



# Legislative Update

Public Education Passed Bills of Interest - June 21, 2021

The Texas Legislature adjourned on May 31, ending the 87<sup>th</sup> Legislative Session. For bills passed by both the House and the Senate, the Governor had until June 20 to sign, veto, or allow bills to become law without signature.

**Bills in maroon indicate those effective immediately.**

## Quick Reference

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## Curriculum & School Operations

### ACCOUNTABILITY & ASSESSMENT

#### **HB 1525 – Huberty - HB 3 Cleanup Bill** *(additional summaries located in other categories)*

- Allows students to demonstrate college readiness if the student earns an associate degree from a postsecondary educational institution while in high school or during a time period established by commissioner rule, as an alternative to enrolling in a postsecondary educational institution.
- Creates the designation of resource campus and sets requirements for eligibility to be designated, including that the campus have received an overall performance rating of “F” for four years over a ten-year period of time.
- Passed House 4.22.21; Passed Senate 5.26.21; Signed Governor 6.16.21.
- Effective September 1, 2021.

#### **HB 4545 - Dutton – Assessments, Grade Promotion, and Accelerated Learning Committee**

- Removes statutory requirements that students in grades 5 and 8 pass their required reading and math exams for promotion to the next grade and instead requires schools to place students who

fail in accelerated learning or instruction programs for at least 30 hours during summer or in addition to normal instruction and in group of no more than 3 students to a teacher.

- Districts must establish a process allowing parents of students failing STAAR exams to request a particular teacher for the subsequent school year.
- Replaces grade placement committees with the accelerated learning committee.
- Requires that the superintendent/designee meet with the accelerate learning committee if a student fails to perform in the subject for a second year.
- Establishes a “strong foundations grant program” for K-5 campuses to assist districts with paying for accelerated instruction as required by the bill.
- Eliminates the requirement that TEA develop postsecondary readiness assessment for Algebra II and English III.
- Passed House 5.13.21; Passed Senate 5.27.21; Signed by Governor 6.16.21.
- Effective immediately (June 16, 2021).

#### **HB 773 – VanDeaver – CTE Accountability Indicator**

- Adds an indicator into the school accountability system for students who successfully complete a program of study in career and technical education.
- Applies beginning with the 2021-22 school year.
- Passed House 4.15.21; Passed Senate 5.14.21; Signed by Governor 5.28.21.
- Effective immediately (May 28, 2021).

#### **SB 879 – Lucio – Dropout Recovery Programs in Accountability System**

- Relating to the qualifications for designation as a dropout recovery school.
- Creates new criteria for dropout recovery programs in the alternative accountability system; a program with at least 60% students age 16 or older is a dropout recovery program.
- Commissioner can create other criteria by which a program can be considered a dropout recovery school.
- Passed by Senate 4.29.21; Passed by House 5.8.21; Signed by Governor 5.24.21.
- Effective immediately (May 24, 2021).

#### **HB 3261 - Huberty – Electronic Administration of Assessments & TIMA**

- Revises and enhances provisions relating to establishing online statewide assessments.
- Requires that STAAR, end-of-course and LEP/Spanish statewide assessments be administered electronically by 2023-24.
- Allows funds from the TIMA to be used to purchase services, equipment and technology infrastructure necessary to ensure internet connectivity and adequate bandwidth as well as to pay for training personnel in the electronic administration of assessment instruments.
- Requires Commissioner to biannually assess technology needs and provide a cost estimate to the SBOE.
- SBOE is limited to issuing proclamations for instructional materials that are capped at 75% of the total amount used to fund the allotment, thereby leaving at least 25% of funds that could be used for technology.
- Requires districts to purchase technology that meets the varying needs of students and teachers and consider the long-term costs and flexibility.
- Creates a matching grant program to ensure that all districts and charters have the necessary infrastructure to administer assessment instruments electronically.

- Allows districts/charters to request to administer an assessment on the first instructional day of the week if using a different day would result in a significant administrative burden due to specific local conditions.
- Passed by House 5.10.21; Passed by Senate 5.22.21; Signed by Governor 6.18.21.
- Except for the 2023-24 date for electronic testing, Effective immediately.

#### **HB 1147 – Huberty – Texas National Guard and CCMR Bonus**

- Relating to military readiness for purposes of the college, career, or military readiness outcomes bonus under the Foundation School Program.
- Adds students who enlist in the Texas National Guard to the definition of military readiness, which is part of the College, Career, and Military Readiness Outcomes Bonus authorized last session.
- Passed House 4.9.21; Passed Senate 5.13.21; Signed by Governor 6.3.21.
- Effective September 1, 2021.

#### **SB 1365 – Bettencourt – Accountability System, Commissioner, and Due Process**

- Relating to public school organization, accountability, and fiscal management.
- Revises accountability system to address schools with failing campuses.
- Clarifies how “D” and “F” school ratings factor into accountability ratings over time.
- Allows D accountability ratings to be reported as “Needs Improvement,” with three consecutive ratings triggering the same sanctions as a campus with an F rating.
- Allows for optional performance review for campuses with D & F ratings in 2020-21.
- Provides for campuses to receive ratings of A, B, C, and Not Rated in 2021-22
- Establishes procedures to ensure fairness for districts during TEA investigations.
- Authorizes districts to know the identity of TEA witnesses and gives districts access to all evidence.
- Authorizes districts to have a full hearing for TEA sanctions.
- Gives districts appeal authority over commissioner decisions.
- Passed Senate 5.5.21; Passed House 5.26.21; Signed by Governor 6.18.21.
- Effective September 1, 2021.

## **CURRICULUM**

#### **SB 348 - Kolkhorst – Parent Access to Teaching Materials**

- Relating to parental access to public school virtual instruction and instructional materials for virtual and remote learning.
- Provides that parents are entitled to review teaching materials including while their child is participating in virtual or remote learning.
- Parents may also observe virtual instruction to the same extent the parent would be entitled to observe in-person instruction.
- Passed Senate 5.5.21; Passed House 5.26.21; Signed by Governor 6.14.21.
- Effective immediately (6.14.21).

#### **HB 2681 – Wilson – Bible Elective**

- Expands the current law allowing districts to offer electives on the Old and New Testaments from 9th grade or above to 6th grade or above.
- Requires that the teacher hold a certificate that qualifies the teacher to teach at that grade level.

- Applies beginning with the 2021-22 school year.
- Passed House 5.16.21; Passed Senate 5.27.21; Signed by Governor 6.15.21.
- Effective immediately.

#### **HB 4509 – Bonnen – Civics Curriculum**

- Adds provisions regarding “informed American patriotism” to the formal objectives of education laid out in state law.
- Requires the SBOE to adopt TEKS that develop students' civic knowledge, including the foundations of the American experiment in self-government, the history and traditions of civics in the US; the structure, function and process of government institutions at the federal, state, and local levels; and an understanding of the Founding documents of the US.
- See bill for list of specified instruction, but includes Declaration of Independence, Constitution, Federalist Papers, excerpts from de Toqueville’s Democracy in America, the first Lincoln-Douglas debate, the founding fathers’ writings, Frederick Douglass’s speeches “The Meaning of July Fourth for the Negro” and “What the Black Man Wants”, and Martin Luther King Jr.’s “I Have a Dream” speech.
- Passed House 5.14.21; Passed Senate 5.27.21; Signed by Governor 6.18.21.
- Effective immediately (6.18.21).

#### **SB 1063 – Alvarado – Personal Financial Literacy**

- Adds a half credit in personal financial literacy and economics as an option to the currently required half credit in economics.
- The course must consist of 2/3 personal financial literacy and 1/3 economics.
- Passed Senate 4.19.21; Passed House 5.26.21; Signed by Governor 6.8.21.
- Effective immediately (6.8.21); Applies beginning with the 2022-23 school year.

