



# Special Session Update

Public Education Bills - September 3, 2021

## **SB 3 – Hughes – Anti-Critical Race Theory**

Repeals HB 3979 passed during the regular session.

- Requires a civics training program for school district personnel to ensure curriculum is taught in the manner required by this new law. Commissioner of Education is to appoint a 9-member board to advise on this training.
- Requires districts using a learning management system or online portal to make instruction and materials available.
- Provides specific instructions to the SBOE for the contents of social studies TEKS regarding civics education.
- Prohibits districts from compelling teachers to discuss “a widely debated and currently controversial issue of public policy or social affairs” and if such topics are discussed, such discussions must “explore that topic objectively and without political bias.”
- Prevents a course requirement or award of credit for work or service with any organization engaged in lobbying, social policy advocacy, public policy advocacy, political activism, etc. Does not apply to a student's participation in service projects, volunteering with service organizations, etc., or with an internship for P-TECH or that does not involve lobbying or advocacy.
- School districts and school employees may not require or make part of a course concepts generally associated with Critical Race Theory (CRT) such as topics involving superiority, racism, or responsibility based on a person's race or sex.
- Prohibits school districts from accepting private funding for the purpose of curriculum or training related Critical Race Theory.
- Prohibits a school from enforcing rules or punishments for students discussing the concepts of Critical Race Theory "or have a chilling effect on student discussions involving these concepts."
- States that these changes to law do not create a private cause of action against a teacher, administrator, or other school district employee if someone believes they are in violation of the law; rather the district may take appropriate action to ensure compliance with the law.
- Clarifies that nothing in this new law prohibits a teacher from leading a class activity that involves students communicating with elected officials, as long as the teacher does not influence the content of the communication.
- While the list of individuals, documents, and movements added by HB 3979 is repealed, SB 3 includes a statement for the SBOE (and the full list) that all those individuals, documents, and movements may be considered for the Social Studies TEKS and that non-inclusion in the law does not signal legislative intent that they not be included in the TEKS.
- Passed by the Senate 8.11.21, Passed by the House 9.2.21, Sent to the Governor 9.3.21.

## **SB 7 – Huffman – TRS 13<sup>th</sup> Check**

- Relating to a one-time supplemental payment of benefits under the Teacher Retirement System of Texas.
- Provides a one-time supplemental payment or “13th check” to retired educators, up to \$2,400.
- Payment must be made by January 2022.
- Passed Senate 8.9.21, Passed House 8.30.21, Sent to Governor 9.1.21.

### **SB 8 – Bettencourt – Homestead Exemption and Taxes**

- Relating to the authority of a person who acquires a residence homestead to receive an ad valorem tax exemption for the homestead in the year in which the property is acquired and to the protection of school districts against the resulting loss in revenue.
- Extends a tax refund (funded by the state) for the amount of the homestead exemption to homebuyers who qualify.
- Passed by Senate 8.9.21, Passed by House 8.27.21, Sent to Governor 8.30.21.

### **SB 9 – Huffman – Prevention of Abuse**

- Relating to public school instruction and materials regarding the prevention of child abuse, family violence, dating violence, and sex trafficking and the adoption of public school policies to prevent dating violence.
- A “do-over” bill after Gov. Abbott vetoed SB 1109 during the regular session for not including a provision allowing parents to opt their children in or out of instruction.
- Requires schools provide instruction and materials and adopt policies relating to the prevention of child abuse, family violence, and dating violence.
- Requires a parental opt-in.
- Passed by Senate 8.10.21, Passed by House 9.2.21, Sent to Governor 9.3.21.

### **SB 12 / SJR 2 – Bettencourt – Property Tax**

- Relating to the reduction of the amount of a limitation on the total amount of ad valorem taxes that may be imposed by a school district on the residence homestead of an individual who is elderly or disabled to reflect any reduction from the preceding tax year in the district's maximum compressed rate and to the protection of school districts against the resulting loss in local revenue.
- Extends the same property tax rate compression provided to all other property taxpayers in 2019 to the elderly and disabled on the frozen levy (once approved by voters in May 2022).
- Passed by Senate 8.9.21, Passed by House 8.27.21, Sent to the Governor 8.31.21.

