rule. Requires that, unless provided to a student fully during summer, the supplemental instruction must be provided no less than once per week during the school year, except as otherwise provided by commissioner rule to account for school holidays or shortened school weeks.

Amends the ratio requirement to no more than four students to one teacher unless the parent or guardian of each student in the group authorizes a larger group. Does not apply the supplemental requirements to a student who is retained at the grade level the requirements would otherwise apply.

Limits the supplemental instruction by establishing that a school district may not be required to provide the supplemental instruction to a student in more than two subject areas per school year. Permits a district to prioritize math, reading, Algebra I, English I, or English II if the student would otherwise require the instruction in more than one subject area.

#### Parental Opt-Out for Supplemental Instruction

Permits a parent or guardian who qualifies for the supplemental instruction or who was administered a BOY assessment aligned with the TEKS for the applicable subject area to elect to modify or remove a requirement for that instruction by submitting a written request to an administrator of the campus at which the student is enrolled. Prohibits a district from encouraging this parental option.

#### TEA-Approved Products for Supplemental Instruction

Mandates that TEA approve one or more products that use an automated, computerized, or other augmented method to provide the supplemental instruction in lieu of some or all the mandated individual or group instruction. Requires TEA to approve a product only if there is evidence that it is more effective than the required instruction. Permits the commissioner to adopt rules to regarding products for this purpose.

#### TEA-Approved Service Providers for Accelerated or Supplemental Instruction

Allows a school district to use a service provider not on TEA's approved list for accelerated or supplemental instruction if the district can demonstrate to the commissioner that use of the provider results in measurable improvement in student outcomes.

#### Accelerated or Supplemental Instruction not Required for Optional Assessments

Does not mandate that a district provide accelerated or supplemental instruction based on a student's failure to perform satisfactorily on an optional assessment instrument.

#### Transportation for Accelerated Programs

Mandates the district or open-enrollment charter school provide transportation to students required to attend accelerated or supplemental programs if the programs occur outside of regular school hours, unless the district or charter does not operate, contract, or agree with another entity to operate a transportation system.

### Commissioner Authority and TEA Responsibilities

Allows the commissioner to adopt rules as necessary, including rules for required reporting necessary to support student transfers. Requires TEA to monitor and evaluate the effectiveness of the required accelerated instruction.

Allows the commissioner to waive the accelerated instruction requirements for a district for each school year in which at least 60 percent of the students who received accelerated instruction during the school year immediately preceding the previous school year, including at least 60 percent of students whose performance on the assessment was significantly below satisfactory, as defined by commissioner rule, performed satisfactorily in the previous school year on the assessment in each subject in which the student previously failed to perform satisfactorily. Requires the commissioner, when determining if a school district qualifies for a waiver, to: 1) if a student received accelerated instruction in more than one subject during the applicable school year, consider the student's performance on the assessment in each subject separately; and 2) by rule provide that a district may not qualify for a waiver if students who are receiving special education services or are educationally disadvantaged are overrepresented among the students in the district who received accelerated instruction during the school year immediately preceding the previous school year on the assessment in each applicable subject. Requires the commissioner to publish a list of school districts that qualify for a waiver not later than the beginning of each school year.

Contains provisions for TEA regarding funding and implementation of requirements.

Earliest effective date: Beginning with assessment instruments administered during the spring 2023 semester

### **HB 1883 — STAAR and EOC Exams on Religious Holy Days**

#### **Bhojani**

Defines a "religious holy day or period of observance" as a holy day or period of holy days observed by a religion for which its places of worship would be exempt from property taxation under Section 11.20, Tax Code. Requires the board of trustees of a school district or the governing body of an open-enrollment charter school to consider the dates of religious holy days or periods of observance likely to be observed by its students during the SBOE-determined period for STAAR and EOC administration in establishing: (1) the district's or charter school's calendar for that school year; and (2) the instructional days within that period that the STAAR or EOC exams are administered provided that not more than two instructional days from that period are excluded based on the occurrence of a single religious holy day or period of observance.

Requires the board or governing body to provide alternative test dates to a student who is absent to observe a religious holy day or period of observance. Permits TEA to adopt rules necessary for compliance.

Earliest effective date: Beginning with the 2023-2024 school year

## **SB 2294 — Early high school graduation**

### **Creighton**

Requires school districts to allow a student to graduate with a Texas First high school diploma if all eligibility requirements are met.

Effective date: September 1, 2023

## **CERTIFICATION**

## **HB 621 — Temporary CTE Certification for Military and First Responders**

### **Shaheen**

Establishes definition of “first responder” as a person elected, employed, or appointed as a peace officer, fire protection personnel, or EMS personnel. Applies this section to a person seeking certification to teach CTE who: (1) has served in the US armed forces and was honorably discharged, retired, or released from active duty; or (2) has served as a first responder, and while in good standing, has retired, resigned, or separated from employment.

Requires SBEC to propose rules that a temporary certificate under these circumstances is valid for no more than three years, limited to a one-time issuance, and not subject to renewal. Permits a person issued a temporary certificate to earn a standard certificate if all eligibility requirements are met for that certification.

Requires a school district to require an employee with the temporary certificate to obtain at least 20 hours of classroom management training unless the employee has had specified experience during time as a first responder or military member. Mandates a school district assign a mentor teacher to a person holding the temporary CTE certificate for at least two school years.

Earliest effective date: September 1, 2023

## **HB 1605 — Instructional Materials, Curriculum, Teacher Contracts, & Certification (see page 6)**

## **HB 4363 — Future Texas Teachers Scholarship Program**

### **Kuempel**

Creates a future Texas Teachers Scholarship Program to recruit, prepare, and retain a talented and diverse workforce of career teachers to be leaders in their field and to aid with tuition, mandatory fees, and other costs of attendance at eligible institutions. Establishes eligibility requirements for an educator preparation program to participate, for a student to apply for a scholarship, and for a student to continue to receive a scholarship after initial qualification. Includes provisions regarding the scholarship amount and use. Requires THECB, as soon as practicable, to adopt rules needed to administer the scholarship program. Requires each school

district to notify its middle school, junior high, and high school students along with those students' teachers, school counselors, and parents of the scholarship program.

Earliest effective date: Beginning with the 2023-2024 academic year

### **HB 4520 — Employment and Retirement Consequences for Certain Educators**

#### **Harris, Cody**

Mandates that a person who is convicted of or placed on deferred adjudication community supervision for the sale, distribution, or display of harmful material to a minor have their teaching certificate revoked. Requires a school district or open-enrollment charter school to immediately remove the person from the campus or administrative office to prevent the person from having any contact with a student and to take certain employment actions. Specifies that the sale, distribution, or display of harmful material to a minor is a qualifying felony and disqualifies the person from receiving a service retirement annuity. Applies provisions only to a conviction or order granting deferred adjudication community supervision entered on or after the effective date of the bill.

Earliest effective date: September 1, 2023

### **SB 544 — Temporary Teaching Certificate for Certain Air Force Instructors**

#### **Blanco**

Requires SBEC to adopt rules providing for a person who holds a bachelor's degree and has at least two semesters' experience as a full-time instructor for the Community College of the Air Force to: (1) be issued a temporary teaching certificate on the person's enrollment in an educator preparation program (EPP); and (2) receive credit for the education, training, and clinical or professional experience as an Air Force instructor toward EPP completion requirements, including requirements related to coursework, field-based experience, or clinical experience. Provides that a temporary teaching certificate issued under these provisions is valid for one year from the date of issuance.

Earliest effective date: September 1, 2023

### **SB 798 — Certification Requirements for a Public School Counselor**

#### **Middleton**

Establishes that the qualifications for certification as a school counselor may not include a requirement that a candidate for certification have experiences as a classroom teacher. Requires SBEC to propose any rules necessary for implementation of this requirement not later than January 1, 2024.

Earliest effective date: September 1, 2023

## **CHARTER SCHOOLS**

## HB 1707 — Applicability of Laws to Open-Enrollment Charter Schools

### Klick

Amends Education Code Section 12.1058 to require a political subdivision (not including a school district) to consider an open-enrollment charter school a school district for purposes of many of the regulations — such as zoning, platting, and signage — imposed by the political subdivision. Mandates the same political subdivision requirements that apply to a school district campus apply to a charter school campus.

Establishes that for the charter school to be treated like a school district, the charter school must provide the political subdivision with a certificate stating that no administrator, officer, or employee of the charter school and no member of its governing body derives any personal financial benefit from a real estate transaction with the charter school.