#### **SB 123 – Johnson – Personal Skills and TEKS**

- Adds “personal skills” to statutes involving the integration of positive character traits into the K-12 TEKS; includes self-management skills, interpersonal skills, and responsible decision-making skills.
- Applies beginning with the 2022-23 school year.
- Passed Senate 5.5.21; Passed House 5.26.21; Signed by Governor 6.14.21.
- Effective September 1, 2021.

#### **SB 801 – Kolkhorst – Elementary Ag Education**

- Requires TEA to develop an agriculture education program for elementary school students in coordination with the Department of Agriculture and relevant nonprofit organizations.
- TEA will develop a list of agriculture education programs to be used as curriculum for elementary students.
- Takes effect Sept. 1, 2021.
- Passed Senate 4.23.21; Passed House 5.26.21; Signed by Governor 6.14.21.
- Effective September 1, 2021.

#### **HB 3979 – Toth – Civics Curriculum “Anti-Critical Race Theory”**

- Prohibits the teaching of critical race theory, though this term is not used in the bill.
- Provides that teachers cannot be required to discuss a particular current event or currently controversial topic.

- Requires that a teacher who does choose to discuss such a topic must make an effort to explore the topic from diverse perspectives, without giving deference to any one perspective.
- Prohibits school districts and teachers from requiring or awarding course credit for a student's political activism or participation in an internship, practicum, or activity involving social or public policy advocacy.
- Prohibits a school district employee from being required to attend certain types of training - including any that presents any form of race or sex stereotyping or blame on the basis of race or sex.
- Prohibits schools from accepting private funding for the purpose of developing, purchasing or selecting curriculum or provide teacher training for such a course that presents any form of race or sex stereotyping or blame.
- Passed by House 5.11.21; Passed by Senate 5.22.21; Signed by Governor 6.15.21.
- Effective September 1, 2021.

#### **HB 2497 – Parker – Patriotic Education “1836 Project”**

- Creates the “1836 Project”, an advisory committee to promote patriotic education throughout the state and increase awareness of Texas values.
- Committee is composed of nine members intended to reflect the state’s diversity, with three members each appointed by the governor, lieutenant governor, and House speaker.
- Committee’s responsibilities are directed at educating citizens through information provided at state parks, monuments, museums, etc.
- Committee is tasked with facilitating the development of the Gubernatorial 1836 Award to recognize student knowledge of Texas Independence.
- TEA must provide funding and administrative support for the project, including for pamphlets provided to DPS explaining policy decisions made to promote liberty and freedom for businesses and families, to be given to all persons receiving a driver’s license.
- Passed by House 5.5.21; Passed by Senate 5.26.21; Signed by Governor 6.16.21.
- Effective September 1, 2021.

#### **PRE-KINDERGARTEN**

##### **HB 725 – Patterson –Prekindergarten Eligibility for Foster Students**

- Relating to the eligibility of certain children who are or were in foster care for free prekindergarten programs in public schools.
- Adds children who were in foster care in another state to be eligible for prekindergarten in Texas.
- Applies beginning with the 2021-22 school year.
- Passed by House 4.1.21; Passed Senate 5.19.21; Signed by Governor 6.4.21.
- Takes effect immediately (6.4.21)

##### **HB 1525 – Huberty - HB 3 Cleanup Bill** *(additional summaries located in other categories)*

- Adjusts the requirement that a district solicit partnerships for PreK prior to requesting a waiver from the requirement of offering a full-day PreK program to require solicitation in accordance with guidance provided by the TEA.
- Passed House 4.22.21; Passed Senate 5.26.21; Signed Governor 6.16.21.
- Effective September 1, 2021.

##### **SB 2081 – Menendez – Pre-Kindergarten Class Size Limits**

- Relating to class size limits for prekindergarten classes provided by or on behalf of public schools.
- Prohibits enrolling more than 22 students in a prekindergarten class (applies same class size limits for K-4 to PK).
- Effective for the 2021-22 school year.
- Passed Senate 5.12.21; Passed House 5.26.21; Signed by Governor 6.18.21.
- Effective September 1, 2021.

## **SCHOOL OPERATIONS**

### **SB 1697 – Paxton – Parent Option to Retain**

- Relating to allowing parents and guardians to elect for a student to repeat or retake a course or grade.
- Allows a parent to make the decision on retaining their child in the grade they just completed after meeting with a committee of educators at the child’s school.
- For grades 4-12, this bill would apply only to students who repeat courses from the 2020-21 school year during the 2021-22 school year and for students who otherwise enroll during the 2021-22 school year.
- Allows for parents to opt for their student to repeat PreK; enroll in PreK if the student would have been eligible the previous year and is not yet in kindergarten; repeat kindergarten; enroll in kindergarten if the student would have been eligible the previous year and is not yet in first grade; or for grades 1-3, repeat the previous year’s grade.
- Allows parents to opt for their student in grades 4-8 to repeat the previous grade; and in high school to repeat any course in which the student was enrolled the previous year. A student cannot repeat a course if the district/charter determines the student has met all requirements for graduation.
- If the district/charter disagrees with the parent’s election to repeat or retake, it must convene a retention committee and meet with the parent to discuss retention. The student cannot be retained or repeat a course if the parent does not meet with the committee, which is composed of the principal or designee, parent, teacher of the grade or course, and additional teachers at the principal’s discretion if the student will potentially repeat multiple courses. If after the meeting the parent still wants the student to repeat or retake, the district/school must abide by the parent’s decision.
- Passed out of Senate 4.23.21; Passed House 5.25.21; Signed by Governor 6.16.21.
- Effective immediately (June 16).

### **SB 1277 – West - Academic Advising for Dual Credit**

- Requires that an agreement between a district and a public institution of higher education regarding a dual credit course must designate at least one employee of the district or institution as responsible for providing academic advising to a student in the course before the student begins the course.
- Applies to agreements entered into after Sept. 1, 2021.
- Passed out of Senate 4.29.21; Passed House 5.11.21; Signed by Governor 5.30.21.
- Effective immediately (5.30.21).

### **SB 279 – Hinojosa – Suicide Prevention on Student IDs**

- Relating to the inclusion of suicide prevention information on certain student identification cards issued by a public school or public institution of higher education.

- Requires that contact information for the National Suicide Prevention Lifeline; the Crisis Text Line; and a local suicide prevention hotline be printed on student ID cards issued by public schools in grades 6 through 12.
- Passed Senate 4.29.21; Passed House 5.26.21; Signed by Governor 6.14.21.
- Effective immediately (June 14, 2021).

#### **SB 797 – Hughes – “In God we Trust” Posters**

- Relating to the display of the national motto in public schools and institutions of higher education.
- Requires a public elementary or secondary school or a public institution of higher education to display in a conspicuous place a poster or framed copy of the U.S. national motto, “In God We Trust,” if the poster or framed copy was donated for display or purchased from private donations.
- Sets specific rules about the display of the phrase - the poster or frame must contain a representation of the United States flag centered under the national motto and a representation of the state flag, the display cannot contain any other words, images or information.
- Passed Senate 4.19.21; Passed House 5.25.21; Signed by Governor 6.16.21.
- Effective immediately (June 16, 2021).

#### **SB 1831 – Taylor – No Trafficking Zone Act**

- Requires schools to post warning signs in specified locations regarding increased penalties for human trafficking on the premises or within 1,000 feet of a school, or where an official school function or UIL event is taking place, with further increased penalties if the offense was committed during school hours and the offender knew or should have known the minor was enrolled in school.
- TEA will provide the signs for free, or if not enough signs can be furnished the agency will prioritize distribution to schools in high-crime areas.
- In “Julia Wells Act” provision, the bill requires the Texas Commission of Licensing and Regulation to include information on trafficking prevention to be included in driver education and safety courses.
- Passed by Senate 4.27.21; Passed by House 5.24.21; Signed Governor 6.18.21.
- Effective September 1, 2021.

