

2019 LEGISLATIVE UPDATES FOR ADMINISTRATORS

PRESENTED BY:
JAMESON C. BAKER
JBAKER@WABSA.COM

Prominent Bills

1. Discipline
2. Safety & Security
3. Health
4. Student & Parents Rights
5. Curriculum & Instruction
6. Employment
7. Governance & Operations

Prominent Bills

1. Discipline

- 2. Safety & Security
- 3. Health
- 4. Student & Parent Rights
- 5. Curriculum & Instruction
- 6. Employment
- 7. Governance & Operations

HB 65 – Reporting Out-of-School Suspension
HB 811/692 – Disciplining Homeless Students
SB2432 – Classroom Removal & DAEP Placement
HB 2184 – Alternative Education Transition Plans
HB 3012 – Alternative Education Instruction
HB 3630/SB 712 – Prohibited Discipline Practices
SB 38 – Hazing
SB 1306 – CBC’s Contact Information
SB 21 – Legal Age for Tobacco
HB 3703 – Hemp-derived Products Including CBD

HB 65: Reporting OSS

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- For **each** out-of-school suspension, schools must include in their annual reports to TEA:
 - The student’s race, sex, and date of birth
 - The basis for the suspension
 - The number of full or partial days included in the suspension
- Additionally, schools must include the number of suspensions that were inconsistent with Student Code of Conduct guidelines.

HB 811: Suspending Homeless Students

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- In addition to the other required considerations, the Student Code of Conduct must also specify that before any order of ISS, OSS, DAEP placement, expulsion, or JJAEP placement, the Campus Behavior Coordinator will consider:
 - A student's status in the conservatorship of the Department of Family and Protective Services
 - A student's status as a student who is homeless

HB 692: Suspending Homeless Students

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- May not place a homeless student in OSS unless the student, while on school property or at a school-sponsored or school-related activity, engages in misconduct involving:
 - (1) marijuana, controlled substances, dangerous drugs, or alcohol
 - (2) weapons
 - (3) violent offenses
- For any other type of misconduct, the Campus Behavior Consultant should contact the district's homeless education liaison to identify alternatives to OSS for a student who is homeless.

SB 2432: Criminal Harassment - DAEP Placement

7

- Criminal harassment of a school employee added to list of “mandatory” DAEP offenses:
 1. Initiating communication and in the course of the communication making an obscene comment/request/suggestion/proposal
 2. Threatening to inflict bodily injury or commit a felony against a person or the person’s family or property, if the threat is reasonably likely to alarm the person receiving the threat
 3. Conveying a knowingly false report that another person has suffered death or serious bodily injury, if the report is reasonably likely to alarm the person receiving the threat
 4. Sending repeated electronic communications in a manner that is reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

HB 2184: Alternative Education Transition Plans

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- Once an AEP determines the date of a student’s release, the AEP administrator must provide written notice of the date of the student’s expected release to the student’s parent/guardian.
- The AEP administrator must also provide to the campus administrator of the campus the student intends to enroll at:
 - (1) Written notice of the date of the student’s expected release
 - (2) An assessment of the student’s academic progress at the AEP
 - (3) The results of any assessments administered to the student

HB 2184: Alternative Education Transition Plans

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- Within 5 days of a student's release from AEP, campus administrators must develop a personalized plan to help the student transition into the classroom.
- Campus administrators must consult the following people for assistance and recommendations in developing the transition plan:
 - School counselors
 - School district peace officers
 - SROs
 - Licensed clinical social workers
 - Campus behavior coordinators
 - Classroom teachers who are or may be responsible for implementing the plan
 - Any other appropriate district personnel

HB 2184: Alternative Education Transition Plans

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- The plan **must** include:
 - Recommendations for the best educational placement for the student
- The plan **may** include:
 - Recommendations for counseling, behavior management, or academic assistance
 - Recommendations for assistance to obtain mental health services
 - A provision to inform the student's parents/guardians about the process to request a FIE for special ed services
 - A regular review of the student's progress toward academic and career goals

HB 3012: Alternative Education Instruction

11

- The school district **must provide** students in ISS or OSS an alternative means of receiving all coursework provided in the classes the student misses.
 - This requirement applies only to classes in the foundation curriculum.
- At least one option must not require use of the internet.

