

87th Texas Legislature Bill Book



**Texas System of
Education Service Centers**

Introduction

This bill book includes bill summaries, analyses, and action items for the education-related legislation passed and signed into law in Texas' 87th Regular Legislative Session.

The table of contents chronologically numbers bills within their category, with a few exceptions. The index at the end of the bill book chronologically numbers bills apart from their category. Full bill text can be found online at [Texas Legislature Online](http://www.capitol.texas.gov) (www.capitol.texas.gov)

In the upper-right hand corner of each bill is an icon for “district,” and/or “charter.” These icons indicate to whom the bill applies. A thumbtack icon at the end of every bill indicates action items for school districts, open-enrollment charter schools, and regional education service centers. A summary of action items for the entire section can be found at the end of each section. For questions related to action items, contact your regional education service center.

These bill analyses are simply an interpretation of the legal language used when crafting legislation. Many of these bills will receive further interpretation from the state agency entrusted with implementation and rulemaking at a later date. To follow rulemaking, refer to the specific agency website:

- [Texas Education Agency](#)
- [State Board of Education](#)
- [State Board for Educator Certification](#)

Note that these agencies may have been granted rule making authority under prior law for a section of statute. Only new rulemaking authority is notated in this bill book.

To navigate easily through the electronic version of this bill book, type “ctrl f.” This will open a search box for bill numbers and keywords.

Table of Contents

Major Bills	1
HB 2	2
HB 1525	3
HB 4545	12
SB 1	15
SB 1365	17
Summary of Action Items	22
Accountability & Assessment	23
HB 773	24
HB 999	25
HB 1147	26
HB 1603	27
HB 3261	28
SB 369	29
SB 1697	30
SB 1888	32
Summary of Action Items	34
Educator Preparation	35
HB 159	36
HB 2256	38
HB 2827	39
SB 226	40
SB 1267	41
SB 1590	44
Summary of Action Items	45
Finance	46
HB 699	47
HB 3456	48
SB 289	49
SB 462	50
SB 1232	51
SB 1336	52
Summary of Action Items	52
Finance: Purchasing	53

HB 1428	54
HB 1476	55
HB 3069	56
HB 3583	57
SB 13	58
SB 19	59
SB 58	60
SB 59	61
SB 219	62
SB 338	63
Summary of Action Items	63
Governance & Administration	64
HB 547	65
HB 624	66
HB 690	67
HB 3165	68
HB 3489	69
HB 4279	70
HCR 1	71
SB 157	72
SB 204	73
SB 721	74
SB 788	75
SB 797	76
SB 1225	77
SB 1351	78
SB 1677	79
SB 1955	80
SB 2050	81
SB 2066	82
Summary of Action Items	83
Governance & Administration: Charter.....	84
HB 189	85
HB 572	86
SB 346	87

SB 879	88
SB 1615	89
Summary of Action Items	89
Governance & Administration: Child-Care	90
HB 619, SB 764, SB 1061	91
HB 1792, HB 2607, SB 1555	92-93
Summary of Action Items	93
Governance & Administration: Elections	94
HB 1133	95
HB 2283	96
HB 3107	97
SB 1116	100
Summary of Action Items	101
Governance & Administration: State	102
HB 1247	103
HB 1322	104
HB 2519	105
SB 560	106
HB 3643, HB 3932, HB 3938	107
Summary of Action Items	107
Governance & Administration: Student	108
HB 1062	109
HB 1080	110
HB 2721	111
SB 776	112
Summary of Action Items	112
Human Resources	113
HB 7	114
HB 246	115
HB 750	116
HB 1589	117
HB 1788	118
SB 45	119
SB 179	120
Summary of Action Items	121

Human Resources: TRS.....	122
HB 1585	123
HB 2022	124
HB 3898	125
SB 202	126
SB 288	127
SB 1444	128
Summary of Action Items	129
Instruction	130
HB 30	131
HB 2497	132
HB 2681	133
HB 3212	134
HB 3979	135
HB 4509	136
SB 123	137
SB 348	138
SB 481	139
SB 801	140
SB 1063	141
SB 1095	142
SB 1277	143
SB 1356	144
Summary of Action Items	145
Instruction: Pre-K & Special Education.....	146
HB 725	147
SB 2081	148
HB 785	149
HB 1252	150
SB 89	151
SB 1716	152
Summary of Action Items	153
Property Tax	154
HB 115	155
HB 988	156

HB 1090	157
HB 1197	158
HB 1869	159
HB 2723	160
HB 2941	161
HB 3610	162
HB 3833	163
SB 63	164
SB 611	165
SB 794	166
SB 1427	167
SB 1438	168
SB 1449	169
SB 1764	170
Summary of Action Items	170
Safety & Security	171
HB 103, SB 239, SB 785, SB 1191	172
HB 1118	173
HB 3379	174
HB 3597	175
SB 168	176
SB 279	177
SB 445	178
SB 475	179
SB 746	180
SB 1696	181
SB 1831	182
SB 2158	183
Summary of Action Items	184
Safety & Security: Health	185
HB 2287	186
SB 199	188
Summary of Action Items	189

Major Bill

HB 2

Author: Bonnen

Summary: Relating to making supplemental appropriations and reductions in appropriations and giving direction and adjustment authority regarding appropriations.

Each legislative session, state agencies project the costs of fulfilling their functions and providing important services for the following two-year budget cycle. This projection, when combined with the biennial revenue estimate, is a key component in the construction of the biennial General Appropriations Act. These estimates are not always accurate and may require certain supplemental appropriations and adjustments to previously appropriated sums to align with revised revenue estimates and supplemental needs. HB 2 seeks to make those adjustments and give direction regarding certain appropriations. The bill reduces unexpended appropriations in general revenue accounts associated with over 100 state agencies, state boards, state councils, state commissions, state offices, state departments, and universities, for the biennium ending August 31, 2021, in the amount of \$505.5 million. Similarly, it reduces unexpended appropriations in dedicated general revenue accounts in the amount of \$71.5 million. An additional \$2.5 billion in reduced appropriations is contingent on the receipt of federal funds under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The reductions would still be required, but potentially prorated, should the state not receive the CARES Act funding, or the reduction is not eligible for CARES Act and/or other federal sources of funding.

The 2020-2021 appropriation for the foundation school fund is reduced by \$5.5 billion due to projected unexpended amounts from the biennium ending August 31, 2021.

Supplemental appropriations are made to a number of state agencies, boards, commissions, etc. from the amounts of the reduced appropriations mentioned previously, along with a number of additional appropriation reductions, not within the general revenue or dedicated general revenue funds. The increased/supplemental appropriations associated with HB 2 are made to cover unexpected revenue shortfalls, unanticipated needs, and previously approved but unfunded or underfunded projects.

Effective June 16, 2021 (immediately)

Rulemaking authority: none specified



No action by school districts or open-enrollment charter schools is required at this time.

HB 1525

Authors: Huberty et al.

Summary: Relating to the public school finance system and public education.

Section 1 – Amends Section [8.051](#)(d), Education Code. Requires regional education service centers to provide training and assistance to school districts and open-enrollment charter schools for all programs that receive funding through the foundation school funding.

Section 2 – Amends Section [11.156](#), Education Code. Requires school districts to accept donations from parent–teacher organizations/associations designated to fund supplemental educational staff positions at a school campus. The section also adds a requirement that the district spend the donation as designated within a period specified by the designated campus.

- ✦ Adopt policy, develop/revise procedures for working with PTOs & PTAs.
- ✦ Ensure business office, principals, and other administrators are aware of change in statute.

Section 3 – Amends Section [12.106](#), Education Code. This section refers to charter special education funding and is a revenue-neutral cleanup to ensure special education counts for charters remain at pre-HB 3 levels.

Section 4 – Amends Section [12.133](#)(b), (b-1), and (d), Education Code. Removes stray language and removes the staff supplement as a separate allotment. This section is specific to charter schools.

Section 5 – Amends Section [21.3521](#)(a), Education Code. Adds noncertified teachers to the list of eligible recipients of the Teacher Incentive Allotment (TIA). Amends TIA to allow districts to pay their noncertified teachers extra compensation if local evaluation systems determine their performance should be recognized.

- ✦ Ensure human resources staff are aware of the change in statute.

Section 6 – Amends Section [22.092](#)(d) Education Code. Requires equivalent access for private schools, public schools, and nonprofit teacher organizations approved by the commissioner of education, for the purpose of participating in the established tutoring program, to the registry of persons not eligible for employment in public school.

Section 7 – Amends Section [28.004](#), Education Code. Requires local school health advisory councils (SHAC) to post meeting notices and agendas; record meetings; and prepare, maintain, and make public all meeting minutes and meeting recordings. Each board of trustees is required to adopt policy outlining a procedure for the adoption of curriculum materials for the school district’s human sexuality instruction. Specific policy language is included in the bill. Additional requirements were also added to parental notification/permission related to human sexuality instruction.

- ✦ The board of trustees shall adopt a policy establishing a process for the adoption of curriculum materials for the school district’s human sexuality instruction.
- ✦ SHAC will need training on the Texas Open Meetings Act.

Section 8 – Amends Section [28.006](#), Education Code. Extends the deadline for school districts and open-enrollment charter schools to provide phonics-based curriculum in grades K-3 from 2021–22 to 2022–23. This section also extends the deadline for K-3 teachers and principals to attend literacy achievement academies to 2022–23.

- ✦ School districts and open-enrollment charters need to ensure designated teachers and principals participate in required academies by the end of the 2022–23 school year.

Section 9 – Amends Section [29.026](#), Education Code. Extends the Grant Program Providing Services to Students With Autism to September 1, 2023 (existing law had a 09/09/2021 expiration). Section 9 also expands eligibility for the grants and adds regional education service centers as potential grant administrators.

Section 10 – Amends Section [29.027](#), Education Code. Extends the Grant Program Providing Training in Dyslexia for Teachers and Staff to September 1, 2023 (existing law had a 09/09/2021 expiration). Section 9 also expands eligibility for the grants and adds regional education service centers as potential grant administrators.

Section 11 – Amends Section [29.153](#)(d-1), Education Code. Alters the language for districts seeking exemptions to requirements related to serving eligible prekindergarten children. The revised language continues requiring districts to solicit public or private partnerships and to consider the proposals at a public meeting but adds additional language related to Texas Education Agency (TEA) guidance on considering proposals from public and private pre-k providers.

- ✦ Provide awareness to administrators responsible for pre-k programming.

Section 12 – Amends [Subchapter Z, Chapter 29](#), Education Code. Provides Intensive Educational Supports for Overcoming COVID-19 Pandemic Impact by ensuring \$208.35 for each student

enrolled in the district or charter school plus \$1,290 for each student enrolled in the district or charter school during the 2020–21 school year multiplied by the percentage of students who did not perform satisfactorily on statewide assessment instruments (2018–19 school year). The resulting amount will be increased by 40% for the 2021–22 school year and 20% for the 2022–23 school year. However, the allotment from the state will be reduced by the amount the district or charter receives through local education agency subgrants under the Coronavirus Response and Relief Supplemental Appropriations Act. The section provides a list of programs that must be included in district programs. The section also requires the agency to provide technical support related to student Internet access and one-time reimbursements for qualifying technology expenditures made by school districts and open-enrollment charters prior to February 28, 2021. The agency is required to provide quarterly updates to relevant parties (gov., lt.gov., speaker of the house, and various legislative committee chairs) on the progress of the state response to COVID-19 as it relates to public education. This section provides required qualifications and guidelines for campuses designated as Resource Campuses.

- ✦ Districts and open-enrollment charters need to train appropriate staff on financial and program requirements.

Section 13 – Amends Section [31.0211\(c\)](#), Education Code. Adds costs associated with distance learning—Wi-Fi, Internet access hotspots, wireless network, broadband, and other services and equipment necessary for Internet access—to the allowable expenditures for the Instructional Materials and Technology Allotment (IMTA).

Section 14 – Amends Section [32.155](#), Education Code. Adds significant detail to the protection of covered information and the use of the Texas State Data Standards (TSDS) unique student identifier.

- ✦ Provide training for appropriate district and charter staff.

Section 15 – Amends [Subchapter Z, Chapter 33](#) by adding Section 33.919. Provides for the establishment of a statewide student tutoring program administered by nonprofit teacher organizations. The section provides requirements for becoming a tutor through an organization along with requirements the nonprofit organization must follow. Reporting requirements by school districts, open-enrollment charter schools, and the nonprofit teacher organization are also included. The tutoring programs are required to use active or retired teachers and may provide volunteer tutoring and/or paid tutoring services. School districts and open-enrollment charter schools are not required to use the program

- ✦ School districts and open-enrollment charter schools will need to determine if they intend to participate and at what level.

Section 16 – Amends Section [37.108](#), Education Code. Change in citation from 42.168 (repealed) to 48.115, Education Code. Relates to safety and security audits. No change other than citation.


Section 17 – Amends Section [39.0261](#), Education Code. Provides for state reimbursement for assessments (SAT/ACT) provided under certain circumstances to students who have already graduated. Current law provides state reimbursement for currently enrolled students.

Action Items: Ensure high school counselors are aware of the change in statute.

Section 18 – Amends Section [39.053](#)(g-4), Education Code. Change in citation from 42.006 (a-9) (repealed) to 48.009 (b-4), Education Code. Relates to dropout and completion rates. No change other than citation.

Section 19 – Amends [Subchapter D, Chapter 39](#), Education Code by adding Section 39.087. Requires the commissioner of education to adjust financial accountability rating system to account for the impact of financial practices necessary in responding to COVID-19. This section applies to both school districts and open-enrollment charter schools.

Section 20 – Amends Section [45.001](#), Education Code. Prohibits a district from generating excess maintenance and operations (M&O) tax revenue to assist in payment of district’s debt service through “tax swap” (increase M&O rate and decrease interest and sinking rate to maintain same rate). The section provides for required corrective action and circumstances allowing for a legal version of the tax rate adjustment.

 Ensure boards and district business officials are aware of the change in statute and the potential implications for affected school districts.

Section 21 – Amends Section [48.005](#)(d), Education Code. Establishes criteria for when and how much the commissioner of education may adjust average daily attendance (ADA) of a school district due to disaster, flood, extreme weather condition, fuel curtailment, or other calamity.

Section 22 – Amends Section [48.009](#), Education Code by amending Subsection(b) and adding (b-4). Requires additional Public Education Information Management System (PEIMS) reporting related to truancy and truancy intervention. The section also provides a requirement for eligibility to report students enrolled in a variety of dropout recovery programs as having previously been reported through PEIMS as dropouts.

 Ensure district or charter PEIMS reporting staff are trained on new requirements.

Section 23 – Amends Section [48.051](#), Education Code, by adding Subsections (c-1) and (c-2). Protects school district employee salaries at the 2019–20 level for employees who remain in

the same district to the extent the district is receiving at least the same amount of funding as was received in the 2019–20 school year. Certain exceptions apply, but requires specific procedures as outlined in Chapter 21, Education Code.

- ✦ Adopt and implement policy and procedures necessary to comply with new salary requirements.

Section 24 – Amends Section [48.104](#), Education Code, by adding Subsection (e-1) and amending Subsections (j-1) and (k). Increases the Compensatory Education Allotment for students who are homeless. The additional funds (at least 55%) must be used to provide supplemental educational services (instructional coaching, providing child-care, etc.), as defined by the section and to pay expenses related to reducing the dropout rate and increasing the rate of high school completion (attendance officers, improving social/emotional skills, etc.).

- ✦ Provide awareness to school business officials and training for Comp. Ed. program administrators.

Section 25 – Amends Section [48.106](#), Education Code, by amending Subsection (a) and adding Subsections (a-1) and (d). Changes the weighted funding for Career and Technology/Technical Education (CTE) courses in grades 7–12 to 1.1–1.47 depending on whether the course is part of an approved program of study and depending on if the course is level 1&2 or level 3&4 in an approved program of study. Students attending campuses designated as P-Tech schools and New Tech Network schools are eligible to generate an additional \$50 per student.


- ✦ Provide awareness to school business officials and training for CTE program administrators.

Section 26 – Amends Section [48.106](#), Education Code by amending Subdivision (1) and adding Subdivision (1-a). Clarifies the meaning of “approved Career and Technology Education program” and “approved program of study.”

Section 27 – Amends [Subchapter C, Chapter 48](#), Education Code, by adding Section 48.109. Restores a Gifted and Talented student allotment to a multiplier of .07 and limits program participation to no more than 5% of the district’s students in ADA. Districts are required to expend the funds on Gifted and Talented programming and are required to expend funds within a year of receiving an allotment. State funding for the Gifted and Talented program is subject to proration.

- ✦ Approve and implement Gifted and Talented policy and procedures.
- ✦ Train appropriate program-level staff and provide information to parents and students.

Section 28 – Amends Section [48.110\(f\)](#), Education Code. Allows for the achievement of college readiness (Met Standard) by a student who earns an associate degree while in high school or another term set by commissioner rule.


 Provide awareness to high school counselors and training for PEIMS coding.

Section 29 – Amends Section [48.111](#), Education Code. Adjusts the fast growth multiplier to a tiered system: 0.48 (for growth in the top 40%), 0.33 (for growth in the middle 30%), and 0.18 (for growth in the bottom 30%). The multiplier is applied to districts that have grown by more than 250 students over a 5-year period (prior year's enrollment compared to enrollment 6 years prior), and funding is based on the new students above the 250 number. Weights for 2021–22 school year are slightly lower (0.45, 0.30, & 0.15); however, a hold-harmless was also included for 2021–22. Funding caps are established for each year (2021–22: \$270 million, 2022–23: \$310 million, 2023–24: \$315 million, hold harmless: \$40 million).


 Ensure board members and school business officials are aware of the change in statute.

Section 30 – Amends Section [48.112](#), Education Code, by adding Subsection (j). Entitles Texas School for the Deaf (TSD) and Texas School for the Blind and Visually Impaired (TSBVI) to allotments under Section 48.112 (Teacher Incentive Allotment-TIA). Authorizes the commissioner of education to determine how values are assigned.


Section 31 – Amends [Chapter 48](#), Education Code, by adding Section 48.115 and transferring Section 42.168 to the new Section 48.115, Education Code. Expands the list of allowable expenditures of the School Safety Allotment to include evidence-based prevention practices including licensed counselors, social workers, and individuals trained in restorative discipline and restorative justice practices; providing mental health personnel support, behavioral services, threat reporting systems; and developing and implementing programs focused on restorative justice practices, culturally relevant instruction, and mental health support. Requires the commissioner to annually publish a report regarding allocated funds and how the funds were expended.

 Provide awareness to district and open-enrollment charter staff responsible for managing school safety program and expenditures.


Section 32 – Amends Section [48.252\(a\)](#), Education Code. Adds a school district that operates a “resource campus” (Section 29.934) to the types of schools (school districts, open-enrollment charter schools, and school-district-granted charters) eligible for additional funding under joint contracts.

-  Ensure district and charter business officials are aware of change in statute.


Section 33 – Amends Section [48.2551](#), Education Code and adds Subsections (d-1) and (d-2). The definition of District Property Value is clarified, and a reference to Section 403.302, Government Code is added to the definition. The section adds a requirement for local appraisal districts, school districts, and the comptroller to provide pertinent information to the TEA. Allows a school district to appeal the district’s taxable property value to the commissioner of education.

-  Provide awareness for business office staff.


Section 34 – Amends Section [48.2552](#)(b), Education Code. Clarifies that a school district’s maximum compressed tax rate cannot be less than 90% of another school district’s maximum compressed tax rate.

-  Provide awareness for business office staff.


Section 35 – Amends Section [48.257](#)(c), Education Code. Allows state aid to which the district ordinarily would be entitled to be offset by excess local revenue (recapture). Ensures no offset to Available School Fund (ASF) amounts to which the district is entitled.

-  Ensure school business officials in districts with excess local revenue are made aware of the possible offset.


Section 36 – Amends [Subchapter F, Chapter 48](#), Education Code, by adding Section 48.2611. Allows school districts to apply for a one-time reimbursement for costs incurred as a result of Winter Storm Uri. The reimbursement includes reimbursement for electricity price increases. Total funding available is not to exceed \$35 million.

-  Ensure program awareness for school business officials. Documentation of costs for which the district seeks reimbursement must be included with their application.


Section 37 – [Amends Subchapter F, Chapter 48](#), Education Code, by adding Section 48.2721. Requires the commissioner of education to reduce state aid or adjust the limit on local revenue to recover funds collected by a school district through “excessive taxation” resulting from an artificially high M&O tax rate.

-  Ensure board of trustees are aware and appropriate business office staff are trained.

Section 38 – Amends Section [48.277](#), Education Code, by adding Subsection (c-1). Caps Formula Transition Grants at \$400 million per school year, beginning with 2021–22. Allotments to which school districts and open-enrollment charters are entitled in excess of the appropriation, are subject to proration.

 Ensure appropriate business office staff are trained.

Section 39 – Amends [Subchapter F, Chapter 48](#), Education Code, by adding Section 48.251. Allows the commissioner of education to adjust district and charter entitlements to ensure federal maintenance of effort and maintenance of equity standards are met for federal funds related to the COVID-19 pandemic.


 Ensure appropriate business office and applicable program-level staff are trained.

Section 40 – Amends Section [48.302](#) (b), Education Code. Eliminates requirement that funds transferred to the Texas Workforce Commission (TWC) to pay for High School Equivalency Exams must come from an appropriation to the TEA, specific to that purpose.

