

Texas System of Education Service Centers



86th Legislative Session Bill Book

7-29-2019

Introduction

On January 8th, the 86th Texas Legislature was sworn in and began their 140-day session. After a long period of uncertainty during the interim, Dennis Bonnen of Brazoria was elected Speaker of the House, following a ten-year tenure of the previous Speaker Joe Straus.

The Governor, Lieutenant Governor, and Speaker (nicknamed the “Big Three”) deemed education, tax relief, school safety, and disaster preparedness the major topics of the session. Additionally, in a move to create partnership and cooperation, the Big Three vowed to work together despite their differences. As the session progressed, education and property tax relief remained the prevalent topics.

Overall, 1,554 bills were passed by the Legislature. Of the 947 House Bills and 459 Senate Bills, 146 affected Independent School Districts, Open-Enrollment Charter Schools, and Private Schools (only 3 education bills were vetoed by the Governor). The main topics of these bills include:

- School Finance
- School Safety, Discipline, and Disaster Preparedness/Recovery
- Academics (Special Education, College, Career, and Military Readiness; Curriculum; Accountability; and Prekindergarten Education)
- Teacher Compensation and Preparation (including Teacher Retirement System and Ethics)
- Governance
- Open-Enrollment Charter Schools

Almost half of the education-focused bills related to the issues of school safety, discipline, and disaster preparedness/recovery or academics. Whereas the least amount of bills focused on changes to Open-Enrollment Charter Schools and teacher compensation and preparation.

This bill book includes an in-depth look at the 146 education bills that were passed and signed into law in 2019. You will find a table of contents that includes the relating clause of each piece of legislation. For each bill there is a short summative sentence, basic enactment and rulemaking information, and a section-by-section overview of the bill.

These bill analyses are simply an interpretation of the legal language used when crafting legislation. Many, if not all, of these bills will receive further interpretation from the state agency entrusted with implementation and rule making.

Crafting changes in public policy is an ongoing event that changes from day to day. Know that this book is not the end point but a starting point as our state works to enact changes to the public education system created by the 86th Texas Legislature. We hope by using this bill book, you will find insight and reference to help you continue your invaluable work to educate the students of Texas.

Table of Contents

Introduction	1
House Bills	15
Funding for Public Education, By John Zerwas and Jane Nelson	15
General Appropriations Bill for the State of Texas for the 2020 – 2021 fiscal years and the Supplemental Appropriations bill for the 2018 – 2019 fiscal years.	
H.B. 3, By Dan Huberty	18
Relating to public school finance and public education.	
H.B. 6, By Geanie Morrison.....	24
Relating to developing a disaster recovery task force to assist with long-term disaster recovery.	
H.B. 7, By Geanie Morrison.....	26
Relating to disaster preparation for state agencies and political subdivisions.	
H.B. 18, By Four Price	27
Relating to consideration of the mental health of public school students in training requirements for certain school employees, curriculum requirements, counseling programs, educational programs.	
H.B. 19, By Four Price	34
Relating to mental health and substance use resources for certain school districts.	
H.B. 65, By Eric Johnson	36
Relating to reporting information regarding public school disciplinary actions.	
H.B. 76, By Dan Huberty	37
Relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored by the University Interscholastic League.	
H.B. 81, By Terry Canales	38
Relating to the disclosure under the public information law of certain information related to parades, concerts, or other entertainment events open to the general public that are paid for with public funds.	
H.B. 111, By Mary Gonzalez.....	39
Relating to training for employees of school districts and open-enrollment charter schools on the prevention of sexual abuse, sex trafficking, and other maltreatment of certain children.	
H.B. 114, By James White	40
Relating to providing public high school students information regarding the availability of college credit awarded for military experience, education and training obtained during military service.	
H.B. 165, By Diego Bernal	41
Relating to providing for endorsements for public high school students enrolled in special education programs.	

H.B. 234, By Matt Krause.....	42
Relating to the local regulation of the sale of lemonade or other beverages by children.	
H.B. 277, By Tom Oliverson	43
Relating to a requirement that online admission application forms for public institutions of higher education include a link to certain comparative gainful employment data.	
H.B. 293, By Ken King.....	44
Relating to investment training requirements for school district and municipal financial officers.	
H.B. 295, By Briscoe Cain	45
Relating to designating March 30 as Master Sergeant Jonathan J. Dunbar Day.	
H.B. 305, By Dennis Paul.....	46
Relating to the requirement that a state agency or political subdivision with authority to impose a tax post certain information on an Internet website.	
H.B. 330, By Gary VanDeaver.....	47
Relating to excluding certain students from the computation of dropout and completion rates for purposes of public school accountability.	
H.B. 391, By Cesar Blanco	48
Relating to student access to public school instructional materials and technology.	
H.B. 396, By Gary VanDeaver.....	49
Relating to acceptable uses of the instructional materials and technology fund and the instructional materials and technology allotment.	
H.B. 403, By Senfronia Thompson	50
Relating to training requirements for a member of the board of trustees and the superintendent of an independent school district regarding sexual abuse, human trafficking, and other maltreatment of children.	
H.B. 440, By Jim Murphy	51
Relating to general obligation bonds issued by political subdivisions.	
H.B. 452, By Hugh Shine.....	53
Relating to the creation of truancy masters for Bell County.	
H.B. 477, By Jim Murphy	54
Relating to the notice required before the issuance of certain debt obligations by political subdivisions.	
H.B. 496, By Barbara Gervin-Hawkins	57
Relating to the placement of bleeding control kits in public schools and to required training of school personnel.	

H.B. 539, By Ben Leman	59
Relating to the automatic admission to general academic teaching institutions and eligibility for certain scholarships of a student who is the valedictorian of the student's high school graduating class.	
H.B. 548, By Terry Canales	60
Relating to reporting certain truancy information through the Public Education Information Management System.	
H.B. 621, By Victoria Neave	63
Relating to prohibited adverse employment action against an employee who in good faith reports child abuse or neglect.	
H.B. 638, By Giovanni Capriglione.....	64
Relating to the issuance of posthumous high school diplomas to certain students.	
H.B. 674, By Jared Patterson.....	65
Relating to soliciting from school districts served by a regional education service center certain information in conjunction with the annual evaluation of the center.	
H.B. 678, By Ryan Guillen	66
Relating to the public high school graduation credit requirements for a language other than English.	
H.B. 684, By Travis Clardy	67
Relating to training requirements for public school nurses and certain other school personnel regarding seizure recognition and related first aid.	
H.B. 692, By James White	69
Relating to the suspension of a student who is homeless from public school.	
H.B. 706, By Diego Bernal	70
Relating to the eligibility of certain children with hearing impairments for audiology services under the school health and related services program.	
H.B. 771, By Sarah Davis.....	71
Relating to the placement of warning signs in areas where the use of a wireless communication device is prohibited.	
H.B. 811, By James White	72
Relating to determining appropriate disciplinary action to be taken against a public school student who is in foster care or who is homeless.	
H.B. 906, By Senfronia Thompson	73
Relating to the establishment of a collaborative task force to study certain public school mental health services.	

H.B. 961, By Donna Howard.....	76
Relating to the membership and training course requirements of school district and open-enrollment charter school concussion oversight teams.	
H.B. 963, By Cecil Bell.....	77
Relating to the career and technology education and technology applications allotment and the essential knowledge and skills of the career and technology education and technology applications curriculums.	
H.B. 965, By Mary Gonzalez.....	78
Relating to updating references to certain former health services state agencies and certain terms used to describe persons with intellectual or developmental disabilities in the Education Code.	
H.B. 1026, By Dwayne Bohac.....	79
Relating to instruction in positive character traits in public schools.	
H.B. 1051, By Gary VanDeaver	80
Relating to an adult education program provided under an adult high school diploma and industry certification charter school program, eligibility of certain students for Foundation School Program benefits.	
H.B. 1070, By Four Price.....	82
Relating to the mental health first aid training program reporting requirements.	
H.B. 1143, By Cole Hefner.....	83
Relating to the transportation or storage of a handgun or other firearm or ammunition by a handgun license holder in a school parking area.	
H.B. 1244, By Trent Ashby	84
Relating to including a civics test in the graduation requirements for public high school students and to eliminating the United States history end-of-course assessment instrument.	
H.B. 1387, By Cole Hefner.....	85
Relating to the number of school marshals that may be appointed to serve on a public school campus or at a private school.	
H.B. 1597, By Stan Lambert.....	86
Relating to establishing residency for purposes of admission into public schools.	
H.B. 1612, By Jim Murphy	87
Relating to the authority of the Teacher Retirement System of Texas to invest in certain hedge funds.	
H.B. 1709, By Mary Gonzalez	88
Relating to the appointment of a surrogate parent for certain children in the conservatorship of the Department of Family and Protective Services.	
H.B. 1734, By Justin Holland.....	89
Relating to litigation involving certain defects in school district facilities and enforcement of certain duties following that litigation.	

H.B. 1791, By Matt Krause	91
Relating to the carrying of handguns by license holders on property owned or leased by a governmental entity.	
H.B. 1888, By Greg Bonnen	92
Relating to temporary branch polling place hours of operation.	
H.B. 1891, By Lynn Stucky	93
Relating to an exemption from the assessment requirements of the Texas Success Initiative for students who achieve certain scores on certain high school equivalency examinations.	
H.B. 1949, By Ryan Guillen	94
Relating to the criteria for awarding adult education and literacy program performance incentive funds.	
H.B. 1960, By Four Price.....	95
Relating to the creation of the governor's broadband council.	
H.B. 1999, By Jeff Leach	97
Relating to certain construction liability claims concerning public buildings and public works.	
H.B. 2184, By Alma Allen	99
Relating to a public school student's transition from an alternative education program to a regular classroom.	
H.B. 2190, By Todd Hunter.....	101
Relating to admission of certain students to an open-enrollment charter school in certain counties.	
H.B. 2195, By Morgan Meyer	102
Relating to an active shooter emergency policy for school districts.	
H.B. 2210, By Keith Bell.....	103
Relating to the consideration for public school accountability purposes of certain students receiving residential services in state hospitals.	
H.B. 2243, By Tom Oliverson	104
Relating to the use of prescription asthma medicine on public and private school campuses.	
H.B. 2263, By Chris Paddie	106
Relating to the sale of electric power to certain public customers.	
H.B. 2325, By Will Metcalf.....	108
Relating to providing information and communication regarding and during a disaster.	
H.B. 2424, By Trent Ashby	111
Relating to the creation of a micro-credential certification program for public school educator continuing education.	

H.B. 2526, By Jeff Leach	112
Relating to criteria for admission of certain students into public schools.	
H.B. 2617, By Sheryl Cole	113
Relating to the fiscal year of certain political subdivisions.	
H.B. 2629, By Dan Flynn	114
Relating to the deadline to appeal administrative decisions of the Teacher Retirement System of Texas.	
H.B. 2633, By Geanie Morrison	115
Relating to the consumption, possession, or sale of an alcoholic beverage at a performing arts facility leased to a nonprofit organization by a school district.	
H.B. 2706, By Giovanni Capriglione	116
Relating to local government public investment of funds by public schools.	
H.B. 2778, By Tracy King.....	118
Relating to the allocation of expenses of a joint election to certain school districts.	
H.B. 2813, By Four Price.....	119
Relating to the statewide behavioral health coordinating council.	
H.B. 2820, By Dan Flynn	121
Relating to the registration and certification of certain investment products made available to public school employees.	
H.B. 2826, By Greg Bonnen	123
Relating to procurement of a contingent fee contract for legal services by a state agency or political subdivision.	
H.B. 2840, By Terry Canales	126
Relating to the right of a member of the public to address the governing body of a political subdivision at an open meeting of the body.	
H.B. 2868, By Dade Phelan.....	127
Relating to the procurement of interior design services by a governmental entity.	
H.B. 2984, By Steve Allison	128
Relating to the essential knowledge and skills of the technology applications curriculum and the establishment of a computer science strategic advisory committee to increase computer science instruction and participation in public schools.	
H.B. 3001, By Geanie Morrison	130
Relating to the fiscal transparency of special purpose districts and other political subdivisions.	

H.B. 3007, By Chris Turner.....	131
Relating to requiring the Texas Education Agency to provide to a school district certain information used in determining academic accountability ratings for the district.	
H.B. 3011, By Chris Turner.....	132
Relating to requiring the Texas Higher Education Coordinating Board to provide to a school district certain information used in determining academic accountability ratings for the district.	
H.B. 3012, By James Talarico.....	133
Relating to requiring the provision of instruction to public school students subject to in-school or out-of-school suspension.	
H.B. 3145, By Steve Toth	134
Relating to the right of a parent appointed as a conservator of a child to attend school activities.	
H.B. 3217, By Trent Ashby	135
Relating to certain eligibility requirements for issuance of a teaching certificate.	
H.B. 3435, By Rhetta Bowers.....	136
Relating to establishing and celebrating Texas Girls in STEM Day.	
H.B. 3630, By Morgan Meyer	137
Relating to prohibiting the use of certain behavioral interventions on students enrolled in public school who receive special education services.	
H.B. 3650, By Chris Turner.....	139
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.	
H.B. 3652, By Chris Turner.....	140
Relating to the creation of a state repository for open educational resources by the Texas Higher Education Coordinating Board.	
H.B. 3871, By Matt Krause	141
Relating to the process for establishing speed limits on roads near certain schools.	
H.B. 3884, By Terry Wilson	142
Relating to dissemination of bacterial meningitis information by school districts.	
H.B. 3906, By Dan Huberty	143
Relating to the adoption and administration of assessment instruments used to assess the performance of public school students.	
H.B. 4205, By Tom Craddick.....	147
Relating to the conditions under which a closed campus may be repurposed to serve students at that campus location.	

H.B. 4258, By Jim Murphy	150
Relating to approval by the attorney general of certain bonds financing an educational facility for certain charter schools.	
H.B. 4310, By Harold Dutton.....	151
Relating to teacher instructional time.	
H.B. 4342, By Travis Clardy.....	152
Relating to the composition of the board of directors of the Texas School Safety Center.	
H.B. 4388, By Jim Murphy	153
Relating to the management of the permanent school fund by the School Land Board and the State Board of Education.	
H.B. 4611, By Dan Huberty	155
Relating to certain distributions to the available school fund.	
H.C.R. 59, By Ryan Guillen.....	156
Designating the second week of November as School Psychologist Appreciation Week for a 10-year period beginning in 2019.	
H.J.R. 151, By Dan Huberty.....	157
Proposing a constitutional amendment allowing increased distributions to the available school fund.	
Senate Bills	158
S.B. 2, By Paul Bettencourt	158
Relating to ad valorem taxation.	
S.B. 11, By Larry Taylor	161
Relating to policies, procedures, and measures for school safety and mental health promotion in public schools; making an appropriation.	
S.B. 12, By Joan Huffman.....	174
Relating to the contributions to the Teacher Retirement System of Texas.	
S.B. 30, By Brian Birdwell.....	176
Relating to ballot language requirements for a proposition seeking voter approval for the issuance of bonds.	
S.B. 38, By Judith Zaffirini	178
Relating to the offense of hazing.	
S.B. 54, By Judith Zaffirini	179
Relating to a study regarding the appropriate methods and standards to evaluate certain students participating in regional day school programs for the deaf.	

S.B. 139, By Jose Rodriguez	180
Relating to a notice of educational rights and recovery by school districts and open-enrollment charter schools of costs for certain student evaluations.	
S.B. 213, By Kel Seliger.....	181
Relating to the use of individual graduation committees and other alternative methods to satisfy certain public high school graduation requirements.	
S.B. 232, By Jose Menendez	182
Relating to parental notification by a school district regarding high school graduation requirements.	
S.B. 322, By Joan Huffman	183
Relating to the evaluation and reporting of investment practices and performance of certain public retirement systems.	
S.B. 372, By Donna Campbell.....	185
Relating to the authority of an open-enrollment charter school to employ security personnel, commission peace officers, and have school resource officers.	
S.B. 435, By Jane Nelson	186
Relating to recommendations by local school health advisory councils regarding opioid addiction and abuse education in public schools.	
S.B. 504, By Kel Seliger.....	189
Relating to the inclusion of certain information in postsecondary education and career counseling academies developed for certain school counselors and other postsecondary advisors employed by a school district.	
S.B. 522, By Judith Zaffirini	190
Relating to the development of an individualized education program for a public school student with a visual impairment.	
S.B. 608, By Kirk Watson	191
Relating to the continuation and functions of the School Land Board.	
S.B. 619, By Brian Birdwell.....	193
Relating to the sunset review process and certain governmental entities subject to that process.	
S.B. 668, By Bryan Hughes.....	195
Relating to data collection, reporting, and notice requirements for certain educational entities.	
S.B. 670, By Dawn Buckingham.....	197
Relating to Medicaid telemedicine and telehealth services.	
S.B. 712, By Eddie Lucio	198
Relating to prohibiting the use of certain aversive techniques on students enrolled in public schools.	

S.B. 820, By Jane Nelson	200
Relating to a requirement that a school district develop and maintain a cybersecurity framework.	
S.B. 869, By Judith Zaffirini	201
Relating to guidelines for policies of school districts and open-enrollment charter schools for the care of certain students at risk for anaphylaxis.	
S.B. 943, By Kirk Watson	203
Relating to the disclosure of certain contracting information under the public information law.	
S.B. 944, By Kirk Watson	207
Relating to the public information law.	
S.B. 981, By Lois Kolkhorst	209
Relating to the disaster supplemental nutrition assistance program.	
S.B. 1230, By Paul Bettencourt	210
Relating to the reporting of private school educator misconduct.	
S.B. 1231, By Paul Bettencourt	212
Relating to providing certain public and private school administrators with information regarding certain child abuse and neglect investigations and allegations.	
S.B. 1276, By Beverly Powell	213
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.	
S.B. 1306, By Lois Kolkhorst	214
Relating to requiring a school district to post on the district's Internet website the name and contact information of each school administrator primarily responsible for student discipline at a district campus.	
S.B. 1374, By Angela Paxton	215
Relating to the sequencing of certain required mathematics courses in public schools.	
S.B. 1376, By Angela Paxton	216
Relating to eliminating certain requirements imposed on school districts and other educational entities.	
S.B. 1451, By Larry Taylor	218
Relating to the ability of public school teachers to maintain student discipline without being subjected to adverse employment consequences.	
S.B. 1454, By Larry Taylor	219
Relating to the ownership, sale, lease, and disposition of property and management of assets of an open-enrollment charter school.	

S.B. 1476, By Paul Bettencourt	225
Relating to the requirement for certain administrators of certain educational entities to report certain educator misconduct to the State Board for Educator Certification.	
S.B. 1557, By Eddie Lucio	226
Relating to military-connected students, including providing a designation for certain school district campuses that take actions to assist those students.	
S.B. 1679, By Royce West.....	228
Relating to eligibility of certain children for free prekindergarten programs in public schools.	
S.B. 1682, By Joan Huffman	229
Relating to the administration of and benefits payable under the Texas public school retired employees group insurance program and the Texas school employees uniform group health coverage program.	
S.B. 1707, By Eddie Lucio	230
Relating to the duties of school district peace officers, school resource officers, and security personnel.	
S.B. 1746, By Borris Miles	232
Relating to the inclusion of certain students as students at risk of dropping out of school.	
S.B. 1828, By Jose Menendez.....	233
Relating to Holocaust Remembrance Week in public schools.	
S.B. 2018, By Royce West.....	234
Relating to abolishing a dissolution committee established to abolish certain county boards of education or boards of county school trustees and appointing commissioners courts to assume the duties of the dissolution committee.	
S.B. 2073, By Larry Taylor.....	235
Relating to a reduction in required days of service for educators in public schools under certain circumstances.	
S.B. 2075, By Angela Paxton.....	236
Relating to public school compliance with dyslexia screening and testing requirements.	
S.B. 2117, By Paul Bettencourt	237
Relating to state funding and accountability provisions applicable to school district campuses and programs operated under school district and charter partnerships.	
S.B. 2135, By Beverly Powell	238
Relating to information a law enforcement agency is required to share with a school district about a person who may be a student.	
S.B. 2224, By Joan Huffman	239
Relating to requiring a public retirement system to adopt a written funding policy.	

S.B. 2283, By Donna Campbell	240
Relating to the eligibility of persons convicted of certain offenses to serve as a member of a board of trustees of a school district.	
S.B. 2293, By Pat Fallon.....	241
Relating to the applicability of certain laws to open-enrollment charter schools.	
S.B. 2432, By Larry Taylor.....	243
Relating to the mandatory removal of a public school student from the classroom following certain conduct.	

Bill Analysis

Funding for Public Education

H.B. 1, General Appropriations Bill and S.B. 500, Relating to making supplemental appropriations and reductions in appropriations and prescribing limitations regarding appropriations.

Overview:

The bill excludes appropriations for the Teacher Retirement System (TRS), the Optional Retirement Program, and end-of-article benefits and states that the State of Texas will spend \$67.5 billion on public education in the 2020 – 2021 fiscal years. This is a 21.7% increase from estimated expenditures in the 2018 – 2019 biennium. The majority of the funds are for the Foundation School Program (FSP) system to include the following major changes:

- \$11.5 billion in General Revenue Funds above current law funding for public schools was provided to increase public education funding
- \$6.5 billion for increased school funding, including the following: an increase to the Basic Allotment to \$6,160 in funding to provide salary increases to classroom teachers, librarians, counselors, nurses and other school employees; full-day prekindergarten for eligible students; and major structural reforms to the school finance system
- districts and charters are required to spend at least 30% of their funding gain from the increased Basic Allotment on salary increases
- \$5 billion for property tax relief through the compression of school district tax rates. Tier 1 tax rates are compressed to at least 93%, with additional compression beginning in fiscal year 2021 in districts where property value growth exceeds 2.5%
- as a result of the school finance reform (H.B. 3), recapture payments are projected to decrease by \$3.5 billion during the 2020 - 2021 biennium from what they otherwise would have been under current law

For TRS, including funding in the supplemental appropriations bill, funding for teacher retirement benefits includes \$5.2 billion in all funds for the state contribution to retirement benefits. These amounts include \$589 million from the Economic Stabilization Fund (ESF) for an additional onetime payment to certain TRS annuitants and \$524 million to increase the state contribution to achieve actuarial soundness (located within S.B. 500). Retiree health insurance funding totaled \$1.1 billion and included \$879.4 million in General Revenue Funds to provide a statutorily required state contribution to TRS-Care of 1.25% of public education payroll. Funding also included \$230.8 million greater than statutorily required amounts in General Revenue Funds to maintain planning year 2019 TRS-Care premiums and benefits for the 2020 – 2021 biennium.

Bill Authors: Representative John Zerwas and Senator Jane Nelson

Governor Action: Signed on June 15th, 2019

Effective Date: General Appropriations Bill - September 1st, 2019; Supplemental Appropriations Bill – June 15th, 2019

Applies: Statewide

Items funded specifically by the supplemental appropriations bill include the following:

- those affected by Hurricane Harvey received \$806.5 million from the ESF for FSP costs associated with the disaster. This money is appropriated through the supplemental appropriations bill.
- sum-certain appropriations for the FSP. The FSP is reduced by \$903,300,000 to equal \$21,495,735,602 for Fiscal Year 2019.
- Special Education supports and maintenance
 - \$33,302,428 to offset federal funds withheld or expected to be withheld as a result of a failure to maintain state financial support for special education under 20 U.S.C. Section 1412(a)(18) during the state fiscal year ending August 31, 2012.
 - \$74,626,551 to negotiate a settlement agreement with the federal government to prevent the withholding of federal funds as a result of a failure to maintain state financial support for special education under 20 U.S.C. Section 1412(a)(18) during the state fiscal years ending August 31, 2017 (estimated to be \$41,594,326) and August 31, 2018 (estimated to be \$33,032,225).
 - \$111,625,833 for the following strategies as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to prevent a failure to maintain state financial support for special education under 20 U.S.C. Section 1412(a)(18) during the state fiscal year ending August 31, 2019:
 - \$50,000,000 for Strategy A.2.3., Students with Disabilities, for grants to reimburse school districts for
 - providing extended school year services to students enrolled in a special education program under Subchapter A, Chapter 29, Education Code;
 - costs related to identification of students eligible to participate in a school district's special education program under Section 29.003, Education Code, including full individual and initial evaluations and independent education evaluations; and
 - compensatory services costs related to the provision of services to students under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).
 - \$478,500 for information technology needs related to special education supports under Strategy B.3.5., Information Systems - Technology; and
 - \$61,147,333 for special education funding under Strategy A.1.1., FSP - Equalized Operations.
- Post-Disaster School Safety - \$10,930,000 is appropriated from the ESF to the Texas Education Agency (TEA) for a two-year period to provide grant funding to a school district that experienced a school shooting resulting in one or more fatalities that occurred during the 2018 – 2019 fiscal biennium (Santa Fe ISD). This money will be used for post-disaster recovery approved by TEA.

- additional Appropriations for School Safety - \$100,000,000 is appropriated from the ESF to TEA for a two-year period to provide grant funding (starting June 6th, 2019) to school districts, the Texas School for the Blind and Visually Impaired, and the Texas School for the Deaf for Exterior doors with push bars; metal detectors at school entrances; erected vehicle barriers; security systems to monitor and record school entrances, exits, and hallways; campus-wide active shooter alarm systems that are separate from fire alarms; two-way radio systems; perimeter security fencing; bullet-resistant glass or film for school entrances; and door-locking systems.
- expenses related to Hurricane Harvey - For the state fiscal year ending August 31, 2019 the following amounts are appropriated from the ESF:
 - \$271,300,000 appropriated for increased student costs; reduction in school district property values; and the reduction of the amount owed by school districts under Chapter 41, Education Code, due to disaster remediation costs as provided by Section 41.0931, Education Code
 - \$535,200,000 appropriated for the adjustment of school district property values under Section 42.2523, Education Code, and reimbursement to school districts for disaster remediation costs under Section 42.2524, Education Code
 - \$636,000,000 appropriated for increased state costs under the FSP resulting from reduced school district property values associated with Hurricane Harvey
- Adult High School Diploma and Industry Certification Charter School Pilot Program – In addition to previously appropriated amounts, \$37,657 is appropriated from general revenue to TEA for the adult high school diploma and industry certification charter school pilot program.

H.B. 3

Relating to public school finance and public education.

Bill Overview:

This bill produces major changes to the school finance system by transferring sections from Chapter 41 and 42 to Chapter 49 and 48 respectfully. Additionally, the bill revises formulas used to determine a school's entitlement under the Foundation School Program (FSP) system. The following analysis is a thirty-thousand foot view of the bill. As further implementation and rule changes are made, the implementation and effects of the bill will become clearer.

Tier 1: For the 2019 – 2020 school year, the local share is calculated as a tax rate of \$0.93 multiplied by the current year Comptroller value. If a district adopts a rate less than \$0.93, the local share is calculated using that adopted rate, but the basic allotment is proportionately reduced when the adopted rate is less than \$0.93. In subsequent years, the local share is based on a district's maximum compressed rate.

Allotments:

- Basic Allotment (Regular Program, BA) - The basic allotment is \$6,160. This amount is subject to reduction if a district has adopted a tax rate less than the Tier 1 local share rate (\$1.00 multiplied by the compression percentage).
- Small and Mid-Sized District Allotment – This allotment removed the 300 square mile restrictions.

Allotment Example: District with less than 300 students in Average Daily Attendance (ADA) and is the only district in the county:

$$\text{Allotment} = [(300 - \text{ADA}) \times .00047] \times \text{BA}$$

District with less than 1,600 students in ADA:

$$\text{Allotment} = [(1,600 - \text{ADA}) \times .0004] \times \text{BA}$$

District with less than 5,000 students in ADA:

$$\text{Allotment} = [(5,000 - \text{ADA}) \times .00025] \times \text{BA}$$

- Dyslexia Allotment – A newly created allotment of 0.10 will be multiplied by the number of students served.

Bill Author: Dan Huberty

Sponsored By: Larry Taylor

Governor Action: Signed on June 12th, 2019

Effective Date: Except as specifically stated this bill is effective September 1st, 2019

Sections 11.184 and 47 Changes effective January 1st, 2020.

Article 2 and Sections 5.010 effective June 12th, 2019

Applies to: School Districts, and Open-Enrollment Charter Schools

Rule Authority: Multiple sections of this bill will require rule making

- Fast Growth Allotment – Districts that are in the top quartile of growth in enrollment over the previous three years will receive an allotment for each ADA equal to the basic allotment times 0.04.
- Teacher Incentive Allotment – Preference in funding is given to teachers at “high needs” or “rural” schools. For any teacher obtaining the designation of “master, exemplary, or recognized,” their campus will be eligible for additional funding ranging from \$3,000 to \$32,000 based on an optional locally created appraisal system. Ninety percent of this funding must be used on the teacher’s campus. This locally developed plan must receive approval from TEA and be based on TEA created standards. Texas Tech University will be used to evaluate and norm results.
- Mentor Program Allotment – Pending rule making and program creation by the Commissioner of Education, a determined amount will be given out through a formula created by the Commissioner of Education to support mentor programs.
- Transportation Allotment – This allotment creates a single mileage reimbursement rate and removes the multiple weights based on linear density groupings. The general appropriations bill (H.B. 1) set this rate at \$1.00 per student per mile.
- New Instructional Facilities Allotment – The cap on these funds is raised to \$100 million.
- Dropout Recovery School and Residential Placement Facility Allotment – Qualifying schools will receive \$275 per ADA.
- College Preparation Assessment Reimbursement – College preparation assessments (i.e. the SAT or ACT) are now eligible for reimbursement.
- Certification Examination Reimbursement – Exam fees (listed under Section 29.190 (a) of the Education Code) are now eligible for reimbursement.

The following allotments require that 55% of the funds allocated for each of these allotments be spent on services for which the money is allocated:

- Special Education Allotment – The mainstream weight is increased to 1.15, otherwise all other previously adopted weights will be applied to the equation for small and mid-sized district allotment. A Special Education Allotment Advisory Committee is created to provide future recommendations and updates.
- Bilingual Education Allotment – Limited English Proficient students in programs using Dual Language Immersion will receive a weight of 0.15. Non-Limited English Proficient students in a Dual Language Immersion Program will receive a weight of 0.05. The current 0.1 weight for Limited English Proficient students in a traditional bilingual or English as a Second Language Program is maintained within the bill.
- Compensatory Education Allotment – Weights are no longer dependent on the best six-month average of eligibility for national school lunch program the preceding year and now range from 0.225 to 0.25 applied to the number of educationally disadvantaged students (as determined by census blocks). These weights will be assigned to certain census block groups.

This specific assignment and implementation will be determined by TEA rule making and interpretation by applying the weight of 0.225 if a census block cannot be identified. A Compensatory Education Allotment Advisory Committee will be established to help establish rules over the economic criteria and appropriate weights.

- Career and Technology Education Allotment – Weights will be extended to students in grades 7 and 8. Students attending a Pathways in Technology Early College High School (P-Tech) or a campus that is a member of the New Tech Network are eligible for a \$50 allotment per ADA.
- Early Education Allotment – Each educationally disadvantaged student in grades kindergarten through grade 3 is eligible for a 0.1 weight. Each bilingual program student is eligible for a 0.1 weight. A student can qualify for both of these weights.
- College, Career, and Military Readiness (CCMR) Outcomes Bonus – If a school has a number of graduates that meets specified criteria (exceed the 25th percentile threshold) the school is eligible for this bonus: \$5,000 for an educationally disadvantaged student, \$3,000 for a non-educationally disadvantaged student, and \$2,000 for a student enrolled in a special education program.

The Gifted and Talented Allotment has been repealed and replaced with a requirement that districts certify they are meeting specified standards. School districts could face a reduction in funding if the Commissioner of Education finds them not compliant.

A district is eligible for 30 additional half-days of funding if they provide school during the summer. This is provided through an adjustment by the Commissioner of Education to the district's Average Daily Attendance (ADA).

Tier 2:

Two levels of guaranteed yield are retained and are no longer based on the Austin ISD yield per penny of Weighted Average Daily Attendance (WADA). WADA is a subset of Tier 1 allotments (Early Education Allotment, the CCMR Outcomes Bonus, the Fast Growth Allotment, and the Teacher Incentive Allotment) divided by the basic allotment.

Instead the first level of yield, applied to the first 8 cents above the compressed rate, Tier two level one is the greater of

- the basic allotment multiplied by 0.016 or
- the yield per penny of the district at the 96th percentile of property value per WADA (\$98.56 for 2019).

The second level yield, applied to all rates adopted above 8 cents, is the basic allotment multiplied by 0.008 (\$49.28 for 2018).

Recapture: Defined as the excess of the sum of the Available School Fund (ASF) distribution and the calculated local share of Tier 1 minus the total cost of Tier 1 allotments, recapture applies to

taxes at the compressed rate and for taxes in Tier 2 Level 2. The bill gives TEA the ability to reduce recapture if there is a negative consequence of newly implemented funding calculations.

Equalized Wealth Transition Grant - The hold-harmless (a way to ensure a district does not incur funding cuts due to changes in the school finance system) provision established in Chapter 41 for 1992 – 1993 revenue level per WADA will be phased out over the next 5 years. The level of hold-harmless in 2018 – 2019 is reduced by 20% each year from 2020 – 2021 to 2024 – 2025.

The bill makes changes to the “pay for attendance credits” method of paying recapture.