HB 3630/SB 712: Prohibited Discipline Practices

12

Schools may not apply or consent to any else applying an “aversive technique” to a student.

“Aversive technique” - a technique or intervention intended to reduce the likelihood of a behavior recurring by intentionally inflicting on a student significant physical or emotional discomfort or pain

Comm’r of Education will provide guidance...

HB 3630/SB 712: Prohibited Discipline Practices

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Examples of “aversive techniques” in statute:

- Techniques designed or likely to cause physical pain (except corporal punishment);
- Techniques involving electric shock, pressure points, or joint locks
- Releasing noxious, toxic, or otherwise unpleasant spray/mist/substance near a student’s face
- Denial of adequate sleep, air, food, water, shelter ... supervision or restroom access
- Ridiculing/demeaning a student
- Depriving senses in way that causes discomfort/pain, except where provided for in IEP/BIP

HB 3630/SB 712: Prohibited Discipline Practices

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Examples of “aversive techniques” in statute:

- Immobilizing extremities
- Impairing breathing
- Restricting circulation
- Securing to a stationary object
- Inhibiting ability to communicate
- Chemical restraint
- Using timeout in way that precludes student from progress toward IEP goals (including isolating with physical barriers)

HB 3630/SB 712: Prohibited Discipline Practices

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- (c) ... an aversive technique ... may be used if the technique is executed in a manner that: **(1)** does not cause the student pain or discomfort; or **(2)** complies with the student's individualized education program or behavior intervention plan.
- (d) Nothing in this section may be construed to prohibit a teacher from removing a student from class under Section 37.002.
- (e) In adopting procedures under this section, the commissioner shall provide guidance to school district employees, volunteers, and independent contractors of school districts in avoiding a violation of Subsection (b).

HB 3630/SB 712: Prohibited Discipline Practices

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POINTS TO CONSIDER

- This prohibition excludes corporal punishment.
- **Ultimate question:** Is the intent to (1) reduce the likelihood of recurrence by (1) inflicting significant physical or emotional discomfort or pain?
- How might this apply to:
 - Penalties given to student athletes in the form of physical exercise?
 - Student restraints? Special ed students? Regular ed students?

SB 38: Hazing

17

- Anti-hazing law now specifically applies to the following types of organizations:
 - Student government
 - Band/musical group
 - Academic teams
 - Dance teams
 - Cheerleading teams
- *Hazing* includes coercing a student to consume drugs or alcoholic beverages in an amount that would lead a reasonable person to believe the student is intoxicated.

SB 1306: CBC's Contact Information

18

- The district must post the e-mail address and a dedicated telephone number for the CBC at each campus.
- If a District of Innovation has exempted itself from the CBC requirement, that district must post the e-mail address and a dedicated phone number for the administrator responsible for student discipline at each campus.

SB 21: Legal Age for Tobacco

19

- Increases legal age for cigarettes, e-cigarettes, and other tobacco products to 21 years of age.
 - *Exception for members of the military*

SB 3703: Hemp-Derived Products

20

- Decriminalizes hemp-derived products, including hemp-derived CBD, if contains less than .3% THC or less than .5% THC for doctor prescribed.
 - Hemp-derived products no longer on list of controlled substances.
- Production, sale or distribution of hemp for smoking is still prohibited.

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HB 1143 – Firearms in Cars

HB 1791— Limits on Notices to Prevent Handguns

HB 1387 – No Maximum Number of Marshals

HB 2195 – Active Shooter Policy & Training

SB 11 – Threat Assessment & Mental Health

SB 1707 – SRO Duties

SB 2135 – Law Enforcement Information

HB 3316 – Crime Stoppers

HB 1143: Firearms in Cars

22

- A school district **may not** regulate the manner in which employees legally store firearms or ammunition in their vehicles parked on district property (provided that they are not in plain view).

HB 1791: Limits on Notices to Prevent Handguns

23

- A district may not take “any action”—including posting notice—designed to prevent licensed handgun holders from entering a property where they are permitted to carry a weapon.

HB 1387: No Maximum Number of Marshals

24

- Schools no longer have a cap on the number of school marshals per campus.