Section 41 – Amends [Subchapter G, Chapter 48](#), Education Code, by adding Section 48.303. Provides additional state aid for regional education service centers. Extends an existing staff supplement (\$500 – full-time employees, \$250 – part-time employees) and rolls the supplement into Chapter 48.


Section 42 – Amends [Chapter 48](#), Education Code, by adding Subchapter H. Establishes the Commission on Special Education Funding to make recommendations regarding methods of financing special education. The commission is appointed by the governor, Lt. governor, and speaker of the house and is required to provide recommendations to the governor and legislature no later than December 31, 2022.

Section 43 – Amends Section [822.201](#)(b), Education Code, by adding Section 49.0041. Allows the commissioner of education to adjust revenue in the following year for districts with a determination of local revenue, in excess of entitlement, which is made after notification of local revenue excess of entitlement has been sent to other districts.

 Ensure appropriate business office staff are trained.

Section 44 – Amends Section [49.054](#), Education Code. The language on incentive aid for consolidated districts is moved to Subchapter G, Section 13, Education Code.

Section 45 – Amends Section [822.201](#)(b), Government Code. Expands the definition of “Salary and Wages” as used by the Teacher Retirement System of Texas (TRS) to include compensation paid to a teacher through the TIA.

 Ensure appropriate business office staff are trained.

Section 46 – Amends Section [824.602](#)(a), Education Code. Expands the list of “allowable public school employment” (not subject to loss of benefits) to include serving as a tutor under Section 33.913, Education Code.

Section 47 – Amends [Subchapter G. Chapter 825](#), Government Code. Requires the TRS to provide electronic information on a regular basis to members and retirees, related to the tutoring program, established under 33.913, Education Code.

Sections 48–53 include technical cleanup language detailed in the different sections of HB 1525 as summarized above.

Effective September 1, 2021, except Sections 7 and 13 take effect immediately; Section 14 takes effect September 1, 2023.

Rulemaking authority: commissioner of education (Sections 9 & 12)

HB 4545

Author: Dutton

Summary: Relating to the assessment of public school students, the establishment of a strong foundations grant program, and providing accelerated instruction.

Sections 1 & 2 – Amends Section [28.0211](#), Education Code Subsections (a), (a-1 through a-3), (c), (f), (i), (k), and (n), and adds (a-4 through a-6), (f-1 through f-5), and (n-1).

(a) A school district **shall** establish an accelerated learning committee for each student who does not perform satisfactorily on 3rd, 5th, or 8th grade reading or required math assessments.

(a-1) Each time a student fails a required assessment in **any** of the 3rd–8th grades, the district must provide accelerated instruction to the student in the subsequent summer or school year and either:

- Allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher for the subsequent school year in the applicable subject area **or**
- Provide the student with supplemental instruction (detailed in [a-4]).

(a-2) (a-3) Accelerated instruction may take place before or after school hours. A student may not be removed from certain school instructional times or activities for accelerated instruction.

(a-4) If a district received funding from the Coronavirus Response and Relief Supplemental Appropriations Act or the American Rescue Plan, then supplemental instruction must include certain elements. *Detailed requirements can be found in the full text of the bill.*

(a-5) Each school district must establish a process allowing a parent or guardian of a student who fails a reading or math assessment in 3rd, 5th, or 8th grade to request for their student to be assigned a specific teacher in the applicable subject area in the subsequent school year.

(a-6) The commissioner shall provide guidelines and resources to districts to help with accelerated instruction.

(c) Requires an accelerated learning committee be established after a student fails one of the 3rd, 5th, or 8th grade reading or math assessments. The accelerated learning committee (previously the grade placement committee) must comprise the principal/principal's designee, parent/guardian, and teacher of the subject the student failed the assessment in. Deletes existing text related to a grade placement committee.

(f) (f-1) (f-2) An accelerated learning committee must develop an educational plan for the student, documented in writing, no later than the start of the subsequent school year. The student must be monitored throughout the year according to the plan. A copy must be provided to the parent or guardian.

(f-3) The board of trustees shall adopt a policy consistent with the grievance procedure adopted under Section 26.011 to allow for contested cases related to this section.

(f-4) If a student fails the state assessment for the same subject for two consecutive years, the superintendent/superintendent's designee **must** meet with the accelerated learning committee and review certain elements.

(f-5) The superintendent's designee may be an employee of a regional education service center (ESC) and may not be a person who served on the student's accelerated learning committee.

(i) For a student who previously failed a state assessment, this subsection deletes text that required the Admission Review Dismissal (ARD) committee to meet prior to that student taking the assessment a second time.

(k) Authorizes, instead of requires, the commissioner of education to adopt rules to implement Section 28.0211, Education Code.

(n) (n-1) A student who fails a state assessment specified in (a) must be placed with a certified teacher at the next grade level during the subsequent school year. The commissioner may waive this requirement.

Section 3 – Amends Section [28.0217](#), Education Code, deleting existing text requiring accelerated instruction for high school students be provided from funds appropriated for that purpose under Section [28.0211](#), Education Code.

Section 4 – Adds Section 29.0881 to Subchapter [C](#), Chapter 29, Education Code, establishing a Strong Foundations Grant Program to assist in the implementation of high-quality instruction for campuses serving pre-k-5th grade. The commissioner will adopt components that districts, open-enrollment charter schools, and campuses must implement under this grant program to include certain elements *detailed in the full text of the bill*. These funds may be used to financially support or train staff, pay for agreements with other entities to provide pre-k, or pay for accelerated instruction.

Section 5 & 6 – Amends Section [39.025](#)(b-1) and [39A.051](#)(b), Education Code, making conforming changes.

Section 7 & 8 – Amends Section [39.051](#)(b) and adds Section 39A.064 to Subchapter [B](#), Chapter 39A, Education Code. The commissioner may require certain school districts comply with the requirements of the Strong Foundations Grant Program.

Section 9 – Amends Section [51.338](#)(d), Education Code, allowing the repealed Section 39.0238 to be valid for students who have already demonstrated college readiness on a postsecondary readiness assessment instrument (prior to the effective date of this bill).

Section 10 – Repeals these sections of the Education Code:

- Section [28.0211](#)(b), (d), (e), (i-1), (i-1), (m), and (m-1) related to satisfactory performance on assessment instruments and accelerated instruction.
- Section [39.0231](#) related to reporting of certain assessment results.
- Section [39.0238](#) related to the adoption and administration of postsecondary readiness assessment instruments.

Section 11 – The board of trustees shall adopt a policy as required by Section [28.0211](#)(f-3), as soon as is practicable.

This Act applies beginning with the 2021–22 school year.

Effective June 16, 2021 (immediately)

Rulemaking authority: commissioner of education (Section 1[k] & Section 8)

Action Items:

- ✦ School districts and open-enrollment charter schools must establish accelerated learning committees and provide accelerated learning to students to whom this section refers.
- ✦ School districts and open-enrollment charter schools must establish a process for parents to request certain teachers in accordance with (a-5).
- ✦ A board of trustees or governing body must adopt a grievance procedure to allow for contested cases in accordance with (f-3).
- ✦ School districts and open-enrollment charter schools can follow developments related to deadlines for submission for the Strong Foundations Grant Program.

SB 1

Author: Nelson

Summary: The General Appropriations Bill provides \$116.3 billion in general revenue, \$6.3 billion general revenue—dedicated, \$84.9 billion in federal funds, and \$41 billion in other funds for a total of \$248.5 billion dollars for the 2022–23 biennium to cover all state functions. School district, county, city, and other ad valorem property tax estimates are not included in the aforementioned values but are discussed in the bill. Article III comprises two sections—TEA (Pre-K–12th grade) and higher education (colleges, universities, and technical schools). A summary of key appropriations for Article III – TEA is as follows:


Article III-Education (TEA)	SB 1 2022-23 (87 th)	HB 1 2020–21 (86 th)
Foundation School Fund	\$31 billion	\$25.3 billion
General Revenue	\$41 billion	\$33.6 billion
Total TEA Funding	\$64.5 billion	\$57 billion
Local Property Taxes	\$51.8 billion	\$44 billion
Total Revenue	\$116.3 billion	\$101 billion
Basic Allotment	\$6,160	\$6,160
Tier II	Level I - \$98.56 (golden pennies) Level II - \$49.28 (copper pennies)	Level 1 - \$98.56 (golden pennies) Level II - \$49.28 (copper pennies)
Technology and Instructional Materials Allotment (TIMA)	\$1.05 billion for the biennium <i>\$620 million set aside in contingency rider for HB 1525</i>	\$1.1 billion for the biennium
Average Daily Attendance (ADA)	2022 – 5,131,468 2023 – 5,167,995	2020 – 5,108,989 2021 – 5,176,272
M&O Tax Compression	Requires 0.3% additional compression each year (2021 Cap - \$0.9134/Floor - \$0.8220)	

Major Bill

SB 1 does not include approximately \$16 billion in unappropriated Elementary and Secondary School Emergency Relief Fund (ESSER) funds.

Effective September 1, 2021

Rulemaking authority: not applicable

 No action by school districts or open-enrollment charter schools is required at this time.

SB 1365

Author: Bettencourt

Summary: Relating to public school organization, accountability, and fiscal management.

Article 1 – State and Local Organization and Governance

Section 1 – Amends Section [7.055](#), Education Code by adding Subsection (d) and amends Section [11.151](#)(b), Education Code. Sections relate to commissioner authority in delegating ministerial and executive functions and the authority of a board of trustees up until when a board of managers steps in.

Article 2 – Public School System Accountability

Section 2 – Adds Section 5.003 to [Chapter 5](#), Education Code, allowing certain appeals to be made prior to final decisions.

Amends [12.1141](#)(b) and (d), Education Code, prohibiting the commissioner of education from denying expedited renewal of a charter for an open-enrollment charter school if certain criteria are met.

Amends Section [29.202](#)(a), Education Code. Students will be eligible to receive a public education grant or attend another school in the district in which they reside if their assigned campus is assigned an unacceptable performance rating.

Amends and redesignates Section 39.057-39.058, Education Code as Sections 39.003-39.004, Education Code; relates to special investigations.

- “Special accreditation investigations” becomes “special investigations.”
- Details when and how the commissioner of education may act on results of a special investigation.
- Details requirements of presenting preliminary findings to a school district. Provides for school board response to preliminary findings before sanctions/interventions, informal review, and commissioner subpoena authority.
- Preliminary investigation reports must identify all evidence and witnesses and are excepted from public disclosure.

Adds Sections 39.005-39.007 to Subchapter [A, Chapter 39](#), Education Code, related to hearings following an investigation. Applies to a district that is the subject of a special investigation that resulted in a final report with recommendations for board of managers, alternative management of campus, or closure of the district or campus.

- Details requirements for a board-requested hearing, agency and school district oral argument before the commissioner followed by a written decision by the commissioner, and the appeal process.

- Districts may request a state administrative law hearing (judicial appeal) only after all administrative remedies have been exhausted.
- An appeal by a school district to a commissioner decision may go to either a district court in the county where the school district is located or Travis County (if mutually agreed upon).
- A school district has 30 days after receiving a written decision from the commissioner to make an appeal.

Amends Section [39.054](#)(a), (a-3), and (a-4), Education Code and adds Subsections (a-4) and (a-5), related to the methods and standards for evaluating performance.

- Provides for both performance ratings **and** the number of consecutive school years of unacceptable performance ratings to be made publicly available no later than August 15th.
- Gives the commissioner of education authority to assign a school district or campus a “Not Rated” rating if conditions related to a state of disaster, breaches in data integrity, insufficient student enrollment, or other conditions exist that would prevent a performance measure from accurately reflecting student learning and achievement.
- A “Not Rated” performance rating is not included in calculating consecutive school years of unacceptable performance ratings and is also not considered a break in consecutive school years of unacceptable performance ratings.

Adds Section 39.0543 to Subchapter [C, Chapter 39](#), Education Code, related to performance rating requiring intervention or action.

- For reporting, a D rating is referred to as “needs improvement.”
- An acceptable performance rating includes a D rating if the district, charter, or campus has not received more than one D rating after receiving a C rating **or** has not received an F.
- Third D rating triggers F level sanctions (year 1).

Adds Section 39.0545 to Subchapter [C, Chapter 39](#), Education Code. This section applies to campuses with 95% student participation in a state assessment during 2020–21 and whose most recent performance rating, other than “Not Rated,” is a D, F, or performance that needs improvement.

- The commissioner of education has rulemaking authority to develop and implement alternative methods and standards for evaluating performance for the 2020–21 school year for campuses to which this section applies.
- An acceptable performance rating assigned under the rules adopted by the commissioner of education for this section is considered a break in consecutive school years of unacceptable performance ratings.

- Schools that would not earn an acceptable rating under the alternative methods and standards will be rated “Not Rated.”

Adds section 39.0546 to Subchapter [C, Chapter 39](#), Education Code, related to COVID-19 recovery accountability for the 2020–21 school year.

- All districts and campuses will be assigned a “Not Rated” rating for the 2020–21 school year unless the commissioner of education determines under Section 39.0545, Education Code that the district or campus should be assigned a rating of C or higher.
- If the commissioner of education would have otherwise assigned a campus an unacceptable performance rating, that campus is considered unacceptable for purposes of determining eligibility for public education grants.
- The commissioner of education shall either appoint a board of managers or close the campus under Section [39.111](#) if a campus is not assigned a C rating or higher for the 2020–21 school year and has been assigned an unacceptable performance rating for five or more school years prior to the 2020–21 school year.

Amends Sections [39.151](#)(a), (b), and (e), Education Code related to challenging an accountability determination.

Amends Section [39A.003](#), Education Code, detailing conservator or management team authority.

Amends Section [39A.004](#), Education Code, authorizing the commissioner of education to appoint a board of managers following the results of a special investigation if other criteria are not met.

Amends Section [39A.061](#)(b), Education Code and adds Section 39A.065 to Subchapter [B, Chapter 39A](#), Education Code, related to local improvement plans.

- The commissioner may authorize a local improvement plan as an option to satisfy the requirements of a campus improvement plan.
- A district, campus, or open-enrollment charter school assigned a D rating **shall** develop and implement a local improvement plan; it will be presented before the board of trustees or governing board.

Amends Section [39A.102](#)(b), Education Code, and adds Subsection(b-1) related to conditions for the implementation of an updated targeted improvement plan.

Amends Section [39A.111](#), Education Code. If a campus has an unacceptable performance rating for five consecutive school years, the commissioner of education shall order the appointment of a board of managers or closure of the campus. Prior law was 3 consecutive school years.

Adds Sections 39A.117 and 39A.118 to Subchapter [C, Chapter 39A](#), Education Code, related to intervention for certain districts or campuses. Defines acceptable versus unacceptable performance ratings and details when interventions and sanctions are appropriate.

- The number of school years of unacceptable performance ratings occurring after the 2012–13 school year is the base number of consecutive years of unacceptable performance for which the performance rating for the 2021–22 school year will be added.

Amends Section [39A.301](#)(a), Education Code, requiring a school district or open-enrollment charter school to file an appeal if it intends to challenge certain decisions by the commissioner of education.

Transfers Section 39A.116, Education Code to Subchapter [Z](#), Chapter 39A. Provides that a commissioner of education decision under Chapter 39 or Chapter 39A (instead of Subchapter C-Campus Turnaround Plan) is final and unappealable unless an applicable provision of Chapter 39 or Chapter 39 A applies.

Repeals Section 39A.0545, Education Code, related to the needs improvement rating.

The TEA must publish the consecutive school years of unacceptable performance ratings required by Section 39.054, Education Code, as soon as practicable. The commissioner of education must develop rules for developing and implementing alternative methods and standards for evaluating the performance of a campus for the 2020–21 school year as soon as practicable.

Article 3 – Public School Fiscal Management

Amends Section [44.052](#)(c), Education Code. A board trustee who votes to approve any expenditure of school funds in violation of this code, for an alternative purpose, or in excess of the adopted budget, creates an offense. Prior law only mentioned penalties for excess spending.

Amends Section [45.105](#)(c), Education Code, and adds Subsection (c-1) related to authorized expenditures for actions or proceedings against the state or an agency or officer of the state arising out of a final and unappealable decision.

Amends Section [48.201](#), Education Code, authorizing the Tier Two Entitlement to be used for any legal purpose other certain purposes.

Article 4 – Conforming Amendments

Aligns sections, code references, and language to ensure no conflict with other areas of the law.

Effective September 1, 2021

Rulemaking authority: commissioner of education (Section 2)

- ✦ School districts and open-enrollment charter schools need to become more familiar with the elements of this change in law if they have campuses that have received D or F ratings.
- ✦ School districts and open-enrollment charter schools need to provide training for board or governing members and provide awareness for parents as well as campus and district employees as appropriate for their role.

Summary of Action Items for Major Bills

Training

HB 1525

- ✦ School business officials – *Sections 37, 38, 39, 43, 45*
- ✦ District and campus administration – *Sections 8, 24, 25*
- ✦ Other – *Sections 7, 8, 12, 14, 22, 27, 28*

SB 1365

- ✦ School board or governing board – *Articles 1, 2, and 3.*

Policy & Procedure

HB 1525

- ✦ *Sections 2, 7, 23, 27*

HB 4545

- ✦ *Section 2* related to accelerated learning and accelerated learning committees
- ✦ *Section 2 (a-5) and (f-3)*

Awareness

HB 1525

- ✦ School business officials – *Sections 2, 20, 24, 25, 29, 32, 33, 34, 35, 36*
- ✦ District and campus administration – *Sections 2, 11, 15, 31*
- ✦ School board or governing board – *Sections 20, 29, 37*
- ✦ Other – *Sections 5, 28*

HB 4545

- ✦ District administration – *Section 4*

SB 1365

- ✦ D and F rated campuses
- ✦ District employees and parents

Accountability & Assessment

HB 773

Authors: VanDeaver, Ashby, Rogers

Summary: Relating to indicators of achievement under the public school accountability system.

Amends Section [39.053\(c\)](#), Education Code. This bill adds an indicator to the accountability system for students who successfully complete a program of study in CTE for evaluating the performance of high school campuses and districts that have high school campuses.

Effective May 28, 2021 (immediately)

Rulemaking authority: none specified



School districts and open-enrollment charter schools need to ensure high school counselors, Public Education Information Management System (PEIMS) coordinators, and relevant administration are trained on the law change.

HB 999

Author(s): Bernal et al.

Summary: Allows individual graduation committees (IGCs) to disregard performance on end-of-course assessments for students in grade 12 during the 2020–21 school year.

Section 1 – Amends Section [28.0258](#), Education Code.

- Only applies to students in grade 12 during the 2020–21 school year.
- An IGC is not required to consider criteria under subsection (h), related to the student’s performance on an end-of-course (EOC) assessment.

Effective May 31, 2021 (immediately)

Rulemaking authority: none specified

- ✦ School districts and open-enrollment charter schools need to reconsider whether some students may graduate by considering only the applicable criteria in subsection (h) and disregarding EOC assessment-related data.
- ✦ Follow the development of TEA’s emergency rule related to an adjusted initial IGC date deadline.

HB 1147

Author(s): Huberty, Guillen, Wilson

Summary: Relating to military readiness for purposes of the indicators of achievement under the accountability system and the college, career, or military readiness outcomes bonus.

Amends Section [39.053](#)(c), Education Code, to include students who enlist in the Texas National Guard in evaluating the Student Progress domain. Amends Section [48.110](#)(f), Education Code, allowing districts to receive a college, career, or military readiness outcomes bonus if an annual graduate enlists in the Texas National Guard. The bonus is \$2,000–\$5,000 per graduate.

Effective September 1, 2021

Rulemaking authority: commissioner of education



Ensure awareness for school district and open-enrollment charter school business officials.

HB 1603

Author(s): Huberty, Spiller

Summary: Removes expiration dates related to individual graduation committees.

Sections 1–4 – Strikes all expiration dates related to individual graduation committees throughout Sections [12.104](#)(b-2) and (b-3), [28.025](#)(c-6), [28.02591](#)(a), and [39.025](#)(a-3) and (a-5).

Section 5 – Amends Section [39.057](#)(a) related to special accreditation investigations.

- The commissioner may authorize a special accreditation investigation if 10% or more of students graduating in 1 year, from one campus, are awarded their diploma based on the determination of an individual graduation committee.

Section 6 – Repeals Sections [28.02541](#)(g), [28.0258](#)(l), and [28.0259](#)(e), all related to expiration dates for the individual graduation committees.

Effective June 7, 2021 (immediately)

Rulemaking authority: none specified



Ensure district and campus administration are aware IGC's are permanent.

HB 3261

Author: Huberty

Summary: Relating to the electronic administration of certain required assessment instruments, measures to support Internet connectivity for purposes of those assessment instruments, the adoption and administration of certain optional interim assessment instruments, the review and use of the instructional materials and technology allotment, and requests for production of instructional materials.

Amends Sections [31.0211](#), [31.022](#), adds 31.037, and multiple subsections of [39.023](#), Education Code. HB 3261 requires state assessments to be administered electronically by the 2022–23 school year. The bill allows the Technology and Instructional Materials Allotment (TIMA) funds to be used for services, equipment, and technology infrastructure to ensure districts have Internet connectivity and adequate bandwidth for electronic assessment administration. The bill also allows districts and charters to use TIMA funds to pay for personnel training associated with administering electronic assessments. The bill requires the TEA adopt or develop, and make available to districts and charters, predictive interim assessments. HB 3261 allows the TEA commissioner to establish a matching grant program to assist with technology infrastructure costs.

Effective June 18, 2021; Section 39.0234 (mandatory electronic assessments) becomes effective with the 2022–23 school year

Rulemaking authority: none specified



Districts and open-enrollment charter schools need to ensure their transition to mandated electronic testing can be completed prior to the beginning of the 2022–23 school year.