Formula Transition Grants: To help school districts move into this new finance system, H.B. 3 establishes a grant with ways to target revenue to a district. These include:

- Target 1 – 103% of the Maintenance and Operation (M&O) revenue per ADA the district would have received in 2019 – 2020 using the old finance system, excluding the revenue from a decline in ADA or disaster adjustments
- Target 2 – 128% of the statewide average of M&O revenue per ADA that would have existed in the 2019 – 2020 system excluding again revenue from a decline in ADA or disaster adjustments
- Target 3 – Revenue the district would have had in the old system minus the 1992 -1993 hold-harmless revenue

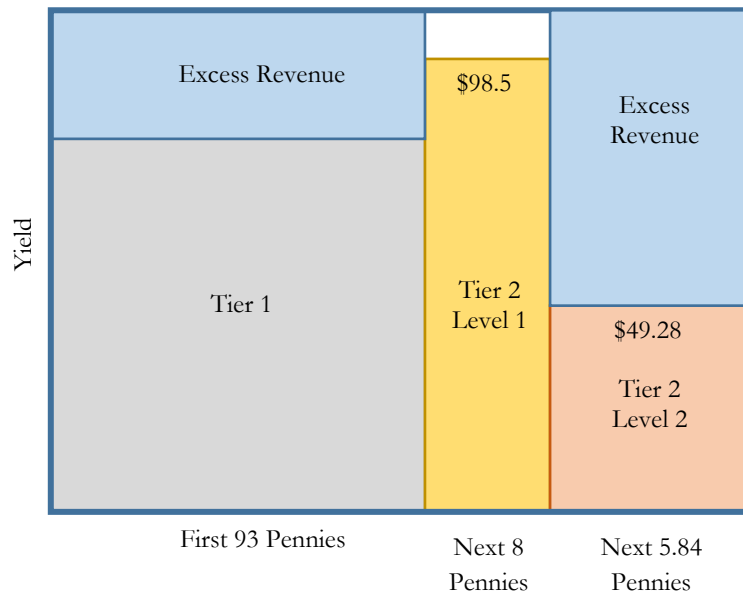
If a district’s Target 1 or 2 revenues are greater than the revenue the school district would receive under the new system established by H.B. 3, that funding level will be used. If the Target 3 calculation is greater than 1 or 2, that funding level will be used. Targets 1 and 2 will end after the 2023 – 2024 school year. Target 3 is only available for the 2019 – 2020 and 2020 – 2021 school years.

Changes to Tax Policies:

Tax Compression – For the 2019 – 2020 school year, the \$1.00 of the 2018 tax year adopted M&O is compressed to \$0.93. This is described as a district’s Tier 1 M&O rate. If a district has an M&O tax rate less than \$1.00, the entire rate is compressed by multiplying their adopted rate by 0.93. Any adopted rate above \$1.00 is subject to tax compression except the first 8 cents above the \$1.00 mark.

All pennies adopted above \$1.08 are compressed by the ratio of current Tier 2 Level 2 yield (\$31.95) and divided by the new yield for Tier 2 Level 2 within the bill (\$49.28). According to Moak, Casey and Associates these equals to be a “factor of about 0.6483”.

The following is an example of funding levels for a school district with a compressed tax rate at \$0.93. Tier 1 should be thought of as the cost of the formula driven funding of educating students. If the local tax base is not able to cover the cost of Tier 1 at the compressed tax rate, the state will cover the unfunded Tier 1 cost. The local share of Tier 1 is currently calculated at a tax rate of \$0.93 per 100 dollars of the district's current year State Certified Property Value. If a



district adopts a rate less than \$0.93, the local share is calculated using the adopted rate but the basic allotment is proportionately reduced. In subsequent years, the local share will continue to be based on a district's maximum compressed rate. Tier 2 Level 1 and Tier 2 Level 2 funding is a combination of both local and state effort with the state supplementing the local effort to the designated funding levels. If a school district's local share is greater than the total cost of Tier 1 or above the \$49.28 funding level of Tier 2 Level 2, this Excess Revenue is subject to recapture. There is no recapture of Tier 2 Level 1.

Tax Reduction and Excellence in Education Fund: This fund is established to help pay tier one allotments and for the purpose of reducing school district maintenance and operations ad valorem tax rates. Money deposited into this account includes, among other things, sales tax revenue collected by online marketplace providers. This source of revenue comes from the South Dakota v. Wayfair (2017) decision. This requires online marketplace providers collect sales tax from their customers. The state has estimated it will collect about \$550 million in 2020 – 2021 fiscal years.

Efficiency Audits: A school board is required to complete an efficiency audit before seeking voter approval to adopt a tax rate for the maintenance and operations of the district. This audit is an investigation of the operations of a school district to examine fiscal management, efficiency, and utilization of resources. The board must select an independent auditor and pay for any costs associated with the audit. The Legislative Budget Board (LBB) will establish guidelines identifying the scope and areas of investigation of an audit to ensure the utilization of resources to improve student achievement and achieve cost savings. At least 30 days before the date of the election the results of the audit must be posted on the district's website. Additionally, the board of trustees must have a public meeting to discuss the results of the audit.

Prekindergarten: All eligible 4-year-olds must be provided full-day prekindergarten services. Districts are given the ability to offer full-day services to students under 4 years of age but will not be funded for full-day services for those students. New facilities may not be built or leased to provide these increased services until the district solicits proposals for partnerships with community-based childcare providers.

School districts have six years to become compliant with this provision by receiving a waiver from the Commissioner of Education.

Teacher Pay: If M&O revenue under the FSP per ADA (under Chapter 48) for FY 2020 is greater than the amount received in FY 2019, then the difference between those two amounts is multiplied by 30%. This result must be spent on salary increases. Of that 30%, 75% must be spent to increase compensation for classroom teachers, full-time librarians, full-time school counselors, and full-time nurses. Classroom teachers with more than 5 years of experience should be prioritized. The remaining 25% of that 30% is to be used (in a method determined by the district) on increasing the compensation paid to full-time district employees. Administrators are not eligible for this pay raise. Other changes include requiring open-enrollment charter schools and districts of innovation to pay the Teacher Retirement System (TRS) state retirement contribution on payroll amounts that exceed the Minimum Salary Schedule for their employees. A salary incentive or similar compensation may be given to a teacher that completes training provided by a Regional Education Service Center (ESC) on or relating to autism.

Changes to STAAR: The Commissioner of Education is required to enter into a memorandum of understanding with an institution of higher education to study if the STAAR is written at the appropriate reading level for students. The Commissioner of Education is also given the ability to approve an alternative reading instrument to diagnose reading development and comprehension of kindergarten students.

Other Provisions:

- all graduating high school students will now be required to complete a Free Application for Federal Student Aid (FAFSA) unless specifically meeting opt-out requirements.
- TEA must enter into a memorandum of understanding with an institution of higher education to conduct a study on the geographic variations in known resource costs and costs of education due to factors beyond the control of school districts and school district transportation costs.
- TEA must create and maintain a registry of individuals that are not eligible to be employed in public schools. If a person is hired despite their inclusion on this list, consequences will be applied to a school district or open-enrollment charter school.
- reading standards for kindergarten through grade 3 are created and the bill establishes that the use of phonics curriculum with systematic direct instruction be used in those grades.

- by the 2021 – 2022 school year, every classroom teacher (kindergarten through grade 3) and campus principal must attend a teacher literacy achievement academy. An advisory committee is established to help implement and maintain these specific reading and literacy provisions.

Effective Dates and Rule Making: The Commissioner of Education is given broad authority to resolve any “unintended consequences from the school finance reforms within this bill.”

Overall, unless otherwise stated, this bill is effective September 1st, 2019.

Changes to local district property tax rate compression and reducing the state compression percentage by the estimate of state-wide property value growth (from the Comptroller of Public Accounts) are effective September 1st, 2020.

Newly required efficiency audits and the Tax Reduction and Excellence in Education Fund is effective January 1st 2020.

Note: The Moak, Casey and Associates presentation and summary of H.B. 3 (June 2019), TEA communications, and other sources were used to help provide this summary.

H.B. 6

Relating to developing a disaster recovery task force to assist with long-term disaster recovery.

Bill Overview:

The Texas Division of Emergency Management (TDEM) is tasked to develop a disaster recovery task-force to operate throughout the long-term recovery period following natural or man-made disasters by providing specialized assistance for communities and individuals to address financial issues, available federal assistance programs, recovery, and resiliency planning to speed local-level recovery efforts.

Bill Author: Geanie Morrison

Sponsored By: Lois Kolkhorst

Governor Action: Signed on June 14th, 2019

Effective Date: September 1st, 2019

Applies to: Texas Education Agency

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Section Analysis:

Section 1 – Amends Section 418.005 of the Government Code.

The bill adds specific training as a requirement for emergency management coordinators in coastal counties.

Section 2 – Amends Subchapter C of Chapter 418 of the Government Code to create Section 418.054 “Disaster Recovery Taskforce.”

TDEM is tasked with creating a disaster recovery task force to operate through the long-term recovery period following and natural and man-made disaster. This task force will provide specialized assistance for communities and individuals to address financial issues, available federal assistance programs, recovery, and resiliency planning. This task force will include and use the resources of any appropriate state agencies. This includes institutes of higher education and volunteer groups. The task force will develop procedures for preparing and issuing a report of each project related to a disaster that qualifies for federal assistance. This report will be submitted to the appropriate federal agencies as soon as possible. Once each quarter, the task force will brief the legislature, legislative staff, and state agency personnel on response and recovery efforts.

Section 3 – Amends Section 418.102 of the Government Code.

Certain emergency management programs associated with particular counties in the state must provide for catastrophic debris management.

Section 4 – Amends Section 33.604 of the Natural Resources Code.

This section allows additional dollars to be transferred to the Coastal Erosion Response Account to be used for the described efforts. This section expires September 1st, 2031.

Section 5 – Amends Subchapter F of Chapter 156 of the Tax Code to create Section 156.252.

“Temporary Allocation of Certain Revenue to Benefit Coastal Counties.”

“Coastal County” is described as adjacent to the Gulf of Mexico or Corpus Christi Bay. Beginning September 1st, 2021, the Comptroller must, by September 30th of each fiscal year, compute the

amount of revenue derived from collection of taxes imposed on coastal county hotels (at a rate of 2%) for the preceding fiscal year and transfer that amount into the Coastal Erosion Response Account. The General Land Office can only use this money for the prescribed purposes that benefit coastal counties. Any revenue collected that is placed in a suspense account is excluded from the calculation of these programs. This section expires September 1st, 2031.

Section 6 – By March 1st 2020, all individuals added to the above-mentioned training requirements must become compliant.

Section 7 – By January 1st, 2020, each coastal county must provide for catastrophic debris management.

Section 8 – TDEM is only required to implement this program if specific money is appropriated for this purpose.

Section 9 - The bill is effective September 1st, 2019.

H.B. 7

Relating to disaster preparation for state agencies and political subdivisions.

Bill Overview:

The Office of the Governor (OOG) will compile a list of statutes and rules that may require suspension during a disaster. The bill also requires the Texas Department of Emergency Management (TDEM) to develop a plan to assist political subdivisions with executing contracts for services commonly needed after a disaster.

Section Analysis:

Section 1 – Amends Subchapter B of Chapter 418 of the Government Code to add Section 418.0155 “Suspension List.”

The OOG, using existing resources, will compile and maintain a comprehensive list of regulatory statutes and rules that may need to be suspended during a disaster. A state agency that has a statute or rule on the list will, at the request of the governor, review the list for accuracy and advise OOG on any statutes or rules that should be added to the list.

Section 2 – Amends Subchapter C of Chapter 418 of the Government Code to create Section 418.054 “Disaster Preparation Contracts.”

TDEM, in consultation with other state agencies, will develop a plan to assist political subdivisions with executing contracts for services that political subdivisions are likely to need following a disaster. This plan is required to include

- training on the benefits of executing disaster preparation contracts in advance of a disaster;
- recommendations on the services likely to be needed following a disaster (i.e. debris management, infrastructure repair); and
- assistance with finding persons capable of providing such services and executing contracts with those individuals in advance of a disaster.

TDEM must consult with the Comptroller of Public Accounts regarding these potentially needed contracts on the schedule of multiple award contracts (developed under Subchapter I), Chapter 2155, or as part of a cooperative purchasing program administered by the Comptroller of Public Accounts.

Section 3 – The bill is effective September 1st, 2019.

Bill Author: Geanie Morrison

Sponsored By: Joan Huffman

Governor Action: Signed on June 13th, 2019

Effective Date: September 1st, 2019

Applies: Statewide, and Texas Education Agency (TEA)

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 18

Relating to consideration of the mental health of public school students in training requirements for certain school employees, curriculum requirements, counseling programs, educational programs.

Bill Overview:

The bill amends current law relating to the consideration of the mental health of public school students, training requirements for certain school employees, curriculum requirements, counseling programs, educational programs, state and regional programs/services, and health care services for students. Additionally, the bill establishes mental health first aid program training and reporting regarding a local mental health authority's training of school district personnel.

Bill Author: Four Price

Sponsored By: Kirk Watson

Governor Action: Signed on June 2nd, 2019

Effective Date: December 1st, 2019

Applies to: School Districts and Open-Enrollment Charter Schools.

Rule Authority: The State Board for Educator Certification (SBEC) is required to adopt rules to update teacher continuing education requirements

Begins: 2020 – 2021 School Year.

Section Analysis:

Article 1 – “Mental Health of Students in Public Schools”

Section 1 – Amends Section 5.001 of the Education Code.

A “mental health condition” is redefined as a persistent or recurrent pattern of thoughts, feelings, or behaviors. This definition replaces an illness, disease, or disorder, other than epilepsy, dementia, substance abuse, or intellectual disability that constitutes a mental illness, disease, or disorder (other than or in addition to epilepsy, substance abuse, or an intellectual disability) that impairs a person's social, emotional, or educational functioning and increases the risk of developing a condition.

Additionally, substance abuse is defined in line with the Health and Safety Code.

Section 2 – Amends Section 11.252 (a) of the Education Code.

This section adds language that a District Improvement Plan must include provisions for evidence-based practices that address the needs of students for special programs, positive behavior interventions and support that integrate best practices on grief– informed and trauma–informed care, and implementation of a comprehensive school counseling program within a district's strategies for improvement of student performance. Additionally, within the District Improvement Plan, strategies to provide elementary school, middle school, junior high school, and high school students with information about higher education admissions and financial aid opportunities are included.

Section 3 – Amends Section 21.044(c-1) of the Education Code.

This section makes changes to the requirements for instruction regarding mental health, substance abuse, and youth suicide. This instruction must be provided through a program selected from the list of recommended best practice-based programs and research-based practices or a course offered by

any accredited public or private postsecondary educational institution as part of a degree program. All of these programs must include effective strategies, including de-escalation techniques and positive behavioral interventions and supports for teaching and intervening with students with mental health conditions or who engage in substance abuse.

Section 4 – Amends Section 21.054 of the Education Code.

This section changes the requirements of continuing education for teachers, principals, and counselors to provide at least (rather than not more than) 25% of training required every five years to include certain instruction. Language is changed to require participation in these types of trainings rather than allow up to 12 hours of training in these topics. This section requires that the rules adopted under this subsection allow an educator to complete a program described by this subsection and receive credit toward continuing education requirements for twice the number of hours of instruction provided under that program, not to exceed 16 hours.

Possible instruction is expanded to include instruction on educating diverse student populations who are eligible to participate in special education programs and receive educational services under Section 504, students with mental health conditions or students who engage in substance abuse, and students with intellectual or developmental disabilities. Additionally, the bill amends instruction topics to include mental health conditions, including grief and trauma. Requires the program to be offered through a classroom instruction format that requires in-person attendance.

The bill does allow that these topics to be taught together or simultaneously but they must be based on relevant best practice-based programs and research-based practices and be approved by the Commissioner of Education in consultation with the Health and Human Services Commission (HHSC). Counselor Continuing Education will also include methods for counseling students concerning mental health conditions and substance abuse and effective implementation of a comprehensive school counseling program. The State Board for Educator Certification (SBEC) is required to adopt rules to implement this section.

Section 5 – Amends Section 21.451 of the Education Code.

This section makes changes to staff development requirements. Staff development may include positive behavior intervention and support strategies (removes conflict resolution, discipline strategies, and preventing, identifying, responding to, and reporting incidents of bullying). The bill expands on the definition of suicide prevention training to include suicide prevention; recognizing signs of mental health conditions and substance abuse; strategies for establishing and maintaining positive relationships among students, including conflict resolution; how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma; and preventing, identifying, responding to, and reporting incidents of bullying. This training must use a best practice-based program recommended by HHSC in coordination with the Texas Education Agency (TEA).

Section 6 – Amends Section 21.462 of the Education Code.

This section requires TEA, in coordination with HHSC, establish and maintain an internet website to provide resources for school district or open-enrollment charter school employees regarding working with students with mental health conditions or students who engage in substance abuse.

Section 7 – Amends Section 28.002 of the Education Code.

Any school that offers kindergarten through grade 12 is required to offer within their health class, physical health (the importance of proper nutrition and exercise) and mental health (includes instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making). Requires the State Board of Education (SBOE) to adopt essential knowledge and skills for the health curriculum of the state that addresses the science, risk factors, causes, dangers, consequences, signs, symptoms, and treatment of substance abuse, including the use of illegal drugs, abuse of prescription drugs, abuse of alcohol such as binge drinking, other excessive drinking resulting in alcohol poisoning, inhaling solvents, and other forms of substance abuse. TEA is required to compile a list of evidence-based substance abuse awareness programs from which a school district is required to choose a program to use in the district's middle school, junior high school, and high school health curriculum. Defines "evidence-based substance abuse awareness program" to mean a program, practice, or strategy that has been proven to effectively prevent substance abuse among students, as determined by evaluations that are evidence-based.

Section 8 – Amends Section 28.004 of the Education Code.

This section adds to the duties of the local school health advisory council (SHAC) to include recommendations on the number of hours required for instruction for students in kindergarten through grade 8 to receive health education. For a school district that requires health education for graduation, the number of hours of instruction that should be provided on health education will include both physical health education and mental health education in grades 9 through 12. In addition to the number of instructional hours, the local SHAC will provide recommendations on policies, procedures, strategies and curriculum that are grade level specific to help prevent physical health concerns. Defines physical health concerns to include topics of obesity, cardiovascular, disease, and Type 2 diabetes.

Changes to Health Education definition or requirements are as follows:

- language within instruction is removed to prevent the use of e-cigarettes and tobacco. This language is replaced with required instruction on substance abuse prevention.
- mental health services are added to school health services that students should be made aware are available.
- the Comprehensive School Counseling Program is added (created in Section 33.005).
- strategies to integrate curriculum components that the SHAC will include within school health services, physical health services and mental health services either provided through a campus, district, or through a third party contract are added. This third-party contract can include the Comprehensive School Counseling Program.

The bill changes the makeup of the local SHAC:

- the teachers on the local SHAC must be classroom teachers employed by the district.
- this section adds school counselors (certified under Subchapter B of Chapter 21) that are employed by the district.

- school administrators must also be employed by the district.
- health care professionals must be licensed or certified to practice in the state of Texas. This includes both medical and mental health professionals.

Each district must publish on their website a statement of the adopted policies and procedures regarding physical and mental health, resources available at each campus, contact information for the nearest providers of essential public health services (as defined by Chapter 121 of the Health and Safety Code), and the contact information for the nearest local mental health authority.

Additionally, on their website, a school district must state whether a campus has a full-time nurse or full-time counselor.

Section 9 – Amends Section 30.002 (b) of the Education Code.

This section of the bill makes changes to TEA’s responsibilities. Specifically, updates language regarding contacts for a liaison between education programs for children with visual impairments. This section changes the Department of Assistive and Rehabilitative Services Division for Blind Services to the Health and Human Services Commission. It also changes the Texas School for the Blind and Visually Impaired to the Texas Workforce Commission. Maintains language that TEA can work with other programs, agencies, or facilities as appropriate.

Section 10 – Amends Section 33.004 (b) of the Education Code.

Before a school district can implement a Comprehensive School Counseling Program (as defined by Section 33.005), the school district must annually conduct a preview of the program for parents of the district.

Section 11 – Amends Section 33.005 of the Education Code.

This section details changes the Developmental Guidance and Counseling Programs to the Comprehensive School Counseling Programs. A Comprehensive program will be considered such if it conforms to the most recent edition of the Texas Model for Comprehensive School Counseling Programs developed by the Texas Counseling Association.

Section 12 – Adds Section 38.0101 to Subchapter A, Chapter 38 of the Education Code.

This new section gives school districts the ability to employ or contract with one or more nonphysician mental health professionals.

The bill defines these professionals as

- a psychologist licensed to practice in Texas and designated as a health-service provider;
- a registered nurse with a master’s or doctoral degree in psychiatric nursing;
- a licensed clinical social worker;
- a professional counselor licensed to practice in Texas; and/or
- a marriage and family therapist licensed to practice in Texas.

Section 13 – Amends Section 38.103 (a) of the Education Code.

This section removes language that health programs should be designed to prevent obesity, cardiovascular disease, oral diseases, and Type 2 diabetes. Instead, the bill puts language into place that requires programs to coordinate education services related to physical health education (this

includes preventing obesity, cardiovascular disease, oral diseases, and Type 2 diabetes) and adds proper nutrition to this definition. Additionally, mental health education includes education about mental health conditions, mental health well-being, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making and substance abuse education (education about alcohol abuse, prescription drug abuse, and abuse of other controlled substances).

Section 14 – Amends Sections 38.016 (a) and (c) of the Education Code.

This section adds the definition of a nonphysician mental health professional to the section. It explicitly adds that in addition to district employees, employees of an entity with which the district contracts (must be a registered nurse, advanced nurse practitioner, physician, or nonphysician mental health professional licensed or certified in Texas) may recommend a child to be evaluated by a physician or nonphysician mental health professional.

Section 15 – Amends Section 38.051 (b) of the Education Code.

Besides an advisory council established under this section, a school board or governing body of an open-enrollment charter school may establish a school-based health center.

Section 16 – Amends Section 38.054 of the Education Code.

This section adds to the permissible categories of services for a health center to include

- physical health care (including immunizations);
- treatment for mental health conditions; and
- treatment for substance abuse.

Section 17 – Amends Section 38.057 (b) of the Education Code.

This section expands the ability or procedure for referring a student for physical health services or mental health services. Additionally, the bill adds language permitting a course of treatment that includes multiple treatment occasions of the same type of service.

Section 18 – Amends Section 38.058 of the Education Code.

This section gives an open-enrollment charter school's governing body the ability to establish a local health education and health care advisory council. This section slightly alters the make-up of individuals that can be on this council. Changes teachers to classroom teachers, adds school counselors, requires health care professionals to be licensed or certified in Texas.

Section 19 – This section creates Section 38.0591 “Access to Mental Health Service” within Subchapter B of Chapter 38 of the Education Code.

TEA, in cooperation with HHSC, must develop guidelines for school districts regarding partnering with local mental health authorities, community or private mental health service providers, or substance abuse service providers to increase access to mental health services for students. Additionally, guidelines will outline how to obtain mental health services through the medical assistance program under Chapter 32 of Human Resources Code.

Section 20 – Amends Section 38.060 (c) of the Education Code.

This section adds open-enrollment charter schools to those responsible for keeping records of efforts made to coordinate with existing providers.

Section 21 – This section moves Subchapter O-1 Chapter 161 of the Health and Safety Code to Chapter 38 of the Education Code. This will now be Subchapter G. “Mental Health, Substance Abuse, and Youth Suicide”, Section 38.351.

TEA is now required to work with HHSC and Regional Education Service Centers (ESCs) to update a list of recommended best practice-based programs and research-based practices in these areas. A school district may select from the created list any programs they see fit to implement. Required program types that must be included in the list is added. Specifically, the list adds early mental health prevention in addition to intervention programs, removes mental health promotion, adds suicide intervention and postvention, removes language about positive relationships and decision-making, adds language regarding positive school climate.

Training that is provided for suicide prevention must address recognizing students at risk of attempting suicide. Previous language stated students at risk of committing suicide. Language regarding helping a student return to school following treatment of a mental health concern or suicide attempt is added.

This section requires school districts to develop practices and procedures to address early mental health prevention and intervention; building skills related to managing emotions; establishing and maintaining positive relationships, and responsible decision-making; substance abuse prevention and intervention; suicide prevention, intervention, and postvention; grief-informed and trauma-informed practice; positive school climates; positive behavior interventions and supports; positive youth development; and safe, supportive, and positive school climate. These procedures need to include how to support the return of a student following hospitalization or residential treatment for a mental health condition or substance abuse and for suicide prevention, intervention, and postvention.

Procedures and practices can address multiple areas together.

The bill adds language that TEA, HHSC, and the ESCs may accept donations for the purposes of this section from someone without a conflict of interest and not through an anonymous donation.

This section defines Postvention as activities that promote healing necessary to reduce the risk of suicide by a person affected by the suicide of another.

The bill moves Section 161.326 from the Health and Safety Code to Section 38.352 of the Education Code. This section outlines Immunity.

Article 2 – Mental Health First Aid Program Training and Reporting.

Section 1 – Amends Section 10001.205 of the Health and Safety Code.

This section makes changes to local mental health authority reporting requirements and how they report information.

This section makes changes to the annual HHSC report on Local Mental Health Authorities (LMHA).

Section 2 – Creates Section 10001.207 “Program Promotion” to the Health and Safety Code.

HHSC is required to make available on their website information about mental health first aid training programs. TEA is required to provide information about mental health first aid training programs for the purpose of promoting public awareness. TEA cannot list an external link or source to fulfill this requirement.

Article 3 – Conforming Amendments.

Section 1 – Amends Section 74.151(e) of the Civil Practice and Remedies Code.

This section enumerates further the liability language within the bill.

Section 2 – Amends Section 38.0141(a) of the Education Code.

This section correctly references the new sections in which student health and physical activity information is referenced.

Article 4 – Repealers, Transition and Effective Date.

Section 1 – Repeals the following sections:

- Section 21.463, Resources for Teachers of students with special health needs
- Section 28.002(w), Texas Essential Knowledge and Skills creation for drug abuse

Section 2 – Deadlines for Action.

By May 1st, 2020,

- the SBEC must propose rules to comply with changes made by this bill, and
- TEA, working with HHSC, will develop guidelines required by this bill.

By August 1, 2020, TEA, HHSC, and the ESCs will create the list of recommended best practice-based programs.

Section 3 – Any changes to law and new duties or requirements on a school district or open-enrollment charter school applies beginning with the 2020 – 2021 school year.

Section 4 – HHSC Deadlines.

This section outlines due dates for initial new reports created and when HHSC must create new forms.

Section 5 – By March 1st, 2020, HHSC and TEA must update their websites with newly required information.

Section 6 – The bill is effective December 1st, 2019.

H.B. 19

Relating to mental health and substance use resources for certain school districts.

Bill Overview:

The bill increases the amount of mental health first aid training school staff will receive and increases the awareness and understanding of mental health and co-occurring mental health and substance use disorders.

Section Analysis:

Section 1 – Amends Chapter 8 of the Education Code to add Subchapter E.

This section defines “local mental health authority”

(LMHA) and “non-physician mental health

professional” with the meaning assigned in Section 571.003 of the Health and Safety Code.

A LMHA is required to employ a non-physician mental health professional to serve as a mental health and substance use resource for school districts. This individual is to be housed in the Education Service Center (ESC) region where the LMHA is located.

If there is more than one LMHA within the region, the LMHA that is located in the same county as the ESC will employ the non-physician mental health professional. The other regional LMHAs will be consulted in the hiring of this professional. Additionally, the ESC will be consulted in the final hiring decision. The LMHA that employs the mental health professional and the ESC are instructed to collaborate in carrying out this subchapter.

Each ESC is instructed to provide the non-physician mental health professional employee a space for this individual to carry out their duties. The LMHA shall pay the ESC a reasonable, negotiated cost-recovery fee for providing this space and administrative support. This fee cannot exceed \$15,000. Both of these entities must enter into a memorandum of understanding.

The LMHA responsible for hiring the non-physician mental health professional must supervise the professional in carrying out their duties and will consult with other LMHAs in the region and the ESC for input on the supervision of the professional.

The non-physician mental health professional will, to the greatest extent possible, work with the ESC and act as a resource for the ESC and school district personnel in helping personnel gain awareness and a better understanding of mental health and co-occurring mental health and substance abuse disorders; assisting personnel to implement initiatives related to mental health or substance abuse under state law or agency rules, interagency memorandums of understanding, and related programs; and ensure personnel are aware of (1) the list of recommended best practice-based programs and research-based practices developed under Section 161.325 of the Health and Safety Code, (2) other public and private mental health and substance abuse prevention, treatment, and recovery programs available in the school district, (3) other available public and private mental

Bill Author: Four Price

Sponsored By: Kirk Watson

Governor Action: Signed on June 14th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts and Education Service Centers

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

health and substance abuse prevention, treatment, and recovery program resources administered by a LMHA or the Health and Human Services Commission (HHSC).

On a monthly basis, this individual will facilitate mental health first aid training; training regarding the effects of grief and trauma and providing support to children with intellectual or developmental disabilities who suffer from grief or trauma. Additionally, training on prevention and intervention programs that have been shown to be effective in helping students cope with pressures to use alcohol, cigarettes, or illegal drugs or misuse prescription drugs will be provided.

These non-physician mental health professionals may not treat or provide counseling to a student or provide specific advice to school district personnel regarding a student.

A school district is not required to participate in training provided by a non-physician mental health professional or otherwise use the professional as a resource. HHSC is responsible for ensuring the money appropriated for this purpose is evenly distributed.

Before the last business day of each calendar year, the local LMHA that employs the non-physician mental health professional will submit a report to HHSC regarding the outcomes for school districts and students resulting from services provided that year. HHSC is responsible for compiling the information by January 31st of each year and submitting such information to the Lieutenant Governor, Speaker of the House of Representatives, and each standing committee. TEA will have ample time to provide input on the content of this report.

Section 2 – The LMHA is only responsible for implementing this act if the legislature appropriates funding for this purpose.

Section 3 – The bill is effective September 1st, 2019.

H.B. 65

Relating to reporting information regarding public school disciplinary actions.

Bill Overview:

The bill adds to the out-of-school suspension data that must be reported to the Texas Education Agency (TEA).

Section Analysis:

Section 1 – Amends Section 37.020 of the Education Code.

This section adds Out-Of-School suspensions to the title of the section.

Section 2 – Amends Section 37.020 of the Education Code.

This section adds to the reporting requirement of a school district to include the following information for each out-of-school suspension reported to TEA:

- information identifying the student, including the student's race, sex, and date of birth, that will enable the agency to compare placement data with information collected through other reports
- information indicating the basis for the suspension
- the number of full or partial days the student was suspended
- the number of out-of-school suspensions that were inconsistent with the guidelines included in the student code of conduct under Section 37.001(a) (3)

Section 3 – The bill applies beginning in the 2019 – 2020 school year.

Section 4 – The bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Eric Johnson

Sponsored By: Royce West

Governor Action: Signed on June 14, 2019

Effective Date: June 14th, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

H.B. 76

Relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.

Bill Overview:

The bill requires a school district to provide information about sudden cardiac arrest and electrocardiogram testing to a student who is required under University Interscholastic League (UIL) rule or policy to receive a physical examination before being allowed to participate in a UIL sponsored or sanctioned athletic activity. The bill also requires the district to provide such information of the option for the student to request the administration of an electrocardiogram, in addition to the physical examination.

Section Analysis:

Section 1 – Amends Subchapter D of Chapter 33 of the Education Code to add Section 33.096 “Cardiac Assessments of High School Participants in Extracurricular Athletic Activities.”

This new section requires a school district to provide a student, who is required to have a physical to participate in an UIL event, information about sudden cardiac arrest and electrocardiogram testing and notification of the option to request an electrocardiogram in addition to a physical examination. This electrocardiogram can be requested from any health care professional whether through a school program or their private provider. This health care professional must be appropriately licensed in the state of Texas and authorized to administer and interpret electrocardiograms. The UIL is directed to adopt rules. This includes, criteria for an exemption, variances to allow for a delay, and procedures to ensure students know about the option. Additionally, this includes rules establishing minimum standards to ensure school districts can implement this program successfully. This requirement does not create a cause of action or liability against a health care professional, the UIL, a school district, or a district officer or employee. The bill language fully enumerates liability protections.

Section 2 - Bill applies beginning in the 2019 – 2020 school year.

Section 3 – The bill is effective September 1st, 2019.

Bill Author: Dan Huberty

Sponsored By: Carol Alvarado

Governor Action: Signed on June 14th, 2019

Effective Date: September 1st, 2019

Applies to: Students that participate in UIL activities that require a physical exam

Rule Authority: Authority is granted to the UIL to create rules to create criteria for exemption from this assessment, variances that allow for a delay, procedures for notifying that an electrocardiogram is available, and minimum implementation requirements

Begins: 2019 – 2020 School Year

H.B. 81

Relating to the disclosure under the public information law of certain information related to parades, concerts, or other entertainment events open to the general public that are paid for with public funds.

Bill Overview: This bill seeks to close a public information law loop-hole that allowed governmental entities to withhold from the public the costs or payments related to parades, concerts, or other entertainment events open to the general public and paid with public funds.

Bill Author: Terry Canales

Sponsored By: Chuy Hinojosa

Governor Action: Signed on May 17th, 2019

Effective Date: May 17th, 2019

Applies to: School Districts, and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Section Analysis:

Section 1 – Amends Section 552.104 of the Government Code.

This bill creates an exception to what is not required to be shared with the public through the public information request process.

It explicitly states that when public funds are used, either in full or in part, by a governmental entity to pay for parades, concerts, or other entertainment events, this information is not to be excluded from a public information disclosure.

Any contracts drawn up for these purposes cannot include language that prohibits these contracts from being disclosed to the public.

Section 2 – These new laws apply to any information that is received on or after the effective date. Similarly, this applies to any contract entered into or renewed on or after the effective date.