The bill also:

- clarifies that a charter school does not have the power of eminent domain;
- provides that a nonprofit entity operating a charter school or a management company providing management services to the nonprofit entity is considered a governmental body for purposes of the public information laws. Establishes that financial information related to property transactions that is managed or possessed by the entity or company is now considered public information;
- prohibits a political subdivision from considering a charter school a school district for purposes of the statute that alleviates school districts from paying impact fees;
- prohibits a political subdivision from taking any action that prohibits a charter school from operating a campus, educational support facility, athletic facility, or administration office within the political subdivision's jurisdiction that it could not take against a school district;
- requires a political subdivision to grant approval of new campuses in the same manner and follow the same timelines as if the charter school were a school district, provided that the charter school provides notice of the new campus to the superintendent and board of trustees for each school district from which the campus is likely to draw students and each member of the Legislature representing the area served by the proposed school or campus within 20 days of the closing date on the purchase or lease of real property. *This provision will help districts to better plan for enrollment changes at affected district campuses. Currently most charter schools do not include addresses of new expansion campuses when they send expansion requests to TEA and may include general language such as "the greater Dallas area;"*
- provides that the change in law applies to both owned and leased property of the charter school; and
- provides that the change in law, except as it otherwise provides, does not affect a political subdivision's authority granted by state law to regulate a charter school through the political subdivision's applicable health and safety ordinances.

Amends Local Government Code Section 212.902 to add charter schools to a law on agreements between a school district and a municipality that has annexed territory for limited purposes. Establishes that the provisions applicable to an agreement between a charter school and a municipality may require that any revised land development standards may apply only while the property is used for charter school purposes and any property subject to land development standards for charter schools must be brought into compliance with all non-school commercial development regulations by the property owner after closure or relocation of the charter school. Note that this provision applies to charters under Chapter 12, Subchapters C (campus or program charter of a school district), D (open-enrollment charter school), or E (college-run charter school).

Amends Local Government Code Section 552.053(b) to allow open-enrollment charter schools to be exempt from municipal drainage fees. Provides that such an exemption granted to a school district prior to the Act's effective date would automatically extend to all open-enrollment charter schools located in the municipality after the Act's effective date unless the municipality repeals the exemption before the effective date.

Repeals Education Code Section 12.103(c), which had exempted open-enrollment charter schools located in a municipality of 20,000 or less from being subject to a municipal zoning ordinance governing public schools.

Earliest effective date: Immediate

### **HB 2102 — Establishment and Expansion of Certain Open-Enrollment Charter Schools** **Goldman**

Extends the time from 18 to 36 months that the TEA commissioner by rule shall allow for a charter holder to provide written notice of the establishment of a new open-enrollment charter school campus. Establishes that a charter holder may submit a request for approval for an expansion amendment up to 36 months before the date on which the expansion will be effective. Provides that such a request does not obligate the charter holder to complete the proposed expansion.

Earliest effective date: September 1, 2023

### **SB 2032 — Adult High School Charter Programs** **Creighton**

Expands adult high school charter programs by making for-profit entities eligible providers with conforming language throughout the statute and by increasing the number of charters the TEA commissioner may grant to no more than 10 (currently the commissioner is limited to grant no more than two adult high school charters in a calendar year or no more than six). Establishes new eligibility requirements for a provider to be: a nonprofit, a school district, a for-profit, or a general academic teaching institution, public junior college, or public technical institute; and

requires the entity or member of the entity's executive leadership to have a successful history of providing specified education services for adults.

Requires the TEA commissioner to accept applications during a 60-day period beginning September 1 of each year and to provide applicants with specific notices related to the application. Allows an entity to which a charter is granted to contract with a nonprofit entity that is eligible to operate an adult education program. Amends the timeline that the commissioner can revoke an adult charter for failing to meet minimum accountability standards for three consecutive years after the second year of operation (currently allowed after the first year of operation). Requires the commissioner to provide an eligible entity with funding not later than the 45<sup>th</sup> day after the date the charter is granted. Permits the commissioner in adopting rules to establish a maximum number of students who may be enrolled in an adult charter.

Repeals Education Code Section 12.255(e) that states a nonprofit entity granted an adult charter may not enroll more than 350 students during the first two years after the charter is granted.

Earliest effective date: Beginning with the 2023-2024 school year

## **CURRICULUM and INSTRUCTION**

### **HB 900 — Regulation of School Library Materials**

#### **Patterson**

Defines “sexually explicit material” in Education Code for public school library standards. Requires the Texas State Library and Archives Commission (TSLAC), in consultation with the SBOE to adopt voluntary standards for school library services, other than collection development.

Requires the TSLAC, with majority vote of the SBOE, to adopt standards for school library collection development that a school district must adhere to in its policies. Mandates the standards be reviewed at least once every five years and include a collection development policy that prohibits the possession, acquisition, and purchase of specified materials and recognizes other aspects related to library materials.

Defines “library materials vendor” and “sexually relevant material” associated with the regulation of certain library materials. Prohibits a vendor from selling materials to a school district or open-enrollment charter school unless the vendor has issued appropriate ratings regarding sexually explicit and relevant material sold to a district or campus. Establishes further requirements for library vendors, including a mandate that each vendor submit a list of specified materials to TEA not later than September 1 of each year. Requires TEA to post each list on its website.



Establishes rating guidelines for library material vendors in determining whether material is sexually explicit that includes performing a contextual analysis. Permits TEA to review library materials and provide written notice to a vendor under specified circumstances. Mandates the vendor respond not later than the 60<sup>th</sup> day of receipt of TEA's notice. Requires TEA to post on its website a list of vendors that are not in compliance and prohibits a district or charter from purchasing material from a vendor on the list. Permits the vendor to petition for removal from the list. Provides protection from liability for district and charter staff for any claim or damage resulting from a vendor's violation of these provisions.

Establishes parental consent for use of certain materials. Prohibits a district or charter school from allowing a student to reserve, check out, or otherwise use outside the school library, materials the vendor has rated as sexually relevant unless written consent is obtained from the student's parent or person standing in parental relation to the student.

Requires each district and charter school, not later than January 1 of every odd-numbered year, to: (1) review content of each material that is rated as sexually relevant by a vendor; (2) act according to its policy whether to retain the material in the school library catalog; and (3) either post a report in a conspicuous place on its website or provide physical copies of the report to the central administrative office.

Permits the TEA commissioner to adopt rules and to help districts and charter schools to comply with the provisions. Establishes implementation deadlines for the TSLAC and each library material vendor. Mandates that not later than January 1, 2025, each district and open-enrollment charter school conduct the initial content review and submit the initial report.

Earliest effective date: Beginning with the 2023-2024 school year

## **HB 1605 — Instructional Materials, Curriculum, Teacher Contracts, & Certification (see page 6)**

### **HB 2209 – Establishing the Rural Pathway Excellence Partnership Program**

#### **Lozano**

Creates the Rural Pathway Excellence Partnership (R-PEP) Program. Applies beginning with the 2023-24 school year. Provides that the commissioner will establish and administer the program to incentivize and support multidistrict, cross-sector, rural college and career pathway partnerships that expand opportunities for underserved students to succeed in school and life while promoting economic development in rural areas. The program must enable an eligible school district that has fewer than 1,600 students in ADA to partner with at least one other school district located within 100 miles to offer a broader array of robust college and career pathways.

Each partnership must: (1) offer college and career pathways that align with regional labor market projections for high-wage, high-demand careers; and (2) be managed by a coordinating

entity that has or will have at the time students are served by the partnership the capacity to effectively coordinate the partnership. The entity must enter into a performance agreement approved by the board of each partnering school district that confers on the coordinating entity the same authority with respect to the pathways offered under the partnership. Establishes requirements for the performance agreement.

Any eligible student enrolled in a partnering school district may participate in a college or career pathway offered through the partnership. Provides that students enrolled in the program are not considered for accountability purposes to have dropped out of high school or failed to complete the curriculum requirements for graduation until the sixth anniversary of the student's first day of high school.

Requires school districts seeking to enter into a performance agreement to notify the commissioner of the district's intent. The commission will establish procedures for a district to notify the commissioner, including establishing a period within which notification is required before the school year in which the agreement would be in effect, and to provide any additional information required by the commissioner.

Priority for these partnerships will be given to those in which participating school districts contract with a coordinating entity that has at least two years' experience or employs an executive officer with at least two years' experience managing college and career pathways under a performance contract.