SB 369

Author: Kolkhorst

Summary: Relating to the requirement to submit a financial aid application as a condition of high school graduation.

Amends Sections [28.0256](#)(a), (c), (d), and (e), Education Code. To graduate from high school, HB 3 (86-R) required students to complete a Free Application for Federal Student Aid (FAFSA) or Texas Application for State Financial Aid (TASFA). This bill requires both school districts and open-enrollment charter schools to adopt an opt-out form that allows a student or student's parent or guardian to opt out of filling out a financial aid application. Although a school counselor may have to share the way a student complied with this section for reporting purposes under Subsection (e)(2), a school counselor may not indicate that a student did not comply with this section if the student or the student's parent or guardian was not provided with the opt-out form.

This Act applies beginning with the 2021–22 school year.

Effective June 14, 2021 (immediately)

Rulemaking authority: commissioner of education



Each school district and open-enrollment charter school **must** adopt a financial aid application opt-out form and provide it to students who wish to opt out of completing a financial aid application.

SB 1697

Author: Paxton

Summary: Allows parents and guardians to elect for a student to repeat or retake a course or grade.

Sections 1, 2, & 3 – Amends Sections [12.013\(b\)](#), [12.056\(b\)](#), and [12.104\(b\)](#), Education Code, subjecting charter home-rule districts and campuses to parental options to retain a student under Section 29.02124.

Section 4 – Adds Section 28.02124 to Subchapter B, Chapter 28, Education Code, related to a parent option for student retention.

A parent or guardian may:

- Elect for their child to repeat pre-k or kindergarten, or enroll in pre-k or kindergarten if they were eligible the previous year and did not enroll.
- For grades 1–3, elect for their child to repeat the grade the student was enrolled in during the previous school year.
- For grades 4–8, elect for their child to repeat the grade and, for courses taken for high school credit, repeat any course that the student was enrolled in during the previous school year.

A parent may not elect for their student to retake a course for high school credit if they have met all requirements for graduation.

A retention committee **must** meet if there is disagreement between the parent and school on a retention decision and before any decision is made to retain a student. The *full text of the bill* details who comprises the retention committee and what they must discuss. After a retention committee meeting, a parent may decide to have their child retained, and the school **must** comply with their decision.

Students in grades 4–8 and students enrolled in courses for high school credit may only repeat a grade or course from the 2020–21 school year during the 2021–22 school year.

Parent elections **shall** be made in writing.

If a student receives a passing grade or high school course credit and is still retained, the student **shall** retain the original grade assignment unless a different local policy is adopted.

Section 5 – Amends and reenacts Section 29.081(d) and (h), Education Code, related to students at risk of dropping out. The TEA shall study whether a student retained under Section 28.02124 should be considered at-risk.

Section 6 – Amends [48.005\(m\)](#), Education Code, related to average daily attendance (ADA). Allows the commissioner of education to adopt rules to allow repeated grades and courses to be eligible for ADA, regardless of whether the grade or course was originally passed.

Effective June 16, 2021 (immediately)

Rulemaking authority: commissioner of education (Sections 4, 5, & 6)

- ✦ School districts and open-enrollment charter schools need to train district and campus administration on the law change.
- ✦ Update student handbook.

SB 1888

Author: Creighton

Summary: Establishment of the Texas First Early High School Completion Program and Texas First Scholarship Program, intended to incentivize early graduation.

Section 1 – Amends Section [28.0253](#), Education Code, transforming an early high school graduation pilot program into a permanent program called the Texas First Early High School Completion Program.

- The TEA and the Texas Higher Education Coordinating Board (THECB) shall establish the Texas First Early High School Completion Program to allow public high school students who demonstrate early readiness for college to graduate early.
- The THECB is no longer required to partner with 10 geographically diverse school districts or assist school administrators in design and implementation of the program.
- Allows a school district or open-enrollment charter school to issue a high school diploma to a student if they satisfy standards established in rule, demonstrating mastery and early readiness of each of the subject areas under Subsection (c) **and** in a language other than English.
- Students who are initially enrolling in high school below grade 12 **shall** be provided with information regarding the requirements to earn a high school diploma under this program and the Texas First Scholarship Program.
- The TEA and Texas Higher Education Coordinating Board shall prepare and post on their websites the information required to be given to incoming high schoolers. The form these entities create should be reproducible for districts.

Section 2 – Adds Section 48.2642 to Subchapter [E](#), Chapter 48, Education Code, related to adjustments for Texas First Early High School Completion Program graduates.

- For each student who graduates early under the Texas First Early High School Completion Program, a district or open-enrollment charter school will receive average daily attendance (ADA) funding for the period the student is enrolled at an eligible institution.
- The average daily attendance funding will come from the state credit awarded under the Texas First Scholarship Program, based on a 100% attendance rate.
- Entitlement will be reduced for the school year by an amount equal to the total amount of state credit issued during the preceding school year to the district or school's high school graduates under the Texas First Scholarship Program.

Section 3 – Adds Section K-1 to Chapter [56](#), Education Code, related to the Texas First Scholarship Program.

- To be eligible for the Texas First Scholarship Program, a student **must** be a resident of the state, have graduated early from high school under the Texas First Early High School Completion Program, and comply with Section [28.0256](#), Education Code, related to completing financial aid applications.
 - Section 28.0256, Education Code, was amended by SB 369 (87-R).
- Details entitlement, calculation of aid, and the application of that aid.

Section 4 – Repeals Subchapter [K](#), Chapter 56, Education Code, related to the Early High School Graduation Scholarship Program

Section 5 – Details action items for the TEA and the Texas Higher Education Coordinating Board

Effective June 18, 2021 (immediately)

Rulemaking authority: Texas Higher Education Coordinating Board (Sections 1 & 3)

- ✦ School districts and open-enrollment charter schools need to create a system to ensure the information required in Section 1 of this bill is given to students upon their initial enrollment in high school, if below grade 12.
- ✦ Develop policy/procedures for identifying and graduating students who are on an accelerated path.
- ✦ Train high school counselors and the chief financial officer on the change in law.

Summary of Action Items for Accountability & Assessment

Training

- ✦ District and campus administration - *HB 1603, SB 1697, HB 773*
- ✦ High school counselors and PEIMS coordinators – *HB 773*
- ✦ High school counselors and chief financial officer – *SB 1888*

Policy & Procedure

- ✦ Graduation eligibility and early graduation – *HB 999, SB 1888*
- ✦ Electronic testing – *HB 3261*
- ✦ Financial aid opt out form – *SB 369*
- ✦ Update student handbook - *SB 1697*

Awareness

- ✦ District and campus administration – *HB 999*
- ✦ School business officials – *HB 1147*
- ✦ District administration and high school administration and staff – *HB 1603*

Educator Preparation

HB 159

Authors: González, Harris, Ramos

Summary: Adds requirements to teacher training and staff development that focus specifically on educating students with disabilities and fostering inclusive environments.

Section 1 – Adds Subdivision (4) to Section [21.001](#), Education Code, defining “student with a disability” as a student who is eligible to participate in a school district’s special education program, covered by Section 504 or IDEA.

Section 2 – Amends Section [21.044](#) Subsections (a), (b), (c-1), and (g), Education Code, and adds (a-1).

- The State Board for Educator Certification (SBEC shall propose rules specifying what each educator is expected to know and be able to do, particularly regarding students with disabilities.
- Any training requirements for a certificate specified by SBEC must require the person demonstrate basic knowledge of each disability category under IDEA and each condition under Section 504, and how each category or condition can affect learning and development.
- Details additional training requirements for a certificate related to proactive instructional planning techniques and evidence-based inclusive instructional practices.

Section 3 – Amends Section [21.0443](#)(b), Education Code, detailing requirements of educator preparation programs (EPPs) for approval or renewal of approval. In addition to existing requirements under this section, EPPs must:

- Incorporate proactive instructional planning techniques throughout coursework and across content areas; **and**
- Integrate inclusive practices for all students; **and**
- Integrate evidence-based instruction and intervention strategies throughout coursework, clinical experience, and student teaching

Section 4, 5, 6, 7, & 8 – Amend Section [21.045](#)(a), [21.0453](#)(a), [21.046](#)(b), [21.047](#)(c), and [21.051](#)(b) and (f), Education Code. Each of these sections is related to EPPs. Language is added that pertains to preparation focusing on including students with disabilities, inclusive environments, and diverse student populations.

Section 9 – Adds (a-2) to Section [21.451](#), Education Code, related to staff development requirements. In designing the staff development under this Section, a school district must use procedures to ensure the training incorporates certain instructional techniques and practices. See the *full bill text for more detailed requirements*.

Effective September 1, 2021

Rulemaking authority: State Board for Educator Certification (Sections 2 & 8)

- ✦ School districts and open-enrollment charter schools can stay apprised of SBEC's rulemaking regarding training requirements for certification.
- ✦ School districts and open-enrollment charter schools need to look carefully at Section [21.451](#)(a-2) and ensure staff development offerings are in alignment with the requirements outlined in this section.
- ✦ EPPs need to review requirements, ensuring they align with Sections 3–8 of this bill.

HB 2256

Authors: Guerra et al.

Summary: Relating to creating a bilingual special education certification to teach emergent bilingual students with disabilities.

Adds Section 21.04891 to Subchapter [B, Chapter 21](#), Education Code, detailing the requirements of a bilingual special education certification. To be eligible for this certificate, a person must satisfactorily complete the applicable coursework in an educator preparation program, including a skills-based course of instruction that meets certain requirements.

Effective September 1, 2021

Rulemaking authority: State Board for Educator Certification



No action by school districts or open-enrollment charter schools is required at this time.

HB 2827

Author: González

Summary: Relating to the transfer to the Texas Higher Education Coordinating Board of certain responsibilities relating to postsecondary education and career counseling.

Amends Section [33.009](#)(a), (b), (c), (e), (h), and (i), Education Code, to transfer postsecondary education and career counseling academies (Texas OnCourse) for public school counselors from the Center for Teaching and Learning at the University of Texas at Austin to the Texas Higher Education Coordinating Board.

Effective June 18, 2021 (immediately)

Rulemaking authority: none specified



School districts and open-enrollment charter schools need to be aware of the transfer of authority to ensure counselors continue to receive training and meet deadlines.

SB 226

Author: Paxton

Summary: Relating to instruction in educator training programs regarding digital learning, virtual learning, and virtual instruction.

Amends Section [21.001](#)(4) and (5), Education Code, adding definitions for “virtual instruction” and “virtual learning.” Amends Section [21.044](#)(c-2), Education Code, to add virtual instruction and virtual learning to existing requirements for teaching certificates and to require instruction for a teaching certificate to cover best practices in assessment for virtual instruction and curriculum development for virtual learning.

Virtual instruction – instructional activities delivered to students primarily over the Internet.

Virtual learning – digital learning facilitated by virtual instruction.

Effective September 1, 2021

Rulemaking authority: none specified



Educator preparation programs (EPPs) should adjust instruction to include the elements of this change in law.

SB 1267

Author: West

Summary: Streamlines educator training requirements throughout statute and directs the State Board for Educator Certification (SBEC) to establish a clearinghouse of educator training requirements.

Section 1 – Amends Section [7.058](#), Education Code, related to research on mathematics skills acquisition and program effectiveness. Grant funding under this section can now be used to monitor the effectiveness of mathematics achievement academies (previously professional development institutes).

Section 2 – Amends Section [11.175](#), Education Code, by adding Subsection (g). Requires only a district's cybersecurity coordinator to complete the annual cybersecurity training under Section 2054.5191, Government Code, and delegates decisions regarding any other cybersecurity training for district personnel to the district, in consultation with the district's cybersecurity coordinator.

Section 3 – Amends Section [21.054](#)(d), (e), and (f), Education Code and adds Subsection (a-1). (d), (e), and (f) limit certain training required of teachers, principals, and counselors. (a-1) requires continuing education requirements for educators related to training on educating students with disabilities.

Section 4 – Amends Section [21.451](#)(d), (d-1), and (d-3), Education Code, giving school districts more flexibility in providing and requiring mental health condition and substance abuse topic-related training.

Section 5 – Adds Sections 21.4514 and 21.4515 to Subchapter [J, Chapter 21](#), Education Code. The SBEC shall provide a comprehensive clearinghouse of information regarding continuing education and training requirements for all school personnel and shall establish a clearinghouse advisory group.

The board of trustees of a school district and the governing body of an open-enrollment charter school shall annually review the clearinghouse and adopt a professional development policy that must include various components *described in the full text of the bill*.

Section 6 – Amends Section [21.4552](#)(a), (b), and (c), Education Code, and adds Subsection (b-1). Requires the commissioner of education to develop and make available literacy achievement academies for teachers providing reading instruction to students *at any grade level*. This section details the different requirements for reading academies at different grade levels.

Teachers who provide instruction in reading, mathematics, science, or social studies in students in 6th–8th grades at a failing campus must attend a literacy achievement academy.

Section 7 – Amends Sections [21.4553](#)(a) and (b), Education Code, requiring the commissioner of education to develop and make available mathematics achievement academies for teachers

who provide math instruction to students *at any grade level*. This section details the requirements of the mathematics achievement academies.

Section 8 – Adds Section 21.4571 to Subchapter [J, Chapter 21](#), Education Code, transferring the authority to require repeat training or online calibration activities for the Texas English Language Proficiency Assessment (TELPAS) system from the commissioner of education to a school district employee overseeing TELPAS at the district level. A school district employee may not be required to complete a training or online calibration activity in one sitting.

Section 9 – Amends Sections [21.458](#)(b) and (b-1), Education Code, giving districts more flexibility in mentor training programs.

Section 10 – Amends Section [22.902](#)(a), Education Code, allowing districts to provide instruction in the principles of cardiopulmonary resuscitation in accordance with the district policy adopted under Section 21.4515, instead of annually.

Section 11 – Amends Section [28.006](#)(g-1), Education Code, allowing training and support for additional reading instruction and intervention to seventh grade students by regional education service centers, *teacher literacy achievement academies*, and other public and private providers.

Section 12 – Amends Section [28.0062](#)(a), Education Code, extending the deadline to send relevant personnel to teacher literacy achievement academies to 2022–23 instead of 2021–22.

Section 13 – Amends Section [29.063](#), Education Code, by adding Subsection (e), prohibiting the TEA from requiring members of a language proficiency committee to complete training to serve on that committee.

Section 14 & 15 – Amend Section [33.086](#)(b) and Sections [33.202](#)(b) and (c), Education Code, giving further direction on training and certifications for cardiopulmonary resuscitation and first aid.

Section 16 – Amends Section [37.0831](#)(b), Education Code, detailing the requirements of a dating violence policy.

Section 17 – Amends Section [38.0041](#)(c) and (d), Education Code, requiring training on the prevention and recognition of maltreatment in children to align with the district policy adopted under Section 21.4515 and as part of new employee orientation to all new school district and open-enrollment charter school employees. This section also details record-keeping protocols related to this training.

Sections 18, 19, 20, & 21 – Amend Section [38.030](#)(g), Education Code, allowing bleeding control training to be delivered online; amend Section [38.036](#)(c) and (d) and add Subsection

(c-1), Education Code, requiring district trauma-informed care policy to address additional learning related to grief and trauma; amend Section [38.210\(b\)](#), Education Code, related to training in the administration of an epinephrine auto-injector; amend Section [38.351\(h\)](#), Education Code, related to training on suicide prevention programs. These sections all include language that require training alignment with the district adopted policy under Section 21.4515.

Section 22 – Amends Section [39.0304\(a\)](#), Education Code, and adds Subsections (b-1) and (b-2), limiting the commissioner of education to only require the employee at each campus who oversees the administration of the assessment instruments to annually receive the required related training and gives this same district employee discretion in requiring training of other district employees more than once annually.

Section 23 – Amends Section [39.408](#), Education Code, changing code references to which grant programs a district or campus is eligible to participate in.

Section 24 – Lists several repealed sections of the Education Code.

SBEC **must** publish a clearinghouse of training by June 1, 2022. Districts **must** adopt a professional development policy in accordance with Section 21.4515 no later than August 1, 2022.

Effective June 18, 2021 (immediately)

Rulemaking authority: none specified

- ✦ Develop a district professional development policy by August 1, 2022 that follows the requirements in section 5 of this bill.
- ✦ See HB 1118 for additional requirements on cybersecurity training.

SB 1590

Author: Bettencourt

Summary: Relating to rules by the State Board for Educator Certification (SBEC) regarding virtual observation options for field-based experiences and internships required for educator certification.

Amends Section [21.051](#)(f), Education Code, to require the SBEC to propose rules for candidate observations that provide for at least two observations to occur in person and two observations to occur in virtual settings that are equivalent in rigor to in-person options for observation, or three observations to occur in person.

Effective June 18, 2021 (immediately)

Rulemaking authority: State Board for Educator Certification



Educator preparation programs (EPPs) should be aware of this policy to ensure candidates meet the requirements of this section.

Summary of Action Items for Educator Preparation

Training

- ✦ All district staff – *SB 1267*

Policy & Procedure

- ✦ Review professional development – *HB 159*
- ✦ Educator preparation programs review certification and instruction requirements – *HB 159, SB 226*
- ✦ Develop district professional development policy (Aug. 1, 2022) – *SB 1267*

Awareness

- ✦ District and campus administration – *HB 159*
- ✦ High school counselors – *HB 2827*
- ✦ Educator preparation programs – *SB 1590*

Finance

HB 699

Author(s): Rosenthal, Guillen, Fierro

Summary: Allows students with severe or life-threatening illnesses to have excused absences related to their illness.

Section 1 – This act may be cited as Riley’s Rule.

Section 2 – Amends Section [25.087](#)(b), Education Code, related to excused absences.

- A school district **shall** excuse a student from attending school for an absence resulting from a serious or life-threatening illness or related treatment that makes attendance infeasible.
- A student may only be excused if a Texas licensed physician provides a certification specifying the student’s illness and the anticipated period of absence.

Section 3 – Amends Section [25.0915](#)(a-3), Education Code, related to truancy prevention.

- A school district **shall** offer additional counseling to a student and may not refer the student to truancy court if the truancy is a result of a severe or life-threatening illness or related treatment.

Section 4 – Adds (a-3) to Section [25.092](#), Education Code, related to minimum attendance requirements.

- A student’s excused absence related to a serious or life-threatening illness or related treatment may not be considered for the purpose of satisfying the attendance requirement in this section.

Effective June 7, 2021 (immediately)

Rulemaking authority: none specified



School districts and open-enrollment charter schools need to advise and train attendance personnel on amended law.

HB 3456

Author: White

Summary: Relating to inclusion of funds received by certain educational institutions or programs in foundation school program funds for purposes of certain budget reductions.

Amends TEC Sections [19.007](#), [29.259](#), [30.25](#), [30.056](#), & [37.012](#). In May 2020, the governor, the lieutenant governor, and the speaker of the house issued a directive to all state agencies and institutions of higher education to submit a plan to reduce discretionary spending and general revenue by 5% for the 2020–21 biennium. HB 3456 designates the Texas School for the Blind and Visually Impaired (TSBVI), the Texas School for the Deaf (TSD), the Texas Juvenile Justice Department, and adult education programs as part of the foundation school program for the purposes of any budget reductions requested by the Legislative Budget Board or the governor. The designation exempts the institutions from the 5% reductions required by the Legislative Budget Board but is not applicable outside of this specific context.

Effective June 14, 2021 (immediately)

Rulemaking authority: none specified



No action by applicable school districts or open-enrollment charter schools is required at this time.

SB 289

Author: Seliger

Summary: Relating to excused absences from public school for certain students to obtain a driver's license or learner license.

Adds (b-7) and amends (d) of Section [25.087](#), Education Code, allowing a school district to excuse an absence of a student who is 15 years of age or older to obtain a driver's license or learner's license. The district may only excuse one day for a student enrolled in high school to obtain a driver's license and one day for a student to obtain a learner's license. Students will need to submit relevant documentation in accordance with district policy to receive an excused absence.

Effective June 14, 2021 (Immediately)

Rulemaking authority: none specified



School districts and open-enrollment charter schools need to advise and train attendance personnel on amended law.

SB 462

Author: Lucio

Summary: Relating to funding under the transportation allotment for transporting meals and instructional materials to students during a declared disaster.

Amends Section [48.151](#), Education Code, allowing the transportation of a meal or instructional materials to be covered under the transportation allotment. A school district may be reimbursed for the cost of transporting a meal or instructional materials to a student's residence or other designated residence for pickup by the student if the school district is in a declared disaster area.

Effective June 14, 2021 (immediately)

Rulemaking authority: none specified



No action by school districts or open-enrollment charter schools is required at this time.

SB 1232

Author: Taylor

Summary: Relating to the management and investment of the permanent school fund (PSF), including authorizing the creation of the Texas Permanent School Fund Corporation to manage and invest the fund and limiting the authority of the School Land Board to manage and invest the fund if the corporation is created.

Amends TEC Chapter 43 by redesignating multiple sections of the existing Chapter 43 in a newly created Subchapter A (General Provisions), [Chapter 43](#). The bill combines the PSF into one single fund run by a new special-purpose government corporation called the Texas Permanent School Fund Corporation (TPSFCO). TPSFCO will be housed under the State Board of Education (SBOE) but will be its own entity with its board made up of the General Land Office (GLO) commissioner and one member of the commissioner's choosing with investment expertise, five SBOE members, and two governor appointees with asset management experience. This structure was designed to maintain the constitutional requirements of both the SBOE and GLO.