Section 3 – The bill is effective May 17th, 2019 (earliest effective date upon Governor's signature).

H.B. 111

Relating to training for employees of school districts and open-enrollment charter schools on the prevention of sexual abuse, sex trafficking, and other maltreatment of certain children.

Bill Overview:

The bill's author and sponsor have shown that persons with disabilities are victimized at much higher rates than those without disabilities and are much less likely to report abuse. This bill provides for training on identifying and preventing maltreatment and abuse of students with severe cognitive disabilities and will equip schools with necessary tools to help decrease the amount of child abuse and neglect that occurs in Texas.

Bill Author: Mary Gonzalez

Sponsored By: Pat Fallon

Governor Action: Signed on May 31st, 2019

Effective Date: May 31st, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

Section Analysis:

Section 1 – Amends Section 38.0041 (a), (a-1), (b), and (c) of the Education Code.

This bill amends the policy that school districts and open-enrollment charter schools must adopt and implement a plan within their District Improvement Plan to address sexual abuse, sex trafficking, and other maltreatment of children. This new language adds Commissioner of Education developed materials and materials developed by the Texas Education Agency (TEA) under section 38.004 to the list of acceptable materials that can be used to help school districts implement and develop their plans. This section adds language that training should include training on the sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities.

Section 2 – The bill applies beginning in the 2019 – 2020 school year.

Section 3 – The bill is effective May 31st, 2019 (earliest effective date upon Governor's signature).

H.B. 114

Relating to providing public high school students information regarding the availability of college credit awarded for military experience, education, and training obtained during military service.

Bill Overview:

The bill requires a school district or open-enrollment charter school counselor provide a student who is enlisted or intends to enlist in the armed forces certain information within their first year of enrollment at the high school level. This information, created through a cooperation between the Texas Workforce Commission (TWC) and the Texas Higher Education Coordinating Board (THECB), will include informational materials on college credit awarded to a student based on military service, education, and training obtained during a person's military service.

Bill Author: James White

Sponsored By: Brian Birdwell

Governor Action: Signed on May 16th, 2019

Effective Date: May 16th, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2020 – 2021 School Year

Section Analysis:

Section 1 – Amends Section 33.007 of the Education Code.

This section adds information regarding college credit awarded to veterans and military service members for military experience, education, and training obtained during military service to the information a counselor is required to give to students enlisted or intending to enlist in the armed forces within their first year of enrollment at the high school level.

Section 2 – Amends Section 302.0031 of the Labor Code.

This section instructs the TWC in cooperation with the THECB to develop and distribute information regarding college credit awarded to veterans and military service members for military experience, education, and training obtained during military service.

Section 3 – The bill applies beginning in the 2020 – 2021 school year.

Section 4 – By September 1, 2020, the TWC, in cooperation with the THECB, will develop and distribute informational materials to schools.

Section 5: The bill is effective May 16th, 2019 (earliest effective date upon Governor's signature).

H.B. 165

Relating to providing for endorsements for public high school students enrolled in special education programs.

Bill Overview:

The bill creates a path for students within a Special Education Program (under Subchapter A, Chapter 29 of the Education Code) to earn an endorsement on their high school diploma.

Section Analysis:

Section 1 – Amends Section 28.025 to create subsection (c-7) and (c-8) within the Education Code. Any student enrolled in a special education program under Subchapter A, Chapter 29 may receive an endorsement if they complete the following:

- with or without modification, the curriculum requirements identified by the State Board of Education (SBOE) regarding the endorsement; this includes any additional endorsement curriculum the SBOE has prescribed
- any modifications must maintain sufficient rigor that is determined by the student's admission, review, and dismissal (ARD) committee

A student's ARD committee will determine if a student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement.

Section 2 – The bill applies beginning in the 2019 – 2020 school year.

Section 3 – The bill is effective June 10th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Diego Bernal

Sponsored By: Beverly Powell

Governor Action: Signed on June 10th, 2019

Effective Date: June 10th, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

H.B. 234

Relating to the local regulation of the sale of lemonade or other beverages by children.

Bill Overview:

This bill prohibits cities, counties, or local public health authorities from adopting a policy that prohibits or regulates a child's ability to sell nonalcoholic beverages from a stand.

Section Analysis:

Section 1 – Amends the heading to Chapter 250 of the Local Government Code.

Section 2 – Amends Chapter 250 of the Local Government Code to create Section 250.009 “Certain Sales of Beverages by Children.”

Excluding other laws, a municipality, county, or other local public health authority may not adopt or enforce an ordinance, order or rule that prohibits or regulates (this includes a license, permit, or fee) the occasional sale of lemonade or other nonalcoholic beverages from a stand on private property or in a public park by an individual younger than 18 year of age.

Section 3 – Amends Chapter 202 of the Property Code to add Section 202.020 “Certain Sales of Beverages by Children.”

This section prohibits a residential homeowner's association from prohibiting these kinds of sales. And adds language noting that there is no increased liability of homeowner's associations for these kinds of sales.

Section 4 - The bill is effective September 1st, 2019.

Bill Author: Matt Krause

Sponsored By: Jane Nelson

Governor Action: Signed on June 14th, 2019

Effective Date: September 1st, 2019

Applies to: Could possibly effect School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 277

Relating to a requirement that online admission application forms for public institutions of higher education include a link to certain comparative gainful employment data.

Bill Overview:

The bill seeks to provide information to Texas high school students applying to college with current job market conditions to help ensure their higher education focus leads to full-time employment upon college graduation.

Section Analysis:

Section 1 – Amends Section 51.762 of the Education Code.

This section requires the common admission application form adopted by an institute of higher education must include a prominent link to comparative gainful employment data. This information will be maintained on the Texas Higher Education Coordinating Board's (THECB) website using data compiled by the board in coordination with the Texas Workforce Commission (TWC).

Section 2 – Amends Section 51.763 (b) of the Education Code.

The form used for this common admission application must include a prominent link to this information.

Section 3 – This section directs the THECB to be compliant with this bill as soon as practicable of the bill's effective date but no later than January 1st, 2020.

Section 4 – The bill is effective June 10th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Tom Oliverson

Sponsored By: Brandon Creighton

Governor Action: Signed on June 10th, 2019

Effective Date: June 10th, 2019

Applies to: School Districts, Open-Enrollment Charter Schools, and Private Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 293

Relating to investment training requirements for school district and municipal financial officers.

Bill Overview:

This bill amends current law relating to investment training requirements for certain public school district officers. This legislation exempts these financial officers from attending investment training every other year if the district does not invest district funds or only deposits those funds in interest-bearing deposit accounts or in authorized certificates of deposit.

Bill Author: Ken King

Sponsored By: Kel Seliger

Governor Action: Signed on June 7th, 2019

Effective Date: June 7th, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Section Analysis:

Section 1 – Amends Section 2256.008 of the Government Code to establish subsection (g).

This section states that the annual training required of school financial officials regarding investment responsibilities is not applicable to school financial officials whose districts (1) do not invest district funds or only deposit those funds in either interest-bearing deposit accounts or certificates of deposit (authorized under Section 2256.010) and (2) submits to the agency a sworn affidavit identifying which practice (1) the district executes.

Section 2 - The bill is effective June 7th, 2019 (earliest effective date upon Governor's signature).

H.B. 295

Relating to designating March 30 as Master Sergeant Jonathan J. Dunbar Day.

Bill Overview:

Bill designates the March 30th will be a day to honor Master Sergeant Jonathan J. Dunbar, a native Texan, who was killed in Syria in 2018 while supporting military intervention against ISIS.

Section Analysis:

Section 1 – Amends Subchapter C of Chapter 662 of the Government Code to Create Section 662.071.

This section provides that March 30th is Master Sergeant Jonathan J. Dunbar Day in honor of Master Sergeant Jonathan J. Dunbar, who served in the United States Army. It requires Master Sergeant Jonathan J. Dunbar Day to be regularly observed by appropriate ceremonies.

Section 2 - The bill is effective September 1st, 2019.

Bill Author: Briscoe Cain

Sponsored By: Kirk Watson

Governor Action: Signed on June 2nd, 2019

Effective Date: September 1st 2019.

Applies: Statewide

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 305

Relating to the requirement that a state agency or political subdivision with authority to impose a tax post certain information on an Internet website.

Bill Overview:

The bill adds website information that must be posted by a political subdivision that has taxing authority unless exempted by the bill.

Section Analysis:

Section 1 – Amends Chapter 2051 of the Government Code to create Subchapter E. Section 2051.151.

With a few exceptions, any political subdivision with the authority to impose a tax that at any time, and on or after January 1st, 2019, maintain a publicly accessible website that must include the following information on that website:

- the political subdivisions contact information, including mailing address, telephone number, and e-mail address
- each elected officer of the political subdivision
- the date and location of the next election for officers
- the requirements and deadline for filing for candidacy of each elected office of the political subdivision, this must be continuously posted for at least one year before the election day of the office
- each notice of a meeting of the political subdivision's governing body (Subchapter C, Chapter 551 of the Government Code)
- each record of a meeting of the political subdivision's governing body (Section 551.021 of the Government Code)

These requirements do not apply to the following political subdivisions:

- a county with a population of less than 10,000
- a municipality with a population of less than 5,000 located in a county with a population of less than 25,000
- a school district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000

Section 2 – Amends Sections 2051.152 (a) (5) and (6) of the Government Code.

These new posting rules only apply to an election held on or after the effective date of the bill.

Section 3 - The bill is effective September 1st, 2019.

Bill Author: Dennis Paul

Sponsored By: Jane Nelson

Governor Action: Signed on June 14th, 2019

Effective Date: September 1st 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 330

Relating to excluding certain students from the computation of dropout and completion rates for purposes of public school accountability.

Bill Overview:

The bill adds a seventh exemption to the Education Code for the calculation of dropout and certain completion rates. This exemption is for students who are unable to attend school due to a condition, injury, or illness that requires substantial medical care.

Section Analysis:

Section 1 – Amends Section 39.053(g-1) of the Education Code.

In computing dropout and completion rates such as high school graduation rates, the Commissioner of Education will exclude students who have suffered a condition, injury, or illness that requires substantial medical care and leaves the student either unable to attend school or assigned to a medical or residential treatment facility.

Section 2 – Bill applies beginning in the 2019 – 2020 school year.

Section 3 – The bill is effective June 10th, 2019 (earliest effective date upon Governor’s signature).

Bill Author: Gary VanDeaver

Sponsored By: Brian Hughes

Governor Action: Signed on June 10th, 2019

Effective Date: June 10th, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

H.B. 391

Relating to student access to public school instructional materials and technology.

Bill Overview:

This bill requires a school to ensure a child has access to instructional materials at home by requiring the school district or open-enrollment charter school to provide printed book materials for students who have limited or no access to the internet or technology in their home.

Section Analysis:

Section 1 – Amends Section 26.006 of the Education Code.

A school district or open-enrollment charter school must provide certain instructional materials that the student, or their parent, request to take home. These materials must be in a printed format so that the student has access despite not having reliable access to technology at home.

This bill does not require the school district or open-enrollment charter school to purchase a printed copy of the materials, rather permits the school to print out the necessary materials.

Section 2 – The bill applies beginning in the 2019 – 2020 school year.

Section 3 – The bill is effective June 14th, 2019 (earliest effective date upon Governor’s signature).

Bill Author: Cesar Blanco

Sponsored By: Judith Zaffirini

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

H.B. 396

Relating to acceptable uses of the instructional materials and technology fund and the instructional materials and technology allotment.

Bill Overview:

The bill adds interstate shipping costs as an acceptable cost covered by the Instructional Materials and Technology Fund. Additionally, the bill allows school districts to purchase inventory software with fund dollars.

Section Analysis:

Section 1 – Amends Section 31.021(c) of the Education Code.

The word intrastate is stricken, thus allowing interstate freight, shipping, and insurance to ship to be covered by fund dollars.

Section 2 – Amends Section 31.0211(c) of the Education Code.

This section adds language explicitly allowing inventory software or systems for storing, managing, accessing instructional materials, and analyzing the usage and effectiveness of the instructional materials as an acceptable purchase.

Section 3 – The bill is effective September 1st, 2019.

Bill Author: Gary VanDeaver

Sponsored By: Bryan Hughes

Governor Action: Signed on June 10th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 403

Relating to training requirements for a member of the board of trustees and the superintendent of an independent school district regarding sexual abuse, human trafficking, and other maltreatment of children.

Bill Overview:

The bill adds training requirements for a member of the board of trustees for a school district and superintendents regarding sexual abuse, human trafficking, and other maltreatment of children.

Section Analysis:

Section 1 – Amends Section 11.159 of the Education Code.

Every member of a school district’s board of trustees must complete, every two years, a one-hour training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children. This training will be research based and completed within the first 120 days of appointment or election of the member.

“Other maltreatment” is defined by Section 42.002 of the Human Resource Code. “Abuse and neglect” as defined by Section 261.001 of the Family Code.

Section 2 – Amends Section 21.054 of the Education Code.

Continuing education requirements for superintendents must include two and half hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

Section 3 – Any superintendent subject to completing their continuing education requirements immediately before the effective date of this bill has until January 1st, 2021 to become compliant.

Section 4 – The bill is effective September 1st, 2019.

Bill Author: Senfronia Thompson

Sponsored By: Joan Huffman

Governor Action: Signed on May 25th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts and Certified Superintendents

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 440

Relating to general obligation bonds issued by political subdivisions.

Bill Overview:

This bill increases the amount of voter oversight and input in the use of bond proceeds. This is accomplished through limiting the use of excess funds. Any change in purpose of funds can only be spent on that new purpose after a public meeting with community input and a vote of the board of trustees. Additionally, bonds may not be issued for a project if the cost of the bonds significantly exceeds the worth of the building or improvement that they would finance.

Bill Author: Jim Murphy

Sponsored By: Eddie Lucio

Governor Action: Signed on June 10th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Section Analysis:

Section 1 - Amends Subsection E, Chapter 45 of the Education Code by adding Section 45.1105 “Use of Unspent General Obligation Bond Proceeds”

Unspent general obligation bond proceeds may only be used if the purposes for which the original bonds were authorized, to retire the bonds, and for a purpose other than the specific purposes for which the bonds were authorized if the following criteria can be met: (1) the specific purposes were accomplished or abandoned and (2) the board of trustees at a public meeting called for this and only this purpose, approves in separate votes the use of these unspent bond proceeds for a purpose other than to retire the bonds and specifically identifies what the new purpose of these funds will be used for at the time of the vote.

Notice of this public meeting to discuss and vote on a new purpose for these funds must include language stating the board of trustees will consider the use of unspent bond proceeds for a purpose other than the specific purposes for which the bonds were authorized. The general public must be given time for public testimony regarding the unspent bond proceeds.

Section 2 – Amends Section 4.003 (f) of the Election Code.

In any debt obligation election, a school district must now include on their website any prepared sample ballot information with the contents of the proposition.

Section 3 – Adds Chapter 1253 to Subtitle C, Title 9 of the Government Code.

This section defines a Political Subdivision to include school districts and defines “personal property” as having the meaning assigned by Section 1.04 of the Tax Code. Prohibits a political subdivision, notwithstanding any other provision of law, from issuing general obligation bonds to purchase, improve, or construct an improvement to real property or to purchase personal property if the weighted average maturity of the issue of bonds to finance the improvement or personal property exceeds 120 percent of the reasonably expected weighted average economic life of the improvement or personal property financed with the issue of bonds.

Outlines ways political subdivisions, other than school districts, can spend unspent proceeds.
Section 4 – Repeals.

- Chapter 1332 of the Government Code, Use of Municipal Bond Proceeds for Other Purposes is repealed.

Section 5 – This bill applies to any general obligation bonds set to be on the ballot after the bill's effective date. As early as the November 2019 election.

Section 6 – The bill is effective September 1st, 2019.

H.B. 452

Relating to the creation of truancy masters for Bell County.

Bill Overview:

This bill authorizes the Commissioner's Court of Bell County to select masters to serve the county's justice courts having jurisdiction in truancy matters.

Section Analysis:

Section 1 – Amends Chapter 54 of the Government Code to create Subchapter B, Bell County Truancy Masters.

Allows the Commissioner's Court of Bell County to select masters to serve the justice courts and have jurisdiction in truancy matters. The Commissioner's

Court is responsible for setting compensation, powers, duties, and work time responsibilities. Any master appointed serves at the pleasure of the Commissioner's Court.

A master has a concurrent jurisdiction with the judges of the justice of the peace courts of Bell County over cases involving truant conduct (Section 65.004 of the Family Code). These individuals can administer oaths and has the same judicial immunity as a district judge. Anyone appointed will have to successfully complete any training required of a justice of the peace.

The bill contains consequences for individuals that do not comply with a summons or order from a master and witnesses are subject to the penalties of perjury.

Section 2 – Bill is effective September 1st, 2019.

LOCAL BILL

Bill Author: Hugh Shine

Sponsored By: Dawn Buckingham

Governor Action: Signed on June 2nd, 2019

Effective Date: September 1st, 2019

Applies to: School Districts in Bell County

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 477

Relating to the notice required before the issuance of certain debt obligations by political subdivisions.

Bill Overview:

The bill outlines ballot and notice requirements for the issuance of certain debt obligations by political subdivisions, including school districts.

Section Analysis:

Section 1 – Amends Section 3.009 of the Election Code.

This section adds to the definition of “debt obligation” to include that it is payable from ad valorem taxes, and does not include public securities that are designated as self-supporting by the political subdivision issuing the securities.

Within the document, ordering the election will no longer limit the information provided to an annual amount. Rather information regarding the taxes sufficient to pay the principal of and interest on the debt obligation that may be imposed should be included.

This change the maximum maturity date of a debt obligation cannot exceed the maximum number of years authorized by law. Previously, the law stated this maturity date could not exceed 40 years. This changes the aggregate amount of outstanding principal calculation to be the date the election is ordered. The same change is made for outstanding interest, which will now be calculated as of the date the election is ordered. Includes language allowing for the political subdivision to expect relative to variable rate debt obligations.

Section 2 – Amends Section 52.072 of the Election Code.

Section 2 removes language referencing bonds and changes the language to reference any issuance of debt obligation. States that any debt obligation put before the voters will subscribe to the requirements of Subchapter B of Chapter 1251 of the Government Code.

Section 3 – Creates Subchapter A “Provisions Relating Generally to County and Municipal Bond Elections” and designates that Sections 1251.001, 1251.003, 1251.004, 1251.005, and 1251.006 of the Government Code to be under Subchapter A.

Section 4 – Adds Subchapter B “Ballot for Debt Obligations Issued by Political Subdivision” to Chapter 1251 of the Government Code.

This section defines “debt obligation” as a public security as defined by Section 1201.002 of the Government Code, secured by and payable from ad valorem taxes. This does not include public securities that are designated as self-supporting. This section defines a “Debt obligation election order” to mean the order, ordinance, or resolution ordering an election to authorize the issuance of debt obligations.

Bill Author: Jim Murphy

Sponsored By: Paul Bettencourt

Governor Action: Signed on June 10th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

The section also defines a “political subdivision” to mean a municipality, county, school district, or special taxing district.

A ballot for voter approval of the issuance of debt must include the following:

- a general description of the purposes for which the debt obligations are being authorized
- the total principal amount of the debt obligations being authorized
- the taxes sufficient to pay the principal of and interest on the debt obligations that will be imposed

A political subdivision with at least 250 registered voters must prepare a voter information sheet that will be available the day the governing body of the subdivision orders an election. This document will be posted in the same manner as a debt obligation election order (Section 4.003 (f) of the Election Code). This document may be included in the debt obligation election order and must distinctly state:

- the language that will appear on the ballot
- within a table:
 - the principal of the debt obligations to be authorized
 - the estimated interest for the debt obligations to be authorized
 - the estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized
 - as of the date the political subdivision adopts the debt obligation election order, the principal of all outstanding debt obligations for that entity, the estimated remaining interest on all outstanding debt obligations (this may be based on expectations relative to the interest due on any variable rate debt obligations), and the estimated combined principal and interest is required to be paid on time, in full, all outstanding debt obligations
- the estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the subdivision with an appraised value of \$100,000
- any other information the political subdivision considers relevant or necessary

Within this document, the governing body will identify the major assumptions made in connection with the statement including

- the amortization of the political subdivision ’s debt obligations, including outstanding debt obligations and the proposed debt obligations;
- changes in estimated future appraised values within the political subdivision; and
- the assumed interest rate on the proposed debt obligations.

A political subdivision that maintains a website will post this information no later than the 21st day before the day of the election and ending on the day after the date of the debt obligation election. This section, specifically regarding the authorization of the issuance of debt obligations by a political subdivision, of law prevails over any conflicting language in code.

Section 5 – Amends Section 271.049 of the Local Government Code.

This section requires the first publication of the “once a week for two consecutive weeks newspaper posting” of a certificate to happen before the 45th day before the measure is tentatively set for the passage. Previously, this was the 30th day.

If the issuer of the certificate maintains a website, the issuer must continuously post the order or ordinance authorizing the issuance of the certificates at least 45 days before the date or tentative date of the passage.

New information that must be included details the following:

- the then-current principal of all outstanding debt obligations of the issuer
- the then-current combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full; this can be based on the issuer’s expectations relative to the interest due on any variable rate debt obligations
- the maximum principal amount of the certificates to be authorized
- the estimated combined principal and interest required to pay the certificates to be authorized on time and in full
- the estimated interest rate for the certificates to be authorized or the maximum interest rate for the certificates may not exceed the maximum legal interest rate
- the maximum maturity date of the certificates to be authorized

The bill defines “debt obligation” to mean a public security defined by Section 1201.002 of the Government Code. This does not include public securities that are designated as self-supporting by the political subdivision issuing them.

Section 6 – Repealers

- Section 1251.002 of the Government Code, “Contents of Proposition”.

Section 7 – Changes to this law only apply to ballots ordered on or after the effective date of this legislation. Previous ballots are governed by previous law.

Changes to a certificate of obligation apply only to a certificate issued on or after the effective date of this legislation. Previous certificates are governed by previous law.

Section 8 – The bill is effective September 1st, 2019.

H.B. 496

Relating to the placement of bleeding control kits in public schools and to required training of school personnel.

Bill Overview:

The bill requires all school districts and open-enrollment charter schools to provide for bleeding control stations in easily accessible areas on campus, placed and stocked based on determinations made at the local level. It also requires annual training on the use of bleeding control kits for relevant staff members and offer that annual training to students in grade 7 or above.

Section Analysis:

Section 1 – Amends Subchapter A of Chapter 38 of the Education Code to create Section 38.030 “Traumatic Injury Response Protocol.”

Each school district and open-enrollment charter school must develop and annually make available a protocol for all employees and volunteers to follow in the event of a traumatic injury.

This protocol must meet the following stipulations:

- maintain and make available to school employees and volunteers bleeding control stations for use in the event of a traumatic injury involving blood loss
- ensure that bleeding control stations are stored in easily accessible areas of the campus that are selected by the district’s school safety and security committee or the charter school’s governing body
- include Agency-approved training on the use of a bleeding control station is required to be provided to
 - each school district peace officer or school security personnel who provides security services at the campus;
 - each school resource officer who provides law enforcement at the campus; and
 - all other district or school personnel who may be reasonably expected to use a bleeding control station
- require the district or charter school to annually offer instruction on the use of a bleeding control station from a school resource officer (or other appropriate district or school personnel who has been trained) to students in grades 7 or higher

A school district’s school safety and security committee or a charter school’s governing body is responsible in selecting the location of the bleeding control station and must be made easily available. This can be in the same location as an automated external defibrillator is stored.

Bill Author: Barbara Gervin-Hawkins

Sponsored By: Eddie Lucio

Governor Action: Signed on June 15th, 2019

Effective Date: June 15th, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: Program must be implemented by January 1, 2020

A bleeding control station must contain the following supplies in quantities deemed appropriate by the superintendent or director of the school:

- Tourniquets approved for use in battlefield trauma care by the armed forces of the United States
- Chest seals
- Compression bandages and Bleeding control bandages
- Space emergency blankets
- Latex-free gloves
- Markers
- Scissors
- Instructional documents developed by the American College of Surgeons or the United States Department of Homeland Security detailing methods to prevent blood loss following a traumatic event

A school district or charter school may include in the station additional items that may be readily stored in the station; used to adequately treat an injury involving traumatic blood loss; and are approved by local law enforcement or emergency medical services personnel.

To satisfy training requirements, the Texas Education Agency (TEA) may approve a course that has been developed or endorsed by the American College of Surgeons or a similar organization, the emergency medicine department of a health-related institution of higher education, or a hospital. This cannot be an online course. The instruction must be nationally recognized, evidence-based guidelines for bleeding control and must incorporate instruction on psychomotor skills necessary to use a bleeding control station in the event of an injury to another person, including instruction on proper chest seal placement. Emergency medical technicians, paramedics, law enforcement officers, firefighters, representatives of the organization or institution that developed or endorsed the training, educators, other public school employees, or other similarly qualified individuals may provide the instruction. An individual taking the course is not required to become certified in bleeding control. If the course does provide for certification, the instructor must be authorized to provide the instruction for certification.

The bill outlines immunity from civil liability for a good faith effort of a school district or open-enrollment charter school in providing bleeding control in a traumatic bleeding event. This does not limit liability in others areas of law (Section 22.0511, 22.053 of the Education Code and Section 101.051 of the Civil Practice and Remedies Code). Additionally, this section does not create a cause of action against a school district, open-enrollment charter school, employees, or volunteers.

Section 2 – By October 1st, 2019, TEA shall approve of a course of instruction as outlined in the bill. By January 1st, 2020, but as soon as possible after the effective date, school districts and open-enrollment charter schools must develop and implement the required bleeding control station program.

Section 3 – The bill is effective June 15th, 2019 (earliest effective date upon Governor's signature).

H.B. 539

Relating to the automatic admission to general academic teaching institutions and eligibility for certain scholarships of a student who is the valedictorian of the student's high school graduating class.

Bill Overview:

The bill seeks to address an issue with those schools whose graduating class is less than 10 students. This bill grants valedictorians, regardless of the size of their graduating class, automatic admission into all state-funded universities in Texas. In order to be automatically admitted, valedictorians must still meet all the other admission requirements to get into that university. A student who graduated from a public or accredited private high school in Texas as the valedictorian of the student's graduating class is eligible to be considered for any scholarships offered to students graduating in the top 10 percent of their high school class so long as all the other requirements are met.

Bill Author: Ben Leman

Sponsored By: Lois Kolkhorst

Governor Action: Signed on June 10th, 2019

Effective Date: June 10th, 2019

Applies to: School Districts, Open-Enrollment Charter Schools, and Private Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

Section Analysis:

Section 1 – Amends Section 51.803 of the Education to add Subsection (d – 1).

Every general academic teaching institution must admit an applicant for admission as an undergraduate student if the student graduated as the valedictorian of their graduating class in one of the two preceding academic years. These applicants must satisfy all other requirements for admission. This section adds that these applicants can be admitted in the fall semester or the preceding summer.

Section 2 – Amends Section 56.484 of the Education.

To be eligible for a scholarship under this subchapter, the graduate must have ranked in the top 10 percent or was the valedictorian.

Section 3 – This new requirement only applies to admissions for the 2019 – 2020 academic year. Admissions for a prior academic year are governed by previous law.

Section 4 – Eligibility for scholarships begins with scholarships awarded for the 2019 – 2020 academic year. Previously awarded scholarships will be governed by previous law.

Section 5 - The bill is effective June 10th, 2019 (earliest effective date upon Governor's signature).

H.B. 548

Relating to reporting certain truancy information through the Public Education Information Management System.

Bill Overview:

The bill establishes a Language Acquisition Study for all students eight years and younger in the state that are deaf and hard of hearing. This study is dependent on appropriation. Additionally, the bill gives the Commissioner of Education the ability to establish rules regarding required reporting for school districts and open-enrollment charter schools on the topic of truancy and action taken against parents regarding truancy.

Section Analysis:

Section 1 – Amends Subchapter I of Chapter 29 of the Education Code to add Section 29.316 “Language Acquisition.”

This section defines “Center” as the Educational

Resource Center on Deafness at the Texas School for the Deaf. “Division” as the Division for Early Childhood Intervention Services of the Health and Human Services Commission (HHSC).

“Language Acquisition” includes expressive and receptive language acquisition and literacy development in English, American Sign Language, or both, or if applicable, in another language primarily used by a child’s parent or guardian, and is separate from any modality used to communicate in the applicable language or languages.

The Texas Education Agency (TEA) and HHSC Commissioners will ensure that the language acquisition of each child eight years old and younger who is deaf or hard of hearing is regularly assessed using a valid and reliable tool or assessment.

By August 31st of each year, TEA, the Division for Early Childhood Intervention Services at HHSC and the Center at the Texas School for the Deaf will prepare and post on their websites a report on the language acquisition of children eight and under who are deaf or hard of hearing.

This report will include the following:

- existing data reported in compliance with federal law regarding children with disabilities
- information relating to the language acquisition of children who are deaf or hard of hearing and also have other disabilities
- student information regarding the following student specific details will comply with state a federal regulation to ensure student confidentiality (this can happen through redaction):

Bill Author: Terry Canales

Sponsored By: Eddie Lucio

Governor Action: Signed on June 14th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: Both the Commissioner of Education and HHSC Executive Commissioner are granted rule making authority to complete the Language Acquisition Study. Additionally, the Commissioner of Education is given rule making authority to implement data collection on truancy efforts in schools and open-enrollment charter schools.

- the instructional arrangement used with the child (as described by Section 42.151 of the Education Code) including the time the child spends in a mainstream instructional arrangement
- the specific language acquisition services provided to the child, including
 - the time spent providing those services;
 - a description of any hearing amplification used in the delivery of those services, including:
 - the type of hearing amplification used;
 - the period of time in which the child has had access to the hearing amplification; and
 - the average amount of time the child uses the hearing amplification each day
 - the tools or assessments used to assess the child's language acquisition and the results obtained;
 - the preferred unique communication mode used by the child at home; and
 - the child's age, race, and gender, the age at which the child was identified as being deaf or hard of hearing, and any other relevant demographic information the TEA commissioner determines to likely be correlated with or have an impact on the child's language acquisition
- progress comparisons in English literacy made by children who are deaf or hard of hearing to progress in that subject made by children of the same age who are not deaf or hard of hearing, by appropriate age range

TEA, HHSC, and the Center at the Texas School for the Deaf will enter into a memorandum of understanding regarding the identification of experts in deaf education and the determination in consultation with identified experts, tools, and assessments that are valid and reliable to assess language acquisition.

Both the TEA Commissioner and HHSC Executive Commissioner are granted rule making authority to execute this policy.

Each child, eight years and under, will be assigned a unique identification number to show the child's language acquisition and factors affecting that acquisition over time.

In implementing this law, state and federal law must be complied with, including the Health Insurance Portability and Accountability Act of 1996 and the Family Educational Rights and Privacy Act of 1974 (FERPA).

Section 2 – Amends Section 42.006 of the Education Code by adding Subsection (a-6).

The TEA Commissioner, through rule, will require each school district and open-enrollment charter school to report the Public Education Information Management System (PEIMS) information disaggregated by campuses and grade regarding the following data:

- the number of children who are required to attend school under Section 25.085, are not exempted under Section 25.086, and fail to attend school without excuse for 10 or more days or parts of days within a six-month period in the same school year
- the number of students for whom the district initiates a truancy prevention measure under Section 25.0915(a-4)
- the number of parents of students against whom an attendance officer or other appropriate school official has filed a complaint under Section 25.093

Section 3 – By December 1st, 2019, the TEA Commissioner, Executive Commissioner of HHSC, and the Center at the Texas School for the Deaf will determine the tools and assessments required under this bill.

The initial report required by this bill will be posted to all parties' websites by December 1st, 2020.

Section 4 – TEA and HHSC are only required to implement the Language Acquisition Study if funds are appropriated for this purpose.

Section 5 – TEA is required to adopt rules regarding PEIMS reporting by January 1st, 2020.

Section 6 – The bill is effective September 1st, 2019.

H.B. 621

Relating to prohibited adverse employment action against an employee who in good faith reports child abuse or neglect.

Bill Overview:

The bill prohibits an employer from taking action against an employee who, in good faith, reports child abuse or neglect. This includes any adverse action that affects an employee's compensation, promotion, transfer, work assignment, or performance evaluation, or any action that would dissuade an employee from making such report. In addition, an employee who incurs adverse employment practices due to this reporting is allowed to sue for injunctive relief, damages, or both.

Bill Author: Victoria Neave

Sponsored By: Judith Zaffirini

Governor Action: Signed on May 25th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Section Analysis:

Section 1 – Amends Section 261.110 (a), (b), and (c) of the Family Code.

“Adverse employment action” is defined as an action that affects an employee’s compensation, promotion transfer, work assignment, performance evaluation, or any other employment action that would dissuade a reasonable employee from making a report of abuse or neglect.

This section adds language to what an employer cannot already do to an employ in this situation and adds the language “take any other adverse employment action.”

This section also creates the ability for an individual to sue for injunctive relief, damages, or both if an employer violates this section by suspending, terminating, discriminating against, or taking adverse employment action.

Section 2 – This law only applies to adverse employment action taken by an employer against an employee that occurs on or after the effective date of the bill. All previous action is governed by previous law.

Section 3 – The bill is effective September 1st, 2019.

H.B. 638

Relating to the issuance of posthumous high school diplomas to certain students.

Bill Overview:

The bill allows a school district to award a high school diploma posthumously to a student who was enrolled in the district when they passed. A school district can only award the diploma the year of the class the student would have graduated alongside.

Section Analysis:

Section 1 – Amends Section 28.0254 (a) of the Education Code.