Requires the commissioner to make grants available for use by the coordinating entity for a two-year period to assist with the associated planning, development, establishment, or expansion of partnerships under the program. Provides the commissioner rulemaking authority.

Creates the Rural Pathway Excellence Partnership (R-PEP) Allotment and Outcomes Bonus. Each full-time student in ADA in grades 9-12 in a college or career pathway offered through this partnership is entitled to an allotment equal to the Basic Allotment multiplied by: (1) 1.15 if the student is educationally disadvantaged; or (2) 1.11 if the student is not educationally disadvantaged.

For each annual graduate who obtains a postsecondary credential of value in excess of the minimum number of students for the cohort (as determined by the commissioner) the school district is entitled to an annual outcomes bonus of: (1) if the annual graduate is educationally disadvantaged, \$1,500; (2) if the annual graduate is not educationally disadvantaged, \$750; and (3) if the annual graduate is enrolled in a special education program, \$1,500, regardless of if they are educationally disadvantaged.

Requires 80% of funds allocated must be spent as provided in the budget adopted by the board of the coordinating entity. Limits the total amount of state funding for allotments under the outcome's bonuses to no more than \$5 million per year.

Effective date: Immediate

### **HB 4375 — Instruction in Use of Cardiopulmonary Resuscitation and Defibrillator**

**VanDeaver**

Amends Education Code related to instruction on cardiopulmonary resuscitation to also require instruction on automated external defibrillators.

Earliest effective date: Beginning with the 2023-2024 school year

### **SB 2124 — Advanced Math Program for Middle School Students**

**Creighton**

Requires each school district and open-enrollment charter school to develop an advanced mathematics program for middle school students that is designed to enable those students to enroll in Algebra I in eighth grade to increase the number of students who complete advanced mathematics courses in high school.

Mandates the district or school automatically enroll in an advanced mathematics course each sixth-grade student who performed in the top 40 percent on: (1) the fifth-grade mathematics STAAR; or (2) a local measure that includes the student's fifth-grade class ranking or a demonstrated proficiency in fifth-grade mathematics course work. Allows the parent or guardian of a student to opt out the student from automatic enrollment. Permits the TEA commissioner to adopt rules to implement these provisions.

Requires each school district and open-enrollment charter school to develop the middle school advanced mathematics program as soon as practicable after the effective date of this Act.

Earliest effective date: Immediate

### **SB 2304 — Texas Driving with Disability Program**

**Lamantia**

Requires each school district and open-enrollment charter school to provide information regarding the Texas Driving with Disability Program to: (1) students who have a health condition or disability that may impede effective communication with a peace officer and who receive special education services or are under Section 504; and (2) the parents of these students. Mandates the information on the program be provided to each student who is 16 years of age or older and annually until the earlier of the student's graduation from high school or 21<sup>st</sup> birthday.

Requires TEA to collaborate with the Department of Public Safety, the Texas Department of Motor Vehicles, and the Governor's Committee on People with Disabilities to develop the information materials. Mandates that the materials include information regarding a person's option to voluntarily list any health condition or disability that may impede the person's communication with a peace officer on the person's vehicle registration or applications for an

original driver's license. Allows the information to be provided with any transition planning materials.

Requires the Texas Commission of Licensing and Regulation to adopt rules not later than May 1, 2024, that requires that information relating to the Texas Driving with Disability Program be included in the curriculum of each driver education and driving safety course. Makes conforming language about the program throughout driver and safety Education Code.

Earliest effective date: Beginning with the 2023-2024 school year

## **ELECTIONS**

### **SB 1131 – Certain ISDs' Authority to Change General Election Date for Officers**

**Blanco**

Allows a school board in a county that borders the United States and Mexico border with a population of at least 450,000 but fewer than 870,000 that holds its general election on a date other than November to change the date to the November uniform election date. This law expires January 1, 2029.

Effective date: Immediate

## **EMPLOYEE MATTERS/BENEFITS/TRAINING**

### **HB 1605 — Instructional Materials, Curriculum, Teacher Contracts, & Certification (see page 6)**

### **HB 1789 – Nepotism in School Hiring of Bus Drivers**

**Buckley**

Exempts from nepotism prohibitions the appointment or employment of a bus driver by a school district whose board of trustees approves the appointment or employment. Applies only to the appointment or employment of a person by a school district on or after the effective date of this Act. A person who is appointed or employed by a school district prior to the effective date of this Act is governed by the law in effect at the time the person was appointed or employed, and the former law is continued in effect for that purpose.

Effective date: September 1, 2023

### **HB 2729 — Teacher Requirements for High Quality Pre-K**

**Harris, Cody**

Amends Education Code regarding pre-K teacher qualification options to include an associate or baccalaureate degree in early childhood education or a related field, or at least eight years' experience of teaching in a Texas Rising Star Program. Requires that each teacher of a pre-K

class provided by an entity contracted with the school district must be supervised by a person who meets specified criteria and have one of the following qualifications:

1. at least two years' experience of teaching in a nationally accredited childcare program or a Texas Rising Star Program; and
  - a. a Child Development Associate (CDA) credential or another credential approved by TEA; or
  - b. a certification offered through a Montessori training center or council, or;
2. other specified qualifications.

Permits a person who supervises a pre-K program provided by an entity contracted with the district to supervise multiple pre-K classes for listed reasons (e.g., to ensure programmatic compliance). Expires the bill's provisions regarding contracted pre-K teacher qualifications and supervision of those teachers on September 1, 2029. Requires a district or a contracted entity to attempt to maintain an average ratio in any pre-K class of not less than one "qualified" (vs. current law that calls for "certified") teacher or teacher's aide for each 11 students.

Earliest effective date: Beginning with the 2023-2024 school year

## **HB 2929 — Continuing Ed and Training for Teachers and Counselors**

### **Lozano**

Amends continuing education requirements for classroom teachers so that not more than 25 percent of the training required every five years include instruction on:

- collecting and analyzing information that will improve effectiveness in the classroom;
- recognizing early warning indicators that a student could be at risk of dropping out of school;
- digital learning, digital teaching, and integrating technology into classroom instruction;
- educating diverse student populations; and
- understanding appropriate relationships, boundaries, and communications between educators and students.

Mandates that training in these topics in excess of 25 percent of the hours of a classroom teacher's required training every five years be counted toward the teacher's overall training requirements.

Amends the continuing education requirements for counselors such that at least 25 percent of training required every five years include instruction on:

- assisting students in developing high school graduation plans;
- implementing dropout prevention strategies;
- informing students about college admissions and career opportunities;
- counseling students concerning mental health conditions and substance abuse; and
- effective implementation of a comprehensive school counseling program.

Earliest effective date: Beginning with the 2023-2024 school year

## **SB 1471 – TEA and Private School Access to Certain Criminal History Records**

### **Bettencourt**

Authorizes qualified private schools to access criminal history information related to an employee or an applicant for employment from the Texas Department of Public Safety or the Federal Bureau of Investigation.

Effective date: Immediate

## **INSTRUCTIONAL MATERIALS and TECHNOLOGY**

## **HB 18 – Protection of Minors from Harmful Digital Materials**

### **Slawson**

Creates the Securing Children Online through Parental Empowerment (SCOPE) Act, which is an omnibus bill relating to protecting minors from harmful, deceptive, or unfair trade practices in connection with the use of certain digital services and electronic devices, including the use and transfer of electronic devices to students by a public school. Applies beginning with the 2023-24 school year.

Defines “electronic device” as any device that can connect to a cellular network or the internet, including a computer, smartphone, or tablet. Internet filter is defined as a software application that can prevent an electronic device from accessing certain websites or displaying certain material online.

Requires TEA to adopt standards for permissible electronic devices and software applications used in school districts. In adopting the rules, TEA must: (1) minimize data collection on students through devices or software applications; (2) ensure direct and informed parental consent is required for student’s use of a software application, other than an application necessary for the administration of state assessments or tests related to college, career, or military readiness that are used to evaluate a school district’s performance by the state; (3) ensure software applications do not include mental health or other assessments unrelated to education curricula that are intended to collect information about students without direct and informed parental consent; (4) ensure parents have resources necessary to understand cybersecurity risks and online safety regarding their child’s use of electronic devices before the child uses an electronic device at the child’s school; (5) specify periods of time during which an electronic device transferred to a student must be deactivated in the interest of the student safety; (6) consider necessary adjustments by age level to the use of electronic devices in the classroom to foster development of students’ abilities regarding spending school time and completing assignments without the use of an electronic device; (7) consider appropriate restrictions on student access to social media websites or applications with an electronic devices transferred to a student by a district or school; (8) require a district, before using a social media application for an educational purpose, to determine that an alternative application that is more secure and provides the same educational functionality as the social media application is unavailable for that educational purpose; (9) consider the required use of

an internet filter capable of notifying appropriate school administrators, who are then required to notify the student's parent, if the student accesses inappropriate or concerning content or words (such as that/those related to self-harm, suicide, violence to others or illicit drugs); (10) assign to the appropriate officer of a district the duty to receive complaints or concerns regarding student use of electronic devices, including cybersecurity and online safety concerns, from district or school staff, other students or parents; and (11) provide methods a district may use to ensure an operator that contracts with the district complies with the statute.