Effective Beginning September 1, 2021 (specific sections of the bill take effect in 2022 and 2023)

Rulemaking authority: *State Board of Education (Section 1.06)*



No action by school districts or open-enrollment charter schools is required at this time.

SB 1336

Author: Hancock et al.

Summary: Limits the rate of growth of certain appropriations.

The current constitutional spending limit only includes state tax revenue not dedicated by the constitution. SB 1336 creates an additional “consolidated general revenue appropriations” spending limit, which applies to appropriations of general revenue, general revenue-dedicated funds, and general revenue-related funds. This additional limit would cap state appropriations from these consolidated funds at a rate of population growth, as adjusted by the rate of inflation, and would allow exceptions to the limit for the purposes of tax relief or costs associated with disaster recovery. Exceeding this limit would require a three-fifths vote of the legislature on a resolution declaring an emergency.

Effective September 1, 2021

Rulemaking authority: State Board of Education (Section 1.06)

✦ No action by school districts or open-enrollment charter schools is required at this time.

Summary of Action Items for Finance

Training

✦ Attendance personnel – HB 699, SB 289

Finance: Purchasing

HB 1428

Author: Huberty

Summary: Relating to procurement by a political subdivision of a contingent fee contract for legal services.

Amends Section 2254.102(e), Government Code. Extends the exemption for certain collection services contracts from provisions governing contingent fee contracts for legal services to any contract for legal services entered into by a political subdivision for the collection of a delinquent obligation. The bill defines “obligation” by reference and establishes that for purposes of this exemption an obligation does not include a fine or penalty that results from an action by a political subdivision under specified Water Code enforcement provisions.

Effective September 1, 2021

Rulemaking authority: none specified



No action by school districts is required at this time.

HB 1476

Authors: K. Bell et al.

Summary: Relating to a vendor's remedies for nonpayment of a contract with this state or a political subdivision of this state.

Amends Section [2251.042](#) Government Code, requiring a governmental entity to detail the amount of an invoice that is being disputed and permitting the entity to withhold from payments requiring no more than 110% of that disputed amount. This approach allows the vendor to receive partial payment for the work completed that is not in dispute.

Effective September 1, 2021

Rulemaking authority: none specified



No action by school districts is required at this time.

HB 3069

Authors: Holland et al.

Summary: Relating to statutes of limitation and repose for certain claims involving the construction or repair of an improvement to real property or equipment attached to real property.

Amends Section [16.008](#) and [16.009](#), Civil Practice and Remedies Code, decreasing the time public building owners can sue for defects from 10 years to 8 years for public projects. Building owners would have an additional year (instead of an additional 2 years) to sue for defects discovered in the previous year.

Effective Date: June 14, 2021 (immediately)

Rulemaking authority: none specified



No action by school districts is required at this time.

HB 3583

Author: Paddie

Summary: Relating to energy savings performance contracts (ESPC).

Amends Section [302](#), Local Government Code. Prohibits the use of ESPCs for public works and civil works projects that are subject to well-established contracting and procurement statutes by specifically prohibiting the use of ESPCs for the design or construction of major civil works projects, which should be procured through the existing statutory framework for design and construction projects. Ensures that energy savings performance contracts are utilized in a transparent manner for the purpose originally intended and not as a means to bypass statutes relating to the procurement of public works projects by simply modifying the scope or executing a change order to the original contract.

Effective June 14, 2021 (immediately)

Rulemaking authority: none specified



School districts will need to update policy on purchasing, along with related purchasing procedures and guidelines.

SB 13

Authors: Birdwell et al.

Summary: Relating to state contracts with and investments in certain companies that boycott energy companies.

Amends Subtitle A, Title 8, Government Code, by adding Chapter 809 and Subtitle F, Title 10, Government Code, by adding Chapter 2274. Prohibits Texas state agencies that invest funds from investing in financial companies that boycott energy companies. Specifically, it requires the Comptroller of Public Accounts of the State of Texas (comptroller) to prepare and maintain a list of all financial companies that refuse to deal with; terminate business activities with; or otherwise take any action that is, solely or primarily, intended to penalize, inflict economic harm on, or limit commercial relations with a financial company because the company engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law.

A governmental entity may not enter a contract with a company for goods or services unless the contract contains written verification from the company that it does not boycott energy companies and will not boycott energy companies during the term of the contract. This provision only applies to a company with 10 or more full-time employees and with a contract value of \$100,000 or more.

Effective September 1, 2021

Rulemaking authority: none specified



School districts will need to update policy on purchasing, along with related purchasing procedures and guidelines.

SB 19

Authors: Schwertner, Campbell, Nelson

Summary: Prohibits contracts with companies that discriminate against the firearm or ammunition industries.

Amends Subtitle F, Title 10, Government Code, by adding Chapter 2274. Prevents any company with at least 10 employees from the benefits of state or other government contracts valued at \$100,000 or more unless the company verifies in writing that it does not have an internal policy or directive that discriminates against members of the lawful firearm or ammunition industries.

Effective September 1, 2021

Rulemaking authority: none specified



School districts will need to update policy on purchasing, along with related purchasing procedures and guidelines.

SB 58

Author: Zaffirini

Summary: Relating to purchasing of cloud computing services by a political subdivision.

Amends Section [271.003\(8\)](#), Local Government Code. Allows financing of cloud computing services by amending the definition of personal property. Expands the definition of personal property, which under current law (“appliances, equipment, facilities, furnishings, electricity”) allows for the financing of computer hardware, cybersecurity enhancements, and computer processing in existing law, to include cloud computing services.

Effective Date: June 3, 2021 (immediately)

Rulemaking authority: none specified



School districts will need to update policy on purchasing, along with related purchasing procedures and guidelines.

SB 59

Author: Zaffirini

Summary: Relating to the advertising and promotion of a state purchasing program for local governments.

Amends Section 271.082, Local Government Code. Allows Texas Comptroller to begin advertising and promoting the statewide purchasing program for local governments, as established by the comptroller. <http://www.txsmartbuy.com/>

Effective Date: June 7, 2021 (immediately)

Rulemaking authority: none specified



No action by school districts is required at this time.

SB 219

Author: Hughes

Summary: Relating to civil liability and responsibility for the consequences of defects in the plans, specifications, or related documents for the construction or repair of an improvement to real property or of a road or highway.

Amends Title 4, Business & Commerce Code, by adding Chapter 59. Provides that a builder is not responsible for the consequences of defects in design or bid documents provided to the builder by the person with whom the builder has entered into a construction contract. It also prevents an owner from requiring a builder to waive this protection by contract. The exemption from liability does not necessarily apply to design-build contracts; an engineering, procurement, and construction contract; or other contracts by which the contractor provides input and guidance on plans, specifications, or other design documents.

Effective September 1, 2021

Rulemaking authority: none specified



School districts need to update construction project contract language.

SB 338

Author: Powell

Summary: Relating to the adoption of uniform general conditions for building construction contracts entered into by school districts and the composition of the committee that reviews uniform general conditions.

Amends [Subchapter B, Chapter 44](#), Education Code, by adding Section 44.035. Authorizes a school district to adopt uniform general conditions to be incorporated in all district building construction contracts after reviewing the uniform general conditions (UGC) adopted by the Texas Facilities Commission (TFC) under Section 2166.302 (Adoption of Conditions), Government Code. The bill also requires the TFC to add two additional members (one representing Texas Association of School Boards and one representing Texas Association of School Administrators) to the committee charged with reviewing the UGCs.

Effective September 1, 2021

Rulemaking authority: none specified

- ✦ No action by school districts is required at this time.
- ✦ The bill authorizes but does not require the use of UGCs in school district construction contracts.

Summary of Action Items for Finance: Purchasing

Policy & Procedure

- ✦ Update procurement/purchasing policies and guidelines – *HB 3583, SB 13, SB 19, SB 58*
- ✦ Update construction project contract language – *SB 219*

Awareness

- ✦ District administration regarding uniform general conditions (UGC) – *SB 338*

Governance & Administration

HB 547

Authors: Frank et al.

Summary: Provides for school districts to allow non-enrolled (home-schooled) students who meet certain requirements to participate in University Interscholastic League (UIL) activities.

Section 1 – Adds Section 33.0832 to [Subchapter D, Chapter 33](#), giving school districts the **option** of allowing non-enrolled student participation in UIL activities. Non-enrolled students participating in league activities are subject to relevant policies that apply to enrolled students, including registration for league activities, age eligibility, fees, standards of behavior, and performance, among *other policies detailed in the full text of the bill*.

Non-enrolled students may only participate in a league activity if:

- They participate at the school they are zoned for based on their residential address. They must provide proof of residency, the same as enrolled students.
- They demonstrate grade-level academic proficiency on any nationally recognized, norm-referenced assessment instrument in the first 6 weeks of the school year. (If academic proficiency is achieved one year, it counts for the subsequent school year as well).
- Their parent/guardian provides written verification that their student is receiving a passing grade in each course/subject, in accordance with the school's grading calendar.
- They were not enrolled in a public school during the same academic year.
- They follow the same immunization requirements and exceptions for enrolled students.

Detailed eligibility requirements can be found in the full text of the bill.

Applies beginning with the 2021–22 school year

Effective September 1, 2021

Rulemaking authority: none specified



School boards and charter school governing boards need to decide whether to allow non-enrolled (home-schooled) students to participate in UIL activities in their school district.

HB 624

Author: Shine

Summary: Relating to increasing the criminal penalty for certain offenses committed in retaliation for or on account of a person's service or status as a public servant.

Amends [Subchapter D, Chapter 12](#), Penal Code by adding Section 12.501. Increases the penalty for those who harass, intimidate, threaten, stalk, damage property, or trespass on property belonging to a public servant or their family. The bill is specific to intent to intimidate or harass a public servant or family of a public servant due to one's official position as a public servant. HB 624 also increases the criminal penalty for certain offenses committed in retaliation for or on account of a person's service or status as a public servant.

Effective September 1, 2021

Rulemaking authority: none specified



No action by school districts is required at this time.

HB 690

Author: Metcalf

Summary: Relating to training requirements for the board of trustees.

Amends Section [11.159](#), Education Code, by adding (b-1). Directs the State Board of Education (SBOE) to require a school board trustee to complete training on school safety. The SBOE, in coordination with the Texas School Safety Center, has until January 1, 2022 to develop curriculum and materials for the training. Regional education service centers (ESCs) are responsible for offering training under this section.

Effective September 1, 2021

Rulemaking authority: none specified

- ✦ Regional ESCs need to monitor the development of this training in preparation for offering it.
- ✦ School boards need to add this to their list of required training for 2022.

HB 3165

Author: Meyer

Summary: Relating to an affirmative defense to an allegation of truant conduct.

Amends Section [65.003](#), Family Code. Establishes an affirmative defense to an allegation of truant conduct, in cases where one or more of the absences were due to the child's voluntary absence from the child's home because of abuse as shown by a preponderance of evidence. The bill would apply this change beginning with the 2021–22 school year.

Effective June 6, 2021 (immediately)

Rulemaking authority: none specified



School districts and open-enrollment charter schools will need to update attendance policies, procedures, and student handbooks.

HB 3489

Author: Parker et al.

Summary: Requires school districts and open-enrollment charter schools to establish a policy for the effective use of digital devices with the option to use guidelines created by the TEA.

Adds Section 38.0231 to [Subchapter A, Chapter 38](#), Education Code, related to school district and open-enrollment charter school policies for the effective use of digital devices.

The TEA and Health and Human Services Commission **shall** develop and distribute model health and safety guidelines that schools may use to determine best practices for the effective integration of digital devices in public schools. Each school district and open-enrollment charter school **may** adopt the guidelines developed by the TEA or adopt their own. Regardless, schools have the flexibility to adopt the guidelines in a way that meets the district or charter school's specific needs.

If the guidelines established by the TEA are adopted by the district or charter, they **must** be posted publicly on the district or charter's website.

Section 2 – The guidelines for the use of digital devices shall be distributed beginning with the 2023–24 school year.

Effective September 1, 2021

Rulemaking authority: none specified

- ✦ School districts and open-enrollment charter schools need to adopt a digital device policy and update their student handbooks beginning with the 2023–24 school year.

HB 4279

Author: Alex Dominguez

Summary: Relating to the eligibility of the Windham School District to participate in the Jobs and Education for Texans (JET) Grant Program.

Amends Section [134.004](#), Education Code, allowing Windham School District to participate in the JET Program.

Effective September 1, 2021

Rulemaking authority: none specified

 Only applies to Windham School District.

HCR 1

Author(s): Stephenson et al.

Summary: Related to Christian language and displays of it in public spaces.

The House Concurrent Resolution (HCR) states that the 87th Texas Legislature supports prayers, including the use of the word “God,” at public gatherings, and displays of the Ten Commandments in public educational institutions and other government buildings. The HCR states support but does not require anything of local education agencies.

Effective September 1, 2021

Rulemaking authority: none specified



No action by school districts or open-enrollment charter schools is required at this time.

SB 157

Author: Perry

Summary: Relating to eminent domain reporting requirements for certain entities.

Amends Section [2206.154](#), Government Code, Subsection (a) and adds Subsections (b-1) and (b-2). The bill amends the Government Code to condition the requirement for a public school district located in a county with a population of less than 25,000 or a municipality or county with a population of less than 25,000 to submit an annual report containing records and other information for purposes of the eminent domain database maintained by the comptroller of public accounts only if the relevant information has changed from the information reported in the most recent report filed with the comptroller.

Effective September 1, 2021

Rulemaking authority: none specified



No action necessary for school districts located in a municipality or county with a population less than 25,000, unless required reporting information has changed.

SB 204

Author: Schwertner

Summary: Related to a public school transportation system.

Section 1 – Amends Section [34.007](#), Education Code, related to the public school transportation system. A board of trustees may establish and operate a public school transportation system to bus students from outside the district into the district. Previously, an interlocal agreement was required to operate this type of transportation system; Under SB 204, bus routes can be established without an interlocal agreement if the following conditions are met:

- The receiving district must have an active policy adopted by the board that prohibits screening transfer students based on the student’s academic performance, disciplinary history, or attendance record, regardless of any district of innovation plan that authorizes the board to screen transfer students. They must also post this policy on the district’s website.
- The receiving district must have an overall rating of C or higher and an overall accountability score of 70 or higher for the preceding school year or the most recent school year in which a performance rating was assigned.
- The receiving school district must have the same or better overall performance rating for the preceding school year or most recent school year in which a performance rating was assigned as the district where the student resides.
- This section should not be construed to prohibit a board of trustees from operating a transportation system in another county or district to ensure the most efficient routes for students residing in that county or district.

Effective June 14, 2021 (immediately)

Rulemaking authority: none specified



Relevant school districts need to adopt and post a transportation policy on their website.

SB 721

Author: Schwertner et al.

Summary: Relating to the disclosure of appraisal reports in connection with the use of eminent domain authority.

Amends Section [21.011](#), Property Code by adding Subsection (a-1). Requires entities seeking to acquire property through eminent domain to disclose to the property owner any and all current and existing appraisal reports. The requirements apply to reports produced or acquired by the entity, relating specifically to the owner's property, and used in determining the entity's opinion of value, if the appraisal report is to be used at a special commissioner's hearing. The required information must be provided at least 3 days prior to the hearing.

Effective September 1, 2021

Rulemaking authority: none specified



No action by school districts is required at this time.

SB 788

Authors: Creighton, Powell

Summary: Relating to the development of model data-sharing agreements for sharing certain student information between relevant entities.

This bill adds Section 7.012 to [Subchapter A, Chapter 7](#), Education Code. The TEA, the Texas Higher Education Coordinating Board (THECB), and the Texas Workforce Commission will develop and make available model Family Educational Rights and Privacy Act (FERPA) compliant data-sharing agreements for voluntary use among public schools, public and private institutions of higher education, state and local workforce entities, and other entities authorized to receive this information.

Effective September 1, 2021

Rulemaking authority: none specified



No action by school districts or open-enrollment charter schools is required at this time.

SB 797

Author: Hughes

Summary: Related to the display of the national motto in public schools and institutions of higher education.

Section 1 – Amends Section [1.004](#), Education Code, related to the display of the national motto. A public school must display in a conspicuous location in each building of the school a durable poster or framed copy of the U.S. national motto, “In God We Trust.” The poster or framed copy **shall** only be displayed if it is donated for display at the school or purchased from private donations and made available to the school. A public school is authorized to accept and use private donations for the purpose of displaying the national motto. The poster or framed copy of the national motto must:

- **Only** contain a representation of the U.S. flag centered under the national motto and a representation of the state flag.

This Act applies beginning with the 2021–22 school year.

Effective June 16, 2021 (immediately)

Rulemaking authority: none specified



If donated or purchased from private donations and made available to the school, the school **must** display the U.S. national motto according to the requirements in Section 1 of this bill.

SB 1225

Author: Huffman

Summary: Related to the authority of a governmental body affected by a catastrophe and/or physical office closure to temporarily suspend the requirements of the public information law.

Section 1 – Amends Section [552.233](#), Government Code, related to the definition of “catastrophe.” Adds that a “catastrophe” is a condition or occurrence that **directly** interferes with the ability of a governmental body to comply with the requirements of this chapter. “Catastrophe” does not mean a period when staff is required to work remotely and still has access to applicable information. Detailed requirements related to the “suspension period” are found in Subsections (d-f).

Section 2 – Adds Section 552.2211 to Subchapter [E](#), Chapter 552, Government Code, requiring a governmental body to make a good-faith effort to continue responding to applications for public information, even if physical offices are closed and staff are working remotely, except as provided by Section [552.233](#), Government Code.

Effective September 1, 2021

Rulemaking authority: none specified



Action on public information requests may be required of school districts and open-enrollment charter schools in the event of a catastrophe and/or physical office closure.

SB 1351

Author: Miles

Summary: Related to the donation of food by public school employees.

Amends Section [33.907](#), Education Code. This bill alters language throughout the section and adjusts what type of food can be donated. In addition to breakfast, lunch, and dinner, snacks from the cafeteria can now qualify as donated food.

Type of food to be donated:

- Packaged unserved food that is packaged on the campus of a school district or open-enrollment charter school and has not been removed from the campus cafeteria;
- Packaged served food if the packaging and food are in good condition;
- Whole, uncut produce; and
- Wrapped raw unserved produce

Food must be maintained at temperature required by law (if applicable) to be eligible for donation.

Effective September 1, 2021

Rulemaking authority: none specified

- ✦ School districts and open-enrollment charter schools need to advise food service leadership of the change in law.
- ✦ Changes should be made to relevant training and protocols.

SB 1677

Author: Buckingham

Summary: Related to the requirement for a plan by certain school districts to increase enrollment in institutions of higher education.

This bill **repeals** Section [29.904](#), Education Code. Previously, this section required certain districts to make agreements with institutions of higher education to develop a plan to increase the percentage of the district's graduating seniors who enroll in an institution of higher education.

Effective September 1, 2021

Rulemaking authority: none specified



No action by school districts is required at this time.

SB 1955

Author: Taylor

Summary: Relating to exempting learning pods from certain local government regulations; known as “The Learning Pod Protection Act.”

Adds Chapter 27 to Subtitle E, Title 2, Education Code. A school district may not act against, deny benefit to, or discriminate against a child or child’s parent based on their participation in a learning pod. Furthermore, districts may not require a learning pod to be registered with a district or require a person participating in a learning pod to report to the district information about the learning pod. An agent of a school district may not initiate or conduct a site inspection, investigation, or visit to a location where a learning pod is meeting unless the district would have conducted the inspection, investigation, or visit regardless of the presence of the learning pod.

Effective June 8, 2021 (immediately)

Rulemaking authority: none specified



No action by school districts is required at this time.

SB 2050

Author: Menéndez

Summary: Related to district bullying policies, reporting bullying and cyberbullying through the Public Education Information Management System PEIMS, and rules for bullying prevention.

Section 1 – Amends Section [37.0832](#)(c), Education Code, and adds (c-1). Requires the board of trustees of a district or governing body of a charter to adopt a policy, including necessary procedures, that prevents and mediates bullying incidents between students. Additional existing statutory requirements for this policy *are detailed in full in Section 37.0832*.

The TEA is required to adopt minimum standards for a school district’s policy. These standards will require additional instruction, campus committees, and reporting related to bullying.

Section 2 – Amends Section [48.009](#), Education Code by adding (b-4). Requires school districts and open-enrollment charter schools to annually report through PEIMS the number of incidents of bullying and cyberbullying that have occurred at each campus.

Section 3 – Repeals Section [37.0832\(f\)](#), which was the district bullying policy guideline that became a requirement through the addition of (c-1) of this bill.

Effective June 18, 2021 (immediately)

Rulemaking authority: commissioner of education

- ✦ School district board of trustees needs to update its existing bullying prevention policy.
- ✦ School districts and open-enrollment charter schools need to create or streamline their bullying and cyberbullying reporting system.
- ✦ Relevant staff need to be given notice on PEIMS reporting related to this bill.
- ✦ School districts and open-enrollment charter schools should stay apprised of the TEA’s rule making related to this bill, as it will produce additional requirements for schools.

SB 2066

Author: Menéndez

Summary: Related to emergent bilingual students in public schools.

Amends multiple sections throughout the Education Code, replacing the term “student of limited English proficiency” with “emergent bilingual student,” for purposes of statutory references to bilingual education and special language programs.

Effective September 1, 2021

Rulemaking authority: none specified

- ✦ School districts and open-enrollment charter schools need to notify school personnel who serve, assess, or report on emergent bilingual students of the terminology change.