This section changes the language around awarding a diploma posthumously. A parent can request a diploma from the school district if their child was enrolled at the time of their death. This posthumously-awarded diploma will be granted in the year that the graduation class of which the student would have graduated with at the time of their passing is awarded. For example, if a freshman student passed next school year, that student's parent could request a diploma that would be awarded by the district with the Class of 2023 graduation.

Section 2 – This section applies beginning in the 2019 – 2020 school year.

Section 3 – The bill is effective May 23rd, 2019 (earliest effective date upon Governor's signature).

Bill Author: Giovanni Capriglione

Sponsored By: Beverly Powell

Governor Action: Signed on May 23rd, 2019

Effective Date: May 23rd, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

H.B. 674

Relating to soliciting from school districts served by a regional education service center certain information in conjunction with the annual evaluation of the center.

Bill Overview:

By using the Education Service Centers (ESC) Client Satisfaction Survey, this bill works to solicit more specific information on the particular state mandates school districts find most burdensome and expensive.

Section Analysis:

Section 1 – Amends Section 8.103 of the Education Code.

This section adds that in conjunction with the review of client satisfaction, the Commissioner will solicit from school districts served by an ESC information regarding (1) reliance of the district on the ESC for assistance in complying with state education laws and rules and (2) specific state education laws or rules where compliance is the most burdensome or expensive.

Any information collected for this purpose may not be used in the annual evaluation of an ESC.

Section 2 - The bill is effective September 1st, 2019.

Bill Author: Jared Patterson

Sponsored By: Pat Fallon

Governor Action: Signed on May 28th, 2019

Effective Date: September 1st, 2019

Applies to: Education Service Centers

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 678

Relating to the public high school graduation credit requirements for a language other than English.

Bill Overview:

This bill extends the foreign language credit for high school graduation by completing a dual language immersion program at an elementary school or a class in American Sign Language (ASL).

Section Analysis:

Section 1 – Amends Section 28.025(b – 21) of the Education Code.

This section adds language that a singular credit can be given (under Subsection (b – 1) (5)) to a student that successfully completed either a dual language immersion program (under Section 28.0051) at the elementary school level or a course in ASL.

Section 2 - The bill is effective June 10th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Ryan Guillen

Sponsored By: Beverly Powell

Governor Action: Signed on June 10th, 2019

Effective Date: June 10th, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: Rules created by the State Board of Education will have to be amended to comply with this bill

H.B. 684

Relating to training requirements for public school nurses and certain other school personnel regarding seizure recognition and related first aid.

Bill Overview:

To be known as Sam's Law, this bill creates a seizure management and treatment plan to be used for the student while in school or attending school sponsored events.

Section Analysis:

Section 1 – The Act will be known as Sam's Law.

Section 2 – Amends Subchapter A of Chapter 38 of the Education Code to create Section 38.032 "Seizure Management and Treatment Plan."

A parent/guardian of a student with a seizure disorder is allowed to seek care for the student's seizures while the student is at school or participating in a school activity.

This is done by the parent or guardian submitting to the school district a copy of a seizure management and treatment plan developed by the parent/guardian and the physician responsible for the student's seizure treatment.

The plan must be submitted and reviewed by the district before or at the beginning of the school year, upon enrollment of the student, or as soon as practicable following a diagnosis.

The plan must

- identify the health care services the student may receive at school or while participating in a school activity;
- evaluate the student's ability to manage and level of understanding of the student's seizures; and
- be signed by the student's parent/guardian and the physician responsible for the student's seizure treatment.

An employee of the district who cares for a student with a seizure disorder using the seizure management plan in incident to or within the scope of the duties of the employee's position of employment and involves the exercise of judgment or discretion on the part of the employee for purposes of immunity from liability.

Immunity from liability applies to an action or failure to act by a district employee in administering a medication, assisting with self-administration, or otherwise providing for the care of a student under a seizure management plan submitted for a student.

Bill Author: Travis Clardy

Sponsored By: Bryan Hughes

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: TEA granted rule making authority to adopt required training

Begins: 2019 – 2020 School Year

Every school nurse employed by a school district must complete a Texas Education Agency (TEA) approved online course of instruction regarding managing student's with seizure disorders. This course must include information about seizure recognition and related first aid.

A school district employee, other than a school nurse, whose duties at a school include regular contact with students must complete a TEA approved online course regarding awareness of students with seizure disorders that includes information about seizure recognition and related first aid.

TEA may approve an online course provided by a nonprofit national foundation that supports the welfare of individuals with epilepsy and seizure disorder to satisfy the training required. Any online course approved by TEA must be provided by the nonprofit entity free of charge.

TEA is given the ability to adopt rules to administer this section.

Section 3 – By December 1st, 2019 TEA will approve both required online courses of training.

Section 4 – The bill applies beginning in the 2019 – 2020 school year.

Section 5 – The bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

H.B. 692

Relating to the suspension of a student who is homeless from public school.

Bill Overview:

This bill prohibits schools from placing homeless students in out-of-school suspension; constructive alternatives are encouraged for these students.

Section Analysis:

Section 1 – Amends Section 37.005 of the Education Code.

The bill prohibits a school district or open-enrollment charter school from placing a student who is homeless in out-of-school suspension unless specific actions occur on school property or while attending a school-sponsored or school-related activity on or off school property.

These specific actions are outlined in subsections (c) (1) – (3) of Section 37.005:

- conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05 of the Penal Code
- conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021 of the Penal Code
- selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:
 - marihuana (Texas Education Code spelling) or a controlled substance, as defined by Chapter 481 of the Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;
 - a dangerous drug, as defined by Chapter 483 of the Health and Safety Code; or
 - an alcoholic beverage, as defined by Section 1.04 of the Alcoholic Beverage Code

The campus behavior coordinator may coordinate with the school district’s homeless education liaison to identify alternatives.

For this subsection, “student who is homeless” has the same meaning assigned to the term “homeless children and youths” under 42 U.S. C. Section 11434a.

Section 2 – The bill applies beginning in the 2019 – 2020 school year.

Section 3 – The bill is effective June 7th, 2019 (earliest effective date upon Governor’s signature).

Bill Author: James White

Sponsored By: Kirk Watson

Governor Action: Signed on June 7th, 2019

Effective Date: June 7th, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

H.B. 706

Relating to the eligibility of certain children with hearing impairments for audiology services under the school health and related services program.

Bill Overview:

This bill creates eligibility requirements for a child to receive audiology services through a school health and related services program. Additionally, the bill requires Health and Human Services Commission (HHSC) to reimburse a provider for any services provided through this eligibility.

Section Analysis:

Section 1 – Amends Subchapter A of Chapter 38 of the Education Code to create Section 38.033 “School Health and Related Services Program: Eligibility for Audiology Services.”

Any child is eligible to receive audiology services under the school health and related services program if the child

- is 20 years of age or younger;
- has a disability or chronic medical condition;
- is eligible for Medicaid benefits; and
- has been prescribed services under
 - an individualized education program created under the Individuals with Disabilities Education Act (IDEA); or
 - a plan created under Section 504 of the Rehabilitation Act of 1973.

HHSC is required to provide reimbursement to a provider for audiology services provided to an eligible child.

The Executive Commissioner of HHSC, in consultation with the Texas Education Agency (TEA), will adopt rules to implement this section.

Section 2 – This section grants a state agency the ability to request a waiver or authorization from a federal agency to implement this section. This section may be delayed in implementation until that waiver or authorization is granted.

Section 3 – The bill is effective September 1st, 2019.

Bill Author: Diego Bernal

Sponsored By: Eddie Lucio

Governor Action: Signed on June 14th, 2019

Effective Date: September 1st, 2019

Applies to: School districts, Open-Enrollment Charter Schools, and Private Schools

Rule Authority: HHSC, in consultation with TEA, is given rule making authority to implement this section

H.B. 771

Relating to the placement of warning signs in areas where the use of a wireless communication device is prohibited.

Bill Overview:

The bill transfers the need to post signage regarding a school zone to a local entity. Specific regulations are created for how signs must look.

Section Analysis:

Section 1 – Amends heading to Section 545.425 of the Transportation Code.

Section 2 – Amends Section 545.425 of the Transportation Code.

This section changes language regarding who is responsible for posting signs for school crossing zones from a municipality, county, or other political subdivision to a local authority. A local authority is deemed one that has the ability to enforce this section of code. These local authorities are responsible, within their jurisdiction, to post a sign or approve the posting of a sign by a school or school district that complies with standards prescribed by code at each entrance to the school crossing zone.

This responsibility also applies to signs banning the use of a wireless communication device while driving in a school zone.

The bill changes language that a political subdivision must follow proper placement of signs regarding cell phone usage and changes the responsible party to the jurisdiction of the local authority.

In addition, the bill adds school bus drivers to those individuals that may not use a wireless communication device with a minor passenger on the bus unless the bus is stopped. This does not include the use of a wireless communication device in the performance of the operator's duties as a bus driver (i.e. two-way radio).

Section 3 – The bill is effective September 1st, 2019.

Bill Author: Sarah Davis

Sponsored By: Judith Zaffirini

Governor Action: Signed on June 15th, 2019

Effective Date: September 1st, 2019

Applies to: School districts, Open-Enrollment Charter Schools, and Private Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 811

Relating to determining appropriate disciplinary action to be taken against a public school student who is in foster care or who is homeless.

Bill Overview:

The bill requires a school district to take into effect whether a child is under the conservatorship of the state or is considered homeless in decisions made regarding disciplinary action.

Section Analysis:

Section 1 – Amends Section 37.001 (a) of the Education Code.

Requires a board of trustees to add to the school district's student code of conduct language that a student's status of being under the conservatorship of the Texas Department of Family and Protective Services (DFPS) or is homeless should be taken into account when making decisions regarding suspension, removal to a disciplinary alternative education program (DAEP), expulsion, or placement in a juvenile justice alternative education program (JJAEP) regardless if the decision concerns a mandatory or discretionary action.

Section 2 – Amends Section 37.001 (b) of the Education Code.

Defines "student who is homeless" to have the meaning as defined under 42 U.S.C. Section 11434a.

Section 3 – The bill applies beginning in the 2019 – 2020 school year.

Section 4 - The bill is effective May 24th, 2019 (earliest effective date upon Governor's signature).

Bill Author: James White

Sponsored By: Royce West

Governor Action: Signed on May 24th, 2019

Effective Date: May 24th, 2019

Applies to: School Districts.

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

H.B. 906

Relating to the establishment of a collaborative task force to study certain public school mental health services.

Bill Overview:

The bill creates the Collaborative Task Force on Public School Mental Health Services under the Texas Education Agency (TEA) and directs it to evaluate the effectiveness of state-funded school mental health services.

Section Analysis:

Section 1 – Creates Subchapter F “Collaborative Task Force on Public School Mental Health Services to

Chapter 38 of the Education Code. This task force is established to study the following:

- mental health services that are funded by the state of Texas and provided at a school district or open-enrollment charter school directly to
 - a student enrolled in the district or school;
 - a parent/guardian or family member of a student enrolled; or
 - an employee of the district or school
- training provided to an educator employed by a district or school to provide mental health services
- the impact the mental health services described above have on
 - the number of violent incidents that occur at school districts and open-enrollment charter schools;
 - suicide rates of the individuals that are provided mental health services in this context;
 - the number of public school students referred to the Department of Family Protective Services (DFPS) for investigation services and the reasons for those referrals;
 - the number of individuals who are transported from each school district or open-enrollment charter school for an emergency detention (as defined in Chapter 573 of the Health and Safety Code); and
 - the number of public school students referred to outside counselors (in accordance with Section 38.010)

The membership of the task force includes the Commissioner of Education (or their designee), three parents of enrolled students who receive these mental health services, one person who provides mental health within this context or the training, a licensed professional counselor, a

Bill Author: Senfronia Thompson

Sponsored By: Beverly Powell

Governor Action: Signed on May 14th, 2019

Effective Date: May 14th, 2019

Applies to: School Districts, and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

licensed clinical social worker, a certified school counselor, one psychiatrist, two administrators of a district or school that provide mental health services or training, one person who is a member of a foundation that invests in the mental health services described, one person who is an employee of an institution of higher education, and one person who is a licensed specialist in school psychology. The task force is given the ability to appoint one person for any other entity the task force deems necessary.

The task force is not subject to Chapter 2110 of the Government Code (State Agency Advisory Committees). Nor can task force members receive compensation or reimbursement for their service. The Commissioner of Education is responsible for designating an interim presiding officer to call and conduct its initial meeting. At its initial meeting, the task force will designate a presiding officer from its membership and may appoint an assistant presiding officer and secretary.

After its initial meeting, the task force will meet at least twice a year and may meet other times as deemed necessary. These meetings may occur via teleconference.

An institution of higher education with experience in evaluating mental health services will serve as the lead institution for the task force and provide support services. Two other institutions of higher education will be designated to assist the lead institution. One predominately black institution of higher education will be chosen as one of the institutes of higher education.

School districts and open-enrollment charter schools will provide information or assistance upon request of the task force. TEA is responsible for maintaining all data collected in a secure and appropriate manner.

The duties of the task force include the following:

- gathering data on
 - statewide enrollment and the number of individuals to whom each school district or open-enrollment charter school provides the mental health services;
 - the number of individuals for whom each school district or open-enrollment charter school has the resources to provide the mental health services; and
 - the number of individuals who are referred to an inpatient or outpatient mental health provider who are transported from each school district or open-enrollment charter school for an emergency; this includes the race, ethnicity, gender, special education status, educationally disadvantaged status, and geographic location of these individuals
- studying, evaluating, and making recommendations regarding the mental health services described by this subchapter, the training described, and the impact of those mental health services. This includes the outcomes and the effectiveness of the services and training provided, including the outcomes and effectiveness of the service and training providers and the programs under which services and training are provided. Services and training include
 - improving student academic achievement and attendance;
 - reducing student disciplinary proceedings, suspensions, placements in a disciplinary alternative education program, and expulsions; and

- delivering prevention and intervention services to promote early mental health skills, including
 - building skills relating to managing emotions, establishing and maintaining positive relationships, and making responsible decisions;
 - preventing substance abuse;
 - preventing suicides;
 - adhering to the purpose of the relevant program services or training;
 - promoting trauma-informed practices;
 - promoting a positive school climate, as defined by Section 161.325(a-3), Health and Safety Code, in the district or school; and
 - improving physical and emotional safety and well-being in the district or school and reducing violence in the district or school
- developing best practices for districts and schools in implementing the services or training
- acknowledging disparities in the race, ethnicity, gender, special education status, and geographic location of individuals receiving the services
- developing best practices to replicate the services or training for all districts and schools

The task force is required to ensure confidentiality and privacy standards and may not share any gathered information with any federal agency, state agency, or institution of higher education except as otherwise provided in the subchapter.

By November 1st of each even-numbered year, the task force will submit a report to the Governor, Lieutenant Governor, Speaker of the House, and TEA regarding the results of the task force's activities.

Ten percent of the funding appropriated to TEA for the purposes of public school mental health services may be used for the purposes of the task force. Only 10% of those given funds may be spent on the administration of the task force. The task force is able to accept gifts and donations from a person other than the federal government.

Section 2 – By October 1st, 2019, the commissioner must appoint members to the task force and designate the institutions of higher education for support services.

Section 3 – The bill is effective May 14th, 2019 (earliest effective date upon Governor's signature).

H.B. 961

Relating to the membership and training course requirements of school district and open-enrollment charter school concussion oversight teams.

Bill Overview:

The bill allows school nurses to be a part of a concussion oversight team (COT) as long as they follow the same biennial training requirements as current members of a COT.

Section Analysis:

Section 1 – Amends Section 38.154 of the Education Code.

Establishes permissive language that allows a school district or open-enrollment charter school that employs a school nurse, to allow that nurse to be a member of the district or charter school COT, if requested by that school nurse.

Section 2 – Amends Section 38.156 of the Education Code.

This section adds a school nurse as one of the individuals that can determine a student might have sustained a concussion during practice or competition.

Section 3 – Amends Section 38.158 (c), (e), and (g) of the Education Code.

Every two years, a school nurse that serves on a COT must complete a training course on the subject of concussions that has been approved as a continuing education credit. This section adds school nurses in this situation follow the same training requirement as athletic trainers.

If a nurse is not compliant with this training, they cannot serve on the COT.

Section 4 – The bill is effective June 2nd, 2019 (earliest effective date upon Governor's signature).

Bill Author: Donna Howard

Sponsored By: Kirk Watson

Governor Action: Signed on June 2nd, 2019

Effective Date: June 2nd, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 963

Relating to the career and technology education and technology applications allotment and the essential knowledge and skills of the career and technology education and technology applications curriculums.

Bill Overview:

This bill creates a requirement for school district trustees' names, contact information, and term information be posted on their website. Additionally, the bill requires the State Board of Education (SBOE) to consolidate the technology applications courses for grades 9 through 12 with the career and technical education courses and eliminate duplicative courses.

Bill Author: Cecil Bell

Sponsored By: Larry Taylor

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: School Districts

Rule Authority: SBOE is directed to amend their rules to consolidate the technology applications courses for grades 9 through 12 with the career and technical education courses and eliminate duplicative courses

Section Analysis:

Section 1 – Amends Subchapter D of Chapter 11 of the Education Code to create Section 11.1518 “Trustee Information Posted on Website.”

Each school district that maintains a website must post the name, e-mail address, and term of office (this includes start and end date of that term) for each member of the Board of Trustees.

If a website is not maintained by the school district, this information will be submitted to the Texas Education Agency (TEA). TEA will then post this information on their website.

Every time there is a change in membership of the board, the district must update the posted information or submit the new information to TEA.

Section 2 – By March 1st, 2020 the SBOE will

- conduct a review of the essential knowledge and skills (TEKS) of the career and technology and technology applications curricula, and
- amend the board's rules in the Texas Administrative Code (TAC) to consolidate the technology applications courses for grades 9 through 12 with the career and technical education courses and eliminate duplicative courses while ensuring certifications are aligned with the rigor of each individual course.

Section 3 – The SBOE is only required to implement this review if money has been appropriated for that purpose.

Section 4 – The bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

H.B. 965

Relating to updating references to certain former health services state agencies and certain terms used to describe persons with intellectual or developmental disabilities in the Education Code.

Bill Overview:

This bill updates code to conform to current terminology and responsibilities for students with disabilities. Additionally, the bill updates references and names of agencies in regards to mental health services and the Harris County Psychiatric Center.

Section Analysis:

Section 1 – Amends Section 25.041 of the Education Code.

Changes language regarding State Schools to now be State Supported Living Centers. Additionally, updates the term “mentally retarded” to “persons with an intellectual disabilities.”

Section 2 – Amends Section 29.003 (b) of the Education Code.

This section updates language to refer to the “mentally retarded” as “persons with an intellectual disabilities.”

Section 3 – Amends Section 29.012 (d) of the Education Code.

This section updates the state agencies responsible for developing a memorandum of understanding to execute state responsibilities of the Individuals with Disabilities Education Act (IDEA). The agencies listed include: the Texas Education Agency (TEA), Health and Human Services Commission (HHSC), the Department of Family and Protective Services (DFPS), and the Texas Juvenile Justice Department (TJJD).

Section 4 through 6– Amends Section 29.456 (b), 28.457 (b) and 30.0015(b) of the Education Code.

This section updates responsibility to the HHSC and updates language in reference to persons with an intellectual disability.

Section 7 through 15 – Amends sections of the Education Code regarding Mental Health services by updating references and names of agencies. Additionally, it amends language around the Harris County Psychiatric Center.

Section 16 - The bill is effective September 1st, 2019.

Bill Author: Mary Gonzalez

Sponsored By: Judith Zaffirini

Governor Action: Signed on June 14th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts, Open-Enrollment Charter Schools, and Private Schools

Rule Authority: Updates rule making authority to reflect appropriate state agencies

H.B. 1026

Relating to instruction in positive character traits in public schools.

Bill Overview:

The bill requires the State Board of Education (SBOE) to integrate positive character traits into the Texas Essential Knowledge and Skills (TEKS) for grades kindergarten through grade 12.

Section Analysis:

Section 1 – Amends the heading of Section 29.906 of the Education Code.

Section 2 – Amends Section 29.906 of the Education Code.

The SBOE must integrate positive character traits into the TEKS adopted for kindergarten through grade 12. The bill adds gratitude to one of the positive character traits that must be included.

Requires each school district and open-enrollment charter school to adopt a character education program that covers the positive character traits outlined in code.

SBOE is given rulemaking authority to implement these provisions.

Section 3 – The bill begins in the 2019 -2020 school year.

Section 4 – The bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Dwayne Bohac

Sponsored By: Bryan Hughes

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: School Districts and Open-Enrolment Charter Schools

Rule Authority: Requires the SBOE to integrate positive character traits into the essential knowledge and skills adopted for kindergarten through grade 12.

Begins: 2019 – 2020 School Year

H.B. 1051

Relating to an adult education program provided under an adult high school diploma and industry certification charter school program, eligibility of certain students for Foundation School Program benefits.

Bill Overview:

The bill modifies the adult charter school program both in terms of eligibility and administrative changes to transition it from being a pilot program to a permanent one operated by the Texas Education Agency (TEA).

Section Analysis:

Section 1 – Amends Section 12.137 (a) of the Education Code.

This section removes reference to the adult education program being a pilot program created in Section 29.259 of the Education Code.

Section 2 – Amends Section 29.081 (d) and (d-1) of the Education Code.

The bill adds language that a student is determined to be a “student at risk of dropping out” regardless of the student’s age if they participate in the adult education program (program created within Section 29.259 of the Education Code).

Section 3 – Amends the heading of Section 29.259 of the Education Code.

Section 4 – Amends Section 29.259 of the Education Code.

This section removes reference to the program being a pilot and lowers the entrance age from 19 years old to 18 years old. Additionally, the bill outlines that a student that has not earned a high school equivalency certificate will be given priority in admission.

This adult education program must do the following:

- use an instructional model in which at least 75% of instruction is delivered by a teacher in an in-person, interactive classroom setting
- provide support services to students, including
 - child care at no cost to students;
 - life coaching services, at a ratio not to exceed one life coach for every 100 students, that uses strategic and holistic interventions designed to facilitate graduation planning and assist students in overcoming life obstacles to achieve academic and career goals;
 - mental health counseling; and

Bill Author: Gary VanDeaver

Sponsored By: Kirk Watson

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: Goodwill Charter (Adult Education Charter)

Rule Authority: Commissioner of Education given authority over the Adult Education Charter Program outlined in Section 29.259 of the Education Code. Additionally, the Commissioner of Education is able to amend PEIMS to reflect updated and needed changes to ensure accurate funding

Begins: 2019 – 2020 School Year

- instructional support services for students with identified disabilities or impairments.

If money is ever appropriated to expand this program, the nonprofit entity operating this charter must submit an expansion request to the TEA by June 30th of the year the money is appropriated.

Section 5 – Amends Section 29.259 (d) of the Education Code.

This section removes reference to the adult education program being a pilot program created in Section 29.259 of the Education Code.

Section 6 – Amends Section 39.053 of the Education Code.

This section outlines how dropout and completion rates will be calculated. The Commissioner will exclude students previously labeled as a dropout as a dropout for this program.

Section 7 – Amends Section 42.003 (a) of the Education Code.

This section removes reference to the adult education program being a pilot program created in Section 29.259 of the Education Code. Additionally, section 7 updates the new, lower age entrance requirement.

Section 9 – The bill begins in the 2019 – 2020 school year.

Section 10 – The Commissioner of Education is given the ability to update the required data reporting through the Public Education Information Management System (PEIMS) to ensure this program is accurately funded.

Section 11 – The bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

H.B. 1070

Relating to the mental health first aid training program reporting requirements.

Bill Overview:

The bill updates reporting requirements for Local Mental Health Authorities (LMHA) to ensure accurate reporting of the number of school personnel that have taken part in training.

Section Analysis:

Section 1 – Amends Section 1001.205 of the Health and Safety Code.

This section requires the number of trainers who left a program operated by a LMHA for any reason during the preceding fiscal year and the number of active trainers be reported to the Health and Human Services Commission (HHSC).

Information collected regarding who has completed a mental health first aid training program will be categorized by local mental health authority region, university or school districts, and include a categorization of personnel.

These changes to reporting are also altered within the final report HHSC produces regarding this information. Additionally, HHSC will report the expenditure of money appropriated for the purpose of the section and develop/provide a form to be used for the reporting of information required.

Section 2 – Amends Section 1001.205 (a) of the Health and Safety Code.

The changes made by this bill only affect reports due after December 31st, 2019. HHSC reporting requirements change after March 1st, 2020. By May 1st, 2020, HHSC must develop and make available the form for submitting this information.

Section 3 – The bill is effective December 1st, 2019.

Bill Author: Four Price

Sponsored By: Kirk Watson

Governor Action: Signed on June 10th, 2019

Effective Date: December 1st, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 1143

Relating to the transportation or storage of a handgun or other firearm or ammunition by a handgun license holder in a school parking area.

Bill Overview:

The bill prohibits school districts and open-enrollment charter schools from regulating the manner in which a handgun, firearm, or ammunition is stored in a private vehicle.

Section Analysis:

Section 1 – Amends Section 37.0815(a) of the Education Code.

This section prohibits a school district or open-enrollment charter school from prohibiting a person, including a school employee, who holds a license to carry a handgun under Subchapter H (License to Carry a Handgun), Chapter 411 of the Government Code, from transporting and/or storing a handgun (or other firearm) or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district or charter school.

Prohibits the district or charter school from regulating the manner in which the handgun, firearm, or ammunition is stored in the vehicle, provided that the handgun, firearm, or ammunition is not in plain view.

Section 2 – The bill applies beginning in the 2019 – 2020 school year.

Section 3 – The bill is effective September 1st, 2019.

Bill Author: Cole Hefner

Sponsored By: Bryan Hughes

Governor Action: Signed on June 10th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

H.B. 1244

Relating to including a civics test in the graduation requirements for public high school students and to eliminating the United States history end-of-course assessment instrument.

Bill Overview:

The bill adds 10 questions from the United States Citizenship and Immigration Services civics test to the U.S. History End-of-Course Assessment starting with students who enter the grade 9 during the 2019 – 2020 school year.

Section Analysis:

Section 1 – Amends Section 39.023 of the Education Code.

The U.S. History End-of-Course Assessment must include 10 questions randomly selected by the Texas Education Agency (TEA) from the civics test administered by the United States Citizenship and Immigration Services as part of the naturalization process under the federal Immigration and Nationality Act.

TEA is responsible to ensure the questions selected align with the Texas Essential Knowledge and Skills (TEKS) adopted for the U.S. History course and must annually issue a report providing the questions included in the assessment with the correct answers that detail students' performance on the questions both statewide and disaggregated by school district and campus.

Section 2 – This provision begins with students who enter the grade 9 during the 2019 – 2020 school year.

Section 3 – The bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Trent Ashby

Sponsored By: Donna Campbell

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: All United States History End-of-Course Assessment participants

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins with students who enter the 9th grade during the 2019 – 2020 school year.

H.B. 1387

Relating to the number of school marshals that may be appointed to serve on a public school campus or at a private school.

Bill Overview:

The bill removes a previous student ration or campus cap on the number of school marshals a school district, open-enrollment charter school, or private school could appoint.

Section Analysis:

Section 1 – Amends Section 37.0811 (a) of the Education Code.

This section deletes language regarding one school marshal per 200 students in average daily attendance (ADA) per campus or one per campus where instruction is regularly given. This is replaced with language granting school boards and a governing body of open-enrollment charter schools the ability to appoint one or more school marshals for each campus.

Section 2 – Amends Section 37.0813 (a) of the Education Code.

This section removes similar language and puts in the exact same language as section 1 for private schools.

Section 3 – The bill applies beginning in the 2019 – 2020 school year.

Section 4 – The bill is effective September 1st, 2019.

Bill Author: Cole Hefner

Sponsored By: Brandon Creighton

Governor Action: Signed on June 6th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts, Open-Enrollment Charter Schools, and Private Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

H.B. 1597

Relating to establishing residency for purposes of admission into public schools.

Bill Overview:

This bill establishes a way for active military families to enroll students in a new location with military orders rather than having to wait to establish typical residency documentation. Additionally, the bill makes open-enrollment charter schools subject to residency verification.

Section Analysis:

Section 1 – Amends Section 25.001 of the Education Code.

This section allows a person whose parent or guardian is an active-duty member of the armed forces to be enrolled in a school district in or adjacent to an active military installation with military orders requiring the move.

If a person uses military orders to establish residency, the parent must provide the school district proof of residence in the school district's attendance zone within 10 days.

Residence is defined to include a military temporary lodging facility.

Section 2 – Amends Section 12.104 (b) of the Education Code.

This section adds language to items an open-enrollment charter school is subject to within the Education Code. This new item includes establishment of residency requirements outlined in Section 25.001 of the Education Code.

Section 3 – The bill applies beginning in the 2019 – 2020 school year.

Section 4 – This act prevails over any other similar legislation or changes to code.

Section 5 – The bill is effective May 28th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Stan Lambert

Sponsored By: Dawn Buckingham

Governor Action: Signed on May 28th, 2019

Effective Date: May 28th, 2019

Applies to: School Districts, and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

H.B. 1612

Relating to the authority of the Teacher Retirement System of Texas to invest in certain hedge funds.

Bill Overview:

The bill raises the percentage cap, from 5 percent to 10 percent, of how much of the Texas Retirement System (TRS) investment portfolio can be invested in hedge funds.

Section Analysis:

Section 1 – Amends Section 825.3012 (b) of the Government Code.

This section states that no more than 10% (raised from 5 percent) of the value of the total investment portfolio of the retirement system may be invested in hedge funds.

Section 2 – Repeals Section 825.3012 (b-1) of Government Code

Before September 1st, 2019 no more than 10 percent of the overall portfolio can be invested in a hedge fund.

Section 3 – The bill is effective May 23rd, 2019 (earliest effective date upon Governor's signature).

Bill Author: Jim Murphy

Sponsored By: Joan Huffman

Governor Action: Signed on May 23rd, 2019

Effective Date: May 23rd, 2019

Applies to: Teacher Retirement System

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 1709

Relating to the appointment of a surrogate parent for certain children in the conservatorship of the Department of Family and Protective Services.

Bill Overview:

The bill clarifies law that state employees are only prohibited from acting as a surrogate to a child if they are employed by agencies involved in the education or care of a child. Additionally, the bill requires school districts to notify the Department of Family and Protective Services (DFPS) when surrogates are appointed. Finally, the bill clarifies that if a court appoints a surrogate who the school district finds is not performing their duties, the district must consult with DFPS to request that the court remove the surrogate from their appointment.

Bill Author: Mary Gonzalez

Sponsored By: Jose Menendez

Governor Action: Signed on June 10th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts, and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Section Analysis:

Section 1 – Amends Section 25.007 (b) of the Education Code.

New language is added to require a school district or open-enrollment charter school be required to provide notice to a child's education decision-maker and caseworker that an appointment of a surrogate parent (under Section 29.0151) has occurred.

Section 2 – Amends Section 29.0151 of the Education Code.

This section clarifies that state employees employed by an agency that deals with education may not be appointed as a surrogate parent.

As soon as practicable, a school district must provide written notice of the appointment of a surrogate parent to the child's educational decision-makers and caseworker.

School districts and open-enrollment charter schools must consult with DFPS if they feel a surrogate parent is not performing their duties adequately.

If DFPS agrees the surrogate is unable or unwilling to properly perform their duties, DFPS must notify the court for the court to review the appointment and enter any orders necessary to ensure the child has a surrogate parent that performs their required duties.

Section 3 – the bill is effective September 1st, 2019.

H.B. 1734

Relating to litigation involving certain defects in school district facilities and enforcement of certain duties following that litigation.

Bill Overview:

This bill seeks to ensure proceeds from a lawsuit regarding the defect or issue with a facility is used to repair that facility and that the required share of any proceeds from a lawsuit are remitted to the Comptroller of Public Accounts.

Section Analysis:

Section 1 – Creates Subchapter E in Chapter 44 of the Education Code, “Litigation Involving School District Facility.”

Section 2 – Section 46.0111 of the Education Code is transferred to Subchapter E and becomes Section 44.151.

This section defines an “instructional facility” to have the same meaning as Section 46.001, meaning real property, an improvement to real property, or a necessary fixture of an improvement to real property that is used predominantly for teaching the curriculum required by code.

Language is conformed to the move of this section.

This section removes language that a district only needed to report lawsuits brought against instructional facilities that received state aid to build. Now any district building, regardless of state help, that a district draws a lawsuit on must be reported to the Commissioner of Education by registered or certified mail, return receipt requested. This must take place by the 30th day after the date the action is filed. If this notification is not made in the time or manner allotted, the court or an arbitrator shall dismiss the action without prejudice. This dismissal of action extends the statute of limitations on the action for a period of 90 days.

This notice must include a copy of the petition, an itemized list of the defects in the design, construction, renovation, or improvement for which the district is seeking damages.

For an instructional facility financed by bonds, the Commissioner of Education may join the suit to protect the state’s share of the action.

A school district that brings this kind of action must use the net proceeds for (1) the repair of the defective facility, this includes any ancillary damage to furniture or fixtures; (2) replacement of the facility; (3) the reimbursement of the district for a repair or replacement made; (4) any other purpose with written approval from the Commissioner of Education. Any repairs made will be itemized and reported to the Commissioner of Education. The state’s share resulting from any action will be sent to the Comptroller of Public Accounts.

Section 3 – Amends Subchapter E of Chapter 4 of the Education Code to add Section 44.152.