See also “School Board & Policy” SB 179 – Lucio – Counselor’s Time

#### **SHAC**

##### **HB 1525 – Huberty - HB 3 Cleanup Bill** *(additional summaries located in other categories)*

- Beginning with the 2021-2022 school year, requires the School Health Advisory Council to post notice of the date, hour, place, and subject of a meeting 72 hours before the meeting.
- Beginning with the 2021-2022 school year, requires the SHAC to prepare and maintain minutes of each meeting, make an audio or video recording of the meeting, and submit the minutes and recording to the school district within 10 days of the meeting.
- Beginning with the 2021-2022 school year, requires school districts to post the minutes and recording to the district website as soon as practicable after receiving them from the SHAC.
- Requires school boards to adopt a policy establishing a process for the adoption of human sexuality instruction curriculum materials.

- Beginning with the 2021-2022 school year, requires the policy to require the board to adopt a resolution convening the SHAC to make recommendations regarding the materials, the SHAC to hold at least two public meetings on the materials prior to adopting recommendations, the SHAC to make the recommendations to the board at a public meeting, and the board to take action on the adoption of the recommendations by a record vote at a public meeting.
- Beginning with the 2021-2022 school year, requires the notice that must be provided before each school year to parents regarding human sexuality instruction to include a detailed description of the content of the district's human sexuality instruction and a general schedule on which the instruction will be provided and a statement of the parent's right to use the appropriate grievance procedure or appeals process regarding a complaint of a violation of the requirements.
- Beginning with the 2021-2022 school year, requires a school district to obtain the written consent of a student's parent prior to providing any student with human sexuality instruction and this consent may not be included with any other request for consent and must be provided at least 14 days prior to when the instruction begins.
- Beginning with the 2021-2022 school year, requires school districts to post human sexuality curriculum materials on the district website if the materials are in the public domain, and to allow parents to review copyrighted materials at any time during regular business hours, to purchase a copy of the materials from the publisher, or to review the materials through a secure electronic account in a manner that prevents the materials from being copied.
- For agreements entered into on or after 9/1/2021, requires school districts that purchase copyrighted materials for human sexuality instruction to include in the purchase agreement a means for a parent to purchase a copy of the materials from the publisher that does not exceed the per unit price paid by the district.
- Passed House 4.22.21; Passed Senate 5.26.21; Signed Governor 6.16.21.
- Effective September 1, 2021 – with exception of revisions to SHAC (Section 28.004) which take effect immediately.

## **STUDENT ABSENCE**

### **HB 1525 – Huberty - HB 3 Cleanup Bill** *(additional summaries located in other categories)*

- Requires school district to report through PEIMS, disaggregated by campus and grade, the number of students who are absent for 10 or more days or parts of days within a 6 month period is a single school year, the number of students for whom the district initiates truancy prevention methods, the number of parents of students against whom a school official has filed a truancy complaint, and the number of students who are enrolled in a high school equivalency program, a dropout recovery school, or an adult education program provided by the district who are between 18 and 26 years of age and who had not been attending school for at least nine months prior to enrolling.
- Passed House 4.22.21; Passed Senate 5.26.21; Signed Governor 6.16.21.
- Effective September 1, 2021.

### **HB 699 – Rosenthal – Student Absence & Life-Threatening Illness**

- Requires school districts to excuse the absence of a student that results from a serious or life-threatening illness or related treatment.
- Requires a school district offer additional counseling and prohibit student from referring a student to truancy court if their absence is a result of severe or life-threatening illness or related treatment.



- Prohibits a school from denying promotion to a student if it is determined that failure to meet the requirements for advancement or to perform satisfactorily on an assessment was primarily due to circumstances resulting from serious or life-threatening illness or related treatment.
- Passed House 4.7.21; Passed Senate 5.17.21; Signed by Governor 6.7.21.
- Effective immediately; Applies beginning with the 2021-22 school year.

#### **HB 3165 – Meyer – Student’s Absence and Abuse**

- Provides an affirmative defense against a truancy allegation for a student’s absences that are due to the child’s voluntary absence from home because of abuse.
- Applies beginning with the 2021-22 school year.
- Passed House 4.16.21; Passed Senate 5.19.21; Signed by Governor 6.4.21.
- Effective immediately (6.4.21).

#### **SB 289 – Seliger – Excused Absence and Driver’s License**

- Allows districts to provide an excused absence to a student age 15 or older to visit a driver’s license office to obtain a license.
- The student is allowed one day to obtain a learner license, and one day to obtain a driver’s license, and the district must verify the visit.
- Applies beginning with the 2021-22 school year.
- Passed Senate 4.9.21; Passed House 5.26.21; Signed by Governor 6.14.21.
- Effective immediately (6.14.21).

### **SUPPORT SERVICES**

#### **HB 999 – Frank – Individual Graduation Committee**

- Temporarily amends state law for seniors in the 2020-2021 school year due to learning challenges during COVID-19 pandemic.
- Students in grade 12 for 2020-2021 school year are eligible to graduate via an individual graduation committee (IGC) decision regardless of the number of STAAR EOC’s a student has failed (normally have to pass 2 of 5 EOCs to petition to graduate).
- Allows student to petition IGC, showing alternative work deserving of graduation.
- IGC is not required to consider student performance on EOC exams, including those the student failed.
- With the exception of these two provisions, all other IGC requirements must be met and the IGC process must be followed.
- IGC must make a decision to award a diploma no later than August 31.
- Passed House 4.21.21; Passed Senate 5.25.21; Filed without Governor’s signature 5.31.21.
- Effective immediately (May 31, 2021).

#### **HB 1603 – Huberty – Individual Graduation Committees**

- Removes the September 2023 expiration date from the law providing for individual graduation committees so that they can continue to be an option for students in perpetuity.
- Provides that the commissioner can authorize a special accreditation investigation if 10% or more of a district’s graduating students on a high school campus are awarded a diploma based on an IGC determination.
- Passed House 4.13.21; Passed Senate 5.18.21; Signed by Governor 6.7.21.
- Effective immediately (June 7, 2021).

### **HB 785 – Allen – Behavior Improvement Plan**

- Requires that a behavior improvement or intervention plan that is included in a student's IEP must be reviewed at least once a year and at times more frequently.
- Provides that commissioner rules on time-out and restraint must require districts to provide detailed written notification to a parent for each use of restraint that notes (if the student has a behavioral plan) whether the plan may need to be revised due to the student's behavior or (if the student does not have a behavioral plan) information on how to request an ARD committee meeting to discuss conducting a functional behavioral assessment and developing a plan.
- In cases where the student has a behavior improvement or intervention plan, the school must document each use of time-out prompted by behavior of the student.
- Provides that if a district takes a disciplinary action against a student with a disability who receives special education services that constitutes a change in placement, the district must within 10 days seek parent consent to conduct a functional behavioral assessment (if the student has not previously had one, or if the student's most recent such assessment is more than a year old), and review previous assessments and behavior plans. If necessary, the district must develop a behavior plan or revise the existing one.
- Passed House 4.8.21; Passed Senate 5.19.21; Signed by Governor 6.4.21.
- Effective immediately (6.4.21); Applies beginning with the 2021-22 school year.