Summary of Action Items for Governance & Administration

Training

- ✦ ESCs – *HB 690*
- ✦ School boards – *HB 690*
- ✦ Food service leadership – *SB 1351*

Policy & Procedure

- ✦ Homeschooled students' participation in UIL – *HB 547*
- ✦ Update attendance policies/procedures – *HB 3165*
- ✦ Adopt digital device policy – *HB 3489*
- ✦ Reporting for certain school districts based on population size – *SB 157*
- ✦ Develop and post transportation policy if district buses from outside the district – *SB 204*
- ✦ Display of the U.S. national motto in schools – *SB 797*
- ✦ Action on public information requests during a disaster – *SB 1225*
- ✦ Update food donation protocol – *SB 1351*
- ✦ Update bullying prevention policy – *SB 2050*
- ✦ Update bullying and cyberbullying reporting system – *SB 2050*

Awareness

- ✦ PEIMS staff – *SB 2050*
- ✦ District administration – *SB 2050*
- ✦ Staff that serve emergent bilingual students – *SB 2066*

Governance & Administration: Charter

HB 189

Author: Canales

Summary: Related to severance payments for the educational leader at an open-enrollment charter school.

Section 1 – Adds (b-4) to Section [12.104](#), Education Code. This applies Section [11.201\(c\)](#), Education Code, related to severance payments for superintendents, to an open-enrollment charter school. It parallels the governing body of the charter school to the board of trustees and parallels the superintendent or educational leader and chief executive officer of the charter school to the school district superintendent. This section details notification requirements and penalties related to the severance payment amount.

Section 2 – Only applies to severance payment agreements entered on or after June 4, 2021. Previous agreements will not be grandfathered.

Effective June 4, 2021 (immediately)

Rulemaking authority: none specified



The governing body of an open-enrollment charter school should review this law change before creating a severance payment agreement.

HB 572

Author: Dutton

Summary: Related to the criteria for “students at risk of dropping out” and a study by the TEA on the implementation of competency-based educational programs.

Section 1 – Amends Section [29.081](#)(d), related to compensatory, intensive, and accelerated instruction.

- The criteria for “student at risk of dropping out of school” now include students enrolled at a dropout recovery school.

Section 2 – Adds Section 29.928, to Subchapter [Z](#), Chapter 29, Education Code, instructing the TEA to conduct a study on the implementation of competency-based educational programs. The report of this study is due to the legislature by December 1, 2022.

Effective June 16, 2021 (immediately)

Rulemaking authority: none specified



No action by open-enrollment charter schools is required at this time.

SB 346

Author: Paxton

Summary: Allows open-enrollment charter schools to participate in the Jobs and Education for Texans (JET) Grant Program.

Amends Section [134.004](#)(a) and (b), Education Code, and Sections [134.006](#)(a) and (d), Education Code, adding open-enrollment charter schools to the list of institutions allowed to compete for grants in the JET Grant Program and for grants for Career and Technical Education (CTE) programs, respectively.

Amends Section [134.007](#)(a) and (d), Education Code, authorizing the Texas Workforce Commission (TWC) to award a grant to an open-enrollment charter school if the school has entered into a partnership with a public junior college, public technical institute, or public state college for the purpose of promoting CTE to the school's students or offering dual credit courses to the school's students.

Effective May 24, 2021 (immediately)

Rulemaking authority: none specified



Open-enrollment charter schools can track criteria and deadlines related to these grants.

SB 879

Author: Lucio

Summary: Amends the age requirement for dropout recovery schools, requiring these schools to have an enrollment of 60% of students 16 years of age or older.


Section 1 – Amends [12.1141](#)(c), related to the designation of an open-enrollment charter school as a dropout recovery school.

- Prior law required 50% of students in grades 9–12 to be 17 years of age or older.
- New law requires 60% of students in grades 9–12 to be 16 years of age or older to qualify for designation as a dropout recovery school.

Sections 2 & 3 Amends [12.137](#)(a) and [39.05489](#)(a), making conforming changes. Section 3 provides for open-enrollment charter schools to apply for and become a dropout recovery school in accordance with commissioner rule, if they do not qualify under the 60% at 16 or older rule.

Effective May 24, 2021 (immediately)

Rulemaking authority: commissioner of education

-  Open-enrollment charter schools need to review enrollment to ensure compliance.

SB 1615

Author: Bettencourt

Summary: Relating to the adult high school charter program.

Adds Subchapter G to Chapter 12, Education Code, permanently establishing the adult high school charter school program and redesignating several sections from Chapter 29, Education Code to Chapter 12, Education Code. This bill limits the number and size of adult charter education programs during the first few years of the program and establishes a temporary assessment and accountability framework until an advisory committee reports to the commissioner of education with more permanent recommendations.

Effective May 24, 2021 (immediately)

Rulemaking authority: commissioner of education



No action by charter schools is required at this time.

Summary of Action Items for Governance & Administration: Charter

Policy & Procedure

- ✦ Review enrollment for compliance – SB 879

Awareness

- ✦ Governing body – HB 189
- ✦ Administration – SB 346

Governance & Administration: Child-Care

HB 619

Authors: Thompson et al.

Summary: Relating to developing a strategic plan to support the childcare workforce.

Adds Section 302.0062 to Subchapter [A](#), Chapter 302, Labor Code. The Texas Workforce Commission (TWC) will prepare a strategic plan to support the childcare workforce, consult with a workgroup for the plan's development, and update the plan every 2 years.

Effective September 1, 2021

SB 764

Author: Huffman

Summary: Relating to the operation of certain childcare facilities during certain periods.

Adds (d-1) to Section [42.072](#), Human Resources Code, saying a person may not operate a facility or family home during an appeal of a suspension, denial of a license, certification, registration, or listing.

Effective September 1, 2021

SB 1061

Author: Zaffirini

Summary: Relating to background and criminal history checks for operators and employees of certain childcare facilities.

Adds (b-1), (b-1), and (c-1) to Section [42.159](#), Human Resources Code and amends Section [42.206](#), Human Resources Code, expanding current Small-Employer Based Child Care (SEBCC) background checks by requiring them to submit applicants' fingerprints for a complete FBI criminal background check.

Effective September 1, 2021



Detailed action required for SEBCCs as stated more explicitly in the *full text of the bill*.

Texas Rising Star Program-Related Bills

HB 1792

Authors: Button et al.

Summary: Relating to the evaluation of childcare providers participating in the Texas Rising Star Program.

Amends Section [2308.3155](#), Government Code, by adding Subsection (d), requiring The Texas Workforce Commission (TWC) to select a single entity to oversee a statewide roster of qualified assessors to evaluate childcare providers participating in the Texas Rising Star Program during the initial certification process and at any other time during the provider's participation in the program. Amended Section [2308.320](#) no longer requires a child development specialist to serve as an evaluator of the provider.

Effective September 1, 2021

HB 2607

Authors: Button, Talarico, Minjarez

Summary: Related to the powers and duties of the Texas Workforce Commission (TWC) and local development boards regarding the provision of childcare and participation in the Texas Rising Star Program.

Section 1 - Amends Section [2308.3155](#), Government Code, requiring all childcare providers who participate in the subsidized childcare program to also participate in the Texas Rising Star Program; Establishes an entry-level rating system for childcare providers participating in the Texas Rising Star Program.

Section 2 – Amends Sections [302.0042](#)(b) and (c), Labor Code, changing some aspects of what the TWC must evaluate regarding allocation formulas for childcare development funds, including the number of 3- and 4-star-rated childcare providers participating in partnerships with public school districts and public charter schools.

Section 3 – Adds Section 302.00436 to [Subchapter A, Chapter 302](#), Labor Code, requiring each local workforce development board to inform the local school districts and open-enrollment charter schools of opportunities to partner with childcare providers in the board's area.

Section 4 – Amends Section [302.0461](#)(d), Labor Code, requiring a local workforce development board to update the report of a contract between a local workforce development board and a childcare provider, as required by (c), every 12 months instead of every 6 months.

Effective September 1, 2021

Texas Rising Star Program-Related Bills Continued

SB 1555

Author(s): Judith Zaffirini

Summary: Relating to establishing reimbursement rates for certain childcare providers participating in the subsidized childcare program administered by the TWC.

Adds Section 2308.3151 and amends Section [2308.315](#) of Subchapter G, Chapter 2308, Government Code. Each local workforce development board **shall** establish and implement graduated reimbursement rates for childcare providers in the TWC's subsidized childcare program according to requirements outlined in this section. The TWC **shall** take action to address the increased cost certain Texas Rising Star Program providers incur.

Effective September 1, 2021

Summary of Action Items for Governance & Administration: Child-Care

- ✦ Small-Employer Based Child-Care facilities need to take action in regard to *SB 1061*.

Governance & Administration: Elections

HB 1133

Author: Clardy

Summary: Relating to an election to revoke a county equalization tax imposed in certain counties (population greater than 40,000 but less than 55,000 – Rusk County).

Amends TEC Section [45.352](#) by adding Subchapter K. County Equalization Tax. Allows the commissioners court of a county to which the subchapter applies to order an election on the question of revoking the county equalization tax.

Effective June 4, 2021 (immediately)

Rulemaking authority: none specified



No action by applicable school districts is required at this time.

HB 2283

Authors: P. King et al.

Summary: Relating to the acceptance of certain gifts and donations for the administration of elections.

Section 1 – Adds Section [31.126](#) to Election Code. Requires written consent from the secretary of state for a joint elections commission, a county elections commission, or a county elections board to accept a contribution of \$1,000 or more to perform a function of administering elections. The prohibition includes in-kind donations offered by a private individual, a business entity, or another third party. The bill does not prohibit in-kind contributions of food or beverages for election workers or an offer for use, without charge or for a reduced fee, of a public or private building or a portion thereof for the purposes of conducting an election, including for use as a polling place.

Section 2 – The secretary of state is required to disburse any gift, grant, or donation accepted to perform elections throughout the state, equitably, based on county population or another method determined by the secretary.

Section 3 – Prohibits a county commissioners court from accepting a donation of over \$1,000 for use in administering elections without the written consent of the secretary of state. Consent may only be granted by the secretary of state after consultation with the governor, the lieutenant governor, and the speaker of the house on the proposed donation. Requires unanimous agreement.

Effective September 1, 2021

Rulemaking authority: none specified

 No action by school districts is required at this time.

HB 3107

Authors: Clardy et al.

Summary: Relating to election practices and procedures.

Multiple technical changes and edits to election law:

- Allows certain election documents to be delivered by email.
- Expands the window for second elections in the case of a tie from not later than the 30th day after the date of the automatic recount to between the 20th and 45th day and allows candidates to settle the tie without a second election by casting lots or one candidate withdrawing, with specific timelines for each option.
- Provides that Section 2.025, Election Law, supersedes other sections of election law regarding runoff elections.
- Adds language to Section 2.025, Election Law, regarding emergency or expedited elections for a special runoff election to fill a congressional seat or a special election to fill a vacancy in the legislature.
- Adds language providing specific requirements and documentation for a candidate to withdraw prior to an automatic recount in the case of a tie.
- Technical change to Section 2.051(b) Election Code, regarding territorial (single-member) districts and dealing with an unopposed at-large race.
- Creates an exception as provided by Subsection (c) relating to requirements for an election to be held on a uniform election date. Changes the requirement that an election under Section 26.08 (Automatic Election to Approve Tax Rate of School District) be ordered not later than the 30th day before election day.
- Makes changes to election notice requirements, based on the authority that calls the election.
- Adds a requirement that election notices include the website information of the authority conducting the election.
- Technical change related to documentation required for individuals requesting an exemption from certain forms of identification due to a disability.
- Eliminates some noncritical information from voter registration.
- Alters requirements related to notifications in the case of applications from other counties.
- Alters certain requirements of the registrar after approval of a registration application, regarding required notifications.
- Requirements related to original signatures on voter registrations and timeline for delivery after an electronic voter application if filed.
- Deletes requirement that voter registration certificates contain the voter's birthdate.
- Makes nonsubstantive changes to correcting errors in voter registration records

- Sets time requirement for removing a voter's name from a suspense list after completed application is delivered to registrar.
- Changes notice requirements related to confirmation notices.
- Additional changes to notice requirements/confirmation notices.
- Duplication cost of requested suspense lists.
- Cancellation of voter registration due to duplicate registration.
- Cancellation of voter registration due to remaining suspense list.
- Notice requirements related to registration challenges.
- Copies of voter registration lists to ensure accuracy.
- Required information on voter registration lists.
- Required criteria for computerized voter registration lists.
- Requirements related to duplicate registrations.
- Voter participation records.
- Contracts for election services (three sections).
- Training program for election procedures.
- Requirements for voting watchers.
- Uniform election dates.
- County polling locations—countywide instead of precincts.
- Ballot design.
- Notification required for candidates drawing for order on ballot.
- Voter registration omissions lists.
- Voter registration confirmation at polling location.
- Early voting.
- Inspection of provisional voting records.
- Mail in voting for involuntary civil commitment.
- Early voting clerk public information.
- Early voting clerk e-mail address availability.
- Applications for early voting—process/timeline.
- Applications for early voting—form.
- Language on election order and election notice.
- Election notice posting requirements.
- Requirement for election clerk to establish early voting locations in certain counties.
- Information provided to early voting clerk.
- Documents required to accompany balloting materials (nonsubstantive).
- Required mailing address of balloting materials.
- Defective ballots.
- Delivery of jacket envelopes containing early voting ballots.
- Requirements for counting early voting ballots—timeline for counties of a certain size.
- Handling of early voting ballots.

- Redefining “federal postcard application.”
- Access to status of early voting mail in ballots.
- Federal postcard application method of delivery.
- Mail-in early voting applications.
- Counting mail-in ballots based on arrival date.
- Method of delivering early voting balloting materials by e-mail.
- Requirements related to voting outside county of residence.
- Application for mail-in ballot for presidential election.
- Amending candidate filing.
- Deadline for challenging application for a place on the ballot.
- Notices of deadlines and filing methods.
- Residence and registration addresses.
- Coercion against candidacy prohibited.
- Allowing for e-mail transmission of applications for candidacy under certain circumstances (no accompanying fee required).
- Declarations of ineligibility for a place on a ballot.
- Vacancy resulting from a recall election.
- Recount documentation.
- Deadlines for petitions for recounts (two sections).
- Timelines for recounts.
- Amounts of deposits for recounts.
- Initiating automatic recounts.
- Requirements for bilingual election clerks.
- Voters county of residence.
- Days and hours of voting in counties of a certain size.
- Address requirements for petition signers.
- Protection of voting rights, enforcement.
- Repealing nine sections of existing election code.
- Multiple conforming and non-substantive changes.

Effective Date: September 1, 2021

Rulemaking authority: none specified



Election clerks, judges, and other election officials will require training on changes to election law prior to next election cycle.

SB 1116

Authors: Bettencourt et al.

Summary: Requires cities and independent school districts to post certain election-related information on their respective websites.

Section 1 – Adds Section 65.016 to [Subchapter A, Chapter 65](#), Election Code.

- If a city or independent school district (ISD) holds an election and maintains a website, they must post as applicable:
 - The results of each election;
 - The total number of votes cast;
 - The total number of votes cast for each individual candidate or for or against each measure;
 - The total number of votes cast by personal appearance on election day;
 - The total number of votes cast by personal appearance or mail during early voting; **and**
 - The total number of counted and uncounted provisional ballots cast
- The aforementioned information (Subsection [b]), must be posted as soon as practicable after the election. It also must be easily accessible without having to make more than two selections or view more than two network locations after accessing the homepage of the city or ISD.

Section 2 – Adds Section 4.009 to Chapter [4](#), Election Code.

- By the 21st day before election day, a city or ISD that holds an election and maintains a website shall post the following information on their respective website, as applicable:
 - The date of the next election;
 - The location of each polling place;
 - Each candidate for an elected office on the ballot; **and**
 - Each measure on the ballot

Effective September 1, 2021

Rulemaking authority: none specified



Action required by school districts by the 21st day before the school district holds the election.

Summary of Action Items for Governance & Administration: Elections

- ✦ Train election clerks, judges, and other election officials – *HB 3107*
- ✦ Posting election information – *SB 1116*

Governance & Administration: State

HB 1247

Authors: Lozano, Ordaz Perez

Summary: Relating to the development of a tri-agency work-based learning strategic framework.

Adds Chapter 318 to Subtitle B, Title 4, Labor Code. The tri-agency work-based learning strategic framework will be jointly developed by the Texas Workforce Commission (TWC), the TEA, and the Texas Higher Education Coordinating Board (THECB). The framework will define and determine commonalities for “work-based learning opportunity,” align certain priorities, identify strategies for partnership, and establish methods of identifying learner skills and competencies aligned with industry needs, among other points.

Effective September 1, 2021

Rulemaking authority: none specified



No action by school districts or open-enrollment charter schools is required at this time.

HB 1322

Authors: Shaheen et al.

Summary: Relating to a summary of a rule proposed by a state agency.

Amends Section [2001.023](#), Government Code by adding Subsections (c) and (d), requiring state agencies to publish a summary of any proposed rule on the agency website in both English and Spanish.

Effective September 1, 2023

Rulemaking authority: none specified



No action by school districts or open-enrollment charter schools is required at this time.

HB 2519

Authors: Darby et al.

Summary: Related to the composition of the State Board for Educator Certification (SBEC), the issuance of certain sanctions by the SBEC, and required school district notice to certain employees after the submission of certain complaints to the SBEC.

Section 1 – Amends Section [21.033](#), Education Code, by adding Subsection (a-1), requiring at least two appointed SBEC members to be from a school district eligible for a small or mid-sized district allotment.

Section 2 – Adds Section 21.065 to [Subchapter B, Chapter 21](#), requiring the SBEC to provide notice to a school district full-time certified professional employee (teacher, principal, superintendent, etc.) upon suspension of their certificate or permit.

Sections 3, 4, & 5 – Amends Section [21.105](#)(c), Education Code, adding (d), (e), and (f), Section [21.160](#), Education Code, and Section [21.210](#), Education Code. These sections relate to resignations under a probationary contract, continuing contract, and term contract, respectively.

If a school district submits a complaint of a teacher to the SBEC, the district must promptly notify the teacher of the complaint. The notice **must** meet specific requirements *outlined in the full text of the bill*.

The SBEC **must** consider mitigating factors and alternatives to sanctions before imposing sanctions against a teacher who resigns under a probationary contract.

The SBEC may not suspend or revoke a certificate if the teacher files a written resignation within 30 days of the first day of instruction (prior law was 45 days).

Sections 6, 7, & 8 – Section 1 of this bill, related to appointed SBEC members, will take effect with the next two vacancies on the board. Sections 2–5 of this bill apply beginning on or after September 1, 2021. Prior resignations will not be grandfathered.

Effective September 1, 2021

Rulemaking authority: none specified



School district and open-enrollment charter schools need to train human resources personnel on the law change.

SB 560

Author: Lucio

Summary: Relating to developing a strategic plan for the improvement and expansion of high-quality bilingual education.

Adds Section 29.067 to [Subchapter B, Chapter 29](#), directing the TEA, the Texas Workforce Commission, and the Texas Higher Education Coordinating Board to develop a strategic plan to improve and expand high-quality bilingual education in Texas. The plan shall be submitted to relevant officials no later than December 1, 2022.

Effective June 16, 2021 (immediately)

Rulemaking authority: none specified

- ✦ School districts and open-enrollment charter schools can take advantage of opportunities to offer input for the strategic plan.

Bills Establishing Advisory Councils

HB 3643

Authors: K. King, Bell, Guillen

Summary: Adds Subchapter I to [Chapter 48, Education Code](#), establishing the Texas Commission on Virtual Education. The Commission is purposed with developing and making recommendations regarding the delivery of virtual education and state funding for virtual education under the Foundation School Program. Applies beginning with the 2021–22 school year.

Effective June 15, 2021 (immediately)

HB 3932

Authors: Bernal, Guillen

Summary: Amends Chapter [162.001](#) by adding Subdivision (3), defining a term. Amends [Chapter 162](#), Education Code, by adding Section 162.006. This establishes the State Advisory Council on Educational Opportunity for Military Children, which will provide for coordination among state agencies, school districts, and military installations concerning participation in and compliance with the Interstate Compact on Educational Opportunity for Military Children. Repeals Section [162.005](#), Education Code, which previously gave the TEA coordination authority.

Effective September 1, 2021

HB 3938

Authors: K. Bell et al.

Summary: Adds Chapter 312 to Subtitle B, Title 4, Labor Code, establishing an industry-based certification advisory council to advise the Texas Workforce Commission on the alignment of public high school career and technology education programs with current and future workforce needs.

Effective June 15, 2021 (immediately)

Summary of Action Items for Governance & Administration: State

- ✦ Track development of state strategic plan for high-quality bilingual education - *SB 560*
- ✦ Train human resources personnel on change in law - *HB 2519*

Governance & Administration: Student

HB 1062


Authors: C. Bell, Guillen

Summary: Relating to the eligibility of certain 17-year-olds to serve as members of the Texas State Guard.

Amends Subsection (b) and adds (d) to Section [437.032](#), Government Code, allowing a person who is 17 years of age to serve in the Texas State Guard if that person meets certain requirements.

Effective September 1, 2021

Rulemaking authority: none specified

 No action by school districts or open-enrollment charter schools is required at this time.

HB 1080

Authors: Patterson et al.

Summary: Relating to students who receive outpatient mental health services participating in University Interscholastic League (UIL) activities.

Adds Section 33.0832 to Subchapter [D](#), Chapter 33, allowing students who are receiving outpatient mental health services from a mental health facility to participate in UIL activities. A school district may not adopt policies that would restrict participation of these students based on absences they may have from receiving outpatient mental health services.