Adds "electronic devices" to the requirement that school districts must follow before transferring data processing equipment to a student. Requires school districts to adopt rules establishing programs promoting parents as partners in cybersecurity and online safety that involves parents in students' use of transferred equipment or electronic devices. These rules must cover for the transfer of an electronic device to be used for an educational purpose and install an internet filter that blocks and prohibits pornographic or obscene materials or applications, including from unsolicited popups, installations, and downloads.

Effective date: Immediate

## **HB 1605 — Instructional Materials, Curriculum, Teacher Contracts, & Certification (see page 6)**

### **PARENTAL RIGHTS**

#### **HB 1959 — Transfer of Students Who Are Children of Peace Officers**

##### **Noble**

Requires school trustees or their designee to transfer a student to another district campus or to another school district under an agreement allowing transfers between adjoining districts or counties upon request of a peace officer who is a parent of or person standing in parental relation to the student. Does not mandate that a school district provide transportation to a student who transfers under these provisions.

Earliest effective date: Beginning with the 2023-2024 school year

#### **HB 2892 — Transfer of Students who are Children of Military Servicemembers**

##### **Buckley**

Defines "servicemember" to mean an active member of the U.S. armed forces, a reserve component of the armed forces, or the Texas National Guard. Requires board trustees or their designee, upon the request of a servicemember who is a parent to or standing in parental relation to a student, to transfer the student to another campus or district under an agreement allowing transfers between adjoining districts or counties. Requires the transfer be to the campus or school district selected by the servicemember making the request. Does not mandate that a school district provide transportation to a student who transfers under these provisions.

Earliest effective date: Beginning with the 2023-2024 school year

### **HB 3803 — Parent Election to Have Their Child Retake a Course or Repeat a Grade** **Cunningham**

Expands the grade levels to 1–8 (current law applies this option only to grades 1–3) that a parent or guardian may elect for their child to repeat the grade in which their child was enrolled during the previous school year.

Allows a parent or guardian to elect for their child to repeat any course taken for high school credit in which their child was enrolled in during the previous school year. Prohibits a parent or guardian from electing for their child to repeat a course if the school district or open-enrollment charter school determines the student has met all the requirements for graduation. Permits a parent or guardian to elect for their child to both repeat a grade and retake a course under these provisions.

Earliest effective date: Beginning with the 2023-2024 school year

## **SCHOOL CHOICE**

### **HB 1959 — Transfer of Students Who Are Children of Peace Officers (see page 36)**

### **HB 2892 — Transfer of Students who are Children of Military Servicemembers (see page 36)**

## **SCHOOL FINANCE/TAXATION**

### **HB 1 – State Appropriations bill**

#### **Bonnen**

Provides state appropriations for the 2024-25 biennium. Highlights from HB 1 include:

- \$321.3 billion in All Funds are up from \$303 billion in 2022-23 biennium (5.95% increase)
  - \$144.1 billion in General Revenue Funds up from \$130.4 billion (10.53% increase)
  - \$6.83 billion down from \$8.024.2 billion (14.84% decrease)
  - \$ 102.2 billion in Federal Funds down from \$117.3 billion (12.80% decrease)
  - \$68 billion up from \$47.5 billion in Other Funds (43.14% increase)
- Article III budget spending for K-12 public education increased from \$41.4 billion to \$50.4 billion (21.5% increase)

Major funding items for public education spending and property tax relief include:



- \$17.6 billion for property tax relief (SB 2, the enabling legislation, passed in 88<sup>th</sup> second called special session)
- Fully funds FSP under current law, including increases of \$3.2 billion for enrollment
- \$2.4 billion for increases in golden penny yield
- \$60 million for NIFA
- \$307 million for TIMA
- \$5 billion for public education pending enactment of other legislation
- \$1.4 billion for school safety (\$300 million in HB 1 and \$1.1 billion in SB 30), including grants to districts and charter schools and new state initiatives
- \$1.6 billion for one-time annuity payments for certain TRS retirees and \$3.4 billion for a COLA for certain retirees
- \$588.5 million to TRS to maintain health insurance premium increases below 10% each year for TRS-ActiveCare participants

Effective date: September 1, 2023

### **HB 3 — Armed Security Officer Required**

#### **Burrows**

Requires trustees to determine the appropriate number of armed security officers for each campus in the district. The board must ensure at least one armed security officers is present during regular school hours at each campus.

A security officer is defined as: (a) a school district peace officer; (b) a school resource officer; or (c) a commissioned peace officer employed as security personnel under TEC 37.081.

If a board is unable to comply, they may claim a good cause exception if the district's non-compliance is due to the availability of funding or personnel who qualify to serve as a security officer described above.

If a board claims a good cause exception, they must develop an alternative way to comply, which may include providing a person to act as a security officer who is a school marshal or a district employee, or a person whom the district contracts with and who carries a handgun and has completed school safety training provide by a qualified handgun instructor and is certified in school safety under the Texas Penal Code. Requires the board to develop and maintain documentation of the district's implementation and compliance with this law, including the good cause exception, and if requested by TEA, provide them the documentation.

Persons permitted to carry a firearm on campus are prohibited from performing routine law enforcement duties, unless the duty is performed in response to an emergency that poses a threat of death or serious bodily injury to a student, district employee, or others on the campus. This does not apply to a commissioned peace officer who is assigned law enforcement duties that are included in the campus and district documents describing the role of the peace officers in the district as required by law.

### Agency Monitoring of School District Safety and Security Requirements

Provides that TEA must monitor the implementation and operation of requirements related to school district safety and security, including school district Multihazard Emergency Operations Plans (MEOP) and safety and security audits. Requires TEA to establish an office of school safety and security within the agency that consists of individuals with substantial experience in school or law enforcement safety and security operations and oversight at the local, state, or federal level. They will coordinate the agency's monitoring of school district safety and security requirements. The director of this office is appointed by the governor, confirmed by the senate, and reports directly to the commissioner.

Requires TEA, in coordination with the Texas School Safety Center (TSSC) and local law enforcement agencies, to provide technical assistance to school districts to support the implementation and operation of safety and security requirements. TEA must conduct a detailed vulnerability assessment of each school district on a random basis once every four years. The assessment must: (1) assess facility access controls, emergency operations procedures, and other school safety requirements; and (2) to the greatest extent possible coincide with the safety and security audit under TEC 37.108.

Requires TEA to use a rubric developed by the office of school safety and security in collaboration with the TSSC to conduct a vulnerability assessment of school districts. Once an assessment is completed, TEA shall provide the superintendent and school safety and security committee a report on the results of the assessment that includes recommendations and required corrective action to address any deficiencies in campus security identified by the agency. Allows TEA to engage a third party as necessary to enable them to monitor the implementation and operation of the school safety and security requirements.

TEA may require a school district to submit information as necessary including: (1) notice of an event requiring a district's emergency response including the discovery of a firearm on campus and (2) information regarding the district's response and use of emergency operations procedures during the event.

Allows TEA to review school district records as needed to ensure compliance with school district safety and security requirements. Any document or information collected, identified, developed, or produced relating to the monitoring of a school districts safety and security requirements is confidential under Government Code 418.177 and 418.181 and not subject to disclosure under Chapter 552, Government Code.

### Regional School Safety Review Teams

The office of school safety and security (office) shall establish a school safety review team (team) in each education region of the state. Requires the team to annually conduct on-site general intruder detection audits of school district campuses in their region. The team must: (1) use a rubric developed by the office (in consultation with the TSSC); and (2) notify the superintendent of the school district where the campus will be audited seven days before the

date of the scheduled audit. The results and recommendations from the audit must be provided to the superintendent upon completion. Requires ESCs to provide necessary support to assist the region's team in conducting intruder detection audits. These reports are confidential and not subject to disclosure under Chapter 552, Government Code.