HB 2195: Active Shooter Policy & Training

25

- A school district must include an active shooter response policy in the Multi-hazard Emergency Operations Plan (MEOP).
- School district police officers and SROs must complete a TCOLE active shooter response training program.

SB 11: School Safety Guidelines

26

This is a very long bill with a lot of different provisions, including:

- School districts must establish threat assessment teams at each campus;
- Parents must receive notice of bomb/terroristic threat to facility at which their student is assigned or regularly present;
- Development of trauma-informed care policy, including educator training;
- Bond funds may be used to retrofit buses or vehicles with emergency, safety or security equipment.
- Comm'r will adopt rules setting standards for safety and security of instructional facilities.
- New SHAC duties include mental health awareness

SB 11: Threat Assessments

27

- School districts must establish threat assessment teams.
 - Members
 - Appointed by the superintendent
 - Must have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement
 - One team may serve multiple campuses

SB 11: Threat Assessments

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- Threat assessment team responsibilities:
 1. Providing guidance to students and employees on how to recognize harmful/threatening/violent behavior that poses a threat to the community, school, or an individual
 2. Support the district in implementing its MEOP
 3. Conduct a threat assessment that includes:
 - Assessing/reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior
 - Gathering/analyzing data to determine the level of risk and appropriate intervention

SB 11: Threat Assessments

29

- Threat assessment teams may not provide mental health care services to a student under 18 absent advance written consent from the student's parent/guardian.
- Threat assessment teams must make determinations about a student's risk to themselves or others and take appropriate follow-up action in accordance with district policy.
- Threat assessment teams will be required to report to TEA information about the team and the campuses they serve in accordance with TEA guidelines.
- TSSC will establish model threat assessment team policies and procedures for districts to consider when adopting their own policies and procedures.

SB 1707: SRO Duties

30

- The district **may not** assign peace officers/SROs/security personnel duties involving routine student discipline or school administrative tasks or duties involving non-law enforcement related contact with students
- The Board of Trustees must consult with CBCs and other district employees to ensure that law enforcement personnel are tasked *only* with duties related to law enforcement intervention
- The District must list the duties of district peace officers, SROs, and security personnel in:
 - The district improvement plan
 - The Student Code of Conduct
 - Any MOU for SRO services
 - Any other campus/district document describing the role of police officers/SROs/security personnel in the district

SB 2135: Law Enforcement Information

31

- Law enforcement **must**:
 - (1) notify the school within 24 hours when there is a reasonable belief that it is necessary to conduct a threat assessment or prepare a safety plan related to a student
 - (2) Provide information about students that is requested for the purpose of conducting threat assessment or preparing safety plans
- School districts and law enforcement agencies may enter into MOUs to determine what type of information is relevant to a threat assessment/safety plan
 - Absent an MOU, any information the district request is considered relevant to the threat assessment/safety plan process.

HB 3316: Crime Stoppers

32

- Crime Stoppers Organizations may forward tips relevant to a school district to that school district, including tips concerning:
 - Criminal activity
 - Conduct or threatened conduct that poses a danger to public safety or an individual
 - Conduct or threatened conduct that would disrupt the efficient and effective operations of the district*
 - **This type of tip may only be forwarded to the school district (e.g., not to police)*

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SB 11 – Increasing Parental Awareness

HB 18 – Mental Health Services and Training

SB 1827 – Peace Officers Administering Epi
Pens

HB 2243 – Nurses Administering Asthma
Medicine

HB 496 – Traumatic Injury Response

HB 3703 – Prescribed Cannabis

SB 11: Increasing Parental Awareness

34

- The School Health Advisory Committee's (SHAC's) duties include recommending strategies to increase parental awareness regarding:
 - Risky behaviors and warning signs of suicide risks and behavioral concerns (including mental health disorders and substance abuse disorders)
 - Available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns
- Districts must include a trauma-informed care policy in the district improvement plan, including training for teachers.
 - Each year, a district must submit to TEA how many employees completed the training.

HB 18: Mental Health Services and Training

35

- Expands minimum educator qualification requirements to include teaching/intervening with students with mental health conditions and students who engage in substance abuse.
- Expands continuing education requirements for teachers, counselors and principals
- Expands required training for staff to include training on:
 - Suicide prevention;
 - Recognizing signs of mental health conditions and substance abuse;
 - Strategies for establishing/maintaining positive relationships among students;
 - How grief and trauma affect student learning; and
 - Preventing/identifying/responding to/reporting incidents of bullying.