Effective June 4, 2021 (immediately)

Rulemaking authority: none specified

- ✦ School districts and open-enrollment charter schools need to ensure they do not have policies in place that conflict with this change in law.
- ✦ Train coaches, principals, and attendance clerks on the change in law.

HB 2721

Authors: Lucio III, Guillen

Summary: Relating to prohibiting a student from participating in future University Interscholastic League (UIL) extracurricular activities for conduct involving the assault of an extracurricular activity official.

Amends Section [33.081](#), Education Code, by adding Subsections (e-1 through e-4) and (h) and amending (f) and (g). A student could be prohibited from participation in an extracurricular UIL activity if they are found by the state executive committee to have intentionally, knowingly, or recklessly caused bodily injury to an extracurricular activity official. A student for whom this bill applies may submit a request to the UIL for permission to participate in future UIL activities; UIL has discretion in some decisions related to future participation.

The student's request to participate or issues related to their eligibility based on conduct do not qualify their case as contested.

Effective June 16, 2021 (immediately)

Rulemaking authority: none specified



No action by school districts or open-enrollment charter schools is required at this time.

SB 776

Author: Lucio

Summary: Establishes an inclusive sports program through the University Interscholastic League (UIL).

Section 1 & 2 – Adds Section 33.097 to [Subchapter D, Chapter 33](#), Education Code, directing the UIL to maintain an inclusive sports program that provides students with intellectual disabilities access to team sports. The UIL shall adopt rules related to the inclusive sports program that **must:**

- Accommodate inclusive team sports offered through the program at participating public middle schools, junior high schools, and high schools;
- Establish eligibility requirements for participation in each team sport;
- Identify best practices for school districts to incorporate inclusive sports; and
- Require the program to incorporate activities that promote various values

The UIL shall, to the greatest extent possible, create uniformity between the inclusive sports program and other athletic programming.

The UIL may accept gifts, grants, or donations to administer the inclusive sports program.

Effective September 1, 2021

Rulemaking authority: University Interscholastic League

- ✦ School districts and open-enrollment charter schools need to remain up to date on the UIL's rulemaking.
- ✦ Ensure accurate and updated information is provided to parents and students.

Summary of Action Items for Governance & Administration: Student

- ✦ Refer to UIL-related action items for HB 1080 and SB 776. These action items include training, information dissemination, and local policy updates.

Human Resources

HB 7

Authors: Button et al.

Summary: Relating to the computation of the replenishment ratio used to determine an employer's unemployment compensation contribution tax rate.

Amends Section [204.045\(b\)](#), Labor Code, altering the replenishment ratio to exclude certain benefits paid during a state of disaster or emergency, smoothing over time the tax increase needed to replenish the fund. This bill was created as a response to the depletion of The Texas Unemployment Compensation Trust Fund during the COVID-19 pandemic.

Effective June 18, 2021 (immediately)

Rulemaking authority: none specified



School districts and open-enrollment charter schools need to be aware their unemployment compensation contribution tax rate will begin to gradually increase.

HB 246

Authors: Murr, Cook, Ellzey

Summary: Relating to the prosecution of the criminal offense of an improper relationship between educator and student.

Amends Section [21.12](#), Penal Code by adding Subsections (d-1) and (e). A school district or open-enrollment charter school may not release to the public the name of an employee who is accused of committing an offense under this section until the employee is indicted for the offense. They may still report and investigate the accusation. Also adds a definition for “sexual contact” under this section.

Effective September 1, 2021

Rulemaking authority: none specified



No action by school districts or open-enrollment charter schools is required at this time.


HB 750

Author: Burns

Summary: Amends Section [11.1513](#), Education Code by adding Subsection (k), requiring a school district to post the employment policy adopted by the board of trustees and the full text of any regulations referenced in the policy on the district's website. Forms referenced in the policy shall be made available on an intranet website maintained by the district and accessible to district employees; **or** if a district does not maintain a district intranet, forms shall be made available at a district administrative office.

Effective September 1, 2021

Rulemaking authority: none specified

-  School districts need to post their adopted employment policy and related forms on their website and/or intranet.

HB 1589

Authors: Davis, Burrows, Guillen

Summary: Relating to paid leave for public officers and employees engaged in certain military service.

Amends Section [437.202](#), Government Code, by adding Subsection (a-1). Provides additional required leave for officers or employees of the state and political subdivisions of the state engaged in certain military service. Entitles members of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team who are called to state active duty in response to a disaster to a paid leave of absence from the person's regular work duties. The additional leave is not to exceed 7 workdays in a fiscal year. That leave is in addition to the paid leave provided for authorized training or duty otherwise authorized or ordered. During a leave of absence provided under these provisions, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.

Effective September 1, 2021

Rulemaking authority: none specified

- ✦ School districts need to update personnel leave policies and procedures.

HB 1788

Author: Hefner

Summary: Allows school districts and open-enrollment charter schools and their security personnel, including volunteer or hired retired peace officers, immunity from certain liabilities.

Adds Section 37.087 to Subchapter [C](#), Chapter 37, Education Code, pertaining to security personnel and retired peace officers who are hired or volunteer to provide security services to districts and open-enrollment charter schools.

This section provides immunity for both the personnel mentioned in this section and the school district or open-enrollment charter school with these volunteers or personnel from:

- Liability from any damages resulting from reasonable action taken by these volunteers or personnel to maintain the safety of the school campus, including action relating to possession or use of a firearm.

This section also provides immunity from liability from damages resulting from an employee who has written permission from the board of trustees or governing body to carry a firearm on campus.

If another section of law provides greater immunity to these personnel, that statute prevails.

Effective September 1, 2021

Rulemaking authority: none specified

- ✦ School districts and open-enrollment charter schools should provide policy information to school security volunteers and personnel.
- ✦ Ensure all applicable paperwork is up to date.

SB 45

Author: Zaffirini

Summary: Prohibits sexual harassment in the workplace.

Adds Subchapter (C-1) to Chapter [21](#), Labor Code, related to sexual harassment.

- “Sexual harassment” means an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature, if:
 - Submission to the advance, request, or conduct is made a term or condition of a person’s employment;
 - Submission to or rejection of the advance, request, or conduct is used in making decisions regarding employment;
 - The advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual’s work performance **or** creating an intimidating, hostile, or offensive working environment.
- An employer commits an unlawful employment practice if sexual harassment of an employee occurs and the employer or the employer’s agents or supervisors know or should have known the conduct was occurring and failed to take immediate or appropriate corrective action.

Effective September 1, 2021

Rulemaking authority: none specified

- ✦ Train school district and open-enrollment charter school personnel on the change in law.
- ✦ Ensure human resources staff are aware of the change in law.

SB 179

Author: Lucio

Summary: Related to public school counselor work time.

Amends Section [33.006](#), Education Code by adding Subsections (d–g) related to school counselors’ duties. The board of trustees **shall** adopt a policy that requires a school counselor to spend at least 80% of their total work time on duties detailed under Section [33.005](#), Education Code.

- Time spent administering or providing assistance related to assessments, except time spent in interpreting data from assessments, is not considered time spent on counseling.
- Each school in the district shall implement the policy and have a copy of the policy in their office, available upon request to district employees, parents, and the public.

If a district determines a school counselor must spend less than 80% of their work time on counseling duties arising from staffing needs, the adopted policy **shall**:

- Include the reasons why the counselor needs to spend less than 80% of their work time on counseling duties;
- List the non-counseling duties the counselor is expected to perform;
- Sets the percentage of time the counselor is required to spend counseling.

A school district may not include a provision in an employment contract with a school counselor that conflicts with the 80% rule **or** that has the effect of allowing a principal or superintendent to require non-counseling duties of a school counselor, unless they are outlined in the adopted policy.

District shall annually assess compliance with this section and be able to provide a written copy of the assessment to the TEA on or before the date specified by the commissioner.

Effective September 1, 2021

Rulemaking authority: commissioner of education



School districts need to adopt a policy related to school counselor work time and plan for tracking compliance.

Summary of Action Items for Human Resources:

Training

- ✦ School security volunteers – *HB 1788*
- ✦ All district personnel – *SB 45*

Policy & Procedure

- ✦ Post employment policy – *HB 750*
- ✦ Update personnel leave policies and procedures – *HB 1589*
- ✦ Adopt policy on school counselor work time – *SB 179*

Awareness

- ✦ School business officials – *HB 7*
- ✦ Human resources – *SB 45*

Human Resources: TRS

HB 1585

Authors: Lambert et al.

Summary: Relating to the operations and functions of the Teacher Retirement System of Texas (TRS).

The Teacher Retirement System Sunset bill makes significant changes to the state agency, including a mandate for TRS to be more responsive to member needs. Specific changes to TRS operations included in HB 1585 include but are not limited to:

- The creation of an ombudsman position at TRS to assist members and retirees by providing member and retiree protection and advocacy functions.
- Requirement for a warning period and notice before requiring an employed retiree to return TRS annuity payments for ineligible employment.
- Requirement for TRS to publicly report financial bonuses the agency makes to its investment managers and increased customer service in health-care appeals.
- Requirement for specific training of TRS board members related to rules associated with member and retiree loss of benefits.
- Requirement for the board to adopt policy ensuring the system makes all reasonable efforts to locate a member or the member's heirs of their entitlement to the member's accumulated contributions.
- Requirement for the board to develop an outreach plan designed for members and members' employers to plan more effectively for retirement and improve communication between the system and its members and employers. Also requires TRS to provide, on an annual basis, information specific to each member's estimated retirement benefits.

The board of trustees of the TRS of Texas is subject to review under Chapter 325 (Texas Sunset Act) but is not abolished under that chapter. The board will come under the next review in 2033.

Effective May 26, 2021 (immediately)

Rulemaking authority: none specified



No action required at this time by districts or TRS-participating charter schools.

HB 2022

Authors: Darby et al.

Summary: Relating to enrollment of certain retirees in the Texas Public School Employees Group Insurance Program.

Amends Section [1575.161](#), Insurance Code, by adding subsections (b) and (c). Gives one opportunity to reenroll in TRS-Care offered under the group program for an otherwise eligible retiree:

- Who is eligible to enroll in Medicare;
- Whose initial enrollment was terminated voluntarily between Jan. 1, 2017 and Dec. 31, 2019; and
- Who opts to reenroll on or before Dec. 31, 2023.

Effective June 15, 2021

Rulemaking authority: Teacher Retirement System



No action by districts or TRS-participating charter schools is required at this time.

HB 3898

Author: Anchia

Summary: Relating to the funding of public retirement systems.

Amends current law relating to funding public retirement systems by more closely aligning existing mandates and reporting requirements for these systems with current industry practices.

- Creates a continuum of funding support for pension plans by tying the funding policy and the Funding Soundness Restoration Plan (FSRP) requirements together.
- Requires additional reporting from retirement systems.
- Requires regular updates to plans for funding soundness.
- Provides specific requirements for plans.

Effective September 1, 2021

Rulemaking Authority: State Pension Review Board



No action by districts or TRS-participating charter schools is required at this time.

SB 202

Author: Schwertner

Summary: Relating to the payment of certain employer contributions for employed retirees of the Teacher Retirement System (TRS) of Texas.

Amends Section [825.4092](#), Government Code, by adding Subsection (f). Clarifies that employer contributions are just that, a burden on the employer, and not the retired teacher. This bill states that the TRS-covered employer (usually a school district) cannot pass employer contributions mandated in the Government Code onto retirees (15.2% surcharge + health-care surcharge).

Effective June 14, 2021 (immediately)

Rulemaking authority: none specified



Districts and TRS-participating charter schools need to review current practices related to employer contributions for currently employed retirees. Budget adjustments may be required.

SB 288

Author: Seliger

Summary: 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.

Amends Section [824.601](#), Government Code, by amending Subsection (b), and adding Subsection (b-3), and adds Section 824.6021, Government Code. Provides a warning to a TRS retiree who violates the employment after retirement provision. Secondly, if the retiree violates again, the retiree's pension annuity is reduced to an amount equal to the amount the retiree earned over the allowed number of hours. Lastly, S.B. 288 retains current law for a retiree who violates this policy a third time.

Prevents 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 in a position performing duties related to the mitigation of student learning loss attributable to the coronavirus disease (COVID-19) pandemic. An eligible position must be funded under federal law enacted for the purpose of providing relief related to the COVID-19 pandemic. This section expires no later than December 31, 2024.

Effective September 1, 2021

Rulemaking authority: *Teacher Retirement System*

- ✦ Employers need to review current practices related to hiring TRS retirees.

SB 1444

Author: Taylor

Summary: Relating to participation in the uniform group coverage program for active school employees and to a study concerning health coverage for school district employees.

Amends [Subchapter C, Chapter 1579](#), Insurance Code by adding Section 1579.1045 and 1579.155. Prohibits a participating entity from offering or making available to the entity's employees or their dependents, group health coverage not provided under the uniform group coverage program (TRS Active Care). established under Chapter 1579 (Texas School Employees Uniform Group Health Coverage Program).

Allows participating entities to discontinue participation in TRS-ActiveCare but prohibits the entities that discontinue participation from returning to the program for at least five years. Additionally, entities that choose to participate in TRS Active Care will be required to remain in the program for a minimum of five years.

Requires each regional education service center to establish a regional school district health coverage advisory committee to conduct a study assessing:

- (1) health care needs of and health coverage options currently available to employees of school districts served by that service center; and
- (2) alternative health coverage options that may be available.

Requires the executive director of each regional education service center to serve as the chair of that region's committee. Requires the executive director to appoint nine superintendents of school districts served by the regional education service center to serve as members of that region's committee. The study has specific requirements and must be submitted to the governor, legislative leadership, and TRS by November 1, 2022.

Effective September 1, 2021

Rulemaking authority: *Teacher Retirement System*

- ✦ Eligible entities (school districts and ESCs) need to analyze their healthcare programs considering the change in law.
- ✦ Interested superintendents need to contact ESC executive directors regarding the required study.
- ✦ ESCs need to establish a regional school district health coverage advisory committee and conduct a study.

Summary of Action Items for Human Resources: TRS

Policy & Procedure

- ✦ Review employer contribution practices for employed retirees – *SB 202*
- ✦ Review practices for hiring TRS retirees – *SB 288*
- ✦ School districts and ESCs need to analyze their healthcare programs – *SB 1444*
- ✦ ESCs and relevant superintendents need to be aware of and begin to take action in regard to the regional school district health coverage advisory committee – *SB 1444*

Instruction

HB 30

Authors: Talarico et al.

Summary: Relating to educational programs provided by the Windham School District in the Texas Department of Criminal Justice (TDCJ) for certain inmates.

Amends [Section 1, Chapter 19](#), Education Code by adding Section 19.0051. HB 30 requires the Windham School District to develop and provide an educational program that includes the curriculum requirements for a high school diploma or a course of instruction that prepares the person for the high school equivalency examination. Windham School District is to offer the program to any person confined or imprisoned in the TDCJ who is not a high school graduate, is younger than 18 years of age, or is eligible to receive special education services and is younger than 22 years of age.

Effective Date: September 1, 2021

Rulemaking authority: Texas Board of Criminal Justice (Section 1)



Applies to Windham School District only.

HB 2497

Authors: Parker et al.

Summary: Relating to the establishment and duties of the Texas 1836 Project.

Amends Subtitle D, Title 4, Government Code, by adding Chapter 451. Provides that the 1836 Project is established as an advisory committee to promote patriotic education and increase awareness of the Texas values that continue to stimulate boundless prosperity across this state. The advisory committee members are to be appointed by the governor, lieutenant governor, and speaker of the house. The project is required to create and distribute to the Texas Department of Public Safety (DPS) a pamphlet explaining the significance of policy decisions made by the state of Texas that promote liberty and freedom. DPS is required to provide this pamphlet to persons who receive a driver's license and to make it available to the public on its website. The project is also required to develop and distribute a report on the project's actions, findings, recommendations, and action plan. The TEA is charged with completing and distributing the report.

Effective September 1, 2021

Rulemaking authority: none specified



No action by school districts and open-enrollment charter schools is required at this time.

HB 2681

Authors: Wilson, Noble, C. Bell

Summary: Relating to public school elective courses providing an academic study of the Bible as offered to certain students.

Amends Section 28.011, Education Code. HB 2681 allows school districts to offer elective courses on the Old Testament and New Testament of the Bible to students in 6th grade and above (prior law was 9th grade and above).

Effective September 1, 2021

Rulemaking authority: none specified



No action by school districts is required at this time.

HB 3212

Authors: Sherman, Sr., Wu

Summary: Relating to the inclusion of information related to street racing in the curriculum of driver education courses and driving safety courses.

Amends [Subchapter C, Chapter 1001](#), Education Code. HB 3212 requires the incorporation of information related to the dangers and consequences of street racing into the curriculum of each driver education and driving safety course.

Effective September 1, 2021

Rulemaking authority: Texas Commission of Licensing and Regulation (Section 1)



School districts and open-enrollment charter schools offering driver training will need to update the curriculum.

HB 3979

Authors: Toth et al.

Summary: Relating to the social studies curriculum in public schools.

Amends Section [28.002](#), Education Code by adding Subsections (h-2 through h-5).

- The State Board of Education (SBOE) shall adopt essential knowledge and skills for the social studies curriculum that include an understanding of various topics, writings, and events.
- For any required social studies course in the required curriculum, a teacher is not required to discuss certain topics. If a teacher chooses to discuss one of these topics, they must not give deference to any one perspective.
- Schools and teachers may not in any way make students' political activism, communications, or related internships or activities involving social or public policy part of a course or grade.
- School and state agency employees may not be required to participate in some forms of training. They also cannot require or make part of a course certain concepts regarding race, sex, moral character, slavery, or the 1619 Project.
- A state agency or school may not accept private funding for the purpose of developing, purchasing, or selecting curriculum materials or providing teacher training for a social studies course described in this section.
- A school may not implement, interpret, or enforce rules or student code of conduct in a way that punishes students for discussing or fearing discussion of concepts in (h-3)(4).

Detailed requirements can be found in the full text of the bill.

This Act applies beginning with the 2021–22 school year. Section 28.002(h-2), related to SBOE adoption of essential knowledge and skills for civic knowledge in social studies curriculum, applies beginning with the 2022–23 school year.

Effective September 1, 2021

Rulemaking authority: none specified

- ✦ School districts and open-enrollment charter schools need to train social studies teachers and staff on the law change
- ✦ Training for the new SBOE adopted social studies essential knowledge and skills needs to be provided at the beginning of the 2022-23 school year.

HB 4509

Authors: Bonnen, Metcalf

Summary: Relating to instruction on informed American patriotism in public schools.

Section 1 – Amends Section [4.001](#)(b), Education Code, related to the mission and objectives of public education. Objective 5 now reads “Educators shall cultivate in students an informed American patriotism and lead students in a close study of the founding documents of the U.S. and Texas.” Additional changes were made to the “purpose of the objective” to align with the new Objective 5.

Section 2 – Adds Subdivision (10) to Section [5.001](#), defining “informed American patriotism.”

Section 3 – Amends Section [28.002](#)(h) and adds (h-1) and (h-2), Education Code. The State Board of Education (SBOE) and school districts shall require the teaching of informed American patriotism in the adoption of instructional materials for K-12th grade, including the founding documents of the United States.

- The SBOE shall adopt essential knowledge and skills that develop each student’s civic knowledge, including an understanding of various founding documents.
- Schools shall use the founding documents of the United States detailed in (h-1) as part of the instructional materials for instruction.

This Act begins with the 2021–22 school year.

Effective June 18, 2021 (immediately)

Rulemaking authority: Texas Commission of Licensing and Regulation (Section 1)



School districts and open-enrollment charter schools need to adjust curriculum accordingly and train social studies teachers and staff on law change.

SB 123

Author: Johnson

Summary: Relating to instruction in positive character traits and personal skills in public schools.

Amends the heading of Section [29.906](#), Education Code. Amends Sections [29.906](#)(a), (b), and (c), adding personal skills, self-management skills, interpersonal skills, and responsible decision-making skills to the skills the State Board of Education is responsible for integrating into the essential knowledge and skills. This bill amends and adds to the statute created by [HB 1026](#) (86-R).

Act applies beginning with the 2022–23 school year.

Effective September 1, 2021

Rulemaking authority: none specified



No action by school districts is required at this time.

SB 348

Author: Kolkhorst

Summary: Relating to parental access to public school virtual instruction and instructional materials for virtual and remote learning.

Amends Section 26.006 (a), Education Code. Expands on language in existing law to ensure that parents have the right to observe any virtual instruction and review any teaching materials, instructional materials, or other teaching aids provided to the parent's child while the parent's child is participating in virtual or remote learning.

Effective June 14, 2021 (immediately)

Rulemaking authority: none specified

- ✦ School districts and open-enrollment charter schools need to update local policies and procedures related to parental access to instructional materials
- ✦ Ensure staff are aware of the change in law.

SB 481

Author: Kolkhorst

Summary: Allows students who reside in a school district offering virtual-only instruction for more than one grading period to transfer to another school district for that year.

Adds Section 25.045 to Subchapter [B, Chapter 25](#), Education Code, related to transferring to a district offering in-person instruction.

- If a school district gives notice to parents that they intend to offer only virtual instruction for more than one grading period, a student may transfer to another school district for that school year, if the transfer district offers in-person instruction and accepts the student's transfer
- The transfer district may not charge tuition to a student who transfers under this section.
- The student is included in the average daily attendance (ADA) of the district where they attend school.