#### Assignment of Conservator for Noncompliance with School Safety and Security Requirements

Allows the commissioner to assign a conservator if a school district fails to: (1) submit to any required monitoring, assessment, or audit; (2) comply with applicable safety and security requirements; or (3) address in a reasonable time period (as determined by commissioner rule) issues raised by TEA's monitoring, assessment, or audit of the district. A conservator may exercise the powers and duties only to correct an identified failure.

#### Guidelines for Multihazard Emergency Operations Plan, Provisions for Individuals with Disabilities

Requires TEA to establish guidelines for the provisions in a school district's MEOP to ensure the safety of students and district personnel with disabilities or impairments during a disaster or emergency situation in consultation with: (1) TSSC; (2) ESCs; (3) public school educators who work with students with disabilities or impairments; and (4) advocacy groups representing students with disabilities or impairments. Requires school districts to follow these guidelines in adopting and implementing their MEOP.

#### Notification Regarding Violent Activity

Requires TEA to develop model standards for providing notice regarding violent activity that has occurred or is being investigated at a school campus, at another district facility, or at a district-sponsored activity to parents, guardians, and others standing in parental relation to students assigned to the campus, regularly use the facility, or are attending the activity. The standards must: (1) include electronic notifications through text messaging and email; (2) provide an option for real-time notification; and (3) protect student privacy. Requires school districts to adopt a policy for providing this notice.

Requires each district campus to establish a clear procedure for a student to report concerning behavior exhibited by another student for assessment by the team or other appropriate school employee. Materials and information provide to or produced by a team during a threat assessment of a student must be maintained in the student's school record until the student's 24<sup>th</sup> birthday.

#### Emergency Response Map and Walk-Through

Requires school districts to provide the Department of Public Safety (DPS) and all appropriate law enforcement agencies and emergency first responders: (1) an accurate map of each district campus and school building that is developed and documented in accordance with the standards related to developing site and floor plans, access control, and exterior door numbering; and (2) an opportunity to conduct a walk-through of each district campus and school building using the map.

School districts must submit their MEOPs to the TSSC not later than the 30<sup>th</sup> day after the date the center requests the submission. After a notification by the TSSC that the district has failed to submit the plan, the center must provide the school district with written notice stating the district must hold a public hearing.

#### Facilities Standards Review

TSSC must review facilities standards for instructional facilities at least once every five years related to any changes necessary to ensure the facilities standards and make recommendations to the commissioner that: (1) reflect best practices for improving school safety through the design and construction of school facilities; and (2) are consistent with standards adopted under Chapter 469, Government Code, regarding the elimination of architectural barriers.

In updating facilities standards, the commissioner must: (1) incorporate input from the center and stakeholders with relevant expertise regarding best practices for standards applicable to the design and construction of school facilities; and (2) ensure the standards are updated as necessary to ensure compliance with any changes to state law and local building codes.

#### Resources on Safe Firearm Storage

Requires the TSSC in consultation with DPS to provide each school district information and other resources regarding the safe storage of firearms for distribution by the school district, including information on: (1) the offense of Making a Firearm Accessible to a Child (46.13, Penal Code) and (2) ways in which parents and guardians can effectively prevent children from accessing firearms. Requires school districts to provide the information and resources to the parent or guardian of each student enrolled in the district.

#### Facilities Standards Compliance

School districts must ensure that each district facility complies with each school facilities standard, including performance standards and operational requirements, related to safety and security or by other law or agency rule. School districts must develop and maintain documentation of the district's implementation of and compliance with school safety and security facilities standards for each district facility, including a good cause exception claimed under TEC 37.353, and shall, if requested by TEA, provide that documentation to the agency. Requires school district to comply with all applicable state laws and rules relating to procurement for district purchases related to the facilities standards.

#### Good Cause Exception

If a school district is unable to bring a district facility into compliance with a school facilities standard, the district may claim a good cause exception from the requirement, including for a reason related to: (1) the age, physical design, or location of the noncompliant facility; (2) the projected remaining use or functional life of the noncompliant facility; (3) availability of funding; or (4) supply chain obstacles. School districts that claim a good cause exception must develop an alternative performance standard with which it can comply.

#### Funding for Facilities Standards Compliance

Allows the commissioner to authorize a school district to use money provided for the purpose of improving school safety and security, including the school safety allotment, to comply with these facilities standards' requirements. Funds appropriated in SB 30 from the 88<sup>th</sup> regular legislative session may also be used for this purpose. Provides the commissioner with rulemaking authority regarding school safety and security requirements that school districts must comply to receive funding or grant money available for the purpose of improving school safety and security.

#### Confidentiality

Any document or information collected, identified, developed, or produced relating to a safety or security requirement is confidential and not subject to disclosure under Chapter 552, Government Code. Provides commissioner with rulemaking authority related to this confidentiality.

#### School Visitors

Allows a school district to eject a person who refuses or fails to provide identification upon request, and it reasonably appears that the person has no legitimate reason to be on district property.

#### Use of Bond Proceeds for School Safety Compliance

The proceeds of bonds issued by a school district for the construction and equipment of school buildings in the district and the purchase of the necessary sites for school buildings may be used to pay the costs associated with complying with school safety and security requirements for school facilities.

Notwithstanding any other law, a school district not in compliance with safety and security requirements, must use bond proceeds to come into compliance with applicable safety and security requirements before the district may use those proceeds for any other authorized purpose. This applies only to school districts determined by TEA not to be in compliance with the law. Applies only to a bond authorized to be issued and election held on or after the effective date of this Act.

#### School Safety Allotment and Campus Funding

Increases the school safety allotment from \$9.72 to \$10. Provides an additional \$1 for each student in ADA per every \$50 increase to the BA that exceeds \$6,160 (prorated as needed). Each school district will receive \$15,000 per campus. This funding is effective September 1, 2023.

TEA may designate certain technologies that a school district may purchase only from a vendor approved by the agency if using funds from the school safety allotment. If TEA in coordination with the TSSC, determines that entering into a statewide contract with a vendor for technology would result in cost savings to school districts, the agency may, after approval from the Legislative Budget Board and office of the Governor, enter into a contract with a vendor to

provide the technology to each school district that uses these funds to purchase that technology.

TEA or the TSSC must establish and publish a directory of approved vendors of school safety technology and equipment a school district may select from when using the school safety allotment. If a school district uses the allotment to purchase technology or equipment from a vendor not on the list, they must solicit at least 3 bids before purchasing.

#### Confidentiality of iWatchTexas Community Reporting System Reports

All suspicious activity reports and school safety reports included in the iWatchTexas community reporting system are confidential and not subject to disclosure under Chapter 552, Government Code.

#### School Safety Meetings

The sheriff of a county with a total population of less than 350,000 in which a public school is located must call and conduct semiannual meetings to discuss: (1) school safety; (2) coordinated law enforcement response to school violence incidents; (3) law enforcement agency capabilities; (4) available resources; (5) emergency radio interoperability; (6) chain of command planning; and (7) other related subjects proposed by a person in attendance at the meeting. The sheriff of a county to which this applies where more than one public school is located is only required to hold one semiannual meeting. School districts located in the same county are not required to adopt the same school safety policies.

Requires the following person to attend a meeting: (1) the sheriff or the sheriff's designee; (2) the police chief of a municipal police department in the county or the chief's designee; (3) each elected constable in the county or their designee; (4) each police chief of a school district's police department or school district security coordinator from each school district located in the county; (5) a representative of DPS; (6) a representative of each other state agency with commissioned peace officers assigned to the county; (7) a person appointed to a command staff position at an emergency medical service in the county; (8) a person appointed to a command staff position at a municipal emergency medical service in the county; (9) a person appointed to a command staff position at a fire department in the county; (10) the superintendent or their designee of each school district located in the county; (11) the person who serves the function of superintendent or their designee in each charter school in the county; and (12) any other person the sheriff considers appropriate.

Requires the sheriff to invite any federal law enforcement official serving in the county to attend the meeting.

As soon as practicable after a meeting, the sheriff must submit a report to TSSC identifying the attendees of the meeting and subjects discussed. TSSC shall maintain the report and make it publicly available on the center's web site. TSSC may not make publicly available parts of a report that the center determines may expose a safety vulnerability of a school district facility.