HB 18: Mental Health Services and Training

36

- Adds mental health to required K-12 curriculum...
- Expands TEKS related to alcohol abuse to include “substance abuse”...
- Requires districts to appoint school counselors and medical or mental health professionals to the SHAC.
- Requires districts to post to their websites information about physical and mental health policies and resources and whether each campus has a full-time nurse or full-time counselor onsite.

HB 18: Mental Health Services and Training

37

- Authorizes districts to contract with non-physician mental health professionals..
- Allows the BOT to establish a school-based health center at one or more campuses and expands permissible services for a school-based health center to include treatment for mental health conditions and substance abuse.
- Expands suicide prevention and response training for educators/staff to include training on how to assist students in returning to school following treatment of a mental health concern or suicide attempt.
- Requires districts to adopt procedures for suicide prevention and to support the return of a student to school following hospitalization or residential treatment for a mental health condition or substance abuse.

SB 1827: Peace Officers Administering Epi Pens

38

- Trained peace officers are authorized to possess and administer epinephrine auto-injectors, regardless of school policy concerning epinephrine auto-injectors.

HB 2243: Nurses Administering Asthma Medicine

39

- Districts may adopt and implement a policy authorizing a school nurse to maintain and administer asthma medicine to students.
 - The district policy must require written consent from parent/guardian authorizing the nurse to administer asthma medicine to the student.
 - A nurse may only administer the medicine at a school campus.
 - The district policy may not require the purchase of asthma medicine or require any other expenditure related to maintaining or administering the medicine that would result in a negative fiscal impact on the district.

HB 496: Traumatic Injury Response

40

- A district **must develop** a protocol for employees and volunteers to respond to a traumatic injury.
- Districts **must purchase and maintain** bleeding control stations on each campus and **provide TEA-approved training** to school peace officers, SROs, security personnel, and all other district/campus personnel who may be reasonably expected to use the kit.
 - Training must be in-person (no online training permitted).
- Districts must offer training on the use of bleeding control stations to students in 7th grade and higher.
- Provides qualified immunity to any employee who uses a bleeding control kit in good faith in the course and scope of his/her duties and governmental immunity to a district for the good faith use of a bleeding control kit.

HB 3703: Prescribed Cannabis

41

- Certain qualified physicians may prescribe low-THC cannabis to patients diagnosed with:
 - Epilepsy
 - Seizure disorders
 - Multiple Sclerosis
 - Spasticity
 - Amyotrophic Lateral Sclerosis (ALS)
 - Autism
 - Terminal Cancer
 - An incurable neurodegenerative disease

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HB 1597 – Military Family Student Residency

HB 2526 – Homestead Student Residency

HB 3145 – Parents at School Activities

HB 1597: Military Family Student Residency

43

- A student may establish residency within a district (before actually residing in the district) if the student's parent/guardian is an active-duty member of the US Armed Forces (including state military/reserves) by providing a copy of a military order requiring the parent/guardian's transfer to a military installation in or adjacent to the district's attendance zone
 - "Residence" includes military temporary lodging facilities
- Must provide proof of residency in the district's attendance zone within 10 days of the arrival date specified in the order.

HB 2526: Homestead Student Residency

44

- A school district must admit a student who resides in a residence homestead with either parent and whose homestead is located on a parcel of property, any part of which is located in the school district.
- Targets those whose property is located in more than one school district but whose home on that property is located in only one school district.

HB 3145: Parents at School Activities

45

- A parent appointed as a conservator of a child has at all times the right:
“...to attend school activities, including school lunches, performances, and field trips.”