### **SB 89 - Menendez – COVID-19 Special Education Recovery Act**

- Requires districts to prepare a supplement for the IEP of a student enrolled in special education during the 2019-20 or 2020-21 school year.
- Supplement must include information indicating whether the written report of the child's full individual and initial special education evaluation was completed during one of those years and if so whether it was completed by the required date; whether the IEP was developed during one of those years and developed by the required date; whether the provision of special services during those years was interrupted, reduced, delayed, suspended or discontinued; and whether compensatory education services would be appropriate based on those factors.
- These requirements do not apply if the written statement of the child's IEP documents this information.
- Districts must complete the supplement by no later than May 1, 2022.
- Passed Senate 4.13.21; Passed House 5.23.21; Signed by Governor 6.7.21.
- Effective immediately (6.7.21).

### **SB 1716 – Taylor – Supplemental Special Education Grant**

- Relating to a supplemental special education services and instructional materials program for certain public school students receiving special education services.
- Establishes supplemental special education services and instructional materials grant program for students enrolled in public school who met the eligibility requirements.
- Each participating student receives a credit of up to \$1,500 in an online account under the direction of the student's parent or guardian to purchase supplemental special education services and instructional materials, including occupational therapy, physical therapy, speech therapy, private tutoring, textbooks, computer hardware or software, other technological devices.
- Parents will apply for the grant through a process established by TEA. The criteria must require that the student be enrolled and in a special education program in a district/charter in the

current school year and must prioritize students whose district/charter is eligible for a compensatory education allotment.

- The ARD committee of a participating student must provide to the parent information on the types of supplemental services available under the program and instructions regarding accessing the student's account for the supplemental services grant award.
- \$30 million will be set aside to fund the program, which will be administered by one or more regional service centers designated by TEA.
- The program expires Sep. 1, 2024.
- Passed Senate 5.3.21; Passed House 5.26.21; Signed by Governor 6.18.21.
- Effective immediately (6.18.21).

#### **HB 1252 – Hall – Special Education Due Process**

- Relating to the limitation period for filing a complaint and requesting a special education impartial due process hearing.
- Prohibits TEA from establishing a shorter period for filing complaints alleging a violation of special education laws than the maximum timeline required under federal law.
- Could result in more due process hearing requests, which would result in increased costs for school districts related to those hearings
- Passed House 5.11.21; Passed out Senate 5.26.21; Signed by Governor 6.15.21.
- Effective September 1, 2021.

#### **SB 2066 – Menendez – Emergent Bilingual Students**

- Replaces language in current law regarding “limited English proficient” students or “English learners” with “emergent bilingual” students.
- Passed out of Senate 4.29.21; Passed House 5.26.21; Signed by Governor 6.18.21.
- Effective September 1, 2021.

See also:

**“Athletics” SB 776 - Lucio – UIL Sports Program for Students with Intellectual Disabilities**

**“School Board & Policy” SB 2050 – Menendez – Bullying Prevention Policy**

#### **UIL / ATHLETICS**

##### **HB 1080 – Patterson – UIL and Mental Health Services**

- Prohibits exclusion of enrolled students who receive outpatient mental health services from a mental health facility from eligibility for participation in UIL activities.
- Commissioner is to adopt rules that ensure students who receive mental health services have reasonable opportunities to participate in UIL activities.
- Passed by House 5.5.21; Passed by Senate 5.19.21; Signed by the Governor 6.4.21.
- Effectively immediately (6.4.21).

##### **HB 2721 - Lucio – Prohibiting UIL Participation for Assault of Referee**

- Relating to prohibiting a student from participating in future extracurricular activities for certain conduct involving the assault of an extracurricular activity official.
- Provides that a student will be prohibited from participation in any future extracurricular activity if the UIL determines that the student intentionally, knowingly or recklessly causes bodily injury to a referee or other official in retaliation for or as a result of the person's official actions in that capacity.

- Student can request to return to future activities no sooner than one year after the original conduct resulting in the prohibition, if the student was in 8th grade or below; or two years after the conduct if in high school.
  - Student must complete an anger management course and any other course or activity required by the school district and must demonstrate to the district and UIL that the student has been rehabilitated and is unlikely to repeat the behavior.
  - UIL must take into account the severity of the conduct and can set conditions for future participation.
- Applies beginning with the 2021-22 school year.
- Passed by House 5.8.21; Passed by Senate 5.20.21; Signed by Governor 6.16.21.
- Effective immediately (6.16.21).

#### **HB 547 – Frank – Homeschool Students & UIL Participation**

- Relating to authorizing equal opportunity for access by home-schooled students to University Interscholastic League sponsored activities; authorizing a fee.
- Gives districts the option to allow homeschool students to participate in UIL-sponsored school district extracurricular activities on behalf of the school
- Passed by House 5.13.21; Passed by Senate 5.22.21; Signed by the Governor 6.18.21.
- Effective September 1, 2021.

#### **SB 776 - Lucio – UIL Sports Program for Students with Intellectual Disabilities**

- Requires the UIL to establish an inclusive sports program for students with intellectual disabilities.
- Must accommodate inclusive team sports offered at middle/junior/high schools; identify best practices for districts to incorporate inclusive sports; and require that the program incorporate activities that promote bullying prevention, moral intelligence, character development, leadership development, physical fitness and positive school culture.
- UIL must incorporate federal guidance and guidance from nationally recognized organizations that promote inclusion and acceptance among students.
- UIL should, to the extent possible, require that students be subject to the same rules and requirements as those in other athletic programs, including grade and disciplinary requirements and requirements related to student safety in athletic activities.
- Sports should be organized similarly to other athletic programs including with respect to team practices, seasonal play, and local and statewide competitions.
- Passed out of Senate 4.29.21; Passed House 5.24.21; Signed by Governor 6.14.21.
- Effective September 1, 2021.

## Operations Related

#### **HB 1525 – Huberty - HB 3 Cleanup Bill** *(additional summaries located in other categories)*

- Requires school districts to accept donations designated to fund supplemental educational staff positions at a school campus from parent-teacher organizations or associations and spend the donation at the direction of and within the time period specified by the school campus for which the donation was made.

- Limits Commissioner’s authority to adjust instructional days for a calamity to one school year and one semester.
- Passed House 4.22.21; Passed Senate 5.26.21; Signed Governor 6.16.21.
- Effective September 1, 2021.

#### **HB 2723 – Meyer – Public Notice of Budget and Tax Rate**

- Relating to public notice of the availability on the Internet of property-tax-related information.
- A school district notice of public meeting to discuss budget and proposed tax rate must include statement directing readers to a state website that provides links to local property tax databases.
- The state's Department of Information Resources will be required to establish and maintain a website that contains links to the property tax databases of each Central Appraisal District.
- “Visit [Texas.gov/PropertyTaxes](http://Texas.gov/PropertyTaxes) to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.”
- Passed House 4.15.21; Passed Senate 5.11.21; Signed by Governor 6.3.21.
- Effectively immediately (6.3.21).

#### **HB 7 – Button – Unemployment Contribution Tax Rate**

- Relating to the computation of the replenishment ratio used to determine an employer's unemployment compensation contribution tax rate.
- Unemployment Compensation Trust Fund (used to pay unemployment) was depleted during the pandemic; without statutory change, a massive unemployment tax increase would be triggered to replenish the fund.
- Alters the replenishment ratio to exclude certain benefits paid during a state of disaster or emergency; results in a longer time period to replenish the fund, smoothing the burden on employers over time.
- Passed House 4.1.21; Passed Senate 4.29.21; Signed by Governor 5.13.21.
- Takes effect immediately.

#### **SB 1116 – Bettencourt – Election Notices**

- Requires a county, city, or school district that holds an election to post election results to their website.
- Passed by Senate 4.13.21; Passed by House 5.23.21; Signed by the Governor 6.8.21.
- Effective September 1, 2021.