Effective date of this section of the bill: September 1, 2023

## **HB 5 – Tax Agreements to Create Jobs and Generate Revenue**

### **Hunter**

Replaces 313 agreements, which expired in 2022. Excludes renewable energy projects like wind and solar from these new school district tax abatement agreements. Creates a mechanism in which a company would submit an application with an economic impact statement to a school district, which would then forward the application along with a school finance impact statement to the Office of the Texas Comptroller. The comptroller would review the information and make a recommendation to the district on whether to accept the offer or not. The school board would then need to take action to approve or disprove the offer but may only approve offers recommended for approval by the comptroller. HB 5 sets forth requirements for the number of jobs required by the project and the types of projects that are eligible for consideration. This subchapter expires December 31, 2033.

Effective date: January 1, 2024

## **HB 2209 – Establishing the Rural Pathway Excellence Partnership Program**

### **Lozano**

Creates the Rural Pathway Excellence Partnership (R-PEP) Program. Applies beginning with the 2023-24 school year. Provides that the commissioner will establish and administer the program to incentivize and support multidistrict, cross-sector, rural college and career pathway partnerships that expand opportunities for underserved students to succeed in school and life while promoting economic development in rural areas. The program must enable an eligible school district that has fewer than 1,600 students in ADA to partner with at least one other school district located within 100 miles to offer a broader array of robust college and career pathways.

Each partnership must: (1) offer college and career pathways that align with regional labor market projections for high-wage, high-demand careers; and (2) be managed by a coordinating entity that has or will have at the time students are served by the partnership the capacity to effectively coordinate the partnership. The entity must enter into a performance agreement approved by the board of each partnering school district that confers on the coordinating entity the same authority with respect to the pathways offered under the partnership. Establishes requirements for the performance agreement.

Any eligible student enrolled in a partnering school district may participate in a college or career pathway offered through the partnership. Provides that students enrolled in the program are not considered for accountability purposes to have dropped out of high school or failed to complete the curriculum requirements for graduation until the sixth anniversary of the student's first day of high school.

Requires school districts seeking to enter into a performance agreement to notify the commissioner of the district's intent. The commission will establish procedures for a district to notify the commissioner, including establishing a period within which notification is required before the school year in which the agreement would be in effect, and to provide any additional information required by the commissioner.

Priority for these partnerships will be given to those in which participating school districts contract with a coordinating entity that has at least two years' experience or employs an executive officer with at least two years' experience managing college and career pathways under a performance contract.

Requires the commissioner to make grants available for use by the coordinating entity for a two-year period to assist with the associated planning, development, establishment, or expansion of partnerships under the program. Provides the commissioner rulemaking authority.

Creates the Rural Pathway Excellence Partnership (R-PEP) Allotment and Outcomes Bonus. Each full-time student in ADA in grades 9-12 in a college or career pathway offered through this partnership is entitled to an allotment equal to the Basic Allotment multiplied by: (1) 1.15 if the student is educationally disadvantaged; or (2) 1.11 if the student is not educationally disadvantaged.

For each annual graduate who obtains a postsecondary credential of value in excess of the minimum number of students for the cohort (as determined by the commissioner) the school district is entitled to an annual outcomes bonus of: (1) if the annual graduate is educationally disadvantaged, \$1,500; (2) if the annual graduate is not educationally disadvantaged, \$750; and (3) if the annual graduate is enrolled in a special education program, \$1,500, regardless of if they are educationally disadvantaged.

Requires 80% of funds allocated must be spent as provided in the budget adopted by the board of the coordinating entity. Limits the total amount of state funding for allotments under the outcome's bonuses to no more than \$5 million per year.

Effective date: Immediate

### **HB 3708 – FSP Allotment for Non-Enrolled Student Participation in UIL Buckley**

Creates an allotment under the Foundation School Program for school districts that allow non-enrolled students to participate in UIL activities. Provides that school districts are entitled to an annual allotment of \$1,500 per league activity in which a non-enrolled student participates.

Effective date: September 1, 2023



## **HB 4456 – Calculation of No-New-Revenue M&O Rates for ISDs**

**Harris, Cody**

Clarifies that school districts are to calculate the “no-new-revenue tax rate” using the Education Code.

Effective date: January 1, 2024

## **SB 30 – Supplemental Appropriations bill**

**Huffman**

Provides \$1.1 billion in funding to TEA to assist school districts in implementing school safety initiatives and requirements. Reduces General Revenue Fund appropriations to TEA from the FSP by \$8.4 billion due to updated projections from the prior legislative session in 2021. The net savings to the state is primarily the result from increased property value growth, lower than anticipated ADA, and increased non-General Revenue Funds revenues.

Effective date: Immediate.

## **SB 2350 – Voter-Approval Tax Rate to Calculate Ad Valorem Tax**

**Bettencourt**

Provides that "voter-approval tax rate" is a taxing unit's voter-approval tax rate in the applicable preceding tax year, as adopted by the taxing unit during the applicable preceding tax year, less the unused increment rate for that preceding tax year.

Effective date: Immediate

## **SCHOOL SAFETY**

### **HB 3 — Armed Security Officer Required (see page 38)**

### **HB 473 — Parental Rights Regarding Student Threat Assessment**

**Hull**

Prohibits a student threat assessment team from conducting an assessment until they have notified the parent or person standing in parental relations to the student. Mandates the team provide an opportunity for the parent or person to participate in the assessment, either in person or remotely, and submit information on the student to the team.

Earliest effective date: Beginning with the 2023-2024 school year

### **HB 1760 — Possession of a Weapon in Schools or Higher Ed Institutions**

**Hefner**

Amends Penal Code regarding a person who commits an offense if the person brings certain prohibited weapons on the premises of a school or educational institution by adding

“postsecondary” to current references to an educational institution. Defines “postsecondary educational institution” to mean an institution of higher education or a private or independent institution of higher education. Defines “school” as an accredited primary or secondary school. Adds conforming language that reflect the definitions. Specifies that provisions apply to grounds or buildings owned or under the control of a school or postsecondary institution, or to a passenger transportation vehicle of either entity. Applies changes made by the bill only to an offense committed on or after the effective date.

Earliest effective date: September 1, 2023

### **HB 1905 — Permissible School Safety Training for Certain Private Providers**

#### **Talarico**

Defines “accredited private school,” “child-care facility,” and “organization providing out-of-school-time care” for the purposes of the bill. Permits a school district to make available, at no cost, school safety training courses, including active shooter training courses, to employees of accredited private schools located in the district, or employees of child-care facilities or other specified organizations that provide care to children younger than 18 years of age who reside in the district. Allows TEA to solicit and accept gifts, grants, and donations from any public or private source to pay the cost of offering a school safety course under these provisions.

Earliest effective date: September 1, 2023

### **HB 3623 – Memorandum understanding between schools**

#### **Hefner**

Authorizes a school marshal at one school to temporarily act as a school marshal at another school during an event at which both schools participate if the two schools have entered into a memorandum of understanding.

Effective date: Immediate

### **HB 4906 – Authority for Peace Officers to Obtain Certain Search Warrants**

#### **Hefner**

Amends the definition of “authorized peace officer” in the Code of Criminal Procedure to include school district peace officers, school resource officers, security personnel, and campus peace officers.

Effective date: September 1, 2023

### **SB 30 – Supplemental Appropriations bill (see page 46)**

### **SB 133 — Prohibition of Physical Restraint, Chemical Irritants or TASERS**

#### **West**

Prohibits a peace officer performing law enforcement duties or school security personnel performing security related duties on school property or at a school-sponsored or school-related activity from restraining or using a chemical irritant spray or TASER on a student enrolled in grade 5 or below unless the student poses a serious risk of harm to the student or another person.

Earliest effective date: Immediate

## **SB 629 — Opioid Antagonists**

### **Menendez**

#### Policy

Requires each school district to adopt and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists at each campus that serves students in grades 6–12. Permits a school district to adopt the same policy for campuses serving students in grades K–5. Permits an open-enrollment charter school or private school to adopt similar policy. Mandates provisions that the policy must include.

#### Rules

Requires the executive commissioner of Health and Human Services, in consultation with the TEA commissioner, to jointly adopt rules that establish the process for checking the inventory of opioid antagonists, the amount of training needed to administer an antagonist, and any other rules necessary to implement this legislation. Mandates the rules be adopted not later than November 1, 2023.

#### Report

Requires, not later than the 10<sup>th</sup> business day after the date a school staff member or volunteer administers an antagonist, to report specified information to: the school district, charter holder, or governing body of a private school; the prescribing physician; and the commissioner of state health services.