Bill Author: Justin Holland

Sponsored By: Eddie Lucio

Governor Action: Signed on June 14th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Gives the Attorney General the ability to act if they believe a school district has violated the outlined section above. The Attorney General, after two weeks' notice, may bring an action on behalf of the state to ensure the district is not able to violate the above section. Upon request of the Attorney General and court action, any appropriate relief may be ordered including

- a civil penalty in an amount not to exceed \$20,000 per violation;
- the Attorney General's reasonable costs for investigation; and
- the amount of the state share under Section 44.151 (f).

By December 1st of each year, the Attorney General is responsible for submitting to the Governor, Lieutenant Governor, members of the Legislature, and the Commissioner of Education a report on any actions brought against a school district in the preceding year. The report must include the filing date, case number, school district involved, and court in which the action was brought.

Section 4 – This legislation only applies to actions brought on or after the effective date of the bill. Any action occurring before is governed by previous law.

Section 5 – This bill is effective September 1st, 2019.

H.B. 1791

Relating to the carrying of handguns by license holders on property owned or leased by a governmental entity.

Bill Overview:

A state agency or political subdivision cannot take any action, including providing notice under Penal Code Sections 30.06 or 30.07, that stated or implied that a handgun license holder who was carrying a handgun was prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity, unless prohibited by other law.

Bill Author: Matt Krause

Sponsored By: Pat Fallon

Governor Action: Signed on June 10th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Section Analysis:

Section 1 – Amends Section 411.209 of the Government Code.

This section adds language stating a state agency or political subdivision of the state may not take any action that would disallow a license holder who is appropriately licensed to carry a handgun from entering or remaining on a premise of government unless specifically prohibited by law. This section conforms language to ensure the rest of the section is updated to reflect this clarification.

Premises are defined through Section 46.035 of the Penal Code.

Section 2 – This section, as amended, only effects conduct that occurs on or after the effective date of this bill.

Section 5 – This bill is effective September 1st, 2019.

H.B. 1888

Relating to temporary branch polling place hours of operation.

Bill Overview:

The placement of a temporary polling location must be approved by a county clerk before the location can be scheduled for a uniform November election.

Section Analysis:

Section 1 – Amends the heading of Section 42.0621 of the Election Code.

Section 2 – Amends Section 42.0621 (a) of the Election Code.

This section makes the section subject to a November uniform election date rather than just referencing uniform election dates.

Section 3 – Amends Section 85.062 (e) of the Election Code.

This section requires the county clerk’s approval of any temporary branch polling place location held within a movable structure.

Section 4 – Amends heading of Section 85.064 of the Election Code.

This section removes “In Populous County” from the heading.

Section 5 – Amends Section 85.064 (b) of the Election Code.

This section requires that these locations must be open eight hours each day and three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters.

Section 6 – Amends Section 85.068 (a) of the Election Code.

This section updates code reference to reflect repealed sections.

Section 7 – Repealed Section of the Election Code:

- Section 42.002 (c) – provisions referring to May elections
- Section 85.064 (a) and (c) – language referring to large county exclusions
- Section 85.065 – days and hours for voting in a temporary branch in a less populous county

Section 8 – This bill is effective September 1st, 2019.

Bill Author: Greg Bonnen

Sponsored By: Joan Huffman

Governor Action: Signed on June 14th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 1891

Relating to an exemption from the assessment requirements of the Texas Success Initiative for students who achieve certain scores on certain high school equivalency examinations.

Bill Overview:

The bill creates an exemption for a student who has achieved a certain score set by the Texas Higher Education Coordinating Board (THECB) on a high school equivalency examination from having to meet assessment requirements of the Texas Success Initiative (TSI).

Section Analysis:

Section 1 – Amends Section 51.338 of the Education Code.

This section allows for an exemption for TSI testing if a student performs a determined level on a high school equivalency exam. This acceptable level is determined by the THECB. The Commissioner of the THECB is given rule authority to implement this exemption.

Section 2 – This change in law applies beginning with the assessment of entering undergraduate students at public institutions of higher education for the 2020 fall semester.

Undergraduate students entering before then are subject to previous laws.

Section 3 – The bill is effective September 1st, 2019.

Bill Author: Lynn Stucky

Sponsored By: Beverly Powell

Governor Action: Signed on June 14th, 2019

Effective Date: September 1st, 2019

Applies to: Undergraduates entering college for the 2020 fall semester

Rule Authority: The THECB Commissioner is given rule making authority to establish the period for which an exemption from this law is valid

H.B. 1949

Relating to the criteria for awarding adult education and literacy program performance incentive funds.

Bill Overview:

The bill establishes criteria prescribed by the Texas Workforce Commission (TWC) for the award of incentive funds to an entity delivering adult education and literacy services based on performance during a program year.

Section Analysis:

Section 1 – Amends Section 315.007 of the Labor Code.

Any criteria created to judge the performance of an adult education to award fund must include the following:

- the enrollment in a high school equivalency program or a postsecondary ability to benefit at least 25 % of all students receiving adult education and literacy services from the entity during that program year
- the achievement by the end of that program year of a high school equivalency certificate or a postsecondary certificate by at least 70 % of those students who exit the entity's adult education program during that program year and who are enrolled in a high school equivalency program or a postsecondary ability to benefit program

The process developed under this section must require the commission members to approve the award of any funds.

“Postsecondary ability to benefit program” means a postsecondary certificate program in which a person who does not have a high school diploma or equivalency certificate and who both qualifies for federal student financial aid and demonstrates on an assessment instrument that the person can pass college-level courses with some support may enroll.

Section 2 – The bill is effective September 1st, 2019.

Bill Author: Ryan Guillen

Sponsored By: Royce West

Governor Action: Signed on June 14th, 2019

Effective Date: September 1st, 2019

Applies to: Adult Education Programs

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 1960

Relating to the creation of the governor's broadband council.

Bill Overview:

The bill establishes the Governor's Broadband Council to research and identify barriers to broadband for all Texans.

Section Analysis:

Section 1 – Amends Subtitle F, Title 4 of the Government Code by adding Chapter 490H.

Defines “broadband” as service that provides advanced telecommunications capability and internet access. An “unserved area” means a census block without access to broadband capable of providing a download speed of at least 25 megabits per second and an upload speed of at least three megabits per second.

Composition of the Council includes the following Governor appointees:

- two representatives of separate internet service provider industry associations, including at least one representative of an association that primarily represents small providers, as defined by Section 56.032 (Adjustment: Small and Rural Incumbent Local Exchange Company Universal Service Plan), Utilities Code
- one representative of the health information technology industry
- two representatives of unaffiliated nonprofit organizations that advocate for elderly persons statewide
- two representatives of unaffiliated nonprofit organizations that have a demonstrated history of working with the legislature and the public to identify solutions for expanding broadband to rural, unserved areas of this state
- one representative of an agricultural advocacy organization in this state
- one representative of a hospital advocacy organization in this state
- one representative of a medical advocacy organization in this state
- one county official who serves in an elected office of a county with a population of less than 35,000
- one municipal official who serves in an elected office of a municipality with a population of less than 20,000 located in a county with a population of less than 60,000
- one representative of an institution of higher education that has its main campus in a county with a population of less than 60,000
- one representative of a school district with a territory that includes only counties with a population of less than 60,000

Bill Author: Four Price

Sponsored By: Charles Perry

Governor Action: Signed on May 25th, 2019

Effective Date: May 25th, 2019

Applies: Statewide

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

- one representative from a library association

Other appointments made by the Lieutenant Governor and Speaker of the House include the following:

- one member of the House of Representatives, appointed by the Speaker of the House of Representatives
- one state Senator, appointed by the Lieutenant Governor

Each member of this council serves a five-year term and any vacancy is filled in the same manner as the original appointment. The Governor will appoint the presiding officer and the Office of the Governor (OOG) will provide administrative support. The council will convene at least once every quarter upon the call of the presiding officer.

Duties of the Council include the following:

- researching the progress of broadband development in unserved areas
- identifying barriers to residential and commercial broadband deployment in unserved areas
- studying technology-neutral solutions to overcome barriers identified under Subdivision (2)
- analyzing how statewide access to broadband would benefit the following:
 - economic development
 - delivery of educational opportunities in higher education and public education
 - state and local law enforcement
 - state emergency preparedness
 - delivery of health care services, including telemedicine and telehealth

Other matters can be researched upon majority vote of the council. Additionally, the council can consult with institutes of higher education who have published scholarly research on broadband if needed.

The Council must, by November 1st of each year, prepare and deliver an electronic report of its findings and recommendations to the governor, the lieutenant governor, and each member of the legislature.

This section expires September 1st, 2029.

Section 2 – The first report of this council is due November 1st, 2020.

Section 3 – The bill is effective May 25th, 2019 (earliest effective date upon Governor's signature).

H.B. 1999

Relating to certain construction liability claims concerning public buildings and public works.

Bill Overview:

The bill establishes a requirement for inspection and a report of a public or commercial building before the governmental entity can sue a construction company for construction defects. Additionally, an opportunity for construction companies to address the issue before a suit can be filed is created.

Section Analysis:

Section 1 – Amends Subchapter F to Title 10 of the Government Code by adding Section 2272 “Certain Construction Liability Claim’s.”

Definitions:

- "action" means a court or judicial proceeding or an arbitration. The term does not include an administrative action.
- “construction” includes the initial construction or an improvement to real property; the construction of an addition; or the repair, alteration, or remodeling of an improvement to real property.
- “construction defect” means a deficiency in the construction of an improvement to real property, including a deficiency in or arising out of the design, specifications, surveying, planning, or supervision of the construction. A deficiency is the result of the use of defective materials, products, or components in the construction; a violation of a building code applicable by law to the construction; a failure of the design of an improvement to real property to meet the professional standards of care applicable at the time of governmental approval of the design or as otherwise applicable if no governmental approval of the design was required or obtained; or a failure to perform the construction in accordance with the accepted trade standards for good and workmanlike construction.

For the purpose of the section, a school district is considered a governmental entity.

This chapter only applies to a claim made by a governmental entity against a contractor for damages arising from damage to or loss of real or personal property caused by an alleged construction defect in an improvement to real property that is a public building or public work, indemnity, or contribution for damages caused by the use of defective materials, products, or components in the construction. This chapter does not apply to personal injury, survival, or wrongful death claims; construction of residential property; a contract regarding road construction and the Texas Department of Transportation (TxDOT); or a civil works project.

Bill Author: Jeff Leach

Sponsored By: Brandon Creighton

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Before a legal claim can be filed by a governmental entity, this entity must create a report that identifies the specific construction defect on which the claim is based, the present physical condition of the affected structure, a description of any modification, maintenance, or repairs to the structure that have been made since the structure was initially occupied or used. This report must be given to each party that the governmental entity had a contract for the design or construction of the structure (delivered by certified mail, return receipt requested). By the 5th day after the report is received by the contractor, the contractor is responsible for delivering the report to any subcontractors. Before an action asserting a claim is filed, the governmental entity must allow all parties involved in the construction project to have a reasonable opportunity to inspect. These parties have 120 days to correct any construction defect or related condition identified in the report or enter into a separate agreement with the government entity to correct any defect or related condition. The governmental entity is not required to allow the construction parties to make corrections or repairs

- if the party is a contractor and cannot provide payment and performance bonds to cover the corrective work;
- cannot provide liability insurance or workers' compensation insurance;
- has been previously terminated for cause by a governmental entity;
- has been convicted of a felony;
- tried to fix the issue before and the problem still exists; or
- if such corrections created new or worsening issues.

The bill moves back the limitations or repose period is tolled if the required corrective period is during the final year of the limitations or repose period.

If a governmental entity brings a claim before a court and has not complied with the above requirements, the case will be dismissed without prejudice. If the governmental entity brings the claim before a court a second time and again has not complied with the above requirements, the court will dismiss with prejudice.

The cost of the report and such will be covered, within reason, by the party responsible for the defect or issue. A governmental entity retains the ability to make emergency repairs outside the regulations of this bill.

Insurers should treat the receipt of a report regarding this issue as a claim against the construction company or related party.

Section 2 – This chapter of the Government Code only applies to a cause of action that occurs on or after the effective date of the bill. Additionally, insurance policy changes and claims are only subject to this bill if they are issued, delivered, or renewed on or after January 1st, 2020.

Section 3 – The bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

H.B. 2184

Relating to a public school student's transition from an alternative education program to a regular classroom.

Bill Overview:

The bill creates a required transition process for any student moving from an alternative education program back into a general education classroom.

Section Analysis:

Section 1 – Creates Section 37.023 within Subchapter A of Chapter 37 of the Education Code “Transition from Alternative Education Program to Regular Classroom.” This section defines “Alternative Education Program” as follows:

- disciplinary alternative education program operated by a school district or open-enrollment charter school
- juvenile justice alternative education program
- residential program or facility operated by or under contract with the Texas Juvenile Justice Department, a juvenile board, or any other governmental entity

In addition, “Licensed clinical social worker” is defined as having the meaning assigned by Section 505.002 of the Occupations Code; a licensed clinical social worker is a person who holds a clinical social worker license issued by the board under this Occupations Code chapter.

This transition planning only applies to students who are subject to compulsory attendance requirements under Section 25.085.

Once a student’s release from an alternative education program is determined, the administrator of that program will, as soon as practicable, provide written notice of that end date to the student’s parent or guardian and the administrator of the campus to which the student intends to transition. The campus administrator of the new campus will be provided assessment results of the student’s academic growth while attending the alternative education program.

Within five days of the students release from an alternative education program, the campus administrator of the new campus will coordinate the student’s transfer to a general education classroom. This coordination will include assistance and recommendations from school counselors, school district peace officers, school resource officers, licensed clinical social workers, campus behavior coordinators, classroom teachers (who are or may be responsible for implementing the student’s personalized transition plan), and any other appropriate school district personnel.

This assistance must include a personalized transition plan developed by a campus administrator and will include recommendations for the best educational placement for the student.

Bill Author: Alma Allen

Sponsored By: Joan Huffman

Governor Action: Signed on June 10th, 2019

Effective Date: June 10th, 2019

Applies to: School Districts, and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

- the personalized transition plan may also include the following:
 - recommendations for counseling, behavioral management, or academic assistance concentrating on the student's career goals
 - recommendations for assistance for obtaining access to mental health services either provided by the district, local mental health authority, or private/public entity
 - information for the student's parent/guardian about the process to request a full individual and initial evaluation of the student for purposes of special education services under Section 29.004
 - a regular review of the student's progress toward academic and career goals

If practicable, the campus administrator will meet with the student's parent/guardian to coordinate the student's transition plans.

Section 2 – The bill applies beginning in the 2019 – 2020 school year.

Section 3 – The bill is effective June 10th, 2019 (earliest effective date upon Governor's signature).

H.B. 2190

Relating to admission of certain students to an open-enrollment charter school in certain counties.

Bill Overview:

This bill, pending the open-enrollment charter school meeting applicable criteria, allows a charter school to exempt an employee's residency requirement to allow that employee's child to attend that school.

Section Analysis:

Section 1 – Amends Section 12.117 of the Education to add a new Subsection (d).

Notwithstanding requirements of Section 12.111 (a) (13), (notification of a charter in a geographic area), an open-enrollment charter school may allow an employee of that school to enroll their child. This can happen even if the child resides outside the geographical area the open-enrollment charter school serves.

Section 2 – This bill applies beginning in the 2019 – 2020 school year.

Section 3 – This bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Todd Hunter

Sponsored By: Chuy Hinojosa

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

H.B. 2195

Relating to an active shooter emergency policy for school districts.

Bill Overview:

This bill requires a school district to include in its multi-hazard emergency operations plan (MEOP) a policy for responding to an active shooter emergency. It authorizes the school district to use any available community resources in developing the policy described by this subsection.

Section Analysis:

Section 1 – Amends Section 37.108 of the Education Code.

This section requires a school district to include in its MEOP a policy for responding to an active shooter emergency.

Districts are allowed to use any community resources in developing the policy required.

Section 2 – Amends Section 37.0812 of the Education Code.

All school district peace officers and school resources officers are required to complete an active shooter response training program provided by the Texas Commission on Law Enforcement (TCOLE).

Section 3 – As soon as practicable, the TCOLE will approve an active shooter response training program to satisfy the requirement established in section two of this bill.

Section 4 – A school district peace officer or school resource officer that joins the district or begins providing law enforcement on a date before the effective date of this bill will complete the required training as soon as possible but no later than August 31st, 2020.

Section 5 – This bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Morgan Meyer

Sponsored By: Judith Zaffirini

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: School districts; does not specifically mention Open-Enrollment Charter Schools, but makes changes to the Multi-Hazard plan these schools are required to submit to the Texas School Safety Center

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 2210

Relating to the consideration for public school accountability purposes of certain students receiving residential services in state hospitals.

Bill Overview:

This bill excludes certain students receiving residential services in a state hospital from consideration of the local school districts accountability calculations.

Section Analysis:

Section 1 – Amends Subchapter C of Chapter 39 of the Education Code by adding Section 39.0552

“Memorandum of Understanding between School District and State Hospital for Accountability Purposes.”

When determining the performance of a school district or campus, a student receiving residential services in a state hospital will not be considered a student of the school district or campus in which the state hospital is physically located.

Section 2 – This bill applies to memorandums of understanding entered into before, on, or after the effective date of the bill. Those understanding entered into before the effective date need to be amended as soon as possible to reflect the changes made by this bill.

Section 3 – This bill is effective June 14th, 2019 (earliest effective date upon Governor’s signature).

Bill Author: Keith Bell

Sponsored By: Beverly Powell

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 2243

Relating to the use of prescription asthma medicine on public and private school campuses.

Bill Overview:

This bill allows a school district, open-enrollment charter school, or private school to adopt a policy regarding maintaining and administering asthma medicine at each campus. It outlines how epinephrine auto-injectors should be maintained, administered, and properly disposed. Additionally, the bill allows a physician to prescribe an epinephrine auto-injector or asthma medication in the name of the school district, open-enrollment charter school, or private school rather than an individual patient.

Section Analysis:

Section 1 – Amends the heading of Subchapter E, Chapter 38 of the Education Code.

This section adds asthma medicine.

Section 2 – Amends the heading to Section 38.208 of the Education Code.

This section adds asthma medicine.

Section 3 – Amends Section 38.208 of the Education Code.

The bill adds language stating that each school district, open-enrollment charter school, and private school may adopt and implement a policy giving a school nurse the ability to maintain and administer asthma medicine at each campus in the district or school.

This medicine may only be administered to a student if the nurse has written notification from a parent/guardian that the student has been diagnosed with asthma and that the nurse has permission to administer the prescription asthma medicine only at a school campus.

The Health and Human Services Commission (HHSC), in consultation with the Commissioner of Education and an advisory committee, will establish rules regarding the maintenance and administration of asthma medicine including the amount of prescription asthma medication that should be available at each campus.

Any supply of asthma medication on a campus should be maintained in a secure location and be easily accessible to the school nurse. Any policy created may not require a school district, open-enrollment charter school, or private school to purchase prescription asthma medicine or require any other expenditure related to the maintenance or administration of this medicine.

Section 4 – Amends the heading to Section 38.211.

This section adds asthma medicine.

Section 5 – Amends Sections 38.211(a), (b), (c), (e), and (f) of the Education Code.

Bill Author: Tom Oliverson

Sponsored By: Dawn Buckingham

Governor Action: Signed on May 24th, 2019

Effective Date: May 24th, 2019

Applies to: School Districts, Open-Enrollment Charter Schools, and Private Schools

Rule Authority: HHSC in consultation with the Commissioner of Education and advisory committees will determine the proper maintenance and administration of asthma medication at a school campus

This section adds language to allow a physician to prescribe, or create a standing order, asthma medicine to a school district, open-enrollment charter school, or private school rather than an individual.

A pharmacist is given the ability to dispense any prescribed asthma medicine.

Section 6 – Amends Section 38.212 of the Education Code.

This section removes language specific to epinephrine auto-injectors and makes parent notification broader to include asthma medication.

Section 7 – Amends Section 38.215 (a) of the Education Code.

This section adds language to the immune of civil or criminal liability or disciplinary action within code to include asthma medication to the already established epinephrine auto-injector language.

Section 3 – This bill is effective May 24th, 2019 (earliest effective date upon Governor’s signature).

H.B. 2263

Relating to the allocation of expenses of a joint election to certain school districts.

Bill Overview:

Among other things, this bill requires the Public Utility Commission of Texas (PUC), as soon as possible after January 1st, 2024, to ensure a reduction in a school district's utility bill to reflect any decrease in of tax liability.

Section Analysis:

Sections 1 through 3 – Amends the Natural Resources Code to exempt royalties converted into other forms of energy excluding electricity.

Section 4 – Amends Section 182.022 of the Tax Code to add a subsection that prohibits a tax under this chapter (miscellaneous Gross Receipts Taxes) from being imposed on the gross receipts from the sale of electricity to school districts.

Section 5 – Transfers Section 35.102 of the Utilities Code to Chapter 101 of the Utilities Code

Section 6 – Amends Section 104.2545(d) of the Utilities Code to define public retail customer

Section 7 – Repeals section as follows:

- repeals the heading to Subchapter D (State Authority to Sell or Convey Power), Chapter 35 of the Utilities Code
- repeals Section 35.01 of the Utilities Code (Definitions)
- repeals Section 35.103 of the Utilities Code (Access to Transmission and Distribution Systems; Rates)
- repeals Section 35.104 of the Utilities Code (Limit in Certain Access)
- repeals Section 35.105 of the Utilities Code (Wholesale Customers)
- repeals Section 35.106 of the Utilities Code (Access to Power Generation)

Section 8 – Allows the Government Land Office (GLO) to operate a contract following previous law as long as parties agree.

Section 9 – This change in law does not apply to taxes imposed before the effective date of the bill. The law previously enacted is maintained for the purposes of the liability for and collection of those existing taxes.

Section 10 –As soon as practicable after January 1st 2024, the PUC, for any electric utility (regulated under Chapter 36 of the Utilities Code), must provide for the adjustment of the electric utility's billing of a public school district to reflect any decrease in the utility's tax liability to the state if the decrease is attributable to the exemption created in Section 182.022(d) of the Tax Code (Section 4 of

Bill Author: Chris Paddie

Sponsored By: Kelly Hancock

Governor Action: Signed on May 17th, 2019

Effective Date: May 17th, 2019; Tax exemption established in Section 182.22 (d) is effective January 1st, 2024

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

this analysis). This adjustment must be made at the same time the decrease becomes effective. The PUC is not required to make this adjustment if the PUC enters into an agreement for the utility that accounts for any decrease in the utility's tax liability. This change does not create rate case.

A retail electric provider, as soon as practicable after January 1st, 2024, will adjust the public school district billing to reflect any decrease in the retail electric provider's tax liability to the state if it is attributable to the exemption established in Section 182.022(d) of the Tax Code.

Section 11 - The bill is effective May 17th, 2019 (earliest effective date upon Governor's signature). The tax exemption established in Section 182.022 (d) is effective January 1st, 2024.

H.B. 2325

Relating to providing information and communication regarding and during a disaster.

Bill Overview:

The bill creates a communications plan for disaster preparedness and response. Requires an annual communications campaign from the Texas Education Agency (TEA), among other state agencies, to distribute and educate the state regarding disaster preparedness and response.

Section Analysis:

Section 1 – Amends Subchapter C of Chapter 418 of the Government Code by adding multiple sections.

Texas Department of Emergency Management (TDEM), in coordination with Texas A&M AgriLife Extension Service, will work to make 9-1-1 capable of receiving text messages from a cellular telephone or other wireless communication device.

TDEM, working with other appropriate state agencies, will determine appropriate social media communication standards for governmental entities during a disaster. These standards must

- require state agencies, political subdivisions, first responders, and volunteers that use social media during and after a disaster to post consistent and clear information;
- optimize the effectiveness of social media use during and after a disaster; and
- require that certain official social media accounts be used during and after a disaster only for providing credible sources of information.

TDEM will maintain a mobile application for wireless communication devices to communicate critical information during a disaster directly to disaster victims and first responders. This application may provide information on road and weather conditions during a disaster and disaster response and recovery activities.

TDEM must develop a comprehensive disaster web portal that will provide disaster information to the public, including information on programs and services available to disaster victims funding for and expenditures of disaster assistance programs. Additionally, this website will include information on disaster response and recovery activities and provide information on obtaining assistance from the Federal Emergency Management Agency (FEMA), state agencies, organized volunteer groups, and any other entities providing disaster assistance.

TDEM must use data analytics, to the extent feasible, to integrate data from federal, state, local, and nongovernment sources to more effectively manage disaster response and recovery.

TDEM will conduct a study on the use of a standard communication format by first responders to create a common interoperable operating framework. The study must

Bill Author: Will Metcalf

Sponsored By: Kelly Hancock

Governor Action: Signed on June 14th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

- examine the costs and benefits of promoting the use of a standard communication format to create a comprehensive common operating framework that is interoperable across networks;
- identify any costs that first responders may incur in acquiring or upgrading equipment or services complying with a standard communication format; and
- outline necessary actions to adopt this form of standard communication.

By September 1st, 2020, TDEM must submit this report to the Governor, Lieutenant Governor, and members of the legislature.

This section expires December 1st, 2020.

Section 2 – Amends Subchapter F of Chapter 418 of the Government Code to add Section 418.127 “Disaster Preparedness Community Outreach.”

The following entities will conduct outreach, to the best extent possible, to the community with public awareness campaigns and educational activities on disaster preparedness each year. The entities include the following:

- Municipalities and counties
- Texas Department of Public Safety and TDEM
- The Texas Education Agency
- The Office of the Comptroller
- The Texas Department of Insurance
- The Texas Department of Transportation
- The Texas Department of Housing and Community Affairs
- The Health and Human Services Commission
- The Department of State Health Services

Section 3 – Amends Subchapter H of Chapter 418 of the Government Code to add Sections 418.193 “Purchase of Information Technology commodity Items for disaster Purposes” and 418.194 “Contracts with Certain Entities for Disaster Purposes.”

Public safety entities (as defined by 47 United States Code Section 1401), county hospitals, public hospitals, or a hospital district may purchase commodity items through the Department of Information Resources (DIR) if the entity purchasing the items will assist the entity in providing disaster education or preparing for a disaster.

A public safety entity or a governmental entity of another state is now able to contract to consolidate telecommunications systems with the DIR for the use or operation of a consolidated telecommunications system. This is dependent on if the entity feels this purchase will help in providing disaster education or preparation.

Section 4 – Amends Section 531.0312 (a) of the Government Code.

This section adds to the responsibilities of the Texas Information and Referral Network to include the capability of assisting with statewide disaster response and emergency management. This includes interstate agreements with out-of-state call centers to ensure preparedness and responsiveness; technology capable of communicating with clients of state and local agencies using

electronic text messaging; and a publicly accessible internet-based system to provide real-time, searchable data about the location and number of clients of the state and local agencies using the system and types of requests being made by clients.

Section 5 – Amends Section 2157.068 (j) of the Government Code.

This section adds the ability for a public safety entity or hospital entity to purchase items through the DIR.

Section 6 – Amends Section 2170.004 of the Government Code.

This section allows the DIR to contract with public safety entities and governmental entities in other states for the telecommunications purposes of this bill.

Section 7 – The bill is effective September 1st, 2019.

H.B. 2424

Relating to the creation of a micro-credential certification program for public school educator continuing education.

Bill Overview:

This bill creates a micro-credential certification program to offer continuing education courses to educators and for which credits may be included as part of an educator's public certification records. Micro-credentials can increase the knowledge and skills of Texas educators and the quality of instruction that they provide.

Section Analysis:

Section 1 – Amends Section 21.054 of the Education Code.

This section adds to language requiring the State Board of Education (SBOE) to identify courses and programs to fulfill continuing education requirements for teachers that will now include micro-credentialing programs. Additionally, micro-credential programs are created in all fields of study related to an educator's certification class. The Texas Education Agency (TEA) will have the ability to approve continuing education providers to offer a micro-credentialing. Any micro-credential received by an educator will be documented with the Educator Certification Online System (ECOS) operated by TEA and will be included as part of the educator's public certification records.

Section 2 – TEA is only required to implement this micro-credential program if the legislature appropriated funding specifically for this purpose.

Section 3 – This bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Trent Ashby

Sponsored By: Pat Fallon

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: All Certified Teachers

Rule Authority: The SBOE, on behalf of the State Board for Educator Certification (SBEC), is required to establish rules for establishing a process for identifying continuing education courses and programs that fulfill continuing education requirements. This will now include micro-credentials. SBEC is required to establish, through rules, a program to issue micro-credentials.

H.B. 2526

Relating to criteria for admission of certain students into public schools.

Bill Overview:

The bill changes the ability to determine residency. When an individual owns land that spans two or more school districts, residency has always been granted to the school district to which the actual home of the student sits. This bill allows individuals that have a single piece of property in multiple school districts to pick which district they will attend.

Section Analysis:

Section 1 – Amends Section 25.001(b) of the Education Code.

This section adds to the acceptable admission criteria to include that the student, or their parent, reside in a residence homestead (as defined by Section 11.13 (j) of the Tax Code) that is located on a parcel of property any part of which is located in the school district boundaries.

Section 2 – This bill is effective June 10th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Jeff Leach

Sponsored By: Pat Fallon

Governor Action: Signed on June 10th, 2019

Effective Date: June 10th, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 2617

Relating to the fiscal year of certain political subdivisions.

Bill Overview:

The bill requires any new political subdivision created on or after September 1st, 2019 to adopt the fiscal calendar or year as the county in which that district is wholly or primarily located within.

Section Analysis:

Section 1 – Amends Chapter 140 of the Local Government Code to create Section 140.012, “Fiscal Year of Certain Political Subdivisions Created on or After September 1st, 2019.”

This section does not apply to political subdivisions that are special districts created under Section 52, Article III, or Section 59, Article XVI of the Texas Constitution.

A political subdivision created on or after September 1st, 2019 is required to adopt the fiscal year or calendar of the county in which a majority or all of the district is located in.

Section 2 – This bill is effective September 1st, 2019.

Bill Author: Sheryl Cole

Sponsored By: Carol Alvarado

Governor Action: Signed on June 10th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts created on or after September 1st, 2019

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 2629

Relating to the deadline to appeal administrative decisions of the Teacher Retirement System of Texas.

Bill Overview:

The bill requires the Teacher Retirement System (TRS) to adopt rules to standardize the hearings and appeals process within the system.

Section Analysis:

Section 1 – Amends Section Subchapter F of Chapter 825 in the Government Code to add Section 825.521 “Deadline to Appeal Final Administrative Decision.”

In concern of final administrative decisions of the retirement system, the board of trustees for the system will establish rules concerning deadlines for the filing of an appeal. These deadlines must afford a member or retiree at least the same amount of time to file an appeal as the system has to issue the retirement system’s decision.

Section 2 – As soon as practicable, TRS will issue rules to implement this legislation.

Section 3 – Rules adopted will only effect appeals of decisions that are made on or after January 1st, 2020.

Section 4 – This bill is effective September 1st, 2019.

Bill Author: Dan Flynn

Sponsored By: Joan Huffman

Governor Action: Signed on June 10th, 2019

Effective Date: September 1st, 2019

Applies to: Teacher Retirement System

Rule Authority: TRS is given the authority to adopt rules to implement the provisions of this bill as soon as practicable

H.B. 2633

Relating to the consumption, possession, or sale of an alcoholic beverage at a performing arts facility leased to a nonprofit organization by a school district.

Bill Overview:

This bill allows school districts to adopt a policy that allows the consumption, possession, and sale of an alcoholic beverage at an event held at a performing arts facility owned by the district if certain criteria is met.

Section Analysis:

Section 1 – Amends Section 109.33 of the Alcoholic Beverage Code.

This section excludes nonprofit organizations that lease a performing arts facility under a policy adopted under Section 11.179 of the Education Code from regulation on the consumption, possession, and sale of alcoholic beverages.

Section 2 – Amends Subchapter D, Chapter 11 of the Education Code by creating Section 11.179.

A board of trustees of a school district is allowed to adopt a policy allowing the consumption, possession, and sale of an alcoholic beverage at an event held at a district's performing arts facility if they meet the following requirements:

- the facility is leased to a nonprofit organization for an event not sponsored or sanctioned by the district
- the district is located in a county that has a population of not more than 300,000 and in which a component university of the University of Houston System is located

A lease agreement under this section must require that the event be held outside of regular school hours and the alcoholic beverages be sold by a person who holds an appropriate retail license or permit under the Alcoholic Beverage Code for the facility.

Section 3 – Amends Section 37.122 of the Education Code.

This section establishes a defense to prosecution if a person possesses the intoxicating beverage if it was at a performing arts facility and during an event held outside of regular school hours and not sponsored or sanctioned by a school district.

Section 4 – Amends Section 38.007 of the Education Code.

Section 4 provides that this section, Alcohol-Free School Zones, does not apply to a performing arts facility leased to a nonprofit organization under Section 11.179.

Section 5 – An offense committed before this act takes effect is governed by previous law.

The bill is effective September 1st, 2019.

Local Bill

Bill Author: Geanie Morrison

Sponsored By: Lois Kolkhorst

Governor Action: Signed on June 10th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 2706

Relating to authorized investments for governmental entities and a study of the investment and management of funds by public schools.

Bill Overview:

The bill changes the way local governments can use collateralized repurchase agreements. Additionally, the bill instructs the Texas Education Agency (TEA) to conduct a study of school districts and open-enrollment charter schools use of investment and management funds. This study will be finished by June 1st, 2020.

Bill Author: Giovanni Capriglione

Sponsored By:

Governor Action: Signed on June 14th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts, and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Section Analysis:

Section 1 – Amends Section 2256.011 (a) and (b) of the Government Code.