#### **HB 1428 – Huberty – Legal Services**

- Relating to procurement by a political subdivision of a contingent fee contract for legal services.
- Clarifies that the generally applicable procurement method of contracts for legal services does not apply to contracts for legal services to collect delinquent obligations to the political subdivision.
- Passed House 4.9.21; Passed Senate 4.29.21; Signed by the Governor 5.15.21.
- Effective September 1, 2021.

#### **SB 338 – Powell – Construction Contracts**

- Allows a school district to adopt uniform general conditions that would be included in all the district's building construction contracts.
- Adds a representative of TASB and a representative of TASA (appointed by the Facilities Commission) to the committee that periodically reviews the uniform general conditions of state building construction contracts.
- Passed by Senate 4.7.21; Passed by House 5.23.21; Signed by the Governor 6.7.21.
- Takes effect immediately.

#### **SB 219 – Hughes – Liability for Construction Defects**

- Amends the Business & Commerce Code to establish that a contractor who is a party to a contract for the construction or repair of an improvement to real property is not responsible for the consequences of design defects.
- Passed by Senate 4.8.21; Passed by House 5.13.21; Signed by the Governor 6.16.21.
- Effective September 1, 2021.

#### **SB 788 – Creighton – Data-Sharing Agreements**

- Requires TEA, the Texas Higher Education Coordinating Board, and the Texas Workforce Commission to develop model FERPA-compliant data-sharing agreements for use by schools and institutions of higher education.
- Passed by Senate 3.31.21; Passed by House 5.8.21; Signed by the Governor 5.21.21.
- Effective September 1, 2021.

#### **SB 1351 – Miles – Redistributing Food to Nonprofits**

- Clarifies law allowing campuses to donate food to a nonprofit organization for storing and redistributing the food.
- The donation can be made through a person who is directly and officially affiliated with the campus, including a teacher or counselors, or through a parent of a student at the school.
- Donated food can include snacks served from the cafeteria and may include unserved food that is packaged on campus and has not been removed from the campus cafeteria.
- Food that must by law be maintained at a certain temperature cannot be donated unless the campus has maintained the food at that temperature.
- Passed by Senate 4.29.21; Passed by House 5.26.21; Signed by the Governor 6.14.21.
- Effective September 1, 2021.

#### **HB 750 – Burns – Employment Policy and Forms**

- Requires districts post on the district website, if the district has one, its employment policy and the full text of any regulations referred to in the policy. Districts must make available any forms referenced in the policy either on an intranet website for district employees or, if the district does not have an intranet website, at a district administrative office.
- Passed House 5.11.21; Passed Senate 5.21.21; Signed by the Governor 6.15.21.
- Effective September 1, 2021.

### **SAFETY AND SECURITY**

#### **SB 168 – Blanco – Emergency Drills and Exercises**

- Requires the commissioner to adopt rules providing best practices for conducting emergency school drills and exercises.

- Requires districts, prior to conducting an active threat exercise, including an active shooter simulation, to provide notice to students, parents and staff regarding the date, content, and whether the exercise will include a live simulation that appears to be an actual shooting incident. The exercise must be announced to students and faculty, including whether it will include such a simulation, first responder organizations must be notified, a safe zone must be created to keep out actual firearms or other weapons. The exercise must be age and developmentally appropriate and have been developed by a team of administrators, teachers, law enforcement, and mental health professionals with input from parents and students. Data regarding the efficacy and impact of the exercise must be tracked.
- Applies beginning with the 2021-22 school year.
- Passed by Senate 5.6.21; Passed by House 5.26.21; Signed by the Governor 6.14.21.
- Effective immediately (June 14, 2021).

#### **HB 3597 – Metcalf – Safety Drills**

- Removes Commissioner's authority to determine the specific number of evaluation fire exit drills and lockdown, lockout, shelter-in-place and evacuation drills, leaving in place the requirement that the commissioner designate a total number of drills to be conducted each semester not to exceed eight drills.
- Allows the Texas School Safety Center to obtain criminal history information for a person registering to provide school safety or security consulting services.
- Passed by House 5.8.21; Passed by Senate 5.25.21; Signed by Governor 6.18.21.
- Effective immediately.

#### **SB 1191 – Seliger – Definition of School Resource Officer**

- Clarifies that the definition of a "school resource officer" does not include a peace officer who provides law enforcement at a public school or public school event only for extracurricular activities.
- Passed Senate 5.3.21; Passed House 5.26.21; Signed by the Governor 6.14.21.
- Effective September 1, 2021.

#### **HB 1788 – Hefner – Safety/Security Immunity**

- Provides districts and charter schools with immunity from liability for damages resulting from a reasonable action taken by security personnel to maintain safety at a campus, or by an employee who has written permission by the district/charter to carry a firearm.
- Provides similar immunity to the security personnel.
- Applies beginning with the 2021-22 school year.
- Passed by House 4.20.21; Passed by Senate 5.22.21; Signed by the Governor 6.15.21.
- Effective September 1, 2021.

### **TRANSPORTATION**

#### **SB 462 – Lucio – Transportation Allotment**

- Permits a district to use funds from transportation allotment to transport meals or instructional materials to students, and would allow that the district be reimbursed on a per-mile basis for transporting a meal or instructional materials to a student's residence or other location designated by the district for the duration of a declared disaster.
- Passed Senate 4.21.21; Passed House 5.26.21; Signed by Governor 6.14.21.

- Effective immediately.

#### **SB 204 – Schwertner – Transportation for Out-of-District Transfers**

- Allows a school district to transport any student who is enrolled in the district, regardless of where the student lives; does not require interlocal agreement.
- The district must:
- Have a policy that prohibits screening transfer students based on academic performance, disciplinary history, or attendance
- Have an overall performance rating of a C or higher, an accountability score of 70 or higher, and the same or better overall performance rating as the district from which the transfer student would be transported from
- Passed Senate 4.12.21; Passed House 5.25.21; Signed by Governor 6.14.21.
- Effective immediately.

#### **SB 445 – Hughes – School Bus Signal Lights**

- Extends provisions regarding the use of school bus signal lights to include when a bus is stopped to distribute food or technological equipment for educational purposes to a student or parent.
- Passed by Senate 4.9.21; Passed by House 5.11.21; Signed by the Governor 6.14.21.
- Effective September 1, 2021.

## School Board & Policy

#### **SB 2050 – Menendez – Bullying Prevention Policy**

- Requires districts' bullying policies to include provisions regarding preventing and mediating bullying incidents that interfere with a student's education opportunities or disrupt a classroom's/school's orderly operations.
- The policy must comply with standards adopted by TEA that emphasize bullying prevention focusing on school climate and healthy relationships, require campuses to establish a committee focusing on prevention efforts and health/wellness initiatives, require students to meet periodically for instruction on building relationships and preventing bullying/cyberbullying, emphasize increasing student reporting of bullying incidents (including providing for anonymous report), require districts to collect information through student surveys and use those results to develop action plans, and require districts to develop a rubric or checklist to assess bullying incidents and determine the district's response.
- Districts must annually report bullying incidents through PEIMS, specifying the number involving cyberbullying.
- Applies to 2021-22 school year.
- Passed by Senate 4.29.21; Passed by the House 5.26.21; Signed by Governor 6.18.21.
- Effective immediately.

#### **HB 690 – Metcalf – Required School Board Safety Course**

- Requires school board members to take a course on school safety created by the Texas School Safety Center and State Board of Education.
- The bill takes effect Sept. 1, 2021; training materials must be developed no later than January 1, 2022.
- Passed House 4.8.21; Passed Senate 5.19.21; Signed by the Governor 6.7.21.



- Takes effect September 1, 2021.