### **SB 15 – Taylor – Virtual Learning**

- Allows districts / charter schools to offer a Local Remote Learning Program if rated C or better for the 2021-2022 school year.
- Students enrolled in a local remote learning program count towards a district’s average daily attendance in the same manner as other district or school students, except for those students ineligible for ADA due to 10+ unexcused absences in the program over a 6-month period or unless they participated in remote learning last year and failed the STAAR, had unexcused absences in excess of 10%, and/or did not earn a grade of C or higher.
  - Except for VSN and higher ed programs, students may not be included in the calculation of the district's ADA who received a majority of instruction in the previous school year remotely and did not achieve satisfactory performance on each state assessment. If the student did not take a state assessment in the previous school year, then the student may demonstrate grade-level proficiency in the TEKS on a different assessment.

- Students are excluded from qualifying for ADA if they had a number of unexcused absences that exceeds 10% of the number of instructional days in the preceding school year.
  - Students are excluded from qualifying for ADA if they did not earn a grade of C higher in foundation curriculum courses taken remotely the previous year.
- Allows districts to adopt a policy that exempt students from minimum attendance requirements for one or more courses offered under a remote learning program. Allowance expires September 1, 2023.
- Enrollment in the remote program is limited to 10% of the district's total student enrollment, unless the cap is waived by the commissioner due to a request from the district or in response to a public health emergency.
  - Calculation of 10% is based on students who spend at least half their instructional time in the remote program for the school year. Students receiving remote instruction because the student was medically fragile, placed in a virtual setting by ARD Committee, or receiving a 504 accommodation are exempt from counting toward the number allowed under the 10% limitation.
- Courses may be provided synchronous, asynchronous, or a combination of both methods; and may be provided in combination with in-person instruction.
- Districts that operate a full-time Local Remote Learning Program must include:
  - At least one grade level in which a state assessment instrument is required or a complete high school program, including end-of-course assessments.
  - The option for in-person instruction for students must be offered.
- Students are eligible to participate if the student:
  - is currently enrolled in the school district
  - has reasonable access to in-person services, and
  - meets any additional criteria established by the district, including minimum academic standards.
- Participating students are eligible for all extracurricular activities in the same manner as all other students.
- Participating students receiving special education services are entitled to the same participation and accommodations in a virtual course as they would be in an in-person.
- Participating students can simultaneously enroll in Texas Virtual School Network classes.
- Students are not eligible to be counted towards ADA if the student has 10 or more unexcused absences in the program in a six-month period.
- Districts offering remote learning programs must periodically assess the performance of students participating.
- Districts may remove a student from the virtual learning program if the student does not meet established criteria; a removal process must be established - parent/guardian must receive notice and be given an opportunity for input before removal.
- State assessments must be administered to students in remote program in the same manner that they are to other students.
- Teachers are prohibited from providing instruction for a virtual course offered under a full-time local remote learning program unless the teacher has completed a professional development course on virtual instruction.

- Educator certification requirements can be satisfied through an internship that focuses on teaching remote learning.
- Districts and schools may not coerce a teacher to agree to an assignment to teach in a full-time remote program.
- Districts may not require a teacher to provide both virtual instruction and in-person instruction for a course during the same class period. Commissioner may waive the prohibition for requiring both virtual and in-person instruction simultaneously for courses in the enrichment curriculum.
- Full-time local remote learning programs must be assigned a separate overall and domain performance ratings as if the program was stand-alone campus of the district.
  - Students who spend at least half of their instructional time in virtual courses are considered to be enrolled in the remote program for the purposes of accountability; including students who are medically fragile, placed in virtual setting by ARD committee, or receiving 504 accommodations.
  - These performance ratings are not made public and will not be used for local accountability or for determining whether to impose interventions or sanctions.
  - Requires that the performance of students who spend at least half of their instructional time in virtual courses offered through remote learning be reported per district and per campus OR who receive remote instruction due to being medically fragile, placed in virtual setting by ARD, or as a 504 accommodation (whether the student is enrolled in a remote program or not).
- Sets guidelines for district/charters that operated a full-time virtual program outside the VSN in the 2020-21 school year.
- Districts are allowed to contract with another ISD/charter school to allow students to enroll in virtual learning offered by the receiving district.
- Program is only available for the 2021-2022 school year; the Local Remote Learning Program authorization expires September 1, 2023.
- Passed the Senate 8.11.21; Passed the House 8.30.21; Sent to the Governor 9.1.21.

#### **HB 5 – Bonnen – Appropriations**

- Relating to making supplemental appropriations and giving direction regarding appropriations.
- Restores legislative branch funding.
- Increased funding the Child Protective Services.
- Covers the costs associated with foster care capacity, cybersecurity, “13<sup>th</sup> Check” for retired educators, and more.
- Passed by House 9.2.21, Passed by Senate 9.2.21, Sent to Comptroller 9.3.21.