Effective June 16, 2021 (immediately)

Rulemaking authority: commissioner of education



No action by school districts is required at this time.

SB 801

Author: Kolkhorst

Summary: Relating to the development of an agriculture education program for public elementary schools.

Amends Subchapter [Z, Chapter 29](#), Education Code, by adding Section 29.926. SB 801 requires the TEA to develop an agriculture education program for elementary school students, designed to encourage appreciation for and improve students' understanding of agriculture. The TEA is required to coordinate with the Texas Department of Agriculture and nonprofit organizations with expertise in agricultural education. The program will be made available to school districts and open-enrollment charters at no cost.

Effective September 1, 2021

Rulemaking authority: none specified



No action by school districts or open-enrollment charter schools is required at this time.

SB 1063

Author: Alvarado

Summary: Relating to courses in personal financial literacy and economics for high school students in public schools.

Amends Section [28.025](#)(b-1) and adds (b-22) and (b-23), Education Code. Directs the State Board of Education (SBOE), by rule, to require curriculum for the foundation school program to include three required credits in social studies one of which is a one-half-credit course in economics **or** personal financial literacy and economics. The SBOE, by rule, shall ensure a personal financial literacy and economics course allocates two-thirds of instructional time to instruction in personal financial literacy and one-third of instructional time to instruction in economics.

The TEA shall develop a list of free, open-source, and publicly available curricula that may be used by schools to provide a personal financial literacy and economics course.

Act applies beginning with the 2022–23 school year.

Effective June 8, 2021 (immediately)

Rulemaking authority: State Board of Education



Districts and open-enrollment charter school can begin to consider whether they want to offer a personal financial literacy and economics course starting with the 2022-23 school year.

SB 1095

Author: Creighton

Summary: Relating to notice of college credit and work-based education programs and subsidies for fees for advanced placement (AP) tests.

Amends Section [28.010](#)(a), requiring school districts to notify parents of students in grade nine or above of:

- CTE programs in the district, including internship, externship, apprenticeship, or P-TECH programs; **and**
- Subsidies based on financial need for college AP tests or IB exams; **and**
- Qualifications for enrollment in college credit or CTE programs.

Applies beginning with the 2021–22 school year.

Effective June 14, 2021 (immediately)

Rulemaking authority: none specified

- ✦ School districts need to update their district website with the required notices or provide the information in another form to parents of students in grade nine or above.
- ✦ Update student handbook.

SB 1277

Author: West

Summary: Relating to an agreement between a school district and public institution of higher education to provide a dual credit program to high school students enrolled in the district.

Amends Section [28.009](#) (b-2), Education Code. SB 1277 requires school districts and public institutions of higher education that offer dual credit programs to designate at least one employee to provide academic advising for each student enrolled in a dual credit course prior to enrollment.

Effective May 30, 2021 (immediately)

Rulemaking authority: none specified



School districts and public institutions of higher education must ensure the availability of academic advising for students participating in dual credit programs.

SB 1356

Author: Hughes

Summary: Related to a tutoring program for public school students and retirement benefits for certain teachers participating in the program.

Section 1 – Amends Section [22.092](#)(d), Education Code, giving equivalent access to the *registry of persons not eligible for employment in public schools* to private schools, public schools, and approved nonprofit teacher organizations for the purposes of the tutoring program.

Section 2 – Adds Section 33.913 to Subchapter [Z](#), Chapter 33, establishing a tutoring program.

- To participate in the program as a tutor, a person must:
 - Be a member of a nonprofit teacher organization or be an active or retired teacher;
 - Apply for the position in a manner specified by the nonprofit;
 - Designate in the application whether the person plans to provide tutoring for compensation, as a volunteer, or both and in person, online, or both; **and**
 - Not be included in the *registry of persons not eligible for employment in public schools*.
- The superintendent or CEO of a school district or open-enrollment charter school **shall** oversee their respective tutoring program and submit a report to the board of trustees or governing body of the school that includes data related to the tutors, no later than the last day of each semester.
- A district or open-enrollment charter school may use any available local, state, or federal funds to pay tutors who are providing tutoring for compensation.

Section 3 – Amends Section [824.602](#)(a), Government Code, specifying that the Teacher Retirement System (TRS) may not withhold a monthly benefit payment if the retiree is employed in a Texas public educational institution as a tutor under Section 33.913, Education Code.

Section 4 – Adds Section 825.604 to Subchapter [G](#), Chapter [825](#), related to information TRS is required to provide to members regarding the tutoring program.

Section 5 – This Act applies to all retirees of TRS, regardless of date of retirement. Section [824.602](#)(a), Government Code, as amended by this Act, applies only to the employment of a retiree on or after the effective date of this Act.

This Act applies beginning with the 2021–22 school year.

Effective June 16, 2021 (immediately)

Rulemaking authority: none specified

- ✦ School boards and governing boards need to decide whether they want to participate in this program.
- ✦ School boards and governing boards need to collect relevant data on tutors to report to the school board or governing body by the last day of each semester.

Summary of Action Items for Instruction

Training

- ✦ Social studies teachers – *HB 3379, HB 4509*

Policy & Procedure

- ✦ Update drivers education curriculum if offered through the school – *HB 3212*
- ✦ Adjust curriculum accordingly – *HB 4509*
- ✦ Update local policies/procedures on parental access to instructional materials – *SB 348*
- ✦ Update website with information on courses and AP tests – *SB 1095*
- ✦ Update student handbook – *SB 1095*
- ✦ If participating in the new tutoring program, create process for collecting data – *SB 1356*

Awareness

- ✦ Teachers and parents – *SB 348*
- ✦ School board/governing board – *SB 1063, SB 1356*
- ✦ Campus administration – *SB 1277*

Instruction:
Pre-K & Special Education

HB 725

Authors: Patterson et al.

Summary: Relating to pre-k eligibility.

Amends Section [29.153\(b\)](#), Education Code, to allow pre-k age children who were in foster care in another state or territory, but now reside in Texas, to qualify for free pre-k in Texas.

This Act applies beginning with the 2021–22 school year.

Effective June 4, 2021 (immediately)

Rulemaking authority: none specified



School districts and open-enrollment charter schools need to advise registrars on the change in law.

SB 2081

Author: Menéndez

Summary: Relating to class size limits for pre-k classes.

Section 1 – Amends Section [25.112](#)(a), Education Code, limiting each pre-k classroom to 22 students (according to author’s intent - no more than 11 students per one teacher or aide in a classroom with more than 15 students).

Section 2 & 3 – Amends Section [29.1532](#)(b) and Section [29.171](#)(c), Education Code, making the class size requirement the same if a school district contracts with a private entity for pre-k.

Section 4 – Campuses or programs for which a charter is granted as well as open-enrollment charter schools, are exempt from these pre-k class sizes, per amended Section [12.056](#)(b) and Section [12.104](#)(b), Education Code.

The commissioner of education may grant waivers to districts that face challenges with compliance.

Effective September 1, 2021

Rulemaking authority: none specified



School districts should ensure each pre-k classroom meets the class size and ratio requirements in this bill or plan to submit a waiver to the commissioner.

HB 785

Authors: Allen, Reynolds, Johnson, J.

Summary: Related to behavior improvement/intervention plans, change of placement, and notification and documentation requirements for a restraint administered to a student with a disability.

Section 1 – Adds (h) to Section [29.005](#), Education Code, **requiring** a behavior improvement/intervention plan to be reviewed annually, or more frequently if appropriate. The review will address:

- Changes in a student’s circumstances that may affect the student’s behavior
- The safety of the student or others

Section 2 – Amends Section [37.0021](#)(d), Education Code, related to commissioner rules for restraint and time-out procedures. The commissioner’s rules must require a school district to provide written notification to the parent/guardian of a student for each use of restraint, including specific information such as the name of the person who administered the restraint and the behavior that prompted the restraint. *Full procedures are found in Section 2 of the bill.*

Section 3 – Amends Section [37.004](#), Education Code, by adding Subsection (b-1), detailing the requirements following a change in placement for a student with a disability due to disciplinary action. No later than the 10th school day after the placement change, the school district shall take specific actions related to a functional behavior assessment and behavior improvement/intervention plan. *Full details are found in Section 3 of the bill.*

Applies beginning with the 2021–22 school year.

Effective June 4, 2021 (immediately)

Rulemaking authority: commissioner of education



School districts and open-enrollment charter schools need to train special education staff, diagnosticians, licensed specialists in school psychology, administrators, and other relevant individuals on the change in law.

HB 1252

Authors: Moody, Thompson

Summary: Relating to the limitation period for filing a complaint and requesting a special education impartial due process hearing.

Adds Section 29.0164 to Subchapter [A, Chapter 29](#), preventing the commissioner from adopting a rule to limit the time period for filing a complaint and requesting a special education impartial due process hearing. The prior commissioner rule allowed a 1-year period. By limiting the commissioner from adopting rules related to this section, this amendment effectively increases that period to 2 years, aligning Texas with IDEA, 20 U.S.C. §1400 et seq. federal law. Parents will now have 2 years from the date they knew or should have known of the alleged violation to file a due process complaint.

Effective September 1, 2021

Rulemaking authority: none specified



School districts and open-enrollment charter schools need to train district and campus administration and relevant special education staff on the change in law.

SB 89

Author: Menéndez

Summary: Requires supplemental information to be included with a student's individualized education program (IEP) if the student was part of a district's special education program during the 2019–20 or 2020–21 school year.

Section 1 & 2 – Adds Section 29.0052 to Subchapter [A, Chapter 29](#), Education Code. This Act shall be known as the COVID-19 Special Education Recovery Act.

A district must prepare a supplement to be included with the written statement of the IEP of each child enrolled in a district's special education program during the 2019–20 or 2020–21 school year. The supplement must include information indicating:

- Whether the written report of the child's full individual and initial evaluation was completed and whether the child's initial IEP was developed during the 2019–20 or 2020–21 school year and if they were completed by the required date;
- Whether the provision of special services was disrupted during the 2019–20 or 2020–21 school year; and
- Whether compensatory services are appropriate.

Section 2 does not apply if certain requirements are met, as *detailed fully in the bill*.

Section 3 – A school district must complete each required supplement added by this Act by *May 1, 2022*.

Effective June 7, 2021

Rulemaking authority: commissioner of education



School district and open-enrollment charter school IEP (ARD) teams must ensure each relevant supplement is completed by May 1, 2022.

SB 1716

Author: Taylor


Summary: Relating to a supplemental special education services and instructional materials program for certain public school students receiving special education services.

Amends [Chapter 29](#), Education Code by adding Subchapter (a-1). Makes permanent the Supplemental Special Education Services (SSES) program. The SSES program allows any student in a Texas public school's special education program to be eligible; however, the TEA is directed to give priority to children receiving the compensatory education allotment, those with cognitive disabilities, and those eligible for the alternative STAAR exam.

The SSES program provides grants of up to \$1,500 per eligible student to provide supplemental special education services through a TEA-approved provider. The program is capped at \$30 million per fiscal year. The bill requires the Admissions, Review, & Dismissal (ARD) committee of those students approved for the program to provide information to parents on available services, approved providers, and instructions on accessing the student's account. The commissioner of education is required to designate one or more regional education services center to administer the grant program.

Effective June 18, 2021 (immediately)

Rulemaking authority: TEA and commissioner of education (Section 1)

- No immediate action required by school districts or open-enrollment charter schools.
-  However, districts and charter schools will need to develop a protocol for ARD committee meetings of students approved for the program once commissioner rules are approved.

Summary of Action Items for Instruction: Pre-K & Special Education

Training

- ✦ Registrars – *HB 725*
- ✦ Special education staff and administrators – *HB 785, HB 1252*

Policy & Procedure

- ✦ Ensure pre-k class sizes meet the requirement – *SB 2081*
- ✦ Include supplement with special education student's paperwork – *SB 89*
- ✦ Develop ARD protocol once commissioner rules are adopted – *SB 1716*

Awareness

- ✦ District administration – *SB 1716*

Property Tax

HB 115

Authors: Rodriguez et al.

Summary: Exemption from ad valorem taxation of certain property owned by a charitable organization and used in providing housing and related services to certain homeless individuals.

Amends Section [11.18](#) (p), Tax Code by adding additional language regarding exemption from ad valorem taxation of certain property owned by a charitable organization and used in providing housing and related services to certain homeless individuals. The bill increases the number of years the property must have been owned by the organization and only applies to counties and municipalities within a specific population range (1 million to 1.5 million, and 100,000 to 150,000 ([i.e., Austin/Travis County/Midland])).

Effective: January 1, 2022

Rulemaking authority: none specified



No action by school districts is required at this time.

HB 988

Authors: Shine et al.

Summary: Relating to ad valorem taxation; creating a criminal offense.

Amends Section [5.103](#), Tax Code, to require appraisal review boards (ARBs) to adopt hearing procedures that conform with model procedures issued by the comptroller and establish a process for property owners to request limited binding arbitration to compel an ARB or chief appraiser of an appraisal district to take certain actions.

HB 988 prohibits employees of taxing units from communicating with the chief appraiser or other employees of appraisal districts for the purpose of influencing the appraised property value. The bill allows taxing units located in a designated disaster zone to extend the time for goods-in-transit to leave the stored location to up to 270 days.

Effective Date: January 1, 2022 (certain aspects of HB 988 take effect immediately)

Rulemaking authority: none specified



No action by school districts is required at this time.

HB 1090

Authors: Bailes, White, Rogers

Summary: Appraisal for ad valorem tax purposes of real property that was erroneously omitted from an appraisal roll in a previous year.

Amends section [25.21 \(a\)](#) Tax Code. Under current law, when taxable real property is erroneously omitted from the appraisal roll, the chief appraiser has a 5-year window in which to discover and fix the omission. HB 1090 shortens the window to 3 years for real property and leaves the 2-year window in place for personal property.

Effective September 1, 2021

Rulemaking authority: none specified



No action by school districts is required at this time.

HB 1197

Authors: Metcalf, C. Bell, Cook

Summary: Relating to the period for which certain land owned by a religious organization for the purpose of expanding a place of religious worship or constructing a new place of religious worship may be exempted from ad valorem taxation.

Amends Section [11.20](#), Tax Code, to extend the ad valorem tax exemption on a tract of land owned by and contiguous to a religious organization's place of regular worship to 10 years (current law limits the exemption to 6 years).

Effective January 1, 2022

Rulemaking authority: none specified



No action by school districts is required at this time.

HB 1869

Authors: Burrows et al.

Summary: Adds specificity to the definition of debt for the purposes of calculating certain ad valorem tax rates of a taxing unit.

Amends Section [26.012](#), Tax Code, by adding specific language to the definition of debt as it applies to setting ad valorem tax rates. The bill limits the definition of “debt,” for the purposes of calculating property taxes, to include a bond, warrant, certificate of obligation, or other evidence of indebtedness that also meets one of the following criteria:

- was approved at an election;
- included self-supporting debt;
- evidenced a loan under a state or federal financial assistance program;
- was issued for designated infrastructure;
- was a refunding bond; or
- was issued in response to an emergency.

The bill provides specific definitions and lists the types of projects that would qualify as “Designated infrastructure, Refunding bond, and Self-supporting debt.”

Effective September 1, 2021

Rulemaking authority: none specified

No action required by school districts for setting tax rates prior to September 1, 2021.



The change in statute applies only to new debt authorized on or after the effective date of the bill.

HB 2723

Authors: Meyer, Shine, Button

Summary: Relating to public notice of the availability on the Internet of property-tax-related information.

Amends Section [44.004](#), Education Code; Section [25.19](#), [26.04](#), [26.052](#), [26.06](#), Tax Code; and Section [49.236](#), Water Code. Requires the Department of Information Resources to develop and maintain an easily accessible website that lists each property tax database and includes a method to assist a property owner in identifying the appropriate property tax database for the owner's property. The website must provide a separate link to the Internet location of each property tax database. The address of the website must be "Texas.gov/PropertyTaxes." Information on the website will be incorporated into the following notices:

- a notice of a public meeting to discuss and adopt a public school district's budget and proposed tax rate;
- a notice of appraised value;
- a notice of a public hearing on a tax increase; and
- a notice of a public hearing on a water district's tax rate.

The bill also addresses duplicate estimated tax notices and provides for electronic (email) notifications when requested.

Effective June 6, 2021 (immediately)

Rulemaking authority: none specified



No action by school districts is required at this time.

HB 2941

Author: Burns

Summary: Relating to the appointment of appraisal review board (ARB) members.

Amends Section [6.052](#), Tax Code, altering the manner by which counties appoint members to the ARB. All counties will have ARB members appointed by the local administrative district judge in the county in which the appraisal district is located. Current law allows counties with a population of less than 120,000 to have ARB members appointed by a majority of the appraisal district board.

Effective June 7, 2021 (immediately)

Rulemaking authority: none specified



No action by school districts is required at this time.

HB 3610

Authors: Gervin-Hawkins, Sanford, Middleton

Summary: Relating to the applicability of certain laws related to land use, purchases, and leasing.

Amends Section [12.1058](#) (a), Education Code. Designates a charter school as a political subdivision for the purposes of standing in a cause of action with respect to property purchased, leased, constructed, renovated, or improved with state funds and exemption from property taxation. Requires the owner of property leased by a charter school to transfer the savings to the charter based on a proportionate amount based on square footage of the exempt property.

The bill exempts property leased by a school district, community college, or charter school from property taxation if it is used exclusively for the operation or administration of educational functions and is reasonably necessary for that purpose.

Effective September 1, 2021

Rulemaking authority: none specified

- ✦ Open-enrollment charter schools need to ensure that county appraisal districts are aware of HB 3610.
- ✦ School districts and open-enrollment charter schools leasing property need to ensure their landlords are aware of the change in law.

HB 3833

Authors: P. King et al.

Summary: Relating to the appraisal of certain real property for ad valorem tax purposes.

Amends Sections [23.215](#), [23.55](#), [23.76](#), [23.86](#), Tax Code. HB 3833 limits additional taxes imposed on land appraised as recreational, park, or scenic land; public access airport property; or restricted-use timber for which the use of land changed or that was no longer subject to a deed restriction. Additional taxes could be imposed only on the preceding 3 tax years (prior law was 5 years), plus interest at an annual rate of 5%. The bill also seeks to provide consistency on the appraisal methods used for property under construction as low- or moderate-income housing.

Effective June 15, 2021 (immediately)

Rulemaking authority: none specified

 No action by school districts is required at this time.

SB 63

Author: Nelson

Summary: Relating to the property tax appraisal system, including an entitlement to a tax exemption based on the appraised value of certain renewable energy devices.

Amends various Sections of Chapters [5](#), [6](#), [11](#), [23](#), & [41](#), Tax Code. SB 63 makes multiple additions and changes to the tax code:

- Provides for electronic reporting and payment requirements to and from the Texas Comptroller.
- Allows required Appraisal Review Board (ARB) training to be provided electronically as well as through in-person classroom training.
- Adds language to ineligibility criteria for appraisal districts' board of director members and employees.
- Provides a specified timeline for action on removal of an ARB member.
- Expands eligibility for exemption from taxation on appraised value of solar- or wind-powered devices and establishes a required timeline to process applications and provide notifications associated with renewable energy exemptions, appraisals, and appeals.
- Establishes a required timeline to process applications and provide notifications associated with agricultural and timber land exemptions, appraisals, and appeals.
- Provides additional requirements related to forms, process, and timelines associated with property appraisal appeals.

Effective September 1, 2021

Rulemaking authority: Texas Comptroller of Public Accounts (Sections 1 & 2)



No action by school districts is required at this time.

SB 611

Authors: Campbell et al.

Summary: Provides an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty and to late applications for exemptions from such taxation for disabled members.

Amends Section [11.133](#), Tax Code, by expanding the eligibility for the residence homestead tax exemption provided to the surviving spouse of a member of the U.S. armed services. The bill specifies that the surviving spouse is entitled to the exemption if the member was killed or fatally injured in the line of duty, rather than killed in action.

Effective January 1, 2022 (requires voter approval of constitutional amendment also approved by 87th Legislature)

Rulemaking authority: none specified



No action by school districts is required at this time.

SB 794

Author: Campbell

Summary: Relating to eligibility for the exemption from ad valorem taxation of the residence homestead of a totally disabled veteran.

Amends Section [11.133](#), Tax Code, to provide a less restrictive definition of a disabled veteran for the purpose of ad valorem tax exemptions. Defines a disabled veteran as an individual who has been “awarded” 100% disability, as opposed to the current law language stating that the veteran “receives” 100% disability compensation.

Effective January 1, 2022 (requires voter approval of constitutional amendment also approved by 87th Legislature)

Rulemaking authority: none specified



No action by school districts is required at this time.

SB 1427

Author: Bettencourt

Summary: Relating to the applicability of the temporary exemption from ad valorem taxation of a portion of the appraised value of certain property damaged by a disaster.

Amends Section [11.35](#), Tax Code, to clarify that for property to qualify for a temporary property tax exemption in a declared disaster area, the property must have physical damage, not singularly economic damage.

Effective June 16, 2021 (immediately)

Rulemaking authority: none specified



No action by school districts is required at this time.

SB 1438

Author: Bettencourt

Summary: Relating to the effect of a disaster on the calculation of certain tax rates and the procedure for adoption of a tax rate by a taxing unit.

Amends Section [45.0032](#) & Section [48.202](#) of Education Code and various Sections of Chapter [26](#), Tax Code. SB 1438 clarifies when the disaster exception to setting ad valorem property tax rates would apply and for how long. In addition to the area being declared a disaster, the bill adds language requiring that the disaster had to have caused physical damage to property located in the taxing unit for the taxing unit to be eligible to calculate at the 8% voter-approval rate.