#### **HB 3489 – Parker – Health and Safety Guidelines for Digital Devices**

- Requires TEA to distribute model health and safety guidelines for best practices for the effective integration of digital devices in public schools.
- Guidelines must address age- and development level-appropriate use, the amount of time students spend on digital devices in the classroom, frequency of breaks from digital devices, physical positioning of devices, the use of digital devices for homework, recommended daily screen time usage, recommended practices/software to block inappropriate content, and recommended teacher training.
- School boards must adopt a policy regarding digital device use and may decide whether to adopt the model guidelines.
- TEA must develop and distribute the guidelines for use beginning with the 2023-24 school year.
- Passed House 5.11.21; Passed Senate 5.21.21; Signed by the Governor 6.14.21.
- Effective September 1, 2021.

#### **SB 179 – Lucio – Counselor’s Time**

- Relating to the use of public school counselors' work time.
- Requires school board to adopt a policy requiring school counselor to spend at least 80% of the counselor’s work time on duties that are components of a school counseling program. Time spent administering assessments would not be considered time spent counseling.
- If the school board determines the counselor must spend less than 80% of total work time on counseling duties, the adopted policy must include reasons why the counselor needs to spend less than 80% of work time on counseling, list the duties that are expected, and set a percentage of work time that the counselor is required to spend on the counseling program.
- Districts cannot include a provision in a counselor’s employment contract that conflicts with these policies or that has the effect of authorizing a principal or superintendent to require the counselor to generally perform non-counseling duties.
- Districts must annually assess district compliance with these provisions and if requested by the commissioner provide a copy of the assessment to the commissioner.
- As part of each monitoring review, TEA must interview a sample of the district’s counselors to assess compliance with this section of the law.
- Districts must implement such a policy beginning with the 2021-22 school year. Provisions regarding employment contracts apply only to a contract executed after the bill’s effective date, which is Sept. 1, 2021.
- Passed by Senate 4.13.21; Passed by the House 5.24.21; Signed by Governor 6.18.21.
- Effective September 1, 2021.

## School Finance

#### **HB 1525 – Huberty - HB 3 Cleanup Bill** *(additional summaries located in other categories)*

- Amends the fast growth allotment to be based on the student enrollment growth over 250 over the prior 6 years and provides a tiered system of weights with a 0.48 weight per student enrollment growth in the district for the top 40% of districts, 0.33 per student enrollment growth in the district for the middle 30% of districts, and 0.18 per student enrollment growth in the district for the bottom 30% and caps the total amount of expenditure at \$320 million beginning with the 2024-2025 school year; for the 2021-2022 school year, those weights are

0.45, 0.30, and 0.15 respectively with a cap of \$270 million total; sets the cap at \$310 million for the 2022-2023 school year and \$315 million for the 2023-2024 school year. For the 2021-2022 school year, a school district will receive the greater of the new fast growth allotment or the fast growth allotment for the district in the 2019-2020 school year and caps the expenditure for this at \$40 million separate from the other caps.

- Expands the eligibility for school districts and open-enrollment charter schools to receive grants for providing services to students with autism and extends the grant program to 2023.
- Adjusts the grant program for providing services to students with dyslexia to be a grant program for providing training related to dyslexia for teachers and staff and extends the program to 2023.
- Requires the TEA to use federal COVID-19 relief funds to establish programs to assist school district in implementing intensive supports to ensure students perform at grade level and graduate demonstrating college, career, or military readiness.
- Requires those programs to include expanding P-TECH programs, the Texas Regional Pathways Network, and the Jobs and Education for Texas Grant Program, supplemental instructional supports including tutoring, and COVID-19 learning acceleration supports.
- Provides an allotment to school districts and charter schools in an amount equal to the sum of \$208.35 per student enrolled in the 2020-2021 school year and \$1,290 per student enrolled in the 2020-2021 school year multiplied by the percentage of students who performed below “Approaches Grade Level” on STAAR in the 2018-2019 school year, with the resulting number increased by 40% for the 2021-2022 school year and by 20% for the 2022-2023 school year; the allotment will be reduced by the amount a school district received from local education agency subgrants under ESSER II and ESSER III.
- Requires school districts to maintain salary increases that were provided in the 2019-2020 school year for any employees that remain employed, so long as the district continues receiving the same level of funding.
- Provides compensatory education funding for homeless students at the highest compensatory education weight.
- Requires TEA to update, at least quarterly through September 1, 2024, the governor, lieutenant governor, speaker of the house, and the chairs of the finance, appropriations, education, and public education committees, regarding the state response to COVID-19 as it relates to public education, including the implementation of and distribution of funds under the programs listed above.
- Requires Commissioner to adjust the financial accountability rating system to account for the impact of financial practices necessary as a response to COVID-19.
- Requires the TEA to develop a method to identify school districts that may have adopted an M&O tax rate to create a surplus in maintenance tax revenue for the purposes of paying the district’s debt service; for each district identified, investigate as necessary to determine if the district did adopt such an M&O rate and if it did, order the district to comply within three years and assist the district in developing a corrective action plan.
- Provides exemptions to the limitation on using M&O revenue to pay debt service.
- Allows compensatory education funds to be used for services provided by instructional coaches at a campus in which educationally disadvantaged students are enrolled and to pay expenses related to reducing the dropout rate, including duties of attendance officers and programs that build skills related to managing emotions, establishing and maintaining positive relationships, and making responsible decisions.
- Applies the small and mid-sized district allotment to the CTE allotment.

- Creates a tiered system for the CTE allotment providing a 1.1 weight for CTE courses not in an approved program of study, 1.28 for levels 1 and 2 CTE courses, and 1.47 for levels 3 and 4 CTE courses; requires TEA to annually publish a list of CTE courses that qualify for an allotment.
- Requires the State Board of Education to authorize career and technology education programs.
- Reinstates the Gifted & Talented Allotment providing a 0.07 weight for each student identified as Gifted & Talented and caps the allotment at 5% of students; requires GT allotment funds to be spent on a district's GT program.
- Allows school safety allotment funds to be used for providing licensed counselors, social workers, and individuals trained in restorative discipline and restorative justice practices and for developing and implementing programs focused on restorative justice practices, culturally relevant instruction, and providing mental health support.
- Requires the commissioner to publish an annual report on the use of school safety allotment funds.
- Allows the commissioner to, by rule, determine the taxable value of property in a school district and allows a school district to appeal this determination to the Commissioner who makes the final, unappealable decision.
- For a district whose maximum compressed rate would be less than 90% of another district's rate, makes the district's maximum compressed rate the rate at which the maximum compressed rate is equal to 90% of the other district's rate.
- Allows districts to use Tier 1 state aid to offset recapture payments.
- Requires TEA to provide reimbursement to school districts for costs incurred as a result of Winter Storm Uri.
- Requires Commissioner to reduce state aid in an amount equal to the amount of revenue generated by a district's tax effort that is not in compliance with the Texas Education Code.
- Caps the formula transition grant funding at \$400 million beginning with the 2021-2022 school year.
- Requires Commissioner to increase entitlements if necessary to comply with federal COVID-19 funds maintenance of effort requirements.
- Establishes the Texas Commission on Special Education Funding to develop recommendations to address issues related to special education funding and make a report to the governor and legislature by December 31, 2022 recommending statutory changes to improve funding for special education; the commission is composed of seven members including one member appointed by the governor who has an interest in special education, 3 members of the Senate appointed by the lieutenant governor, and 3 members of the House appointed by the Speaker.
- Clarifies that teacher incentive allotment pay is subject to TRS contributions.
- Passed House 4.22.21; Passed Senate 5.26.21; Signed Governor 6.16.21.
- Effective September 1, 2021 – with exception of revisions to Instructional Materials and Technology Allotment (Section 31.0211) which take effect immediately.