This section adds two additional sections of code to the authorization list for fully collateralized repurchase agreements. Specifically, it adds that a fully collateralized repurchase agreement is an authorized investment if the agreement is secured by a combination of cash and obligations described by Section 2256.009 (a) (1), adding Sections 2256.013 (Commercial Paper) or 2256.0204 (Corporate Bonds for School Districts).

Section 2 – Amends Section 2256.013 of the Government Code.

This section increases the state maturity date for Commercial Paper from 270 days to 365 days.

Section 3 – Amends Sections 2256.016 (e) and (f) of the Government Code.

This section adds the definition of “yield” to include that an investment pool with at least a \$1 net asset value is maintained, the yield shall be calculated in accordance with regulations governing the registration of one-end management investment companies under the Investment Company Act of 1940.

The bill differentiates regulation between public funds investment pool that use amortized cost or fair value accounting. If this pool uses amortized cost, they must to the extent possible stabilize at a \$1 net assets value and the governing body must take action if the market value is less than 0.995 or greater than 1.005.

Additionally, amortized cost pools must report to their investors in accordance with the Securities and Exchange Commission (SEC).

Section 5 – Amends Subchapter A of Chapter 2256 of the Government Code to add Section 2256.0208 “Local Government Investment of Bond proceeds and Pledged Revenue.”

This section defines “pledged revenue” to mean money pledged to the payment of or as security for

- bonds or other indebtedness issued by a local government;
- obligations under a lease, installment sale, or other agreement of a local government; or

- certificates of participation in a debt or obligation described by subdivisions (1) or (2).

The investment officer of a local governmental entity is allowed to invest bond proceeds or pledged revenue in accordance with

- statutory provisions governing the debt issuance or the agreement, as applicable, and
- the local government's investment policy regarding the debt issuance or the agreement, as applicable.

Section 5 – Section 2256.0204 (g) of the Government Code is repealed. Which states that corporate bonds are not an eligible investment for a public funds' investment pool.

Section 6 – TEA must conduct a study on the investment and management of funds by school districts and open-enrollment charter schools. The district or charter school, upon request, must provide their investments, including asset allocations, fees, and risks; and the cash flow, fund balances, and other revenue sources.

By June 1st, 2020 TEA must deliver the report to the Governor, Lieutenant Governor, Speaker of the House, and Chairs of the Senate Committee on Education and House Committee on Public Education. This report will include findings from the study and any recommendations for legislative action.

This section expires September 1st, 2021.

Section 7 – This bill is effective September 1st, 2019.

H.B. 2778

Relating to the allocation of expenses of a joint election to certain school districts.

Bill Overview:

The bill revises criteria relating to the allocation of joint election expenses in certain school districts in an effort to relieve financial burden.

Section Analysis:

Section 1 – Amends Section 11.0581(e) of the Education Code.

Currently in a joint election agreement, a school district is only responsible for the proportion of election expenses that corresponds to the proportion that effects their proportion of voters (individuals that live in the district). This language only applies to school districts that have territory located in at least four counties, each with a population of less than 46,100. This bill raises that population cap to 55,000. The bill maintains that the school district is not located in a municipality.

Section 2 – The bill is effective June 2nd, 2019 (earliest effective date upon Governor's signature).

Bill Author: Tracy King

Sponsored By: Pete Flores

Governor Action: Signed on June 2nd, 2019

Effective Date: June 2nd, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 2813

Relating to the statewide behavioral health coordinating council.

Bill Overview:

This bill creates a statewide behavioral health coordinating council comprised of a large number of state agencies. This council will to establish and ensure a strategic statewide approach to behavioral health services.

Section Analysis:

Section 1 – Amends Chapter 531 of the Government Code to create Subchapter M-1 “Statewide behavioral Health Coordinating Council.”

The purpose of the council is to establish and ensure a strategic statewide approach to behavioral health services.

The council is comprised of at least one representative designated from the following entities:

- The Governor’s Office
- The Texas Veterans Commission
- The Health and Human Services Commission
- The Department of State Health Services
- The Department of Family and Protective Services
- The Texas Civil Commitment Office
- The University of Texas Health Science Center at Houston
- The University of Texas Health Science Center at Tyler
- The Texas Tech University Health Science Center
- The Texas Department of Criminal Justice
- The Texas Department of Criminal Justice
- The Texas Correctional Office on Offenders with Medical or Mental Impairments
- The Commission on Jail Standards
- The Texas Indigent Defense Commission
- The Court of Criminal Appeals
- The Texas Juvenile Justice Department
- The Texas Military Department
- The Texas Education Agency
- The Texas Workforce Commission
- The Health Professions Council, representing
 - The State Board of Dental Examiners;
 - The Texas State Board of Pharmacy;
 - The State Board of Veterinary Medical Examiners

Bill Author: Four Price

Sponsored By: Jane Nelson

Governor Action: Signed on June 10th, 2019

Effective Date: June 10th, 2019

Applies to: the Texas Education Agency

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

- The Texas Optometry Board;
- The Texas Board of Nursing; and
- The Texas Medical Board
- The Texas Department of Housing and Community Affairs

The Executive Director of Health and Human Services Commission will determine the number of representatives from each entity. The council itself may allow another state agency or institution that provides specific behavioral health services with the use of appropriated money to have a representative on the council.

The council members serve at the pleasure of the designating entity. The mental health statewide coordinator shall be the presiding officer. Additionally, the council must meet at least once quarterly or more frequently by call of the chair.

The council must

- develop and monitor the implementation of a five-year statewide behavioral health strategic plan;
- develop a biennial coordinated statewide behavioral health expenditure proposal; and
- annually publish an updated inventory of behavioral health programs and services that are funded by the state that includes a description of how those programs and services further the purpose of the statewide behavioral health strategic plan;

The council may create subcommittees to carry out the council's duties under this subchapter and facilitate opportunities to increase collaboration for the effective expenditure of available federal and state funds for behavioral and mental health services in this state.

Section 2 – This bill is effective June 10th, 2019 (earliest effective date upon Governor's signature).

H.B. 2820

Relating to the registration and certification of certain investment products made available to public school employees.

Bill Overview:

Overall the bill removes the Teacher Retirement System (TRS) from 403(b) product regulation that is already done by other appropriate state and federal agencies. The Texas Department of Insurance (TDI) will now have the ability to disclose these products and regulate laws over market conduct.

Section Analysis:

Article 1 “Eligible Qualified Investments”

Section 1 – Amends Chapter 22 of the Vernon’s Texas Civil Statutes.

This section removes TRS from being the oversight entity over qualified investment products.

Section 2 – Amends Sections 5(a) and (f) of Chapter 22 of the Vernon’s Texas Civil Statutes.

This section allows for school districts to offer qualified investment products that are regulated as an eligible qualified investment rather than through an identified program through TRS.

Section 3 – Amends Sections 6(a) and (b) of Chapter 22 of the Vernon’s Texas Civil Statutes.

This section states an insurance company is eligible to offer qualified investment products to employees of education institutions if the company satisfies the following criteria: (1) licensed by TDI and (2) required to be in compliance with minimum capital and surplus requirements, including applicable risk-based partial and surplus requirements prescribed by rules adopted by TDI.

Additionally, it establishes the company has provided these programs and has established quality.

Section 4 – Amends Section 9(a) of Chapter 22 of the Vernon’s Texas Civil Statutes.

This section removes language that the product must be through a program under TRS.

Section 5 - Amends Section 9A of Chapter 22 of the Vernon’s Texas Civil Statutes.

This section changes qualification language to allow a company that has a sufficient presence to serve employees of education institutions in the state of Texas.

Section 6 – Amends Section 9B (b) of Chapter 22 of the Vernon’s Texas Civil Statutes.

If a school district will be presenting a qualified investment product to employees, representatives of other companies eligible to sell qualified investment products will have the ability to attend and present their own product at the meeting.

Section 7 – Amends Section 10 (a) of Chapter 22 of the Vernon’s Texas Civil Statutes.

This section removes language creating an offense in regards to the investment products that require the investment product be registered through the TRS program.

Section 8 – Amends Section 11 (c) of Chapter 22 of the Vernon’s Texas Civil Statutes.

This section removes language from required notices that require registration with the TRS program.

Bill Author: Dan Flynn

Sponsored By: Bryan Hughes

Governor Action: Signed on May 24th, 2019

Effective Date: September 1st, 2019

Applies to: Teacher Retirement System and School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Section 9 - Amends Section 12 of Chapter 22 of the Vernon's Texas Civil Statutes.

This section requires any company that offers these eligible qualified investments and is subject to a salary reduction agreement be properly licensed and qualified, by training and continuing education, to sell and service the company's eligible qualified investments.

Section 10 – Repealers:

- Sections 5(b), (c), (d), and (e) of Chapter 22 Vernon's Texas Civil Statutes; language refers to registry and notification of investment products to TRS
- Sections 6(c), (d), (d-1), (d-2), (e), (f), (f-1), (g), (h), and (i) of Chapter 22 Vernon's Texas Civil Statutes; language regarding requirements for TRS to comply with to offer these products
- Section 7 of Chapter 22 Vernon's Texas Civil Statutes; language regarding fees TRS can assess and collect for these investment products
- Section 8 of Chapter 22 Vernon's Texas Civil Statutes; language regarding companies that only have investment products registered with TRS in how they must report to TRS
- Section 8A of Chapter 22 Vernon's Texas Civil Statutes: language requiring registration with TRS and the restrictions on registration
- Section 11(b) of Chapter 22 Vernon's Texas Civil Statutes; language regarding notices required for these investment products
- Section 13 of Chapter 22 Vernon's Texas Civil Statutes; language regarding the TRS board of trustees' ability to deny, suspend, or revoke a company's ability to sell an investment product

Article 2 “Conforming Change”

Section 1 – Reenacts Section 17.46 (b) of the Business and Commerce Code.

This section removes language stating that a eligible qualified investment is considered to fall under the “false, misleading, or deceptive acts or practices” if they are not registered through the TRS program.

Article 3 “Transitions; Conflict with other Legislation; Effective Date”

Section 1 – Changes to this law only apply to offers of a qualified investment product that is made on or after the effective date of the bill.

Section 2 – An offense made under this law is subject to this new language if the offense was committed before the effective date of the bill.

Section 3 – A cause of action that occurs on or before the effective date of this act is governed by the law that existed before the effective date of this bill.

Section 4 – This bill prevails over any other language that could potentially conflict with this piece of legislation.

Section 5 – The bill is effective September 1st, 2019.

H.B. 2826

Relating to procurement of a contingent fee contract for legal services by a state agency or political subdivision.

Bill Overview:

This bill outlines how a political subdivision may enter and be approved to execute a contingent fee contract for legal services.

Section Analysis:

Section 1 – Amends Section 254.101 of the Government Code.

Defines “political subdivision” for this section as

- a district, authority, county, municipality, or other political subdivision of the state;
- a local government corporation or another entity created by or acting on behalf of a political subdivision in the planning and design of a construction project; or
- a publicly owned utility.

Section 2 – Amends Section 2254.102 of the Government Code.

This amendment makes this section, Contingent Fee Contracts for Legal Services, applicable to political subdivisions as well as state governmental entities. It gives the legislature the ability to determine the manner and situation a political subdivision may compensate a public contractor under a contingent fee contract. This regulation does not apply to legal services provided to a school district for the study of school district property values, the collection of delinquent taxes, or the issuance of public securities; his issuance is now subject to created regulation spelled out below.

Section 3 – Amends the heading of Section 2254.103 to add “State Governmental Entity.”

Section 4 – Amends Subchapter C of Chapter 2254 of the Government Code.

A political subdivision is only allowed to award a contingent fee contract based on demonstrated competence, qualifications, and experience. The political subdivision must attempt to negotiate a contract with that attorney or law firm for a fair and reasonable price. A political subdivision may require an attorney or law firm to indemnify or hold harmless the political subdivisions from claims and liabilities resulting from negligent acts or omissions of the attorney or law firm or persons employed by the attorney or law firm. A political subdivision may not require an attorney or law firm to indemnify or hold harmless the political subdivisions for claims or liabilities resulting from negligent acts or omissions from the political subdivision or its employee. This does not prevent an attorney or law firm from defending the political subdivision or its employee. A political subdivision may only enter into a contingent fee contract in the following scenarios:

- before or at the time of giving written notice of an open meeting, written notice for the public is also shared, stating

Bill Author: Greg Bonnen

Sponsored By: Joan Huffman

Governor Action: Signed on June 10th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

- the reasons for pursuing the matter that is the subject of the legal services and the reason or need for the contract;
- the competence, qualifications, and experience of the attorney or law firm selected;
- the nature of any relationship, including the beginning of the relationship, between the political subdivision and the attorney or law firm selected;
- the reasons behind needing outside counsel (why this cannot be taken care of with existing lawyers); and
- the reasons why a contingent fee contract for legal services is in the best interest of the residents of the political subdivision.
- the approval of the contract must occur in an open meeting called for the purpose of considering such a contract.

When the contingent fee contract is approved, the political subdivision must state in writing that the political subdivision

- finds there is a substantial need for the legal services;
- learns the legal services cannot be adequately performed by the attorneys and supporting personnel of the political subdivision; and
- determines the legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which the services will be obtained or because the political subdivision does not have funds to pay the estimated amounts required under a contract providing only for the payment of hourly fees.

Any contingent fee contract is subject to the public record and cannot be withheld.

Before this contract can be approved by the governing body, the political subdivision must receive Attorney General approval of the contract. Along with the contract, a political subdivision will file the following with the attorney general:

- a description of the matter to be pursued by the political subdivision
- a copy of the notice required by Section 2254.1036(a) and a statement of the method and date of the provision of the notice
- a copy of the statement required by Section 2254.1036(b)

The Attorney General has 90 days after receiving the contract to either

- approve;
- refuse to approve because requirements of this section were not met;
 - this refusal must specifically identify the provisions that the contract does not comply with regulations;
- refuse to accept the contract because the legal matter is a matter the state
 - has already addressed;
 - is pursuing; or

- if pursuit of the matter by the political subdivision will not promote the just and efficient resolution of the matter.

A contract sent to the attorney general and not rejected by the 90th day will be considered approved. A political subdivision may correct its contract and resubmit. Additionally, the political subdivision may contest the Attorney General's decision through the contested cases process under Chapter 2001 of the Government Code and a State Office of Administrative (SOA) hearing. SOA hearings must create procedures to govern a contest of the Attorney General's refusal. The refusal to approve is subject to substantial evidence judicial review. A political subdivision may request expedited review of a contract.

Section 5 – Amends Section 2254.104 (b), (c), and (d) of the Government Code.

This section adds the ability of a political subdivision to request all documents from a contracting attorney or law firm.

Section 6 – Amends Section 2254.108 (d) of the Government Code.

This section adds a political subdivision to the list of entities that can reimburse litigation and other expenses under a contract after they have been determined to be reasonable. These reimbursements cannot be paid without the political subdivision's auditor or governing body's approval.

Section 7 – Amends Section 2254.109 (a) and (c) of the Government Code.

This does not limit the right of a political subdivision from recovering fees and expenses from an opposing party under the law. An officer, employee, or governing body of a political subdivision may not waive any part of this section. This does not waive a political subdivision's governmental immunity from suit.

Section 8 – Amends Subchapter C of Chapter 2254 of the Government code to add Section 254.110.

A contract that is made in violation of this subchapter is void. No fees may be paid to any person under the contract or under any theory of recovery for work performed in connection with a void contract. A contract that is submitted to and approved by the Attorney General cannot later be declared void under this section.

Section 9 – Repeals Section 403.0305 of the Government Code; public water contract approval process.

Section 10 – These changes in law only apply to a contract entered in to on or after the effective date of this bill.

Section 11 – This bill is effective September 1st, 2019.

H.B. 2840

Relating to the right of a member of the public to address the governing body of a political subdivision at an open meeting of the body.

Bill Overview:

In an order to help provide the most accessible public comment, governing bodies will now provide public comment before or during the consideration of each item of their agenda or open meeting.

Section Analysis:

Section 1 – Amends Section 551.007 of the Government Code.

This section requires a governing body of a school district, and other governmental bodies, to provide each member of the public who wishes to speak the ability to address an item of the meeting before or at the time the item is brought before the body. This would eliminate the ability to place an open-comment period at the end of a meeting. The Texas Education Agency (TEA) has stated having a public comment period before any action items are considered on an agenda will suffice.

The governing body is given rule authority to implement rules for this process.

This only applies to governmental bodies that do not use simultaneous translation equipment. If an adopted rule limits the amount of time a member of the public may address the body, those that use translation equipment must give those individuals twice the amount of time.

The body may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This does not apply to any public criticism already prohibited in law.

Section 2 – The bill is effective September 1st, 2019.

Bill Author: Terry Canales

Sponsored By: Bryan Hughes

Governor Action: Signed on June 10th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts

Rule Authority: Rulemaking authority is granted to a governmental body to adopt rules regarding the public's right to address the body

H.B. 2868

Relating to the procurement of interior design services by a governmental entity.

Bill Overview:

The bill adds interior design, whether licensed or not, to the definition of “Professional Services.”

This allows governmental entities that operate under Chapter 2254 of the Government Code to hire an interior designer through the normal competitive bidding process.

Section Analysis:

Section 1 – Amends Section 2254.002 (2) of the Government Code.

This section adds interior design services to the definition of “Professional Services” therefore making it acceptable for a governmental entity to contract for their services as long as proper acquisition of these services is practiced.

The designer must be lawfully engaged in interior design but is not required to be registered as an interior designer under Chapter 1053 of the Occupations Code.

Section 2 – This change in definition only applies to a contract entered into on or after October 1, 2019.

Section 3 – The bill is effective September 1st, 2019.

Bill Author: Dade Phelan

Sponsored By: Royce West

Governor Action: Signed on June 7th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts

Rule Authority: Rulemaking authority is granted to a governmental body to adopt rules regarding the public’s right to address the body

H.B. 2984

Relating to the essential knowledge and skills of the technology applications curriculum and the establishment of a computer science strategic advisory committee to increase computer science instruction and participation in public schools.

Bill Overview:

The State Board of Education (SBOE) will adopt the Texas Essential Knowledge and Skills (TEKS) that include coding, computer programming, computational thinking, and cybersecurity. Additionally, the bill establishes the Computer Science Strategic Advisory Committee and describes its makeup and duties.

Bill Author: Steve Allison

Sponsored By: Larry Taylor

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Section Analysis:

Section 1 – Amends Section 28.002 of the Education Code.

For Technology Applications curriculum for kindergarten through grade 8, the SBOE must adopt TEKS that include coding, computer programming, computational thinking, and cybersecurity. The SBOE is required to review and revise these standards at least every five years to ensure the curriculum is relevant to student education and aligns with current and emerging professions.

Section 2 – Amends Subchapter A of Chapter of the Education Code.

This section creates the Computer Science Strategic Advisory Committee. The Texas Education Agency (TEA) is responsible for establishing the committee. This committee will provide recommendations for increasing computer science instruction and participation in public schools. The committee will be composed of at least 11 members which will include two members appointed by the Governor, two members appointed by the Lieutenant Governor, two members appointed by the speaker of the House of Representatives, one member each appointed by the Chairs of Senate Committee on Education and House Committee on Public Education, one member each appointed by the Chairs of the Senate Committee on Higher Education and the House Committee on Higher Education, one member appointed by the Chair of the State Board of Education, and any other members selected by the committee at the committee's discretion.

The Governor, Lieutenant Governor, and Speaker of the House will coordinate their appointees to ensure they include three educators that are certified in computer science and teach in a public school, one parent/guardian of an enrolled student, one person employed in the technology industry, and one institute of higher education faculty member. The Governor appoints the presiding officer of the committee.

This committee is able to hold public meetings and is eligible for reimbursement for expenses. The staff of TEA will serve as administrative support to the advisory committee. TEA appropriation will serve as the funding source for committee expenses. By September 1, 2020, the committee will

submit a report to the governor and legislature that recommends changes to state law, including funding changes. These recommendations will aim to

- increase the number of certified computer science teachers;
- increase the number of public high schools offering computer science courses;
- increase the number of high school students enrolled in computer science courses;
- encourage the enrollment of a diverse student populations in computer science courses; and
- expand computer science learning opportunities, including computer programming, computer coding, cybersecurity, and computational thinking in public schools.

This committee, as well as this section, is abolished January 1st, 2021.

Section 3 – As soon as possible, the members of the committee will be appointed.

Section 4 – By December 31st, 2020, the SBOE will review and revise the technology applications curriculum.

Section 5 – SBOE is required to implement the review provision only if the legislature appropriates money for this purpose.

Section 6 – The bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

H.B. 3001

Relating to the fiscal transparency of special purpose districts and other political subdivisions.

Bill Overview:

This bill excludes certain special purpose districts from having to report to the comptroller under H.B. 1378, from the 84th Regular Session, if they are also required to report under S.B. 625, from the 85th Regular Session. The legislation also expands the reporting methods for water districts that continue to report under H.B. 1378.

Bill Author: Geani Morrison

Sponsored By: Brian Birdwell

Governor Action: Signed on June 10th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Section Analysis:

Section 1 – Amends Sections 403.0241(c) and (e) of the Government Code.

This section requires the database for each special purpose district (excluding school districts) to include financial information.

It also allows the comptroller to link to other databases to display required data on an internet website.

Section 2 – Amends Section 140.008 (a) (2) of the Local Government Code.

This section amends the definition of “Political Subdivision” to not include special purpose districts described by Section 403.0241 (b) of the Government code. A school district is still subject to this section.

Section 3 – Amends Section 140.008 of the Local Government Code.

Annually reported information provided by a political subdivision and any other information the Comptroller of Public Accounts considers necessary and relevant may be posted on the comptroller’s website.

The bill outlines special requirements for Water Districts and their special reporting.

All information submitted must be in compliance with the technical accessibility standards and specifications established by the comptroller.

The Comptroller of Public Accounts may link their webpage to a political subdivisions webpage if required information is posted there.

Section 4 – Any changes to the law applies only to reporting made on or after the effective date of the bill. All reports made before that date are subject to current law.

Section 5 – This bill is effective September 1st, 2019.

H.B. 3007

Relating to requiring the Texas Education Agency to provide to a school district certain information used in determining academic accountability ratings for the district.

Bill Overview:

The bill seeks to address concerns over discrepancies in data used to determine academic accountability ratings. To do this, the bill requires the Texas Education Agency (TEA) to provide a school district a copy of all source data from an entity that is not the school district that is used to determine the district's accreditation status or assign a district's performance rating.

Bill Author: Chris Turner

Sponsored By: Beverly Powell

Governor Action: Signed on June 10th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

Section Analysis:

Section 1 – Amends Subchapter C of Chapter 39 of the Education Code to create Section 39.059.

Before the initial release of academic accountability ratings for a school year, TEA must provide to each school district a copy of all source data that was submitted to TEA from an entity other than the school district. Only data that is used to determine a district's accreditation status and to assign a performance rating for a district or campus must be provided.

Section 2 – The bill applies beginning in the 2019 – 2020 school year.

Section 3 – The bill is effective September 1st, 2019.

H.B. 3011

Relating to requiring the Texas Higher Education Coordinating Board to provide to a school district certain information used in determining academic accountability ratings for the district.

Bill Overview:

The bill seeks to address concerns over discrepancies in data used to determine academic accountability ratings. To do this, the bill requires the Texas Higher Education Coordinating Board (THECB) provide any source data submitted to the Texas Education Agency (TEA) that is used to determine the district's accreditation status or assign a district's performance rating.

Bill Author: Chris Turner

Sponsored By: Beverly Powell

Governor Action: Signed on June 10th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

Section Analysis:

Section 1 – Amends Subchapter C of Chapter 39 of the Education Code to create Section 39.059 (a).

This section defines “coordinating board” to mean the THECB and defines “institution of higher education” to have the meaning assigned by Section 61.003 of the Education Code.

Before the initial release of academic accountability ratings for a school year, THECB must provide to each school district a copy of all source data that was submitted to TEA. Only data that is used to determine a district's accreditation status and to assign a performance rating for a district or campus must be provided.

Section 2 – The bill applies beginning in the 2019 – 2020 school year.

Section 3 – The bill is effective September 1st, 2019.

H.B. 3012

Relating to requiring the provision of instruction to public school students subject to in-school or out-of-school suspension.

Bill Overview:

The bill requires an accessible way that a student placed in in-school or out-of-school suspension can receive the course work they have missed in English Language Arts, Mathematics, Science, and Social Studies.

Section Analysis:

Section 1 – Amends Section 37.005 of the Education Code.

By adding Subsection (e), the bill requires a school district to provide to a student placed in in-school or out-of-school suspension an alternative way to receive all course work provided in foundation curriculum courses of English Language Arts, Mathematics, Science, and Social Studies. One option provided to the student must not require the student to have access to the internet.

Section 2 – Amends Section 37.011 (b) of the Education Code.

This section adds language to juvenile justice alternative education programs (JJAEP) that allows for a student to receive education from a JJAEP for conduct that contains the elements of offense of a terroristic threat (described and defined in Section 22.07 (c-1), (d), or (e) of the Penal Code).

Section 3 – The bill applies beginning in the 2019 – 2020 school year.

Section 4 – The bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

Bill Author: James Talarico

Sponsored By: Eddie Lucio

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

H.B. 3145

Relating to the right of a parent appointed as a conservator of a child to attend school activities.

Bill Overview:

This bill seeks to ensure a person appointed as a conservator of a child may attend that child's school activities such as school lunches, performances, and field trips.

Section Analysis:

Section 1 – Amends section 153.03 (a) of the Family Code.

This section adds defining language to the listed rights of a parent appointed as a conservator of a child in regards to school activities. This now includes school lunches, performances, and field trips. This section does maintain the language that the court has the ability to limit these rights.

Section 2 – The bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Steve Toth

Sponsored By: Brandon Creighton

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: School District and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 3217

Relating to certain eligibility requirements for issuance of a teaching certificate.

Bill Overview:

The bill removes certain specifications for an individual that majors in education for their baccalaureate degree as a qualification for a teaching certificate through the State Board for Educator Certification (SBEC). Additionally, the bill establishes a minimum number of credit hours SBEC can require for field-based experience or internship.

Section Analysis:

Section 1 – Amends the heading of Section 21.050 of the Education code to add Field-Based Experience.

Section 2 – Amends Sections 21.050 (a) and (b) of the Education Code.

This section allows a teaching certificate applicant to hold a bachelor's degree with an academic major of education if a bachelor's degree is required by SBEC for that certification. Additionally, SBEC will now set a minimum number of semester credit hours of field-based experience or internship needed for certification. Previously, code prohibited SBEC from requiring more than 18 semester credit hours of education courses at the baccalaureate level to retain a teaching certificate.

Section 3 – The bill is effective May 24th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Trent Ashby

Sponsored By: Angela Paxton

Governor Action: Signed on May 24th, 2019

Effective Date: May 24th, 2019

Applies to: Those seeking a teaching certificate

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 3435

Relating to establishing and celebrating Texas Girls in STEM Day.

Bill Overview:

The bill establishes "Texas Girls in STEM Day" to encourage school districts, local colleges, and local businesses to form partnerships and host special events which encourage local girls to consider the STEM fields as a career path. Additionally, the day will be utilized to honor Texas women, past and present, who are excelling in a STEM field.

Section Analysis:

Section 1 – Amends Subchapter C of Chapter 662 of the Government Code to add Section 662.071 “Texas Girls in STEM Day.”

March 1st will be designated Texas Girls STEM Day to celebrate and encourage the participation of girls in the state in fields related to science, technology, engineering, and mathematics.

The day should encourage girls in the state to consider career fields in STEM fields, and celebrate and honor the women of this state who have excelled in those fields.

Section 2 – Creates Section 29.925 “Texas Girls in STEM” within Subchapter Z of Chapter 29 in the Education Code.

Throughout the month of March, each school district is allowed to include appropriate instruction, activities, and programs to encourage and celebrate women in STEM career fields. This may include programs that profile women in those fields and related fields, including finance, information technology, data analytics, cybersecurity, and health care cloud architecture.

Section 3 – The bill is effective June 10th, 2019 (earliest effective date upon Governor’s signature).

Bill Author: Rhetta Bowers

Sponsored By: Nathan Johnson

Governor Action: Signed on June 10th, 2019

Effective Date: June 10th, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 3630

Relating to prohibiting the use of certain behavioral interventions on students enrolled in public school who receive special education services.

Bill Overview:

This bill provides guidance by listing extreme aversive interventions that may not be used on any student, under any circumstances. The bill directs the Commissioner of Education to develop guidance that will help educators to avoid the use of these dangerous interventions and develop in their stead positive interventions that will help redirect behavior.

Section Analysis:

Section 1 – Amends Subchapter A of Chapter 37 of the Education Code to create Section 37.0023

“Prohibited Aversive Techniques.”

“Aversive Technique” is defined as a technique or intervention that is intended to reduce the likelihood of a behavior reoccurring by intentionally inflicting on a student significant physical or emotional discomfort or pain. Except as provided in Section 37.011 of the Education Code, this includes techniques or intervention that

- is designed to or likely to cause physical pain;
- is designed to or likely to cause physical pain through the use of electric shock or any procedure that involves the use of pressure points or joint locks;
- involves the directed release of noxious, toxic, or otherwise unpleasant spray, mist, or substance near the student’s face;
- denies adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility;
- ridicules or demeans the student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse;
- employs a device, material, or object that simultaneously immobilizes all four extremities, including immobilization known as prone or supine floor restraint;
- impairs the student’s breathing, including any procedure that involves
 - applying pressure to the student’s torso or neck; or
 - obstructing the student’s airway, including placing an object in, on, or over the student’s mouth or nose or placing a bag, cover, or mask over the student’s face
- restricts the student’s circulation;

Bill Author: Morgan Meyer

Sponsored By: Eddie Lucio

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

The Commissioner of Education will be providing guidance for how to avoid violating this section.

- secures the student to a stationary object while the student is in a sitting or standing position;
- inhibits, reduces, or hinders the student's ability to communicate;
- involves the use of a chemical restraint;
- constitutes a use of timeout that precludes the student from being able to be involved in and progress appropriately in the required curriculum and, if applicable, toward the annual goals included in the student's individualized education program, including isolating the student by the use of physical barriers; or
- deprives the student of the use of one or more of the student's senses.

A school district, school district employee, volunteer, or an independent contractor may not apply, authorize, order, consent, or cause an aversive technique to be applied to a student.

An aversive technique may be applied to a student if it does not cause the student pain or discomfort and complies with the student's individualized education program or behavior intervention plan.

This section in no way prohibits a teacher from removing a student from their classroom.

In adopting procedures for this section, the Commissioner of Education will provide guidance for school districts, employees, volunteers, and independent contractors to avoid a violation of this section.

Section 2 – The bill applies beginning in the 2019 – 2020 school year.

Section 3 – The bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

H.B. 3650

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.

Bill Overview:

In an effort to reduce the cost to a student taking a dual credit course, school districts and institutions of higher education must consider the use of free or low-cost open educational resources in their offered courses.

Bill Author: Chris Turner

Sponsored By: Brandon Creighton

Governor Action: Signed on June 10th, 2019

Effective Date: June 10th, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Section Analysis:

Section 1 – Amends Section 28.009 (b-2) of the Education Code.

In addition to the already outlined criteria, a school district and institute of higher education will include within a memorandum of understanding the use of free or low-cost open educational resources for the courses offered.

Section 2 – This change applies only to an agreement to provide a dual credit program that is entered into or renewed on or after September 1st, 2019. Any program entered into or renewed before September 1st, 2019 is regulated by previous law.

Section 3 – The bill is effective June 10th, 2019 (earliest effective date upon Governor's signature).

H.B. 3652

Relating to the creation of a state repository for open educational resources by the Texas Higher Education Coordinating Board.

Bill Overview:

The bill establishes an open educational resource web portal that will house instructional materials made available to institutes of higher education, students, and others.

Section Analysis:

Section 1 – Amends Subchapter C of Chapter 61 of the Education Code to create Section 61.0670, “State Repository of Open Educational Resources.”

The Higher Education Coordinating Board (THECB) is required to contract with a high-quality open educational resource repository to develop and maintain a website portal to meet the needs of institutions of higher education, students, and others.

These resources must be searchable by course, learning outcome, program, field of study, marketable skills, college readiness, and other topics determined by the board.

A wide range of resources must be available including textbooks, full courses, course materials, modules, images, videos, assessment software, and any other tools, materials, or techniques used to support learning.

Resources developed with state funds must be made available under a Creative Commons License and submitted to be included in the portal. A publisher may submit materials for inclusion in a repository made available through the portal.

THECB may seek the assistance of the Learning Technology Advisory Committee to establish, maintain, and market the web portal.

Section 2 – By September 1st 2020, THECB must develop the required web portal.

Section 3 – The bill is effective September 1st, 2019.

Bill Author: Chris Turner

Sponsored By: Brandon Creighton

Governor Action: Signed on June 10th, 2019

Effective Date: September 1st, 2019

Applies to: Dual – Credit Program Participants

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 3871

Relating to the process for establishing speed limits on roads near certain schools.

Bill Overview:

This bill outlines the process the governing body of a school district, open-enrollment charter school, or private school can use to request an engineering and traffic investigation regarding a speed limit around one of their schools.

Section Analysis:

Section 1 – Amends Section 545.355 (b) of the Transportation Code.

Gives a Commissioner's Court the ability to declare a lower speed limit of not less than 20 miles per hour on a county road or highway that is located within 500 feet of an elementary, secondary, open-enrollment charter school, or institution of higher education if this follows the approval process established later in the bill.

Section 2 – Amends Section 545.357 of the Transportation Code.