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SB 139 – SpEd Evaluation & Referral	HB 1709 – Surrogate Parents
HB 706 – Audiology Services	HB 3650/SB 1276 – DC Agreements
SB 281/HB 965 – Updated Terms	HB 3 – K-3 Reading Standards
SB 522 – Students with VI	HB 1026 – Character Education
SB 2075 – Dyslexia Resources	HB 1244 – US History EOC
HB 165 – SpEd Endorsements	HB 3906 - Assessments
SB 213 - IGCs	SB 1374 – Math Enrollment
HB 3 – FAFSA/TAFSA Requirements	SB 1679 – Pre-K Enrollment
HB 539 – Valedictorian Admissions	HB 391 - Digital Materials Alternatives
HB 638 – Posthumous Diplomas	
HB 678 – Graduation Requirements	

SB 139: Special Education Evaluation & Referral

47

- TEA will create a notice explaining:
 - A student's right to initiate a referral for a FIE to determine the child's eligibility for special education services
 - That the 8.5% monitoring index for a district's special education population has been repealed
- Districts must supplement TEA's notice with information about local processes and procedure to initiate a referral for special education services.
 - Notice must be delivered to the parent of every child who attends school in the district **at any time** during the 2019-20 school year.
 - Notice must be in English and Spanish, and districts must make a good faith effort to provide the notice in the parent's native language if other than English/Spanish

HB 706: Audiology Services

48

- A student is eligible to receive audiology services if he/she:
 1. is 20 years of age or younger,
 2. has a disability or chronic medical condition,
 3. is eligible for Medicaid benefits, and
 4. has been prescribed the service under an IEP or 504 plan.

SB 281/HB 965: Updated Terms

49

- The terms “hearing impaired,” “auditory impairment,” and “speech impaired” are replaced in state law with “deaf” and “hard of hearing.”
- All references to “mental retardation” in state law have been replaced with “intellectual or developmental disability.”

SB 522: Students with Visual Impairments

50

- An IEP for a student with a visual impairment **must** include instruction in braille and the use of braille unless the student’s ARDC determines and documents that braille is not appropriate for the student.
- Braille instruction must be provided by a teacher certified to teach students with visual impairments.

SB 2075: Resources for Dyslexia

51

- Districts **must** notify the parent/guardian of each student determined to have dyslexia (following a screening) or determined to be at risk for dyslexia or other reading difficulties (based on reading instrument results) of the Texas State Library and Archives Commission's free audiobook rental program for students with reading disabilities.

HB 165: Endorsements for SpEd Students

52

- A student who receives SpEd services may earn an endorsement on his/her transcript by successfully completing the requirements for both the foundation curriculum program and the endorsement.
 - Curriculum may be modified as long as the student's ARDC determines it is sufficiently rigorous.
 - ARDC can determine whether the student must achieve satisfactory performance on an EOC in order to earn an endorsement.

SB 213: Individual Graduation Committees

53

- A school may continue to use Individual Graduation Committees through 2023.

HB 3: FAFSA/TASFA Applications

54

- Before graduation, each high school student must complete and submit a FAFSA or TASFA application
 - A student's parent/guardian (or a student over the age of 18) may opt out using a form promulgated by the district.
 - A school counselor may authorize a student to opt out for good cause as determined by the counselor.
- When the counselor notifies the district that the student has met this requirement in order to graduate, the counselor may only say that the student has completed the requirement and may not indicate whether the student actually submitted the FAFSA/TAFSA or utilized an exception.

HB 539: College Admission for Valedictorians

55

- Public colleges/universities must admit a student who was the valedictorian of his/her graduating high school class in the preceding two years.

HB 638: Posthumous Diplomas

56

- A school district must, at a parent's request, issue a posthumous high school diploma to a student who dies while enrolled in the district.
 - The student does not need to be a senior
 - The student does not need to have been academically on track to graduate at the time of death
- The diploma may not be issued before the date on which the student would have graduated.

HB 678: Graduation Requirement

57

- Students may earn one foreign language credit toward high school graduation requirements by completing a course in American Sign Language at an elementary school.

HB 1709: Appointing Surrogate Parents

58

- When the district appoints a surrogate parent for student with disabilities or who is homeless or in substitute care, the district **must notify** the student's educational decision-maker and caseworker.
- If a court-appointed surrogate fails to perform his or her duties, the district must consult with DFPS regarding the possibility of appointing a new surrogate. If DFPS agrees, DFPS will notify the court and a new surrogate will be appointed.
- State employees other than those involved in the education or care of the child (including TEA and district employees) may be appointed as surrogates.