## **HB 2 – Bonnen - Supplemental Appropriations Act**

- Relating to making supplemental appropriations and reductions in appropriations and giving direction and adjustment authority regarding appropriations.
- Reduces Foundation School Program Adjustment by \$5.2 billion resulting from updated projections since appropriations were passed last session.
- Net savings results primarily from increased District Property Value growth, lower than anticipated Average Daily Attendance rates, increased non-General Revenue Funds revenues, and Federal CARES Act funding.

- Recapture increased by \$1.36 billion more than anticipated.
- Passed by House 4.23.21; Passed by Senate 5.26.21; Signed by Governor 6.18.21.
- Effective immediately.

### **SB 1 – Nelson - Senate’s State Budget Bill**

- \$248 billion state budget.
- Fully funds FSP and HB 3.
- Maintains the basic allotment at \$6,160, the Guaranteed Yield for “golden pennies” at \$98.56 and the Guaranteed Yield for “copper pennies” at \$49.28.
- Includes \$3.1 billion in additional funding to cover enrollment growth.
- Includes \$60 million in new spending on supplemental services and materials for special education as determined by parent (SB 1716) - but also reduced New Instructional Materials Allotment by a total of \$60 million.
- Includes \$464 million for increases in funding and allotments based on HB 1525 changes.
- Reallocates just over \$620 million from the Technology and Instructional Materials Allotment to other education-related programs as discussed in HB 1525.
- Increases TRS-Care funding by \$40 million. Increases state’s contribution to TRS as promised in last session’s SB 12.
- Gov. Abbott had said that he would veto the section of state budget that funds the legislative branch (legislators and their staff) after the Democratic walkout (to avoid SB 7 – Election bill) at the end of the session.
- Passed out of Senate 4.6.21; Passed House 4.22.21; Signed by Governor with one line-item veto to Article X (the Legislature).
- Effective September 1, 2021.

## Staff Related

### **HB 1525 – Huberty - HB 3 Cleanup Bill** *(additional summaries located in other categories)*

- Extends the deadline for completing teacher literacy achievement academies to the 2022-2023 school year and allows a teacher or principal to whom the requirement applies to complete the academy during their first year in such a role, rather than before that year.
- Provides access to the do-not-hire registry for nonprofit teacher organizations approved by the Commissioner to participate in the statewide tutoring program.
- Establishes a statewide tutoring program in which retired or active teachers may apply to be a tutor either as a volunteer or for compensation; requires the superintendent to manage the oversee the program within the district and provide a report each semester to the school board indicating the number of tutors who contacted the district to offer tutoring services and the number who were utilized by the district.
- Passed House 4.22.21; Passed Senate 5.26.21; Signed Governor 6.16.21.
- Effective September 1, 2021.

### **SB 1356 – Hughes – Tutoring Program**

- Authorizes a member of a nonprofit teacher organization to participate in a tutoring program to provide supplemental instruction to K-12 public school students on an individualized or small-group basis.

- Participants must be an active or retired teacher; individuals must designate whether they intend to provide tutoring for compensation, on a volunteer basis, or both, and whether tutoring will be provided in-person, online, or both.
- Each school district must designate someone to oversee the tutoring program within the district and provide contact information.
- If an active or retired teacher who had been approved for the tutoring program contacted a district to provide tutoring, the district would have to use the teacher's volunteer services or, depending on available funds, employ the teacher as a tutor, as applicable.
- TRS must provide information about the program to retirees and direct them to contact local school districts for further guidance.
- TRS may not withhold a monthly benefit payment from a retiree employed as a tutor under the bill's provisions.
- Passed out of Senate 4.23.21; Passed House 5.24.21; Signed by Governor 6.16.21.
- Effective immediately (June 16, 2021).

#### **HB 2519 – Darby – Educator Certifications and Early Resignation**

- Revises the deadline for teacher contract abandonment to allow resignation without penalty before the start of a school year. If the teacher misses the 45-day deadline but files a resignation no later than the 30th day before the first day of instruction, SBEC cannot suspend or revoke the teacher's certificate.
- Changes SBEC requirements to notify a teacher regarding a complaint or suspension.
- Applies only to suspensions and complaints occurring after Sep. 1, 2021.
- Also requires that at least two educator members of SBEC be from rural districts.
- Passed House 4.9.21; Passed out of Senate 5.27.21; Signed by Governor 6.18.21.
- Effective September 1, 2021.

#### **HB 246 - Murr – Prosecution of Improper Relationship**

- Relating to the prosecution of the criminal offense of improper relationship between educator and student.
- Clarifies the definition of sexual contact in the context of an improper relationship.
- Prohibits districts from releasing the name of an employee accused of committing misconduct with a student until the employee is indicted for the offense. The school can release the name outside of an indictment in order to report the accusation to a state agency or law enforcement, or to report to school members or community in accordance with the school's policies, or to conduct an investigation.
- Passed House 5.5.21; Passed Senate 5.25.21; Signed by Governor 6.15.21.
- Effective September 1, 2021.

#### **HB 139 – Powell – Licensing and Certifications for Military Spouse and Veterans**

- Relating to state occupational licensing of certain military veterans and military spouses.
- Requires state agencies that issue licenses to adopt rules that allow a permanent change of station (PCS) order to serve as proof of residency.
- Establishes that the State Board of Educator Certification's rules for expediting the processing of an educator certificate application (currently for military spouses) be extended to veterans.
- Allows the Commissioner of Education to establish exceptions to examination requirements for military spouses and veterans seeking to obtain an educator certificate.

- Intent is to ensure that military spouses and veterans are not burdened by licensing procedures related to occupations for which they already possess and to ease the burden of frequent moves and transition to civilian life.
- Passed House 4.1.21; Passed Senate 5.3.21; Signed by Governor 5.18.21.
- Effective September 1, 2021

**HB 159 – Gonzalez – Educator Prep & Staff Development for Students w/Disabilities**

- Adds to requirements for educator preparation programs and staff development to ensure that teachers receive instruction in techniques and practices to help them serve students with disabilities.
- Field-based experience for certification candidates must, to the greatest extent possible, involve interaction with a diverse student population including those with disabilities.
- Passed House 5.4.21; Passed out of Senate 5.20.21; Signed by Governor 6.4.21.
- Effective September 1, 2021.

**SB 226 – Paxton – Educator Prep and Virtual Learning**

- Relating to instruction in educator training programs regarding digital learning, virtual learning, and virtual instruction.
- Defines virtual instruction and virtual learning.
- Requires that academic qualifications for a teaching certificate require instruction in virtual learning and virtual instruction.
- The instruction must cover best practices in assessing students receiving virtual instruction based on academic progress, and in developing a virtual learning curriculum.
- Passed Senate 4.19.21; Passed House 5.26.21; Signed by Governor 6.14.21.
- Effective September 1, 2021.

**SB 1267 – West – Continuing Education Training**

- Reduces and streamlines teacher training and professional development, with the goal of providing teachers with more flexibility to self-select relevant professional development.
- SBEC will publish educator training requirements not later than June 1, 2022, for boards to annually consider adopting in their local professional development policies.
- Local policies must be adopted no later than August 1, 2022.
- Changes include removal of some annual trainings, schedule for required trainings, TELPAS training, training reporting, and more.
- Passed by Senate 4.21.21; Passed by the House 5.25.21; Signed by Governor 6.18.21.
- Effective September 1, 2021.

**HB 1589 – Davis – Reserved Forces Leave During Disaster**

- Adds up to seven workdays of paid leave for employees who are members of the Texas military or reserve forces or of a state/federally-authorized search and rescue team, and who are called to state active duty in response to a disaster.
- During the leave, the employee cannot be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.
- Passed House 4.9.21; Passed Senate 5.24.21; Signed by Governor 6.18.21.
- Effective September 1, 2021.