Additionally, SB 1438 puts a time frame on how long a taxing unit may use the higher rate. It is the earlier of a) the first year in which the total taxable value of property on the appraisal roll exceeds the total taxable value of property on January 1 of the year the disaster occurred, or b) the third tax year after the tax year the disaster occurred in that taxing unit. SB 1438 removes the election requirement for a taxing unit still responding to the disaster the year after the disaster occurred.

There is a separate provision for school districts that removes the election requirement for the year after the disaster occurred if the district is still recovering. However, the rate adopted applies only for that year. SB 1438 seeks to add clarity when dealing with different types of disasters (physical damage, as opposed to economic damage). The bill extends the period for property owners to apply for a qualified exemption from 45 days to 105 days after the governor declares the area in which the property is located to be a disaster area.

Effective June 16, 2021 (immediately, but changes to Sections 11.35 & 11.43, Tax Code, apply to tax years beginning with Tax Year 2022).

Rulemaking authority: none specified



No action by school districts is required at this time unless the district is located in an area designated as a disaster area by the governor.

SB 1449

Authors: Bettencourt et al.

Summary: Increases exemption from ad valorem taxation of income-producing tangible personal property having a value of less than a certain amount.

Amends Section [11.145](#), Tax Code. SB 1449 increases the amount of the income-producing tangible personal property eligible for exemption from ad valorem taxation from \$500 to \$2500. The statewide impact on school districts is expected to be approximately \$3 million, and the cost to the Foundation School Fund should be less than \$1 million for the biennium.

Effective Date: January 1, 2022

Rulemaking authority: none specified



No action by school districts is required at this time.

SB 1764

Author: Bettencourt

Summary: Relating to the payment of delinquent ad valorem taxes on property subject to a tax sale.

Amends Section [31.06](#), Tax Code to allow a tax collector to require payment of delinquent taxes, penalties, interest, and associated costs with only U.S. currency, a cashier's check, a certified check, or an electronic funds transfer (EFT).

Effective June 16, 2021 (immediately)

Rulemaking authority: none specified

✦ No action by school districts is required at this time.

Summary of Action Items for Property Tax

Policy & Procedure

✦ Calculation of tax rate if district is in a disaster area – *SB 1438*

Awareness

- ✦ New definition of debt for setting tax rates – *HB 1869*
- ✦ County appraisal district (charter schools) – *HB 3610*
- ✦ Landlords of property leased to schools – *HB 3610*

Safety & Security

HB 103

Authors: Landgraf et al.

Summary: Adds Subchapter L-1 to Chapter [411](#), Government Code, establishing the Texas Active Shooter Alert System that will be activated when notice is given of an active shooter. This system would notify persons within a 50-mile radius of an active shooter's location.

Effective September 1, 2021

Rulemaking Authority: The Public Safety Director

SB 239

Author: Powell

Summary: Adds Section 418.1861 to Subchapter [H, Chapter 418](#), Government Code, requiring the Department of State Health Services to disseminate immunization information during a declared state of disaster or local state of disaster to public and private schools and child-care facilities.

Effective June 14, 2021 (immediately)

SB 785

Author: Creighton

Summary: Amends Section [1701.260\(g\)](#), Occupations Code, to create a consistent date for school marshal licenses to be renewed on an annual basis.

Effective September 1, 2021

SB 1191

Author: Seliger

Summary: Amends Section [1701.601](#), Occupations Code, relating to the definition of school resource officer. Under this section, the term no longer includes a peace officer who provides law enforcement at a public school or public school event only for extracurricular activities.

Effective September 1, 2021

HB 1118

Author: Capriglione

Summary: Relating to state agency and local government compliance with cybersecurity training requirements.

Amends Subchapter [A, Chapter 772](#) Government Code, and Section [2054](#) & Section [2056](#), Government Code. Increases the consistency in requirements and implementation of cybersecurity training between state and local governments. The bill improves compliance with required cybersecurity training through consistency in reporting, a common list of training modules provided by the Texas Department of Information Resources, and common requirements for the individuals/roles who are required to participate in the cybersecurity training. The list of individuals/roles required to participate in training annually is expanded from employees and contractors to include elected and appointed officials. The bill also includes a requirement for 100% compliance with the training requirements for entities to be eligible for public safety grants. The training requirement threshold for local government employees, elected officials, and appointed officials are those individuals having access to a local government computer system or database and using a computer to perform at least 25% of their required duties.

Effective May 15, 2021 (immediately)

Rulemaking authority: none specified

- ✦ School district employees, contractors, and board members meeting the threshold for required training will need to complete cybersecurity training as outlined in HB 1118 on an annual basis.
- ✦ SB 1267 provides flexibility on timelines and frequency of all school district employees and officers except district's cybersecurity coordinator.

HB 3379

Authors: Leman et al.

Summary: Relating to the duty to report child abuse and neglect.

Amends Sections [261.101](#) (a), (b), and (b-1), Family Code. Requires persons and professionals who have **reasonable** cause to believe that abuse or neglect is happening to a child to immediately make a report as provided by this subchapter. The addition of “reasonable cause” throughout the subchapter is intended to raise the reporting standard for child abuse and neglect to only require reporting when there is reasonable cause to believe reportable conduct has occurred.

Effective September 1, 2021.

Rulemaking authority: none specified



School districts and open-enrollment charter schools need to offer updated training to employees.

HB 3597

Author: Metcalf

Summary: Relating to policies, procedures, and measures for school safety in public schools.

Section 1 – Amends Sections [37.108](#)(c-2) and (d), Education Code, requiring a district multihazard plan to address the five (previously four) phases of emergency management under (a). Also requires a plan for handling a train derailment if a district facility (previously district school) is located within 1,000 yards of a railroad track.

Section 2 – Amends Section [37.114](#), Education Code, instructing the rule-making authorities to include rules pertaining to different aspects of emergency evacuations and mandatory school drills.

Section 3 – Amends Section [37.115](#)(d), Education Code, to allow the superintendent greater flexibility in appointing members to the threat assessment and safe and supportive school team.

Section 4 – Amends Section [37.207](#)(e), Education Code, to require a district to provide the results of its model safety and security audit within 3 (previously 6) months after initial notification from the School Safety Center.

Section 5 – Amends Section [37.2121](#)(d), Education Code, and adds Subsection (d-1), requiring each school district that enters into a memorandum of understanding (MOU) or mutual aid agreement addressing issues that affect school safety and security to, at the School Safety Center's request, provide a copy of the memorandum or agreement to the center.

Section 6 – Adds Section 411.14055 to Subchapter [E](#), Chapter 411, Government Code, giving the Texas School Safety Center access to criminal history record information that relates to a person registering to provide school safety or security consulting services.

Effective June 18, 2021 (immediately)

Rulemaking authority: commissioner of education, Texas School Safety Center, and the state fire marshal (Section 2)



School districts and open-enrollment charter schools need to update their district multihazard plan to comply with Section 1 of this bill.

SB 168

Author: Blanco

Summary: Relating to emergency school drills and exercises conducted by public schools.

Section 1 – Amends Section [37.114](#), Education Code, instructing the rule-making authorities to adopt rules providing best practices for conducting emergency school drills and exercises.

Section 2 – Adds Section 37.1141 to Subchapter [D](#), Chapter 37, Education Code, requiring adequate notice to be provided to students, parents, and staff before conducting an active threat exercise. The notice should include information regarding:

- Date of the exercise;
- Content, form, and tone of the exercise;
- Whether the exercise will include a live simulation

The exercise must be announced to students, faculty, and first responder organizations prior to the start of the exercise. Additionally, a safe zone must be created around the area the exercise is conducted in to keep out unauthorized firearms, ammunition, or other weapons.

Data regarding the efficacy and impact of the exercise will be tracked and submitted to the Texas School Safety Center.

Section 3 – Amends Section [12.104](#)(b), subjecting open-enrollment charter schools to the requirements outlined in Section 1 of this bill.

Applies beginning with the 2021–22 school year.

Effective June 14, 2021 (immediately)

Rulemaking authority: commissioner of education

- ✦ School districts and open-enrollment charter schools **must** follow the requirements detailed in Section 2 of this bill if they plan to hold an active threat exercise, including an active shooter simulation.

SB 279

Author: Hinojosa

Summary: Requires suicide prevention information to be printed on student identification cards in grade 6 or higher.

Section 1 – Adds Section 38.353 to Subchapter [G, Chapter 38](#), Education Code. Each student identification card issued by a public school to a student in grade 6 or higher **must** have printed on the card the contact information for the National Suicide Prevention Lifeline **and** the Crisis Text Line. The identification card may also have the contact information for a local suicide prevention hotline, if available.

- This applies only to a student identification card printed on after June 14, 2021. Previously printed student identification cards do not need to be reprinted.

Effective June 14, 2021 (immediately)

Rulemaking authority: none specified



School districts printing new cards must include the information detailed in Section 1 of the bill.

SB 445

Author: Hughes

Summary: Relating to school bus use of a flashing warning light and related equipment.

Amends Section [547.701](#), Transportation Code, to allow school buses to use a flashing warning signal light and related warning equipment when they are stopped to distribute food or technological equipment to a student or parent or guardian of a student.

Effective September 1, 2021

Rulemaking authority: none specified



School districts and open-enrollment charter schools need to train bus drivers on this change in law if the transportation system is not contracted.

SB 475

Author: Nelson

Summary: Relating to state agency and local government information management and security, including establishment of the state risk and authorization management program and the Texas volunteer incident response team; Authorizes fees.

Amends Subchapter [B, Chapter 2054](#), Government Code, by adding Section 2054.0332 and Subchapter N-2. Implements interim recommendations made by the Texas Cybersecurity Council and the Texas Privacy Protection Advisory Council by addressing third party providers' security; establishing a volunteer cybersecurity incidence response team; implementing best practices for managing and securing data; and prohibiting state agencies from acquiring, retaining, or disseminating data used to identify an individual or the individual's location without written consent. SB 475 amends current law relating to state agency and local government information management and security, including establishment of the state risk and authorization management program and the Texas volunteer incident response team; May authorize fees for participating entities receiving incident response team assistance.

Effective June 14, 2021 (immediately)

Rulemaking authority: Texas Department of Information Resources (Sections 2 & 6)



No action by school districts or open-enrollment charter schools is required at this time.

SB 746

Author: Miles

Summary: Related to parents providing and updating their contact information with the school district.

Adds Section 26.0125 to Chapter [26](#), Education Code. This bill requires a parent of a student enrolled in a school district to provide, in writing, the parent's address, phone number, and e-mail address, upon enrollment and within 2 weeks after the beginning of **each** school year.

If the parent's contact information changes during the school year, the parent has 2 weeks to provide their updated information in writing to the school district.

This Act applies beginning with the 2021–22 school year.

Effective June 14, 2021 (immediately)

Rulemaking authority: none specified



School district campuses need to create a system for ensuring parent contact information is collected upon student enrollment, at the beginning of every school year, and when contact information changes during the school year.

SB 1696

Author: Paxton

Summary: Related to a system of sharing cyber-attack and other cybersecurity information among schools in the state.

Amends Section [11.175](#)(e), Education Code, and adds (g), (h), and (i), establishing a system for sharing information regarding cyber-attacks or other cybersecurity incidents occurring in schools in the state. A school district or open-enrollment charter school shall report to the TEA, or the third party designated by TEA to administer the incident report system, any cyber-attack or other cybersecurity incidents against the school's cyberinfrastructure.

Effective September 1, 2021

Rulemaking authority: commissioner of education



School districts and open-enrollment charter schools need to designate an employee to report breaches in cybersecurity.

SB 1831

Author: Taylor

Summary: Relating to the punishment for trafficking of persons, online solicitation of a minor, and prostitution and to the dissemination of certain related information.

Sections 1 & 2 – Add Section 37.086 to Subchapter [C, Chapter 37](#), Education Code, requiring every school to post warning signs of the increased penalties for trafficking of persons under Section [20A.02](#)(b-1)(2), Penal Code. “Premises” means real property and all buildings and appurtenances pertaining to the real property. Signs must be posted:

- Parallel to and along the exterior boundaries of the school’s premises;
- At each roadway or other way of access to the premises;
- For premises not fenced, at least every 500 feet along the exterior boundaries of the premises;
- At each entrance to the premises;
- At conspicuous places reasonably likely to be viewed by anyone entering premises

The TEA will adopt rules regarding placement, size, etc. of the signs. The TEA will also provide the number of signs needed for each school to comply with this section.

Section 3 – Adds Section 1001.1021 to Subchapter [C, Chapter 1001](#), Education Code, requiring rules be adopted related to human trafficking prevention in drivers’ education curriculum.

Sections 4 & 5 – Detail requirements for other entities and make conforming changes.

Sections 6, 7, 8, & 9 – Detail punishment for trafficking, online solicitation of a minor, and prostitution and make conforming changes.

Section 10 – The TEA must only implement the change in law made by Section 37.086(d), Education Code, if funds are appropriated by the legislature for that purpose.

Effective September 1, 2021

Rulemaking authority: TEA (Section 2), Texas Commission of Licensing and Regulation (Section 3)

- ✦ School districts and open-enrollment charter schools need to post signs in accordance with the requirements in Section 2 of this bill.
- ✦ Update driver’s education curriculum.

SB 2158

Author: Campbell

Summary: Requires the TEA to provide child identification kits to school districts and open-enrollment charter schools for distribution to parents/guardians.

Adds Section 33.0531 to Subchapter [C](#), Chapter 33, Education Code. The TEA will provide inkless, in-home fingerprint and DNA identification kits to school districts and open-enrollment charter schools. These kits will be available upon the request of a parent or guardian of a kindergarten, elementary, or middle school student. The parent or guardian may keep these kits and submit them to authorities if their child goes missing.

Effective September 1, 2021

Rulemaking authority: none specified



School districts and open-enrollment charter schools need to either distribute kits to elementary and middle school campuses or create a system that allows campuses to request kits from administrative offices.

Summary of Action Items for Safety & Security

Training

- ✦ School district employees, contractors, and board members – *HB 1118*
- ✦ School district and charter school employees – *HB 3379*
- ✦ Bus drivers – *SB 445*

Policy & Procedure

- ✦ Update district multihazard plan – *HB 3597*
- ✦ Comply with requirements of active threat exercise – *SB 168*
- ✦ Include suicide prevention information on new student identification cards – *SB 279*
- ✦ System for collecting parent contact information at appointed times – *SB 746*
- ✦ Post signs in accordance with the change in law – *SB 1831*
- ✦ Update drivers education curriculum if taught at a school – *SB 1831*
- ✦ Create system for distribution of identification kits – *SB 2158*

Awareness

- ✦ Designated district or charter school employee – *SB 1696*

Safety & Security: Health

HB 2287

Authors: Thompson et al.

Summary: Relating to data collection and receipt of certain reports by and consultation with the Collaborative Task Force on Public School Mental Health Services.

Section 1 – Adds (c) to Section [8.158](#), Education Code, requiring the Health and Human Services Commission to submit a report regarding outcomes for school districts and students from services provided by the local non-physician mental health provider, to the Collaborative Task Force on Public School Mental Health Services.

Section 2 – Adds (c-1) to Section [38.252](#), Education Code. Regional ESCs are already required to submit a report on mental health resources in their respective region to the TEA no later than March 1 of each even-numbered year. This section requires the ESCs to provide an electronic copy of this report to the Collaborative Task Force on Public School Mental Health Services by the same date.

Section 3 – Adds Subsection (e) to Section [38.253](#), Education Code, requiring the TEA to provide an electronic copy of the list of statewide mental health resources compiled under Subsection (a), to the Collaborative Task Force on Public School Mental Health Services.

Section 4 – Adds Subsection 38.3071 to Subchapter [E](#), Chapter 38, Education Code, allowing the Task Force or the TEA to request data from or consult with school districts, open-enrollment charter schools, regional ESCs, local mental health authorities, and other entities that possess information relevant to the Task Force’s duties under Section [38.308](#), Education Code. Detailed requirements related to this data collection are *in the full text of the bill*.

Section 5 – Amends Section [38.308](#), Education Code, to require the Task Force to collect race, ethnicity, gender, special education status, educationally disadvantaged status, and geographic location of students mentioned in the preceding paragraphs in Section 38.308. Data must also be collected on:

- Mental health services and trainings provided by school districts, campuses, and open-enrollment charter schools;
- The number of individuals who were placed in a disciplinary alternative education program or out-of-school suspension or expelled;
- The number of threat assessments conducted; and
- The number of reports made from each school district or open-enrollment charter school by an employee or school resource officer for abuse and neglect.

Section 5 – Amends Section [38.308](#), Education Code, to allow the Task Force to consult with relevant experts and stakeholders in districts and schools, for the purpose of studying, evaluating, and making recommendations regarding mental health services.

Effective September 1, 2021

Rulemaking authority: none specified

- ✦ ESCs need to provide an electronic copy of the report to the Task Force by March 1, 2022.
- ✦ School districts and open-enrollment charter schools need to streamline relevant data collection to ensure they are available upon request.

SB 199

Author: Nelson

Summary: Related to automatic external defibrillators (AEDs)

Section 1 – Amends Section [779.003](#), Health and Safety Code. In addition to maintaining and testing AEDs, this section requires a monthly inspection to verify certain standards.

Section 2 – Amends Section [779.006](#), Health and Safety Code. Unless conduct is willfully negligent, the following individuals are not liable for civil damages related to the prescription, acquisition, or training in the use of the AED, or any use, attempted use, or failure to use the AED:

- A physician;
- Any person or entity that provides training in the use of the AED;
- Any person or entity that has an AED and is responsible for the designated location of the AED

The immunity provided by this section is in addition to immunity provided in other sections of the law. Immunity applies whether the person who uses, attempts to use, or fails to use the AED was trained or not.

Section 3 – Amends Section [21.0541](#), Education Code, related to continuing education credit for instruction in the use of an AED.

- The State Board of Education SBOE shall adopt rules allowing an educator to receive continuing education credit for completion of an instructional course on the use of an AED that meets **any** guidelines for AED training approved by the SBOE.

Section 4 – Repeals Section [22.902\(b\)](#), Education Code, related to AED training guidelines. Repeals Section [779.002](#), Health and Safety Code, related to AED training.

Effective September 1, 2021

Rulemaking authority: State Board of Education

- ✦ School districts and open-enrollment charter schools need to alert relevant staff of the requirement to conduct a monthly inspection that meets the requirements detailed in Section 1 of the bill.
- ✦ Track SBOE's rulemaking on instructional courses for AED training.

Summary of Action Items for Safety & Security: Health

Policy & Procedure

- ✦ ESCs provide electronic copy of report – *HB 2287*
- ✦ Districts and charters need to streamline relevant data collection – *HB 2287*

Awareness

- ✦ District and campus nurses – *SB 199*
- ✦ Follow development of SBOE's rules related to AED training – *SB 199*

Index

HB 2	2
HB 7	114
HB 30	131
HB 103	172
HB 115	155
HB 159	36
HB 189	85
HB 246	115
HB 547	65
HB 572	86
HB 619	91
HB 624	66
HB 690	67
HB 699	34
HB 725	147
HB 750	116
HB 773	24
HB 785	149
HB 988	156
HB 999	25
HB 1062	109
HB 1080	110
HB 1090	157
HB 1118	173
HB 1133	95
HB 1147	26
HB 1197	158
HB 1247	103
HB 1252	150
HB 1322	104
HB 1428	54
HB 1476	55
HB 1525	3
HB 1585	123

HB 1589	117
HB 1603	27
HB 1788	118
HB 1792	92
HB 1869	159
HB 2022	124
HB 2256	38
HB 2283	96
HB 2287	186
HB 2497	132
HB 2519	105
HB 2607	92
HB 2681	133
HB 2721	111
HB 2723	160
HB 2827	39
HB 2941	161
HB 3069	56
HB 3107	97
HB 3165	68
HB 3212	134
HB 3261	28
HB 3379	174
HB 3456	48
HB 3489	69
HB 3583	57
HB 3597	175
HB 3610	162
HB 3643	107
HB 3833	163
HB 3898	125
HB 3932	107
HB 3938	107
HB 3979	135
HB 4279	70

HB 4509	136
HB 4545	12
HCR 1	71
SB 1	15
SB 13	58
SB 19	59
SB 45	119
SB 58	60
SB 59	61
SB 63	164
SB 89	151
SB 123	137
SB 157	72
SB 168	176
SB 179	120
SB 199	189
SB 202	126
SB 204	73
SB 219	62
SB 226	40
SB 239	172
SB 279	177
SB 288	127
SB 289	49
SB 338	63
SB 346	87
SB 348	138
SB 369	29
SB 445	178
SB 462	50
SB 475	179
SB 481	139
SB 560	106
SB 611	165
SB 721	74

SB 746	180
SB 764	91
SB 776	112
SB 785	172
SB 788	75
SB 794	166
SB 797	76
SB 801	140
SB 879	88
SB 1061	91
SB 1063	141
SB 1095	142
SB 1191	172
SB 1116	100
SB 1225	77
SB 1232	51
SB 1267	41
SB 1277	143
SB 1336	52
SB 1351	78
SB 1356	144
SB 1365	17
SB 1427	167
SB 1438	168
SB 1444	128
SB 1449	169
SB 1555	93
SB 1590	44
SB 1615	89
SB 1677	79
SB 1696	181
SB 1697	30
SB 1716	152
SB 1764	170
SB 1831	182

SB 1888.....	32
SB 1955.....	80
SB 2050.....	81
SB 2066.....	82
SB 2081.....	148
SB 2158.....	183