HB 3650/SB 1276: Dual Credit Agreements

59

- Dual credit agreements between school districts and public post-secondary institutions **must**:
 - Require dual credit programs to consider free or low-cost open educational resources (HB 3650)
 - Establish common advising strategies and terminology related to dual credit/college readiness (SB 1276)
 - Provide for the alignment of endorsements offered by the district (and dual credit courses that apply to those endorsements) with postsecondary pathways at the institution (SB 1276)
 - Identify tools to assist school counselors, students, and families in selecting district endorsements and dual credit courses (SB 1276).

HB 3: K-3 Reading Standards

60

- Districts **must provide** a phonics curriculum in K-3
- By 2021-22, all elementary principals and K-3 classroom teachers must have attended a teacher literacy achievement academy
- Districts must certify to TEA that the district:
 - Prioritizes placement of highly effective teachers in K-2nd grade; and
 - Has integrated reading instruments used to diagnose reading development and comprehension to support each student in K-3rd grade.

HB 1026: Character Education

61

- Districts must adopt a character education program that includes the following 10 character traits:
 1. Courage
 2. Trustworthiness (honest, reliability, punctuality, loyalty)
 3. Integrity
 4. Respect and Courtesy
 5. Responsibility (accountability, diligence, perseverance, and self-control)
 6. Fairness (justice and freedom from prejudice)
 7. Caring (kindness, empathy, compassion, consideration, patience, generosity, and charity)
 8. Good citizenship (patriotism, concern for the common good and the community, and respect for authority and the law)
 9. School pride
 10. Gratitude

HB 1244: US History EOC

62

- The US History EOC will include 10 multiple-choice questions from the US Citizenship and Immigration Services' naturalization civics test
 - The questions will be aligned with the US History TEKS

HB 3906: Assessments

63

- There will be no more writing STAAR exams as of the 2021-22 school year.
- The SBOE will designation portions of the math STAAR in grades 3-8 for the use of calculators.
- Standardized test (including EOCs) may be administered in up to three “parts.”
 - In 3rd & 4th grade, parts should not take longer than 60 minutes, not to exceed 8 hours total.
 - In 5th-12th grade, parts should not take longer than 75 minutes, not to exceed 8 hours total.
 - Time restrictions will not apply if they cause the assessment to violate federal law or if they cease to be valid and reliable (as determined by an assessment advisory committee).
 - Parts may be administered over more than one day.
- Standardized tests may not be scheduled on the first instructional day of the week.

HB 3906: Assessments

64

- TEA is required to develop optional interim assessments that are predictive of the assessment instrument for each grade level/subject.
 - These may not be used for accountability purposes.
- By 2022-2023, all standardized tests will be administered electronically.
- Districts may opt in to participate in a pilot program for “integrated formative assessment instruments” to determine their potential to replace standardized testing.
- Districts **must** allow students to use a calculator application on exams in place of a graphing calculator unless the district makes graphing calculators available to students at no cost.

SB 1374/SB 232: Math Enrollment

65

- A school district may allow a student to enroll concurrently in Algebra I and Geometry.
- Districts must notify parents of high school students that a student is not required to complete Algebra II to graduate under the foundation high school program.
 - Notice must be by regular mail or e-mail and must be sent by September 1 of each school year.
 - Notice must also notify parents about the potential consequences of *not* taking Algebra II (automatic admission and financial aid).

SB 1679: Pre-K Enrollment

66

- A 3 year-old who enrolls in a Pre-K class remains eligible to enroll in a Pre-K class the following year.

HB 391: Alternatives to Digital Materials

67

- At a parent/guardian's request, districts **must provide** a student with electronic instructional materials in printed form if the student does not have reliable access to technology at home.
 - Schools are not required to purchase printed instructional materials if they would not otherwise use printed versions; a printout of the relevant materials is acceptable.

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HB 3 – Salary Increases, TEA Registry, Reporting

SB 1476 – Reporting Exception

SB 1230 – Teacher/Administrator Evaluations

SB 1451 – Consequences for Student Discipline

SB 2073 – Reductions to Number of Duty Days

HB 3: Salary Increases

69

- Districts must use 30% of the per-student funding increase to increase compensation for full-time employees (other than administrators).
 - 75% **must** be used to increase compensation for classroom teachers, librarians, counselors, and nurses.
 - 25% may be used to increase compensation for other full-time employees.
- Districts may increase compensation for administrators with other funds—but it will not count toward this mandatory 30%.