#### Training

Requires each school district, open-enrollment charter school, and private school that adopts a policy or is responsible for training school personnel and volunteers in the administration of an opioid antagonist to provide training that: includes specified information; is provided in a formal training session or online; and is provided in accordance with adopted policy. Requires each entity to maintain records on the training.

#### Prescription of Opioid Antagonists

Permits a physician or person who has been delegated prescriptive authority to prescribe antagonists in the name of the district, open-enrollment charter school, or private school and to provide a standing order for the administration of the antagonist to a person reasonably believed to be experiencing an opioid-related drug overdose. Does not require the standing order to be patient-specific and may be administered without a previously established

physician-patient relationship. Outlines other provisions related to the prescription and dispensing of opioid antagonists.

#### Gifts, Grants, Donations

Permits a district, open-enrollment charter, or private school to accept gifts, grants, donations, and federal and local funds to implement the provisions of this law.

#### Immunity from Liability

Establishes that a person who in good faith takes or fails to take any action is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including specified actions. Provides additional information regarding immunity, liability, and cause of action under this law.

Earliest effective date: Immediate

\*Notwithstanding the effective date, a school district is not required to comply with this Act before January 1, 2024.

### **SB 838 — Silent Panic Alert Technology**

#### **Creighton**

Requires each school district and open-enrollment charter school to provide each classroom with silent panic alert technology that allows for immediate contact with district or school emergency services and agencies, law enforcement, health departments, and fire departments. Establishes that silent panic alert technology does not satisfy the requirement for a district or school to ensure employees have classroom access to a telephone or another electronic communication device. Permits a district or charter to use School Safety Allotment funds or other available funds and use the customary procurement process to comply with these requirements.

Earliest effective date: Beginning with the 2025-2026 school year

### **SB 999 — Requirements for Providers of Active Shooter Training**

#### **West**

Prohibits a school district or institution of higher education (IHE) from contracting for the provision of active shooter response training unless the provider is certified by the Texas Commission on Law Enforcement (CLE) to provide the training. Prohibits an individual or legal entity from providing active shooter training to peace officers of students or employees at a public primary or secondary school or IHE unless: (1) the individual is certified by the CLE; and (2) if provided by a legal entity, both the entity and individual providing the instruction on behalf of the entity are certified by the CLE.

Requires not later than September 1, 2024, the CLE to establish a certification program for providers of active shooter training, including for individuals and legal entities, and to issue a

certificate to a provider who meets the established qualifications. Mandates the CLE adopt rules for the renewal of a certificate. Permits the CLE to require continuing education for certificate renewal.

Earliest effective date: September 1, 2023

### **SB 1720 — Confidentiality of Reports to Campus Threat Assessment Team**

#### **Kolkhorst**

Amends Education Code pertaining to reports to a threat assessment and safe and supportive school team by requiring that a district employee who reports a potential threat to the team to elect that the employee's identity be confidential and not subject to disclosure except as necessary for the team, district, or law enforcement to investigate the potential threat. Requires the district to maintain a record of the identity of a district employee who elects for confidential identity.

Earliest effective date: Beginning with the 2023-2024 school year

### **SB 1893 – Prohibition of Social Media Applications and Services on Certain Devices**

#### **Birdwell**

Requires the Texas Department of Information Resources (DIR) and the Texas Department of Public Safety (DPS) to jointly identify social media applications or services that pose a risk to this state. Requires the DIR to annually submit a list of applications and services to the governor, publish the list on its website, and make periodic updates to the list.

Requires governmental entities to adopt a policy prohibiting the installation or use of a covered application on any device owned or operated by the entity and requires the removal of the applications from those devices. DIR and DPS must jointly develop a model policy for governmental entities to use in developing their policies.

Governmental entities must adopt this policy no later than the 60<sup>th</sup> day after DIR and DPS make available the model policy.

Effective date: Immediate

## **SPECIAL POPULATIONS**

### **HB 1615 — Increasing Availability of Child-Care and Pre-K Partnerships**

#### **Button**

Requires the Texas Workforce Commission (TWC) to establish and administer a pre-K partnership program to assist eligible child-care providers in partnering with local school districts and open-enrollment charter schools to provide pre-K classes. Mandates the TWC work with TEA using existing funds to develop joint strategies to expand availability of partnership

programs. Requires the TWC to establish and administer, with appropriated funds, a professional development scholarship program for current and prospective child-care workers. Establishes how the scholarship funds can be used.

Earliest effective date: September 1, 2023

### **HB 1819 — Repeal of Juvenile Curfews**

#### **Cook**

Amends Local Government Code to prohibit a political subdivision from adopting or enforcing an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age. Does not apply the prohibition to a curfew implemented for purposes of emergency management.

Earliest effective date: September 1, 2023

### **HB 1926 — Repeal of Supplemental Special Ed Services Program Expiration Date**

#### **Hull**

Requires the TEA commissioner to set aside an amount established by appropriation for the Supplemental Special Education Services Program. Repeals the expiration date of the program.

Earliest effective date: September 1, 2023

### **HB 2729 — Teacher Requirements for High Quality Pre-K (see page 33)**

### **SB 1647 — Dropout Recovery Programs**

#### **Parker**

Amends Education Code pertaining to dropout recovery to allow a school district or open-enrollment charter school to use an “education management organization” to provide alternative programs for at-risk students. Permits the program to be offered in person at a campus, remotely, or through a hybrid of in-person and remote instruction. Adds conforming language for in-person and remote or hybrid programs throughout associated provisions. Requires the recovery program to: (1) be operated by an entity accredited by the agency or a regional accrediting agency; (2) offer or provide referrals for mental health services to students; and (3) not market directly to students enrolled in a traditional education program.

Limits a district or charter to operating only one campus-based dropout recovery program for all students in the district or school. Permits referral to the program if an administrator or counselor determines that enrollment could prevent a student from dropping out of school. Requires annual internet postings of a report on measurable outcomes for each dropout recovery program offered, and mandates the report include percentages of students who attained specified outcomes.

Requires the TEA commissioner to include in the computation of ADA a student who successfully completes a course offered through a program and specifies how the commissioner shall include a student who successfully completes a remote course offered through the program in ADA. Permits an entity that operates a program under these provisions to administer a state assessment instrument on any date selected by the entity that falls within a testing window established by the SBOE.

Earliest effective date: Beginning with the 2023-2024 school year

## **HB 2304 — Texas Driving with Disability Program (see page 32)**

## **STUDENT HEALTH**

### **HB 63 — Reports of Child Abuse or Neglect**

#### **Swanson**

Adds to Family Code the information an individual is required to include when making a report of abuse or neglect to identify, if known:

- the facts that caused the individual to believe a child had been abused or neglected and the source of the information;
- the individual's name and telephone number; and
- the individual's home address or, if the individual is a certain professional, the individual's business address and profession.

Requires a representative of the Department of Family and Protective Services (DFPS) who receives a report from an individual using the DFPS child abuse or neglect hotline and is unwilling to provide their name and telephone number, to notify the individual that:

- the DFPS is not authorized to accept an anonymous report of abuse or neglect;
- the individual may report the abuse or neglect by making a report to any local or state law enforcement agency; and
- the identity of an individual making a report is confidential and may be disclosed under court order under certain circumstances or to a law enforcement officer for the purposes of conducting a criminal investigation.

Mandates the DFPS representative or other person receiving a report of child abuse or neglect use best efforts to obtain the required information. Requires the DFPS representative or other person to make an audio recording of a report made orally and to notify the individual that the call is being recorded and that making a false report is a criminal offense punishable as a state-jail or third-degree felony. Allows a DFPS employee to have access to the identity of the person making a report of alleged or suspected abuse under specified circumstances and requires the DFPS to adopt rules for those circumstances.

Requires a local or state law enforcement agency to conduct a preliminary investigation if an individual makes an anonymous report of child abuse or neglect by a person responsible for the child's care, custody, or welfare and the agency refers the report to the DFPS. Mandates that a

DFPS representative must not take legal action until they have provided to a parent or other person having legal custody of a child who is under investigation: information regarding the representative's identity; a summary of information regarding the report; and a reasonable amount of time to read or review the information.

Earliest effective date: September 1, 2023

### **HB 1297 – Vision Screenings for Public or Private School Students**

**Dutton**

Allows school districts to use computerized visual screening and electronic eye charts to screen for vision disorders or to assess visual acuity.

Effective date: September 1, 2023

### **HB 3144 – October as Fentanyl Poisoning Awareness Month**

**Lujan**

Provides that October is Fentanyl Awareness Month to increase awareness of the dangers of fentanyl and potential overdoses.