This section requires a governing body of a municipality to hold a public hearing on a request from a school district, open-enrollment charter school, or private school at least once every year regarding speed limits on highways near schools. The bill outlines that an open-enrollment charter school is eligible for this conversation and a request must come from the governing body of a school (meaning school district, open-enrollment charter school, or private school) or institute of higher education.

Upon receiving a request from a governing body, the Commissioner's Court, municipal governing body, or Texas Transportation Commission (as applicable) must conduct an engineering and traffic investigation for the highway or road within the received request. After a yearly public hearing, the governing body of the school has the ability to make only one request for an engineering and traffic investigation.

Section 3 – The bill is effective September 1st, 2019.

Bill Author: Matt Krause

Sponsored By: Eddie Lucio

Governor Action: Signed on June 14th, 2019

Effective Date: September 1st, 2019

Applies to: School Districts, Open-Enrollment Charter Schools, and Private Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 3884

Relating to dissemination of bacterial meningitis information by school districts.

Bill Overview:

This bill changes the responsibility for information given to a school district to disseminate amongst parents from the Texas Education Agency (TEA) to the Department of State Health Service (DSHS).

Section Analysis:

Section 1 – Amends Sections 38.0025 (a) and (c) of the Education Code.

This section changes the responsibility for information given to school districts and in turn parents regarding bacterial meningitis. This responsibility is moved from TEA to DSHS.

Section 2 – Repeals Section 38.0025 (b) of the Education Code.

This section states TEA must consult with DSHS regarding bacterial meningitis information.

Section 3 – The bill applies beginning in the 2019 – 2020 school year.

Section 4 – As soon as practicable, DSHS will develop procedures under this section.

Section 5 – The bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Terry Wilson

Sponsored By: Judith Zaffirini

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

H.B. 3906

Relating to the adoption and administration of assessment instruments used to assess the performance of public school students.

Bill Overview:

This bill outlines changes to the state assessment system. By moving to a more online, broken-up system over the next few years, the state is hoping to eliminate the all-day assessment program for one that minimizes the disruption of classroom education.

Section Analysis:

Section 1 – Amends Section 39.022 of the Education Code.

This section outlines that it is the policy of this state that the statewide assessment program is designed to provide assessment instruments that are as short as practicable and minimize the disruption to the educational program.

Section 2 – Effective September 1st, 2021 Section 39.023 (a) of the Education Code is amended as such.

This section removes the assessment of writing (including spelling and grammar and exams in the grades 4 and 7) and any reference of not allowing aid of technology in grade 8, thus allowing technology in the grade 8 mathematics exam.

Section 3 – Amends Section 39.023 of the Education Code.

For mathematics assessments, this bill removes language prohibiting the use of technology on mathematics exams. Instead, this bill deems that the State Board of Education (SBOE), through rule, will designate the sections of a mathematics assessment that can be completed with the aid of technology and the sections that cannot. This does not apply if, by complying, the assessment no longer complies with federal law or the exam is found to be reliable based on recommendations from the advisory committees established later in this bill. This does not apply to a portfolio method of assessment. The Algebra I End-of-Course Exam may include one or more parts that prohibit the use of technology. An assessment instrument cannot be assessed on the first day of an instructional week unless using a portfolio method in which less than 50% of the student's overall assessed performance in writing is being assigned by the portfolio. No assessment can have more than three parts. This bill allows for the administration of an assessment to occur in multiple parts over more than one day. This includes an end-of-course exam. For students in grades 3 and 4, 85% of students must be able to complete a part within 60 minutes. For students in grades 5 through 8, 85% of students must be able to complete a part in 75 minutes. Beginning in the 2022 – 2023 school year,

Bill Author: Dan Huberty

Sponsored By: Larry Taylor

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: School Districts and Open-Enrollment Charter Schools

Rule Authority: SBOE is tasked with establishing rules around when a students can use technology on a mathematics assessment and when they cannot

Begins: Unless specifically stated, the bill begins in the 2019 – 2020 school year

an assessment created under this section cannot have more than 75% of the questions in a multiple-choice format. An assessment instrument, under this section, may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the Foundation School program. The bill outlines that a classroom portfolio assessment system may allow a teacher to prepare tasks and materials.

The Texas Education Agency (TEA) must adopt optional interim assessment instruments for each subject or course for each grade level subject to assessment within this section of code. A school district is not required to administer these interim assessments.

An interim assessment must be predictive of the assessment instrument for the applicable subject or course for the grade level required within the section of code and be administered electronically.

These assessments cannot be used for accountability purposes.

Section 4 – Amends Subchapter B of Chapter 39 of the Education Code to add Section 39.02302 “Advisory Committees for Assessment Instruments.”

The Commissioner of Education must appoint a technical advisory committee to advise the commissioner and TEA regarding the development of academically appropriate assessment instruments for the purpose of this particular chapter. Curriculum and instruction experts must be included in the membership of the committee. The members of the technical or educator advisory committee may be compensated or reimbursed for expenses incurred in the performance of their duties. The selection and payment to these committee members is not subject state advisory committee rules, or professional/consulting services rules.

Section 5 – Amends Section 39.0234 to change the language of the section from by a computer to a more generic technology.

Section 6 – Amends Subchapter B of Chapter 39 of the Education Code to add Section 39.02341 “Transition to Electronic Administration of Assessment Instruments.”

TEA, in consultation with the SBOE, must develop a transition plan to administer all assessment instruments required under section 39.023 electronically beginning no later than the 2022 – 2023 school year. This plan must

- evaluate the availability of Internet access for each school district in this state;
- identify changes to state law or policy necessary to improve the availability of Internet access;
- evaluate the state’s experience with administering online assessment instruments, including the occurrence or effects of power outages or other types of disruptions of Internet service and actions taken by the state to mitigate the occurrence and effect of those disruptions; and
- identify and evaluate actions taken by the state to improve the administration of online assessment instruments.

The plan will be implemented by TEA beginning on September 1st, 2021.

A report of the plan must be given to the Governor, Lieutenant Governor, and members of the legislature. This report must include

- information from school districts assessing the needs of those districts in transitioning to electronic administration;
- recommended changes to state law to assist in the transition; and
- a recommended timeline for statewide implementation of electronic administration.

This section regarding the transition plan to electronic administration expires September 1st, 2023.

TEA will implement an Integrated Formative Assessment Pilot Program that will allow participating school districts to administer this type of assessments to students for assessments required under Sections 28.06 or 39.023 of the Education Code.

A school district may elect to participate in the pilot but participation does not exempt them from the obligations for assessments under Section 39.023 of the Education Code.

By December 1st of each even-numbered year, TEA must submit a report on the pilot program to the Governor, Lieutenant Governor, and members of the Legislature. This report must include the following:

- an analysis of whether the administration of integrated formative assessment instruments under the pilot program provided any improvement in instructional support during the preceding two school years
- a determination of the feasibility of replacing the assessment instruments required under Section 39.023 with integrated formative assessment instruments.

An assessment instrument administered to student in prekindergarten may not be used or considered for any purpose under Chapter 39 or Chapter 39A of the Education Code.

Section 7 – Amends Subchapter Z of Chapter 25 of the Education Code to add Section 25.904 “Use of Calculator Application in Place of Graphing Calculator.”

A school district must permit a student enrolled in a course that requires the use of a graphing calculator the ability to use a calculator application on a computing device, including a personal, laptop, or tablet computer, that provides the same functionality, unless the district makes a graphing calculator available to every student at no cost.

A school district is granted the ability to create policies regarding a student using a computing device in this regard. To the extent this section conflicts with Section 37.082, (allows a school district to prohibit a student from possessing a paging device while attending a school-sponsored or related event) this section prevails.

Section 8 – TEA may not use more than \$35 million of the foundation school program funds appropriated to implement a provision of this bill.

Section 9 – TEA is required to implement this act only if money is appropriated for this specific purpose.

Section 10 – Unless specified as being effective after September 1st, 2019, this bill begins in the 2019 – 2020 school year.

Section 11 – Except as specifically stated in this bill, this bill is effective June 14th, 2019 (earliest effective date upon Governor’s signature).

H.B. 4205

Relating to the conditions under which a closed campus may be repurposed to serve students at that campus location.

Bill Overview:

This bill allows a closed public school district campus to be repurposed to serve students at that campus location if the Commissioner of Education approves a new campus identification number for the repurposed campus and finds that the repurposed campus offers a distinctly different academic program and is operated under a contract, approved by the district's board of trustees, with a nonprofit organization that has a track record of providing a successful education program to 10,000 or more students.

Section Analysis:

Section 1 – Amends Section 39A.105 of the Education Code.

This section allows a campus to submit an accelerated campus excellence turnaround plan if the plan provides the following:

- a principal assigned to the campus who has demonstrated a history of improvement in student academic growth at campuses in which the principal has previously worked
- a principal who has final authority over personnel decisions at the campus
- evidence that at least 60% of the classroom teachers assigned to the campus be teachers who have demonstrated instructional effectiveness during the previous school year, with instructional effectiveness determined by the following:
 - for a teacher who taught in the district during the previous school year the teacher's impact on student growth as determined using a locally developed value-added model that measures student performance on at least one assessment selected by the district; an evaluation of the teacher based on classroom observation
 - for a teacher who did not teach in the district during the previous school year, data and other evidence indicating that if the teacher had taught in the district during the previous school year, the teacher would have performed in the top half of teachers in the district;
 - a detailed description of the employment and compensation structures for the principal and classroom teachers, which must include significant incentives for a high-performing principal or teacher to remain at the campus and a three-year commitment by the district to continue incentives for the principal and teachers
- policies and procedures for the implementation of best practices at the campus, including
 - data-driven instructional practices;
 - a system of observation of and feedback for classroom teachers;
 - positive student culture on the campus;
 - family and community engagement, including partnerships with parent and community groups;

- extended learning opportunities for students, which may include service or workforce learning opportunities; and
- student services provided before or after the instructional day that improve student performance, which may include tutoring, extracurricular activities, counseling services, and offering breakfast, lunch, and dinner to all students at the campus; and
- assistance by a third-party provider that is approved by the commissioner in the development and implementation of the district’s plan

The Commissioner of Education may provide guidance to districts on how to implement this kind of turnaround plan.

Section 2 – Amends Section 39A.107 of the Education Code.

The Commissioner of Education shall approve a campus turnaround plan that the commissioner determines meets the requirements for an accelerated campus excellence turnaround plan.

Section 3 – Amends Section 39A.113 of the Education Code.

The bill adds the following requirements the Commissioner of Education must find in order to approve the repurpose of a closed campus. It must be operated under a contract, approved by the school district board of trustees, with a nonprofit organization exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986, that meets the following requirements:

- has a governing board that is independent of the district
- has a successful history of operating school district campuses or open-enrollment charter schools that
 - cumulatively serve 10,000 or more students, a majority of which have been assigned an overall performance rating of B or higher under Section 39.054 for the preceding school year; and
 - has been assigned an overall performance rating of B or higher under Section 39.054 for the preceding school year.

A student that resides in the attendance zone of the campus before it was repurposed must be admitted for enrollment at the repurposed campus.

The bill maintains language that the majority of students at this repurposed campus cannot have come from the original school the previous year.

Section 4 – Amends Subchapter C of Chapter 39A of the Education by adding Section 39A.116 “Commissioner Authority.”

The Commissioner’s decision regarding a repurposing of a district is final and cannot be appealed.

Section 5 – The Commissioner of Education must select one campus that received an unacceptable rating for the 2017 – 2018 school to submit an accelerated campus excellence turnaround plan for the 2019 – 2020 school year. The commissioner has the ability to adjust timelines to make this change possible. A decision made by the commissioner in this regard is final and cannot be appealed.

Except as stated within the bill, this bill begins in the 2019 -2020 school year.

Section 6 – This bill is effective June 10th, 2019 (earliest effective date upon Governor’s signature).

H.B. 4258

Relating to approval by the attorney general of certain bonds financing an educational facility for certain charter schools.

Bill Overview:

In an attempt to ensure open-enrollment charter schools have access to instructional facilities bonds, this bill codifies that the Attorney General has the ability to review and determine whether the open-enrollment charter school is eligible for approval for the bond under the Internal Revenue Code.

Section Analysis:

Section 1 – Amends Section 53.40 of the Education Code.

In an attempt to ensure open-enrollment charter schools are able to receive bonds for building instructional facilities, this bill outlines that the Attorney General has sole authority to review a record of public notice and hearing related to any bond financing an educational facility for an authorized open-enrollment charter school. The Attorney General may issue approvals required by the Internal Revenue Code (Section 147 (f)).

Section 2 – The bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Jim Murphy

Sponsored By: Donna Campbell

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 4310

Relating to teacher instructional time.

Bill Overview:

The bill states any adopted scope and sequence must provide adequate time for a teacher to teach and students to learn required the Texas Essential Knowledge and Skills (TEKS) for the subject and grade. Additionally, the bill allows a teacher to speed up or slow down depending on student needs. A school district is not allowed to penalize a teacher that does not follow an adopted scope and sequence, however, school districts maintain the ability to take action with documented evidence of a teaching deficiency.

Bill Author: Harold Dutton

Sponsored By: Bryan Hughes

Governor Action: Signed on June 14th, 2019

Effective Date: June 14th, 2019

Applies to: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Section Analysis:

Section 1 – Amends Subchapter A of Chapter 28 of the Education Code to add Section 28.0027 “District Curriculum Scope and Sequence.”

When a school district adopts a recommended or designated scope and sequence for required curriculum, that district must ensure sufficient time is provided for teachers to teach and students to learn the TEKS for that subject and grade level.

A school district may not penalize a teacher who does not follow a recommended or designated scope and sequence. This is dependent on the teacher’s determination that the students need more or less time in a specific area to demonstrate proficiency.

The bill does allow the district to take action against a teacher if the district can show documented evidence of a deficiency in classroom instruction obtained through observation or substantiated and documented third-party information.

Section 2 – The bill applies beginning in the 2019 – 2020 school year.

Section 3 – The bill is effective June 14th, 2019 (earliest effective date upon Governor’s signature).

H.B. 4342

Relating to the composition of the board of directors of the Texas School Safety Center.

Bill Overview:

The bill adds a professional architect and another member of the public to the advisory board of the Texas School Safety Center. Additionally, the bill adjusts terms to accommodate these changes.

Section Analysis:

Section 1 – Amends Sections 37.203 (a) and (b) of the Education Code.

This section adds to the advisory board of the Texas School Safety Center (TSSC) a professional architect registered in the state of Texas and a member of the Texas Society of Architects. Additionally, the bill adds one more member of the public and updates terms of service to reflect the additional board members.

Section 2 – Requires that these new positions be appointed by the Governor no later than February 1st, 2020. The changes in terms do not affect board members appointed before the effective date of this bill. After the term of that member expires on February 1st, 2020, the Governor will make an appointment for a term expiring February 1st, 2021. This is to ensure the new term limits are enacted.

Section 3 – The bill is effective September 1st, 2019.

Bill Author: Travis Clardy

Sponsored By: Larry Taylor

Governor Action: Signed on June 10th, 2019

Effective Date: September 1st, 2019

Applies to: The Texas School Safety Center

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

H.B. 4388

Relating to the management of the permanent school fund by the School Land Board and the State Board of Education.

Bill Overview:

This bill changes the reporting and investment practices that the School Land Board (SLB) and State Board of Education (SBOE) use to operate the Permanent School Fund (PSF).

Section Analysis:

Section 1 – Amends Chapter 43 of the Education Code to create Section 43.0052 “Quarterly Reports.”

Each quarter the SBOE is required to provide to the SLB a financial report on the portion of the PSF assets and fund for which the SBOE is responsible. This report must include target and actual asset allocations, by asset type, based on fair market value or net asset value; investment performance by asset type; benchmarks and benchmark performances; and costs of implementing and administering the permanent school fund liquid account under Section 51.414 of the Natural Resources Code, including costs associated with contracts for the following: professional investment management; investment advisory services; and custodial services for the account.

Section 2 – Amends Subchapter C of Chapter 32 of the Natural Resources Code to add Section 32.068 “Quarterly Report.”

This section requires each quarter the SLB provide the SBOE a financial report on the portion of the PSF assets and funds for which the SLB is responsible. This report will include the following: a target and actual asset allocation by asset type, based on fair market value or net asset value; investment performance by asset type; and benchmarks and benchmark performances.

Section 3 – Amends Section 51.402 (c) of the Education Code.

On January 1st of each even-numbered year, the market value of the investments in the real estate special fund account regarding acquired interests in real estate and the acquisition, sell, lease, trade, improvement, maintenance, protection, use of land, mineral and royalty interest, or real estate investments may not exceed an amount equal to 15% of the market value of the PSF on that date.

Section 4 – Amends Subchapter I of Chapter 51 of the Natural Resources Code to add Section 51.414 “Permeant School Fund Liquid Account.”

This account is established as an account in the PSF in the State Treasury to be used by the SLB and the SBOE.

Each quarter, the SLB will hold a meeting and adopt a resolution to release from the real estate special fund account funds that are not being used for required purposes and are not required for anticipated cash needs for the 90 day period following the date of the meeting. These funds will be

Bill Author: Jim Murphy

Sponsored By: Donna Campbell

Governor Action: Signed on June 7th, 2019

Effective Date: September 1st, 2019

Applies to: State Board of Education and School Land Board

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

deposited to the credit of the PSF liquid account.

The SBOE is allowed to invest funds into the liquid account. Only liquid assets may be deposited in the same manner the PSF is managed by the SBOE.

Investment income and realized capital gains derived from this liquid account will be deposited in the State Treasury for the SBOE to invest in the PSF. A deposit is not required if the market value of the assets held in the PSF liquid account is below cost.

SBOE may use funds in the PSF liquid account to pay for administrative costs associated with the implementation of the section. This includes costs associated with contracts for professional investment management, investment advisory services, or custodial services.

The SLB must provide to the SBOE in each quarterly report the board's cash needs for the six-month period following the date of the report. This is to allow the SBOE to ensure that the board's cash needs may be met.

By the fifth business day after the date of the request of the board, the SBOE must release from the PSF liquid account the funds in the real estate special fund account.

Section 5 – The Texas Education Agency (TEA), in consultation with the SLB, must conduct a study regarding distributions from the permanent school fund to the available school fund. The study must:

- examine historical patterns in the real value of distributions made from all assets and revenues of the permanent school fund and historical patterns in the real value of PSF assets relative to the number of students enrolled in the public education system;
- analyze the impact of underlying data and methodology assumptions on actual and projected distributions from the PSF;
- seek input from state government officials involved in public education policy or in the appropriation of state funds to support the public education system;
- examine current and alternative approaches to balance the needs and interests of present and future beneficiaries of the PSF and the available school fund;
- develop options to maximize available revenue distributions for the education of students enrolled in the public education system while preserving the PSF for future generations; and
- may consider any other subjects relevant to the purpose of the study.

TEA may contract for investment management expertise for this study.

A report must be submitted by June 1st, 2020 to the Governor, SBOE, the Legislative Budget Board, Lieutenant Governor, the Speaker of the House, the Senate Committee on Education, and the House Committee on Public Education.

Section 6 – This bill is effective September 1st, 2019.

H.B. 4611

Relating to certain distributions to the available school fund.

Bill Overview:

This bill is the enabling language for the House Joint Resolution 151. This allows the distribution from the Texas General Land Office (GLO) to the available school fund to be increase to a distribution of \$600 million per year. This is pending a constitutional amendment approved by the voters in November 2019.

Section Analysis:

Section 1 – Amends Section 43.001 (b) of the Education Code to add reference to section 5 (g) to the distribution to the fund from the permanent school fund. Section 5 (g) is added through language and voter approval required in H.J.R. 151.

Section 2 – Amends Section 43.001 (d) of the Education Code.

Again, adds reference to Section 5 (g).

Section 3 – Pending voter approval, the bill is effective January 1st, 2020.

Bill Author: Dan Huberty

Sponsored By: Larry Taylor

Governor Action: Signed on June 5th, 2019

Effective Date: January 1st, 2020,
pending voter approval

Applies to: School Districts, and
Open-Enrollment Charter Schools

Rule Authority: This bill does not
expressly grant any additional
rulemaking authority to a state officer,
institution, or agency.

H.C.R. 59

Proposing a constitutional amendment allowing increased distributions to the available school fund.

Bill Overview:

This bill designates the second week of November, starting in 2019, as School Psychologist Appreciation Week. This appreciation week will continue for a 10 year period.

Section Analysis:

The concurring resolution outlines that school psychologists play an indispensable role in creating an environment that is safe, supportive, and conducive to learning. To help recognize their crucial work the second week of every November from 2019 to 2029 will be School Psychologist Appreciation Week.

Bill Author: Ryan Guillen

Sponsored By: Beverly Powell

Governor Action: Signed May 24th, 2019

Election Date: From November 2019 to November 2029

Applies: Statewide

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

Begins: 2019 – 2020 School Year

H.J.R. 151

Proposing a constitutional amendment allowing increased distributions to the available school fund.

Bill Overview:

This bill creates a constitutional amendment, pending voter approval that raises the amount of money the State Board of Education (SBOE) may draw down from the available school fund each year.

Section Analysis:

Section 1 – Amends Section 5 (g) of Article VIII of the Texas Constitution.

This section adds language that allows another entity language to have the ability to draw down in addition to other distributions authorized under the constitution of a statute. This additional draw down may be up to \$600 million by each entity.

Section 2 – This constitutional amendment will be put before the voters of Texas at an election to be held November 5th, 2019.

Bill Author: Dan Huberty

Sponsored By: Larry Taylor

Filed with the Secretary of State: May 22nd, 2019

Election Date: November 5th, 2019

Applies: Statewide

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

S.B. 2

Relating to ad valorem taxation.

Bill Overview:

Known at the Texas Property Tax Reform and Transparency Act of 2019, this bill creates tax caps for cities and counties. The 2.5% tax cap for school districts is included in H.B. 3. Despite this bill mainly focusing on taxing authorities other than school districts, the bill does include general changes to the appraisal and tax collection process that school districts should be aware of.

These changes include the renaming of two terms.

The “effective tax rate” is now deemed “no-new-revenue tax rate” and the “rollback tax rate” is now the “voter approval tax rate.”

In place of an advisory committee, this bill reestablishes the Property Tax Administration Advisory Board with the duty of advising the Comptroller of Public Accounts and his office on the administration of property taxes. This board is appointed by the Comptroller of Public Accounts. The Comptroller of Public Accounts will annually produce a report of survey information and a Property Value Study.

One change that specifically effects school districts involves an appraisal district board of directors. If the Comptroller of Public Accounts determines a school district’s values are not valid under the Property Value Study, the Comptroller of Public Accounts must notify the appraisal district board of directors and a public hearing must be conducted. If the district’s value continues to be invalid for a total of three years, the Comptroller is required to review the appraisal district and institute remedial measures.

Note: The Moak, Casey, and Associates presentation and summary of S.B. 2 (June 2019), TEA communications, and other sources were used to help provide this summary.

Bill Author: Paul Bettencourt

Sponsored By: Dustin Burrows

Governor Action: Signed June 12th, 2019

Effective Date: Except as specifically stated in the bill, this bill is effective January 1st, 2020

Applies: Statewide

Rule Authority: Rulemaking authority is expressly granted to the Comptroller of Public Accounts in Sections 5, 11, and 28

S.B. 11

Relating to policies, procedures, and measures for school safety and mental health promotion in public schools.

Bill Overview:

Outlines changes to the ways school implement a Multi-Hazard Emergency Operations Plan (MEOP) and required actions to ensure the safety and security of all schools.

Section Analysis:

Section 1 – Amends Subchapter C of Chapter 7 of the Education Code to create Section 7.061 “Facility Standards.”

The Commissioner of Education is required to adopt rules to ensure building standards for all instructional facilities of school districts and open-enrollment charter schools are a secure and safe environment. These rules will include best practices for the design and construction of new facilities and the improvement, renovation, and retrofitting of existing facilities.

By September 1st of each even-numbered year, these rules will be reviewed or amended to ensure ongoing best practices.

Section 2 – Amends Section 11.252(a) of the Education Code.

Within a school district’s District Improvement Plan, the district must have a trauma-informed care policy adopted and plans for implementation.

Section 3 – Amends Section 12.104(b) of the Education Code.

This section makes open-enrollment charter schools subject to the following school safety requirements outlined in the following sections of the Education Code:

- Section 37.108, Multi-Hazard Emergency Operations Plan (MEOP) and Safety and Security Audits
- Section 37.1081, Required Public Hearing on a Multi-Hazard Emergency Operations Plan

Bill Author: Larry Taylor

Sponsored By: Greg Bonnen

Governor Action: Signed June 6th, 2019

Effective Date: June 6th, 2019

Applies: School Districts and Open-Enrollment Charter Schools

Rule Authority: In Section 1, the Commissioner of Education is given rule-making authority to adopt best practices in instructional facility construction and renovation. In section 6, the Commissioner of Education is given rule authority to create waivers for educators from school safety training impact on instructional minutes. In Section 7, the SBOE is given authority to create rules to include digital citizenship into school district’s curriculum. Section 11 grants the Commissioner of Education the ability to make rules to appoint a conservator or board of managers in the event a school district is not compliant or will not become compliant with rules around the audit of a MEOP. The Commissioner of Education is given the ability to make rules to collect required data within Sections 13 and 18. Section 19 gives the Commissioner of Education the ability to distribute funds for the school safety allotment.

Begins: 2019 – 2020 School Year

(Section established by this bill)

- Section 37.1082 Multi-Hazard Emergency Operations Plan Non-Compliance and Appointment of a Conservator (Section established by this bill)
- Section 37.109, School Safety and Security Committee
- Section 37.113, Notification Regarding a Bomb Threat or Terroristic Threat (Section established by this bill)
- Section 37.114, Emergency Evacuations and Mandatory School Drills (Section established by this bill)
- Section 37.115, Threat Assessment and Safe and Supportive School Program and Team (Section established by this bill)
- Section 37.207, Model Safety and Security Audit Procedures
- Section 37.2071, District Multi-Hazard Emergency Operations Plan Review and Verification (Section established by this bill)

Section 4 – Amends Sections 21.054 (d) and (d-2) of the Education Code.

This section changes instruction regarding grief and trauma’s affect on student learning and behavior from being allowed to count towards a classroom teacher’s continuing education requirements to requiring such continuing education.

Additionally, the instruction regarding this subject must be an approved program listed on the mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention list of programs and be approved by the Commissioner of the Education.

Section 5 – Amends Section 25.081(a) of the Education Code.

This section adds an exception to the number of minutes required for an instructional year. This exception is explained in Section 6 of the bill.

Section 6 – Amends Subchapter C of Chapter 25 of the Education Code to establish Section 25.0815 “Operation and Instructional Time Waivers for School Safety Training.”

The Commissioner of Education is required to provide waivers to allow all school districts to require each educator to attend an approved school safety training course. This cannot produce an inadequate number of minutes of instructional time or reduce the number of minutes of instruction and operation by more than 420 minutes.

To be an approved course and count towards this waiver, the course provided must apply to the Texas School Safety Center (TSSC) and be determined to meet TSSC established criteria. The commissioner is given rule making authority to execute this section.

Section 7 – Amends Section 28.002 of the Education Code.

This section amends health education requirements for all school districts that offer kindergarten through grade 12. Additionally, it expands what health will look like to include physical health, mental health, and suicide prevention. “Mental health” is further defined to include mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making. Suicide prevention education will include recognizing risk factors and warning signs.

The State Board of Education (SBOE) is directed to create rules to add “digital citizenship” to all school districts’ curriculum. “Digital citizenship” is defined as the standards of appropriate, responsible, and health online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

This will also include information on cyberbullying. Cyberbullying (defined by Section 37.0832 of the Education Code) means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

Section 8 – Amends Section 28.004 of the Education Code.

This section adds duties to the local school health advisory council (SHAC) to include recommendations on policies, procedures, strategies, and curriculum to also include suicide. Additionally, it adds strategies to increase parental awareness of risky behaviors and early warning signs of suicide risks and behavioral available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns, including mental health disorders and substance use disorders.

Section 9 – Amends Section 37.0812 of the Education Code.

This section removes an enrollment minimum of 30,000 students to trigger required training for school district peace officers and school resource officers, thus making required training applicable to all school district peace officers and resource officers.

Section 10 – Amends Section 37.108 of the Education Code.

This section makes changes to the MEOP required of school districts and open-enrollment charter schools. It adds that any plan must address prevention measures for the school.

The bill allows the TSSC, in conjunction with the Governor’s Office of Homeland Security, to define what “prevention, mitigation, preparedness, response, and recovery” mean within a MEOP. It allows the consultation with the Commissioners of Education and Higher Education regarding the definition of these terms to be as applicable rather than required.

It also adds that all training for the MEOP must include training for substitute teachers. The district or school must take action to ensure that each district employee, including substitute teachers, have classroom access to a telephone. This can include a cellular telephone or other electronic communication device that allows immediate contact with district or local emergency services.

The district or school must also ensure that the communication technology and infrastructure is capable to handle the usage required or might be required during an emergency.

The bill adds to the safety and security audit process that other individuals, registered through the TSSC, may perform audit procedures, rather than just the TSSC.

During the audit process, a district or school must certify that any safety and security allotment dollars received were used on appropriate expenditures.

The bill adds that the safety and security audit shall be signed by the following: for a school district, the board of trustees and superintendent; for a public junior college, the president.

For a school district, the MEOP must include the following:

- a chain of command that designates an individual responsible for making final decisions during a disaster or emergency situation; other individuals must be identified in an order of succession if that original designee is unavailable
- provisions that address physical and psychological safety for responding to a natural disaster, active shooter, or other dangerous scenarios by the agency of TSSC
- provisions to ensure students in portable buildings are safe
- ensure students and district personnel with disabilities are provided equal access to safety during a disaster or emergency situation
- provisions for providing immediate notification to parents/guardians regarding a significant threat to the health or safety of students; this must include the identification of the individual with responsibility for overseeing the notification
- provisions for supporting the psychological safety of students, district personnel, and the community during the response and recovery phase following a disaster or emergency situation that
 - are aligned with best practice-based programs and practices recommended under Section 161.325 of the Health and Safety Code
 - include strategies to ensure all appropriate school personnel receive required professional development training for suicide prevention and grief-informed and trauma-informed care
 - include training for members of the school safety and security committee, school counselors, and mental health professionals, and educators and other appropriate district personnel (appropriate is determined by the district) on integrating psychological safety and suicide prevention strategies into the MEOP
 - this could include, for example, psychological first aid for schools training, however, any course must come from an approved list of trainings established by the Commissioner of Education and the TSSC
 - include strategies and procedures for integrating and supporting physical and psychological safety
- a plan for how substitute teachers may access school campus buildings and materials necessary for that substitute to carry out their required duties during an emergency or a mandatory emergency drill
- the name of each individual on the school district's school safety and security committee established under Section 37.109

Section 11 – Amends Subchapter D of Chapter 37 of the Education Code to create Section 37.1081 “Public Hearing on Multi-hazard Emergency Operation Plan Noncompliance.”

If a school district's board of trustees receives notification that their MEOP was not compliant to Section 37.207 (e) or 37.2071 (g) Model Safety and Security Audit Procedures and District Multi-Hazard Emergency Operations Plan Review and Verification (this section is created by this bill), the board must hold a public hearing to notify the public of the following:

- failure to submit or correct deficiencies in the MEOP or report the results of a safety and security audit to the TSSC as required by law
- the dates during which the district has not been compliant
- the names of each member of the Board of Trustees and the Superintendent serving in that capacity during the dates the district was not compliant

During this public hearing, reasonable time must be given to the public to speak on the issue of the noncompliance, deficiencies, or failures of the MEOP.

Written confirmation that a public hearing was held must be submitted by the district required to hold a public hearing to the TSSC.

If a school district fails to submit a MEOP for review and verification to the TSSC, the TSSC may notify the Texas Education Agency (TEA) and the Commissioner may appoint a conservator. This conservator may order the district to adopt, implement, and submit a MEOP. If the district fails to comply with the conservator within the time frame imposed by the Commissioner, the Commissioner may appoint a board of managers under Chapter 39A of the Education Code. The Commissioner is given rulemaking authority to implement this subsection.

Section 12 – Amends Section 37.109 of the Education Code.

Amends the makeup of the School Safety and Security Committee. To the greatest extent possible this committee should include the following:

- one or more representatives of an office of emergency management of a county or city where the district is located
- one or more representatives of the local police department or sheriff's office
- one or more representatives of the district's police department, if applicable
- the president of the district's board of trustees
- a member of the board of trustees, other than the president
- the district's superintendent
- one or more designees of the district's superintendent, one of whom must be a classroom teacher in the district
- if the district partners with an open-enrollment charter school to provide instruction to students, a member of the charter's governing board or their designee must be included
- two parents/guardians of students enrolled in the district

The bill adds that the responsibilities of the committee include providing periodical recommendations to the board of trustees and district administrators regarding needed updates to the MEOP to reflect updated best practices. Additionally, the committee should consult with local law enforcement agencies on ways to increase law enforcement presence near district campuses. This committee must meet at least once during each academic semester and at least once during the summer. Year-round or other alternative calendar districts must have at least three meetings in one calendar year with at least two months between meetings.

This committee is subject to Chapter 551 of the Government Code (Open Meetings); however, this

committee may meet in executive session. Meetings of the committee must be posted in the same manner as a notice of a meeting of the district's board of trustees.

Section 13 – Amends Subchapter D of Chapter 37 of the Education Code by adding Section 37.113 through 37.115.

If a school district campus or other facility where students are present receives a bomb or terroristic threat, the district must notify parents/guardians of each student assigned or regularly uses that site as soon as possible.