HB 3: TEA Registry of Ineligible Employees

70

- TEA will create and maintain an online registry of persons ineligible for employment in a public school (because of criminal record history, certificate revocation because of misconduct, or found by the commissioner to have engaged in misconduct).
- School districts **may not** hire anyone on this TEA registry for **any position**.

HB 3: Reporting Employee Misconduct

71

- The Commissioner of Education will create an online portal for superintendents to file required misconduct reports.
- Superintendents **must** submit reports to the Commissioner if an employee was terminated and there was evidence that the employee
 - (1) abused or otherwise committed an unlawful act with a student or minor, or
 - (2) was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor
- This reporting requirement applies to both certified **and** non-certified employees now.

SB 1476: Reporting Educator Misconduct

72

- A superintendent is not required to notify the SBEC or file a report if the superintendent:
 - Completes an investigation into an educator's alleged incident of misconduct before the educator's termination of employment or resignation, and
 - Determines that the educator did not engage in the alleged incident of misconduct

SB 1230: Teacher/Administer Evaluations

73

- School districts must provide to a requesting school district, open-enrollment charter school, or *private school* a document evaluating the performance of a teacher or administrator when that person has applied to work at the requesting school.

SB 1451: Consequences for Student Discipline

74

- A district may not assign a teacher an area of deficiency solely on the basis of disciplinary referrals made by the teacher or documentation regarding student conduct.
 - Teachers may still be assigned an area of deficiency based on “documented evidence of a deficiency in classroom management *obtained through observation or a substantiated report.*”
- A district may not discipline a teacher on the basis of documentation the teacher submits to the principal regarding student misconduct.
- Teacher removals from class and sending students to the CBC’s office **are not** considered to be “removals from the classroom” for PEIMS purposes.

SB 2073: Reductions to Number of Duty Days

75

- Districts may proportionately reduce an educator's number of duty days if the district anticipates providing less than 180 days of instruction for students during a school year.
 - Reduction in duty days **does not** reduce an educator's salary.

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- HB 793 – Contract Clauses
- SB 944 – Managing & Preserving Information
- HB 305 – Posting Board Meeting Information
- HB 963 – Posting Board Member Information
- HB 403 – Board and Superintendent Training
- SB 820 – Cybersecurity Policy
- HB 3834 – Annual Cybersecurity Training
- HB 2840 – Expansion of Public Comment
- SB 1640 – Walking Quorum Prohibition
- SB 494 – OMA/PIA in Emergency Situations

HB 2840: Expansion of Public Comment

77

- Public comment on agenda items for an open meeting must be permitted at **all public meetings**, including special meetings and board workshops.
- Shall allow anyone who wants to address the board re: an agenda item to do so **before or during the item**.
 - Board cannot deny a person who (1) follows the required process to speak; and (2) is speaking on an agenda item.
- May adopt reasonable rules regarding right to address board, including limits on total amount of time that a person may address the board on a given item.

HB 2840: Expansion of Public Comment

78

- Board may not prohibit public criticism of the board, including criticism of any act, omission, policy, procedure, or service.
 - This does not apply to public criticism that is otherwise prohibited by law.
- Issues to consider:
 - Public comment must be included on EVERY meeting agenda where there will be open session items.
 - Agenda should differentiate between open and closed session items.
 - Consider different treatment of general public comment.
 - Process for sign-up prior to the meeting.
 - Flexible approach to allotted time for public comment – in total and for each individual.

SB 1640: Walking Quorum Prohibition

79

- Previous walking quorum prohibition held to be unconstitutionally vague.
 - Statutory language has been modified in apparent attempt to correct issues identified.

SB 1640: Walking Quorum Prohibition

80

- A board member commits an offense if the board member:
 - Knowingly engages in at least one communication among a series of communications
 - That each occur outside of a meeting
 - And that concern an issue within the jurisdiction of the gov't body
 - in which the members engaging in the individual communications constitute fewer than a quorum but members engaging in series of communications constitute a quorum
- AND**
- The member knew at the time that the series of communications:
 - Involved or would involve a quorum; and
 - Would constitute deliberation once a quorum of members engaged in the series of communications.