Effective date: September 1, 2023

### **HB 3908 — Fentanyl Abuse Prevention and Drug Poisoning Awareness Education**

**Wilson**

Establishes this Act as Tucker's Law. Amends SHAC duties to include recommendations at appropriate grade levels for instruction on opioid addiction and abuse, including addiction to and abuse of synthetic opioids such as fentanyl. Establishes a Fentanyl Poisoning Awareness Week to be designated by the governor. Requires each school district to annually provide research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6–12. Mandates what the instruction content must include and establishes the entities who may provide the instruction. Allows the instruction to satisfy a requirement that a school district implement a substance abuse and intervention program under Education Code Section 38.351.

Earliest effective date: Beginning with the 2023-2024 school year

### **HB 3991 — Texas Fruit and Vegetable Day (see page 18)**

### **SB 29 - Prohibition of Government Mandates for Masks, Vaccines, or School Closures (see page 19)**

### **SB 294 – Use of Respiratory Distress Medication in Public and Private Schools**

**Johnson, Nathan**



School districts may adopt a policy regarding the maintenance, administration, and disposal of medication. Allows school employees and volunteers who are authorized and trained to administer medications for respiratory distress on a school campus or at a school-sponsored or related activity on or off school property. School districts that adopt this policy are not required to purchase medication for repository distress. Medications for respiratory distress include albuterol, levalbuterol, or other medications designated by the Health and Human Services Commission. Provides immunity for dispensing this medication.

If this medication is administered to a student whose parent or guardian has not notified the district that the student has been diagnosed with asthma, the school must refer the student to the student's primary care provider on the day the medication for respiratory distress is administered and inform the student's parent or guardian regarding the referral. The referral must include: (1) the symptoms of respiratory distress observed; (2) the name of the medication administered to the students; and (3) any patient care instructions given to the student.

If the student does not have a primary care provider or the parent or guardian has not engaged a primary care provider for the student, the student's parent or guardian must receive information to assist them in selecting a primary care provider for the student.

Requires school districts that adopt this policy to have at each campus at least one or more school employees or volunteers who are authorized and trained to administer the medication for respiratory distress to be present during regular school hours. Prohibits any school employee or volunteer from being subject to any penalty or disciplinary action for refusing to administer or receive training to administer epinephrine injectors or medication for respiratory distress. Requires that respiratory distress medication be stored in a secure location and only be easily accessible to authorized employees and volunteers.

Not later than the 10<sup>th</sup> business day after the date a school employee or volunteer administered respiratory medication, the school must report the information to the school district, the doctor or other person who prescribed the medication, and the commissioner of state health services. The report must include: (1) the age of the person who received the medication; (2) whether the recipient of the medication was a student, employee, volunteer, or a visitor; (3) the dosage; (4) the title of the person administering the medication; and (5) any other information required by the commissioner of education.

School districts that adopt a policy for administering respiratory distress medication must provide training on: (1) recognizing the signs and symptoms of respiratory distress, (2) administering medication for the distress; (3) implementing emergency procedures, if necessary, after administering the medication; and (4) proper sanitization, reuse, and disposal of the medication.

School districts that adopt a policy for the administration of an epinephrine auto-injector must provide training and include information on: (1) recognizing the signs and symptoms of

anaphylaxis, administering an epinephrine auto-injector; (3) implementing emergency procedures, if necessary, after administering the injector; and (4) properly disposing of used or expired epinephrine auto-injectors.

Effective date: Immediate

## **SB 1506 – ISD Seizure Management and Treatment Plan for Students**

### **Hughes**

Requires TEA to adopt and post on the agency’s website a form to be used in submitting a seizure management and treatment plan. The form must request the following information: (1) the student’s name and date of birth; (2) the names and contact information of the student’s parent or guardian, the physician who oversees the student’s seizure treatment and at least one other emergency contact; (3) any medical history significant to the student’s seizure disorder; (4) the type, length, and frequency of the student’s seizures; (5) a description of each type of seizure the student has experienced; (6) the student’s seizure triggers or warning signs; (7) the student’s ability to manage seizures and the student’s level of understanding of the seizures; (8) the student’s response after a seizure; (9) the basic first aid to be provided to the student during the seizure, including whether the student needs to leave the classroom after a seizure and the process for the student’s return to the classroom, if applicable; (10) a description of what constitutes a seizure emergency for the student; (11) a description of seizure emergency protocol for district personnel to follow in the event of a seizure emergency for the student; (12) a treatment protocol for any medications or other procedures to be administered by district personnel to the student during school hours, including each daily or emergency medication with the name and dosage information along with listing the common side effects and any special instructions for the medication, and whether the student has a vagus nerve stimulator, and if so the appropriate magnet use for the stimulator; (13) any special considerations or precautions applicable to the student; and (14) the signatures of the student’s parent or guardian and the physician responsible for the student’s seizure treatment.

Requires TEA to adopt and post the required form by December 1, 2023. The change in law made by this act applies only to a seizure management and treatment plan submitted to a school district on or after January 1, 2024.

Effective date: Immediate

## **TEACHER RETIREMENT SYSTEM**

### **HB 4520 - Employment and Retirement Consequences for Certain Educators (see page 26)**

### **SB 10 — Certain Benefits Paid by TRS (Enabling Legislation for HJR 2)**

#### **Huffman**

Provides two benefit enhancements for eligible retirees, beneficiaries, and alternative payees who receive monthly annuity payments from TRS. One enhancement is a one-time stipend for eligible annuitants who are 70 years of age by August 31, 2023. The second enhancement is a cost-of-living increase (COLA) for annuitants who retired on or before August 31, 2020. HJR 2 proposes a constitutional amendment authorizing the legislature to provide the COLA.

Effective date: This Act takes effect immediately, except Section 1 takes effect January 1, 2024, but only if HJR 2 (Bonnen) is approved by the voters in November of 2023.

### **SB 1854 – Optional Group Benefits for Dental and Vision Care**

#### **Paxton**

Requires TRS to establish or contract for and make available an optional benefit program for vision and dental under the group program for retirees, dependents, surviving spouses, and surviving dependent children.

Effective date: September 1, 2023

## **UIL/EXTRA CURRICULAR PROGRAMS**

### **HB 699 – Campus Enrollment when Allowing Non-Enrolled Student Participation in UIL**

#### **Frank**

When assigning league classification to a school district based on student enrollment, the UIL must use the same student enrollment classification formula for a school that allows a non-enrolled student to participate in a UIL activity as the formula used to determine the student enrollment of a school that prohibits non-enrolled students to participate in UIL activities. Applies beginning with the 2023-24 school year.

Effective date: Immediate

### **HB 1002 – Membership of School Concussion Oversight Team**

#### **Price**

Allows school districts to include a licensed chiropractor or physical therapist to serve on the concussion oversight team. Allows physical therapists to be included in the list of those with authority to remove a student from practice or competition if they believe the student may have sustained a concussion.

Effective date: Immediate

### **HB 2484 – Safety of Referee, Judge, and Other Officials at Extracurricular Activities**

#### **Guillen**

Requires school districts to prohibit spectators of an extracurricular athletic event, including a parent or guardian of a student participant, from attending future extracurricular activities or

competition by the school district or UIL if the spectator engages in conduct that intentionally, knowingly, or recklessly causes bodily injury to a person serving as a referee, judge, or other official in retaliation for or as a result of the person performing their duties as a referee, judge, or other official. Allows school districts to establish an appeals process by which a person may appeal to the district imposing a prohibition. Provides that the prohibition must be for at least one year after the date on which the prohibition was opposed but may not exceed five years.

Requires school districts and charter schools to provide a peace officer, school resource officer, administrator, or security personnel at each extracurricular athletic or UIL competition on school district property to ensure the safety of a referee, judge, or other official until the official departs the district or school property. Applies beginning with the 2023-24 school year.

Effective date: Immediate

### **HB 3708 – FSP Allotment for Non-Enrolled Student Participation in UIL (see page 45)**

## **88<sup>th</sup> 2<sup>nd</sup> CALLED SPECIAL SESSION BILLS**

### **SBs 2 & 3 – Property Tax Relief**

#### **Bettencourt**

Governor Abbott called the 2<sup>nd</sup> Special Session to begin on June 27, 2023. The special session was limited to only bills related to property tax relief.

**Kevin Brown, Executive Director**  
**Amy Beneski, Deputy Executive Director, Governmental Relations**  
**Casey McCreary, Associate Executive Director, Education Policy**



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