See also “Operations Related” HB 750 – Burns – Employment Policy and Forms

# Teacher Retirement System

## **HB 1525 – Huberty - HB 3 Cleanup Bill** *(additional summaries located in other categories)*

- Allows retirees to be employed as tutors under the tutoring program without losing TRS retirement benefits; requires TRS to provide information to members and retirees regarding the tutoring program.
- Passed House 4.22.21; Passed Senate 5.26.21; Signed Governor 6.16.21.
- Effective September 1, 2021.

## **HB 1585 – Lambert – TRS Operations**

- Creates ombudsman to assist members and retirees.
- Requires outreach plan for members and employers.
- Moves retire / rehire prohibition date to January 1, 2021.
- Requires notice, opportunity to solve problem before denial of benefits for those who retire and return to work.
- Adjusts employment after retirement penalties to reduce the impact on certain TRS retirees who return to work and exceed existing limitations.
- Passed by the House 4.14.21; Passed by Senate 4.28.21; Signed by the Governor 5.26.21.
- Effective immediately (5.26.21).

## **SB 1444 – Taylor – TRS ActiveCare Opt-Out**

- Beginning Sep. 1, 2022, allows participating districts to discontinue participation in ActiveCare by notifying TRS no later than Dec. 31 of the year preceding the first day of the next plan year. A district wishing to enter or re-enter ActiveCare must notify TRS by the same deadline and must remain in the plan for at least five years.
- Prohibits a district that elects to discontinue participation in the program from electing to participate in the program for 5 years after discontinuation. The committee will comprise the executive director of the service center as chair, and nine superintendents from districts in the region.
- Each ESC is to conduct a study of the health care needs of schools in their respective region and report findings to state leaders by November 2022.
- Prohibits districts participating in ActiveCare from offering alternative health insurance coverage to employees, closing the so-called "DOI loophole".
- Passed Senate 5.6.21; Passed House 5.24.21; Signed by Governor 6.7.21.
- Effective September 1, 2021.

## **SB 202 - Schwertner – Employer Contributions**

- Prohibits school districts from passing along the cost of mandated employer contributions for retirees on to the retired employee (the burden must be paid by the district).
- Passed Senate 4.19.21; Passed House 5.26.21; Signed by Governor 6.14.21.
- Effective immediately.

## **HB 2022 – Darby – TRS-Care**

- Relating to enrollment of certain retirees in the Texas Public School Employees Group Insurance Program.
- Requires TRS to provide an open enrollment period for TRS-Care for retirees who are Medicare-eligible.
- Passed House 5.14.21; Passed Senate 5.25.21; Signed by Governor 6.15.21.
- Effective immediately.

**SB 288 – Seliger – TRS and Return to Work Sanctions**

- Relating to preventing the loss of benefits of and the payment of certain employer contributions for certain retirees of the Teacher Retirement System of Texas who resume service.
- Revises the sanctions for retirees who return to work without having sat out a full 12 months and who exceed the half-time limitation on employment in a position other than a substitute.
- TRS must warn retirees who have returned to work that they are in violation of EAR rules prior to losing an annuity payment. Then after a subsequent violation a penalty of either the TRS check or the amount of salary earned during the month, and for further violations the loss of the TRS check for the month.
- Applies beginning with the 2021-22 school year.
- Adds provisions that remove sanctions for a retiree who might otherwise be in violation if the retiree is performing duties related to the mitigation of student learning loss attributable to the COVID-19 pandemic if the position is in addition to normal staffing levels and is funded wholly through federal COVID-relief funds. This provision extends to such employment until Dec. 31, 2024.
- Passed Senate 4.19.21; Passed House 5.24.21; Signed by Governor 6.14.21.
- Effective September 1, 2021.

**SB 483 – Schwertner – TRS & Rate of Return**

- Requires the TRS and ERS boards to submit to the legislature a biennial report comparing the assumed rate of return and the annualized actual time-weighted rate of return achieved by the system for the most recent 1-, 5-, 10-, and 20-year periods.
- The report must include an estimate of what the market value would have been if the assumed rate of return had been met.
- Passed Senate 4.29.21; Passed House 5.26.21; Signed by Governor 6.14.21.
- Effective September 1, 2021.

See also “Staff Related” **SB 1356 – Hughes – Tutoring Program**

## Virtual Learning & Cybersecurity

**HB 1525 – Huberty - HB 3 Cleanup Bill** *(additional summaries located in other categories)*

- Requires TEA to provide technical assistance to school districts and open-enrollment charter schools to ensure internet access for students.
- Requires the TEA to provide reimbursement to school districts for technology acquisitions made by school districts prior to February 28, 2021.
- Effective 6/16/2021, allows IMA funds to be used for costs associated with distance learning.



- Beginning September 1, 2023, requires operators of websites or applications that possess certain student information to use the unique identifier established by the Texas Student Data System to mask personally identifiable student information.
- Beginning September 1, 2023, allows school districts to require an operator to adhere to a state-required student data sharing agreement.
- Passed House 4.22.21; Passed Senate 5.26.21; Signed Governor 6.16.21.
- Effective September 1, 2021 – with exception of revisions to Instructional Materials and Technology Allotment (Section 31.0211) which take effect immediately and new protection of covered information/use of unique identifier (Section 32.155), takes effect September 1, 2023.

#### **HB 5 – Ashby – Broadband Access**

- Would expand broadband access.
- Establishes the Broadband Development Office tasked with preparing a state broadband plan, creating a map of areas with limited access to broadband service, and awarding financial incentives to those eligible area to expand access to and adoption of service. (Texas was one of 6 states that didn't have a Broadband Office.)
- Passed out of the House 4.9.21; Passed by Senate 4.29.21; Signed by Governor 6.15.21.
- Effective immediately.

#### **HB 3643 - King, K. – Commission on Virtual Education**

- Creates the Texas Commission on Virtual Education to evaluate the current state of virtual education and provide the Legislature with recommendations on the delivery of virtual education.
- Commission comprised of 13 members equally appointed by the governor, lieutenant governor, speaker and one member of the SBOE.
- The appointments from the lieutenant governor and speaker must include three legislators from their respective chambers and one administrator or school board member.
- The commission would need to make a report by Dec. 31, 2022 to the governor and the legislature.
- Passed House 4.29.21; Passed Senate 5.24.21; Signed by Governor 6.15.21.
- Effective immediately.

#### **SB 481 – Kolkhorst – Transfer for In-Person Instruction**

- Allows a student to transfer from a district providing only virtual instruction for more than one grading period to another district that offers in-person instruction and accepts the transfer. The student may not be charged tuition and is included in the ADA of the school he/she attends.
- Applies beginning with the 2021-22 school year.
- Passed Senate 4.9.21; Passed House 5.23.21; Signed by Governor 6.16.21.
- Effective immediately.

#### **SB 1696 – Paxton – Sharing Cyber Attack Incidents**

- Relating to establishing a system for the sharing of information regarding cyber-attacks or other cybersecurity incidents occurring in schools in this state.
- Establishes a system to coordinate anonymous sharing of information between participating schools and the state regarding cyber-attacks or other cybersecurity incidents.
- Requires school districts to report to TEA any cybersecurity incident that constituted a break of system security.

- The system will include all such reports, preserve their anonymity, and ensure the reports are shared between participating school in as close to real time as possible.
- Passed by Senate 4.20.21; Passed House 5.21.21; Signed by Governor 6.14.21.
- Effective September 1, 2021.

**See also “School Board & Policy” HB 3489 – Parker – Health and Safety Guidelines for Digital Devices**