SB 494: Gov't Transparency in an Emergency

81

- In an emergency or when there is an urgent public necessity, emergency meeting may be held (or current agenda may be supplemented) with less than 72 hours notice.
- Changes to law:
 - Purpose of meeting must be “to deliberate or take action on the emergency or urgent public necessity”
 - Must be posted for at least one hour (*previously 2 hours*)
 - At meeting, may only deliberate or take action on a matter directly related to responding to the emergency or urgent public necessary identified in the notice OR a matter that was already posted before supplementation;

SB 494: Gov't Transparency in an Emergency

82

- Changes to law:
 - Definition of “emergency or urgent public necessity” amended.
 - Now specifies that a “reasonably unforeseeable situation” includes “(A) fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm; (B) power failure, transportation failure, or interruption of communication facilities; (C) epidemic; or (D) riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.”

SB 494: Gov't Transparency in an Emergency

83

- Requirements of the Public Information Act may be suspended if the governmental body is currently impacted by a “catastrophe.” – *same definition as emergency or urgent public necessity*
- District may elect to suspend PIA requirements and must notify the AG of the suspension using specific form.
- Initial period of suspension may not exceed seven consecutive days and must otherwise comply with specific requirements.
- May extend by another seven consecutive days if need continues.
- Suspension tolls timelines for responding to requests under the PIA.

HB 793: Contract Clauses

84

- Limits ban on contracting with companies that boycott Israel.
 - “Company” does not include a sole proprietorship.
 - Ban only applies to companies with 10 or more full-time employees.
 - Contracts for less than \$100,000 do not invoke the ban.

SB 944: Managing and Preserving Information

85

- Requires current/former officers or employees to forward all public information on privately owned devices to the district for preservation.
- Defines “temporary custodian” as a person who creates or receives public information for the district that has not been provided to the public information officer.
- Requires public information officer/coordinator to make reasonable efforts to obtain public information from temporary custodian if:
 - The information has been requested;
 - The officer/coordinator reasonably believes the temporary custodian has the requested information;
 - The officer/coordinator cannot comply with the TPIA without the information from the temporary custodian; and
 - The officer/coordinator or his/her agent does not already have the information.

SB 944: Managing and Preserving Information

86

- District employees/officers do not have a personal property right to public information created or received while acting in an official capacity.
- Temporary custodians must surrender the information to the officer/coordinator within 10 business days after the date the officer/coordinator requests the information.
 - Failure to provide requested information within 10 days is grounds for disciplinary action.

HB 305: Posting Board Election Information

87

- Districts **must post** online:
 - District contact information (mailing address, phone number, and email address);
 - Name of each member of the BOT;
 - Date/location of next election for BOT;
 - Requirements and deadline for filing for candidacy for BOT;
 - Each notice of a meeting of the BOT; and
 - Minutes of each meeting of the BOT.
- Posting requirements do not apply to districts with a population of less than 5,000 in the district's boundaries and located in a county with less than 25,000.

HB 963: Posting Board Member Information

88

- Districts **must post** online:
 1. Name of each trustee
 2. E-mail address for each trustee
 3. Term of office for each trustee (including beginning and end dates)
- Districts that do not have a website must submit this information to TEA so that the agency can post the information on its website.
- This information must be updated each time there is a change in Board membership.

HB 403: Board and Superintendent Training

89

- Board members must complete a **one-hour training every two years** on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.
- Continuing Education requirements for superintendents include **2.5 hours of training every five years** on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

SB 820: Cybersecurity Policy

90

- School boards must adopt a cybersecurity policy.
- The superintendent must designate a cybersecurity coordinator to serve as a liaison between the district and TEA in cybersecurity matters.
 - This coordinator is responsible for notifying parents/guardians of a breach involving a release of student information.

HB 3834: Annual Cybersecurity Training

91

- Annual cybersecurity training is required for:
 - Employees who use a computer to complete at least 25% of their duties
 - Board members
 - All employees who have access to the district's computer system/database
- Districts must verify and report on the completion of a cybersecurity training program and conduct periodic audits to ensure compliance.



The information in this handout was created by Walsh Gallegos Treviño Russo & Kyle P.C. It is intended to be used for general information only and is not to be considered specific legal advice. If specific legal advice is sought, consult an attorney.

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