Emergency Evacuations and Required Emergency Drills

The Commissioner of Education, in consultation with the TSSC and state fire marshal, is given rule making authority to establish the following:

- procedures for evacuating and securing school property during an emergency
- the number of mandatory school drills to be conducted each semester of the school year (not to exceed eight) and specifically the number of required evacuation fire exit drills, lockdown, lockout, shelter-in-place, and evacuation drills

Threat Assessment and Safe and Supportive School Program and Team

Harmful, threatening, or violent behavior is defined to include behaviors like verbal threats, threats of self-harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault by a student that could result in specific interventions, including mental health or behavioral supports, in-school suspension, out-of-school suspension, or the student's expulsion or removal to a disciplinary alternative education program or a juvenile justice alternative education program.

TEA, in coordination with the TSSC, must adopt rules to establish a safe and supportive school program. These rules will incorporate research-based best practices for school safety including

- physical and psychological safety, multi-phase and multi-hazard approach to prevention, mitigation, preparedness, response, and recovery in a crisis situation;
- a systemic and coordinated multi-tiered support system that addresses school climate, the social and emotional domain, and behavioral and mental health; and
- a multi-disciplinary and multi-agency collaboration to assess risks and threats in schools and provide appropriate interventions, including rules for the establishment and operation of teams.

Each board of trustees must establish a Threat Assessment and Safe and Supportive School Team (TASSST) to serve each campus within the district. This team is responsible for developing and implementing the safe and supportive school program at the campus that the team serves.

Policies regarding the TASSST that must be adopted include the following:

- each team must be consistent with the model policies and procedures developed by the TSSC.
- each team must complete training provided by the TSSC or a Regional Education Service

Center (ESC) regarding evidence-based threat assessment programs.

- each team must report the information required by TEA the team's activities.

The superintendent must ensure each member of the TASSST 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 TASSST can serve multiple campuses within a district. Each campus in the district must be assigned a team. The Superintendent may establish a committee to oversee the operations of TASSSTs within the district. The members of this committee must have the same expertise as the members of the team.

Each TASSST must

- conduct a threat assessment that includes
 - assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior in accordance with the policies and procedures adopted
 - gathering and analyzing data to determine the level of risk and appropriate intervention, including
 - referring a student for mental health assessment; and
 - implementing an escalation procedure if appropriate based on the team's assessment, in accordance with district policy;
- provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and
- support the district in implementing the district's MEOP.

The TASSST may not provide mental health care service to a student who is under 18 years of age unless written consent from the parent/guardian. The school district must create a form to supply this written consent that permits on going or defined support and be compliant with state and federal law.

When the TASSST determines that a student or other individual poses a serious risk of violence to self or others, the team will report their determination to the superintendent. If this person is a student, the superintendent must immediately attempt to inform the parent/guardian. This does not prevent an employee of the district from acting to prevent an imminent threat or respond to an emergency. If a TASSST determines a student is at risk of suicide or makes a threat of violence, the team must conduct a threat assessment in addition to actions taken in accordance with the district's suicide prevention program. If a student is identified as using or possessing tobacco, drugs, or alcohol, the TASSST will act in accordance with district policies and procedures related to substance use prevention and intervention.

The information a TASSST must report to TEA includes the following:

- the occupation of each person appointed to the team
- the number of threats and a description of the type of threat reported to the team

- the outcome of each assessment made by the team including any disciplinary action taken or change in school placement, any taken by law enforcement, or a referral or change in counseling, mental health, special education, or other services
- total number of students that are connected with an assessment or reported threat of the following:
 - citations issued for Class C misdemeanor offenses
 - arrests
 - incidents of uses of restraint
 - changes in school placement, including placement in a juvenile justice alternative education program or disciplinary alternative education program
 - referrals to or changes in counseling, mental health, special education, or other services
 - placements in in-school suspension or out-of-school suspension and incidents of expulsion
 - unexcused absences of 15 or more days during the school year
 - referrals to juvenile court for truancy

(This information is disaggregated by student gender, race, and/or status to include: special education services, risk of dropping out of school, being in foster care, experiencing homelessness, dependent of military personnel, being pregnant or a parent, limited English proficiency, and/or migratory child.)

- the number and percentage of school personnel trained in the following:
 - suicide prevention or grief and trauma-informed practices
 - mental health or psychological first aid for schools
 - training relating to the safe and supportive school programs established under the mental health or psychological first aid for schools
 - any other program relating to safety identified by the commissioner

The Commissioner is given rule making authority for this section.

Section 14 – Amends Section 37.207 of the Education Code.

This section is only applicable to school districts. TSSC has the ability to require a district to submit its MEOP for immediate review if the district’s audit results indicate the district is not compliant.

- if a district fails to report their audit result, TSSC will provide written notice to the district to report those audit results.
- if the district does not report the required audit results within 6 months of the failure notification, TSSC will notify TEA. Additionally, TSSC will notify the district that they are required to hold a public hearing regarding that failure to report.

If the district fails to report the results of their audit, the TSSC will provide written notice of the Section 15 – Amends Subchapter G of Chapter 37 of the Education Code creating Section 37.2071 “District Multi-Hazard Emergency Operations Plan Review and Verification.”

TSSC must establish a random or need-based cycle for the center's review and verification of the school district and public junior college's (JC) MEOP. This cycle must provide that each district's plan is reviewed on a regular interval determined by TSSC. The district or JC must submit their plan on this determined review schedule.

TSSC will review any submitted plan to ensure the plan meets the established requirements. Written notification will be given to a district describing any deficiencies that a district's plan includes and how those deficiencies must be corrected for resubmission and review. A plan can be determined to be approved, even if the plan has deficiencies, if the plan includes further actions that will help correct those deficiencies.

School districts have three months after the initial notification of deficiencies to submit corrections to their plan. If the district fails to submit corrections, TSSC will provide written notification to the district and TEA that the district has failed to report corrections and that the district must comply immediately with this section. If six months have passed since the original notification, TSSC will provide written notification of the failure to submit the plan and that the district will not be required to hold a public hearing. This notification will also include information allowing the Commissioner of Education to appoint a conservator.

Any information collected, developed, or produced under this section is not subject to open-records requirements.

Section 16 – Amends Section 37.2091(d) of the Education Code.

This section amends language regarding the safety and security consulting for auditing purposes list of qualified individuals. These changes allow TSSC to verify a person's qualifications before they are added to the list or registry.

Section 17 – Amends Subchapter G, Chapter 37 of the Education Code to add Section 37.220 “Model Threat Assessment Team Policies and Procedures.”

TSSC and TEA will create model policies and procedures for the creation and training of threat assessment teams. These model procedures must include:

- the referral of a student to a local mental health authority or health care provider for evaluation or treatment;
- the referral of a student for a full individual and initial evaluation for special education services; and
- a student or school personnel to anonymously report dangerous, violent, or unlawful activity that occurs or is threatened to occur on school property or that relates to a student or school personnel.

Section 18 – Amends Subchapter A, Chapter 38 of the Education Code to create Section 38.036 “Trauma –Informed Care Policy.”

Each school district is required to adopt and implement a policy requiring the integration of trauma-informed practices in each school environment. These include the following:

- using resources developed by the agency to increase staff and parent awareness of trauma-informed care and implementation of trauma-informed practices and care by district and

campus staff

- available counseling options for students affected by trauma or grief

In order to increase awareness and implementation of trauma-informed care, specific training must be provided that is from a list of recommended best practice-based programs and research-based practices established under the Health and Safety Code. This training must be included in new employee orientation for all school district educators and existing employees must receive the training on a regular basis to keep them up-to-date with best practices. The school district is responsible for maintaining records of who took this training, reporting the number of teachers, principals, and counselors who have completed the training, and maintaining records of the overall number of these individuals employed by the district. A school district is encouraged to partner with a community partner to provide these trainings free of charge.

The Commissioner of Education is given rulemaking authority to collect required data.

Section 19 – Amends Chapter 38 of the Education Code to create a new Subchapter F “Mental Health Resources” and new Section 38.251 “Rubric to Identify Resources.”

TEA is responsible for creating a rubric for ESCs to use to identify resources related to student mental health that are available to schools in that specific region. HHSC, Department of Family and Protective Services; Texas Juvenile Justice Department. Texas Higher Education Coordinating Board, Texas Child Mental Health Care Consortium, Texas Workforce Commission, and any other agency deemed appropriate will consult with TEA on the development of the rubric.

Resources will be identified if they relate to the following:

- training and technical assistance on practices that support the mental health of students
- school-based programs that provide prevention or intervention services to students
- community-based programs that provide school-based or school-connected prevention or intervention services to students
- communities In Schools programs described by Subchapter E, Chapter 33
- school-based mental health providers
- public and private funding sources available to address the mental health of students

By December 1st of every odd-numbered year, TEA will update the rubric if necessary.

ESCs are required to use the created rubric to identify evidence-based resources, promising programs, and best practices for schools in their region. The programs must

- create school environments that support the social, emotional, and academic development of students;
- identify students who may need additional behavioral or mental health support before issues arise;
- provide early, effective interventions to students in need of additional support;
- connect students and their families to specialized services in the school or community when needed; and

- assist schools in aligning resources necessary to address the mental health of students.

ESCs may consult with whomever they deem helpful in creating this list. By March 1st of each even-numbered year, the ESC must use the TEA revised rubric to update their own list or services and submit to TEA a report on resources identified through this process.

TEA will establish a statewide inventory of mental health resources including training and technical assistance on practices that support the mental health of students; school-based programs that provide prevention or intervention services to students; community-based programs that provide school-based or school-connected prevention or intervention services to students; school-based mental health providers; and public and private funding sources available to address the mental health of students. The bill outlines who TEA must consult with to create this list. This list must be revised by March 1 of each even-numbered year.

TEA is required to develop a statewide plan to ensure all students have access to adequate mental health resources. This plan must include the following:

- a description of any revisions made to the rubric required by Section 38.251
- the results of the most recent regional inventory of mental health resources required by Section 38.252, including any additional resources identified
- the results of the most recent statewide inventory of mental health resources required by Section 38.253, including any additional resources identified
- the agency's goals for student mental health access to be applied across the state, including goals relating to the following:
 - methods to objectively measure positive school climate
 - increasing the availability of early, effective school-based or school-connected mental health interventions and resources for students in need of additional support
 - increasing the availability of referrals for students and families to specialized services for students in need of additional support outside the school
- a list of actions the commissioner may take without legislative action to help all districts reach the agency's goals described by the plan
- recommendations to the legislature on methods to ensure that all districts can meet the agency's goals described in the plan through legislative appropriations or other action by the legislature

TEA is directed to consult with any person or agency they deem necessary including educators, mental health practitioners; advocacy groups, and parents. This plan will be revised by April 1st of each even-numbered year. As soon as the plan is revised, an electronic copy will be submitted to the Legislature, posted to the agency's website, and TEA will hold public meetings in each ESC region to represent the plan and garner public comment. This mental health plan will help influence the long-term strategic plan for education and future TEA legislative appropriations requests.

In addition to any other reporting, TEA must provide to the legislature by November 1st of each even-numbered year a description of any changes the agency has made to the rubric required by

Section 38.251; and an analysis of each ESC region's progress toward meeting the agency's goals developed under Section 38.254.

School Safety Allotment

From fund appropriated, the Commissioner of Education must provide to a school district an annual allotment for each student in average daily attendance. These funds must be used on the following school safety and security costs:

- costs to secure school facilities, including the following:
 - improvements to school infrastructure
 - the use or installation of physical barriers
 - the purchase and maintenance of security cameras or other security equipment and technology, including communications systems or devices, that facilitates communication and information sharing between students, school personnel, and first responders in an emergency
- costs to provide security for the district, including the following:
 - employing school district peace officers, private security officers, and school marshals
 - collaborating with local law enforcement agencies, such as entering into a memorandum of understanding for the assignment of school resource officers to schools in the district
- costs to provide school safety and security training and planning, including:
 - active shooter and emergency response training
 - prevention and treatment programs related to addressing adverse childhood experiences to include prevention, identification, and management of emergencies and threats such as
 - providing mental health personnel and support;
 - providing behavioral health services; and
 - establishing threat reporting systems; and providing programs related to suicide prevention, intervention, and postvention

This can include costs associated with equipment or software used for school safety and security and an instructional purposes.

Commissioner is given the ability to adopt rules for this section.

Section 21 – Amends Section 45.001 (a) of the Education Code.

This section expands the ability for bond issuance to include the retrofitting of school buses with emergency safety or security equipment and the purchase or retrofitting of vehicles to be used for emergency, safety, or security purposes.

Section 22 establishes the Texas Child Mental Health Care Consortium previously created by Senate Bill 10.

Section 23 – Amends Section 161.325 (d) of the Health and Safety Code.

This section adds to the breadth of material a school district may develop for practices and

procedures for providing educational materials to parents/families regarding accessing information on risk factors, accessing resources for treatment or support, and accessing available student accommodations on campus.

Section 24 – Amends Section 10701.263 (b) of the Occupations Code.

This section removes language requiring a minimum of 30,000 students be enrolled before a school district police officer or school resource officer is required to receive training.

Section 25 – From appropriated funds, the Commissioner must establish and administer a grant program to local education agencies to improve and maintain student and school safety.

Section 26 – By January 1, 2020 The TSSC must

- develop a list of best practices for ensuring the safety of public school students receiving instruction in portable buildings; and
- provide information regarding the list of best practices to school districts using portable buildings for student instruction.

The Commissioner of Education must

- adopt or amend rules as required by Section 7.061 “Facilities Standards,” Education Code, as added by this Act; and
- in consultation with the Texas School Safety Center and the state fire marshal, shall adopt rules regarding mandatory evacuation drills (Section 37.114 of the Education Code).

Section 27 – By December 1st, 2019, TEA must develop and distribute to each ESC the rubric for identifying mental health resources.

By March 1st, 2020, each ESC must complete their regional inventory of mental health resources and report to TEA. TEA will also complete their statewide inventory.

By April 1st, 2020, TEA must develop the statewide plan for student mental health and submit an electronic copy to the legislature and post a copy on their website.

Section 28 – As soon as possible after the effective date of this bill, the Texas Child Mental Health Care Consortium will be appointed.

Section 29 – School police officers and school resource officers in a school district with fewer than 30,000 students will complete the required training as soon as practicable but not later than August 31st, 2020. These school districts will also adopt a training policy for these officers by October 1st, 2019.

Section 30 – Changes made to the health curriculum (Section 28.002 of the Education Code) and Local School Health Advisory Council and Health Education Instruction (Section 28.004 of the Education Code) begin in the 2019 – 2020 school year.

Section 31 – TEA and TSSC are only required to implement this bill if funds appropriated for that purpose.

Section 32 – This act prevails over any conflicting language.

Section 33 – The bill is effective June 6th, 2019 (earliest effective date upon Governor’s signature).

S.B. 12

Relating to the contributions to the Teacher Retirement System of Texas.

Bill Overview:

The bill outlines a gradual increase in contributions for members into the Teacher Retirement System (TRS).

Additionally, the bill removes an exemption for districts and entities that additionally paid Social Security. Finally, the bill creates a “13th check” for current eligible retirees.

Section Analysis:

Section 1 – Amends Section 825.402 of the Government Code.

The bill changes the rate of contributions for members. Specifically, for compensation paid (language change from service rendered) during the following time brackets:

- on or after September 1st, 2017 and before September 1st, 2019, the lesser of 7.7% or 7.7% minus the state contribution.
- on or after September 1st, 2019 and before September 1st, 2021, the lesser of 7.7% or 7.7% minus the state contribution.
- on or after September 1st, 2021 and before September 1st, 2023, the lesser of 8% or 8% minus the state contribution.
- on or after September 1st, 2023, the lesser of 8.25% or 8.25% minus the state contribution.

Section 2 – Amends the heading of Section 825.4035 to Employer Contributions for Certain Employed Members.

Section 3 – Amends Section 825.4035 of the Government Code.

This section creates a gradual increase in monthly employer contributions to TRS from 1.5% to 2% over the next five years for minimum salary scheduled employees and others. Starting in September 2019 and each subsequent report month, block contributions will be the lesser of:

- 1.6% or 1.6% minus state contribution September 2020 to August 2021
- 1.7% or 1.7% minus state contribution September 2021 to August 2022
- 1.8% or 1.8% minus state contribution September 2022 to August 2023
- 1.9% or 1.9% minus state contribution September 2023 to September 2024
- 2% or 2% minus state contribution starting in September 2024

Additionally, this section removes an exception from this contribution if a district or entity made a contribution to Social Security, i.e the Old-Age, Survivors, and Disability Insurance Program (OASDI). These entities will now be expected to make the same contribution as those districts that

Bill Author: Joan Huffman

Sponsored By: Greg Bonnen

Governor Action: Signed June 10th, 2019

Effective Date: June 10th, 2019

Applies: School Districts, and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

do not pay into Social Security.

Section 4 – Amends Section 825.404 of the Government Code.

This section outlines the required state contribution levels and timetable for stepping the contribution up from 7.5% to 8.25% in FY 2023. Specifically, the contribution levels will increase as follows:

- FY 2019 and FY 2020 – 7.5% of the aggregate annual compensation of all members
- FY 2021 – 7.75%
- FY 2022 – 8%
- FY 2023 – 8.25%

Section 5 – The creation of the 13th check, a TRS one-time payment.

This payment will be made by September 2020; it is the lesser of the gross amount of the regular annuity payment of the month immediately preceding the payment or \$2,000. Retirees will get this check regardless of if they are required to forfeit benefits under Government Code 824.601, and TRS will withhold proper taxes. This supplemental payment is in addition to any other payment expected. To be eligible, the retiree must be an annuitant eligible to receive one of the following:

- A standard retirement annuity payment
- An optional retirement annuity payment as either a retiree or beneficiary (effective date of retirement must have been on or before December 31st, 2018)
- A life annuity payment under Section 824.402 (a) (4), Government Code (date of death must have been on or before December 31st, 2018)
- An annuity for a guaranteed period of 60 months under Section 824.402 (a) (3), Government Code (date of death must have been on or before December 31st, 2018)
- An alternate payee annuity payment under Section 804.005, Government Code (annuity payment to the alternate payee must have commenced on or before December 31st, 2018)

Excluded from this 13th check are the following annuitants:

- disability retirees with less than 10 years of service credit (Section 824.304(a) Government Code)
- participants in the deferred retirement option plan (Section 824.804(b) Government Code)
- retiree survivor beneficiaries who receive a survivor annuity in an amount fixed by statutes (Section 824.501 (a) Government Code)
- active member survivor beneficiaries who receive a survivor annuity in an amount fixed by statute (Section 824.404 (a) Government Code)

The state must appropriate the money for this onetime payment before TRS can make the payment.

Section 6 – The bill is effective June 10th, 2019 (earliest effective date upon Governor's signature).

S.B. 30

Relating to ballot language requirements for a proposition seeking voter approval for the issuance of bonds.

Bill Overview:

This bill requires school districts to separately list bond proposition items that are not educational facilities and specifically outlined within the bill. Additionally, the bill specifies the exact language and information that must be included on a ballot for such propositions.

Bill Author: Brian Birdwell

Sponsored By: Dade Phelan

Governor Action: Signed June 7th, 2019

Effective Date: September 1st, 2019

Applies: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Section Analysis:

Section 1 – Amends Section 45.003 of the Education Code.

Outside the regulation of Section 1251.052 of the Government Code, bonds for the construction, acquisition, and equipment of school buildings in a district, purchase of new school buses, and purchase of necessary sites for school buildings may be placed on a single ballot proposition. The following propositions must be separately filed for the construction, acquisition, or equipment of the item:

- a stadium with seating for more than 1,000 spectators
- natatorium
- gymnasium, playground, or play area
- performing arts facility
- housing for teachers determined by the district to be necessary to have a sufficient number of teachers for the district
- technology equipment, other than that for school security purposes or integral to the construction, of a facility

These specific items must be listed separately even if they are to be built within or connected to a building that contains traditional classroom facilities. Each of these propositions must state the principal amount of the bonds to be issued that constitutes the cost for construction attributable to the described non-educational facility list.

Section 2 – Amends Section 52.072 (e) of the Election Code.

This section removes language that requires explanation of what is included in a bond but does not include the specificity required by this new provision.

Section 3 – Designates Sections 1251.001, 12.003, 1251.004, 1251.005, and 1251.006 as part of a new Subchapter A “Provisions Relating Generally to County and Municipal Bond Elections.”

Section 4 – Creates Subchapter B “Ballot for Debt Obligations Issued by Political Subdivisions” to Chapter 1251 of the Government Code.

Defines “Debt Obligation” as a public security (defined by Section 1201.002 of the Government Code) secured and payable from ad valorem taxes. This does not include public securities that are designated as self-supporting by the political subdivision issuing the securities.

Defines “Political Subdivision” to mean a municipality, county, school district, or special taxing district.

A ballot seeking voter approval for the issuance of debt obligations by any political subdivision must include the following things:

- a plain language description of the single specific purposes for which the debt obligations are to be authorized
- the total principal amount of the debt obligations to be authorized
- the taxes sufficient to pay the principal of the interest on the debt obligations that will be imposed

Each specific purpose for the debt obligation must be printed on the ballot as a separate proposition. A single proposition can include one or more structures/improvements that serve a substantially similar purpose. Additionally related improvements or equipment for the work to be accomplished can be condensed into a single proposition.

Section 5 – Repeals Section 1251.002 of the Government Code, “Contents of Proposition.”

Section 6 – This change in law only applies to an election ordered after the effective date of this bill.

All elections ordered before the effective date are subject to previous law.

Section 7 – The bill is effective September 1st, 2019.

S.B. 38

Relating to the offense of hazing.

Bill Overview:

The bill expands the definition of hazing and list of organizations that qualify under this section of the Education Code. Identifies how immunity from civil and criminal proceedings can be established, where these offenses will be prosecuted, and the timing for post-secondary education institutions to report hazing.

Section Analysis:

Section 1 – Amends Section 37.151 (5) and (6) of the Education Code.

This section adds to the definition of “Organization” to include a student government, band or musical group, or an academic, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association Competitions.

The definition of “Hazing” is expanded to include coercing (Section 1.07 of the Penal Code) the student to consume a drug, alcohol beverage, or liquor in an amount that would lead a reasonable person to believe the student is intoxicated (Section 49.01 of the Penal Code).

Section 2 – Amends Section 37.155 of the Education Code.

This section establishes that if a person who was not involved reports an incident of hazing before it happens or helps with an investigation of hazing and is not involved in the actual act or is determined to have cooperated in good faith, is immune from civil or criminal liability. A person that reports their own act of hazing or in bad faith or with malice is not immune.

Section 3 – Amends Subchapter F of Chapter 37 of the Education Code

This section identifies where an offense of hazing may be prosecuted and how it can be prosecuted outside the county that the education institution’s campus is located.

Section 4 – Outlines reporting requirements a post-secondary educational institution is required to submit in the event of reported or suspected hazing.

Section 5 – These changes to law only apply to an offense committed on or after the effective date of the bill. Any previous acts are governed by previous law.

Section 6 – These changes to law only apply to a civil cause on or after the effective date of the bill. Any previously filed causes are governed by previous law.

Section 7 – Changes to reporting requirements for post-secondary educational institution apply beginning in the 2020 spring semester.

Section 8 – By January 1st of 2020, each post-secondary educational institution will post the required report established by this bill on their website.

Section 9 – The bill is effective September 1st, 2019.

Bill Author: Judith Zaffirini

Sponsored By: Jose Lozano

Governor Action: Signed June 15th, 2019

Effective Date: September 1st, 2019.

Applies: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

S.B. 54

Relating to ballot language requirements for a proposition seeking voter approval for the issuance of bonds.

Bill Overview:

The bill requires the Texas Education Agency (TEA) to conduct a study regarding appropriate methods and standards to evaluate the performance of a student who spends at least 50% of the instructional day participating in a regional day school program for the deaf and the parent or guardian of the student who does not reside in the public school district providing program services. This should be considered separately from the performance of other students attending the district or campus in which the program is physically located,

Bill Author: Judith Zaffirini

Sponsored By: Mary Gonzalez

Governor Action: Signed June 7th, 2019

Effective Date: June 7th, 2019

Applies: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Section Analysis:

Section 1 – TEA will conduct a study regarding appropriate methods and standards to evaluate the performance of a student who spends at least 50% of the instructional day participating in a regional day school program for the deaf and whose parent/guardian does not reside in the school district providing program services. These students will be evaluated separately from the performance of other students attending the district or campus in which the program is physically located.

By September 1st, 2020, TEA will provide a report regarding this study and a list of recommendations for legislative action to the House Committee on Public Education and Senate Committee on Education.

This section expires September 1st, 2021.

Section 2 – Implementation of this study is only required if TEA receives an appropriation for this work.

Section 3 – The bill is effective June 7th, 2019 (earliest effective date upon Governor's signature).

S.B. 139

Relating to a notice of educational rights and recovery by school districts and open-enrollment charter schools of costs for certain student evaluations.

Bill Overview:

The bill requires the Texas Education Agency (TEA) to develop and distribute a notice regarding the changes made to reporting requirements for school districts and open-enrollment charter schools for special education representations within the Performance-Based Monitoring Analysis System Manual (PBMAS). Additionally, the notice must include the rights of a child under federal and state law for the referral and eligibility to receive special education services.

Bill Author: Jose Rodriguez

Sponsored By: Joe Moody

Governor Action: Signed June 14th, 2019

Effective Date: June 14th, 2019

Applies: School Districts, and Open-Enrollment Charter Schools

Rule Authority: The Commissioner of Education is granted rule making authority to create and distribute of the notice required by this law

Section Analysis:

Section 1 – Amends Subchapter A of Chapter 29 of the Education Code to create Section 29.023 “Notice of Rights.”

TEA is required to develop a notice that outlines the change made to PBMAS from 2016 to 2017 regarding the special education representation indicator and in plain language, the rights of a child under federal and state law regarding how to initiate a referral of to determine eligibility for special education services. The school district or open-enrollment charter school must include within this notice local processes and procedures for initiating a referral for these services and where they can be found.

The Commissioner of Education will determine a date that each school district and open-enrollment charter school must provide the notice to parents of each child who attends school in the district or school at any time during the 2019 – 2020 school year.

This notice must also be made available upon request of the school district or open-enrollment charter school. This notice must be in English and Spanish and schools must make a good faith effort to provide the notice in a parent’s native language if it is not Spanish or English.

This notice is in addition to the requirements outlined in Section 26.0081 of the Education Code “Right to Information Concerning Special Education and Education of Students with Learning Difficulties.”

The Commissioner of Education is granted rule making authority to implement this section and this section expires September 1st, 2023.

Section 2 – The bill is effective June 14th, 2019 (earliest effective date upon Governor’s signature).

S.B. 213

Relating to the use of individual graduation committees and other alternative methods to satisfy certain public high school graduation requirements.

Bill Overview:

This bill extends the expiration of individual graduation committees to September 1st, 2023.

Section Analysis:

Section 1 – Amends Sections 12.104 (b-2) and (b-3) of the Education Code.

Open-enrollment charter schools have the ability to establish an individual graduation committee (Section 28.0258). In addition, the ability to graduate through an individual graduation committee process has been extended to September 1st, 2023.

Section 2 – Amends Section 28.025 (c-6) of the Education Code.

This section allows a person to be receive a diploma if they are eligible for a diploma under Section 28.0258 till September 1st, 2023.

Section 3 – Effective September 1st, 2019, amendments to Section 28.02541(a) of the Education Code include those who have not performed satisfactorily on an assessment instrument or a part of an assessment instrument required for high school graduation, including an alternate assessment instrument offered under Section 39.025(c-2).

Sections 4 through 6 – Extend the expiration dates to September 1st, 2023 for Sections 28.02541(g) 28.0258 (l), and 28.0259(e) of the Education Code.

Section 7 – Amends Section 28.02591(a) of the Education Code.

This section extends the need for the Texas Higher Education Coordinating Board (THECB) to collect data through September 1st, 2023.

Section 8 – Amends Section 39.025 (a-2) of the Education Code.

This section extends the expiration to September 1st, 2023 for a student who has failed to perform satisfactorily on end-of-course assessment instruments in the required Secondary-Level Performance.

Section 9 – Amends Section 39.025(a-3) of the Education Code.

Extends the expiration to September 1st, 2023 for the provision that a student who, after retaking certain end-of-course assessments, has failed to perform satisfactorily but who receives a score of proficient on the Texas Success Initiative (TSI) diagnostic assessment for the corresponding subject.

Section 10 – The bill is effective May 7th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Kel Seliger

Sponsored By: Dan Huberty

Governor Action: Signed May 7th, 2019

Effective Date: May 7th, 2019

Applies: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

S.B. 232

Relating to parental notification by a school district regarding high school graduation requirements.

Bill Overview:

The bill creates a notification to all parents/guardians of students enrolled in grade 9 or higher regarding the necessity to take Algebra II and the consequences for not taking the course.

Section Analysis:

Section 1 – Amends Subchapter B for Chapter 28 of the Education Code to create Section 28.02123, “Notification of Certain High School Graduation Requirements.”

By September 1st of each school year, a school district is required to notify by regular mail or email the parent/guardian of each student enrolled in grade 9 or above that the student is not required to complete Algebra II coursework to graduate under the foundation high school program.

This notification must include information regarding the potential consequences for not completing Algebra II including the impact on eligibility for

- automatic college admission under Section 51.803 of the Education Code
- certain financial aid (authorized under Title 3) including
 - the TEXAS grant program, and
 - the Texas Education Opportunity Grant Program

Section 2 – The bill applies beginning in the 2019 – 2020 school year.

Section 3 – The bill is effective June 14th, 2019 (earliest effective date upon Governor’s signature).

Bill Author: Jose Menendez

Sponsored By: Diego Bernal

Governor Action: Signed June 14th, 2019

Effective Date: June 14th, 2019

Applies: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Begins: 2019 – 2020 School Year

S.B. 322

Relating to the evaluation and reporting of investment practices and performance of certain public retirement systems.

Bill Overview:

This bill amends the process and reporting requirements for public retirement systems in hopes to bring more transparency to their investment practices.

Section Analysis:

Section 1 – Amends Section 801.209(a) of the Government Code.

This section adds a reporting requirement for the Teacher Retirement System (TRS) and all public retirement systems.

Section 2 – Amends Section 802.13 of the Government Code.

This section adds additional reporting item to the yearly audit report that shows the financial condition of the system. All direct and indirect commissions and fees paid by a retirement system during the previous fiscal year for the sale, purchase, or management of system assets must be include and organized by asset class. Additionally, the names of investment managers engaged by the retirement system must be included. The State Pension Review Board (PRB) is given rulemaking authority to amend the annual audit requirements.

Section 3 – Amends Subchapter B of Chapter 802 of the Government Code to create Section 802.109 “Investment Practices and Performance Reports.”

Public retirement systems are required to select an independent firm with experience in such work to evaluate the appropriateness, adequacy, and effectiveness of the retirement system’s investment practices and performance and to make recommendations for improving the retirement system’s investment policies, procedures, and practices.

This evaluation must include the following: an analysis of any investment policy or strategic investment plan adopted by the retirement system and the retirement system’s compliance with that policy or plan; a detailed review of the retirement system’s investment assets allocation including the process for determining target allocations; expected risk and rate of return, by asset class; appropriateness of selection and valuation methodologies of alternative and liquid assets and future cash flow and liquidity needs; a review of the appropriateness of investment fees and commissions paid; a review of the system’s governance processes related to investment activities; and a review of the system’s investment manager selection and monitoring process. This evaluation will look at the previous two fiscal years.

The retirement system can add additional items to this audit and the evaluator used does not have to have a pre-existing relationship but cannot directly or indirectly manage any investments for the

Bill Author: Joan Huffman

Sponsored By: Jim Murphy

Governor Action: Signed June 10th, 2019

Effective Date: June 10th, 2019

Applies: TRS Members

Rule Authority: The Pension Review Board is given rule making authority to amend the process and procedures of reporting required of public retirement systems

system. The evaluation is paid for by the retirement system.

The evaluation will happen every three years for systems valued over \$100 million, six years for systems valued between \$30 million and \$100 million, and any system valued under \$30 million does not have to be evaluated.

The evaluation will be delivered to the governing body of the system by May 1st of the year the evaluation was completed. Within 31 days, the governing body must submit the evaluation to the PRB. The PRB then sends an investment report to the Governor, Lieutenant Governor, Speaker, and Legislative Committees with jurisdiction.

TRS may use their already established reports on their performance and investment to satisfy the requirements above.

Section 4 – The first reports created by this bill are due May 1st, 2020.

Section 5 – The PRB is required to enact this law only if money was appropriated to do so.

Section 6 – The bill is effective June 10th, 2019 (earliest effective date upon Governor's signature).

S.B. 372

Relating to the authority of an open-enrollment charter school to employ security personnel, commission peace officers, and have school resource officers.

Bill Overview:

The bill allows the governing body of an open-enrollment charter school to commission peace officers or enter into a memorandum of understanding with local law enforcement to create school resource officers.

Section Analysis:

Section 1 – Amends Section 12.104 of the Education Code.

This section adds that the governing body of an open-enrollment charter school has the ability, if they so choose, to employ security personnel and commission peace officers in the same manner a school district currently is able (under Section 37.081 of the Education Code). Additionally, the bill allows for a memorandum of understanding with local law enforcement to assign a school resource officer to a school.

A commissioned peace officer for an open-enrollment charter school has the same powers, duties, and immunities as a peace officer commissioned under Section 37.081 of the Education Code.

Section 2 – The bill is effective June 7th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Donna Campbell

Sponsored By: Gary VanDeaver

Governor Action: Signed June 7th, 2019

Effective Date: June 7th, 2019

Applies: Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Begins: 2019 – 2020 School Year

S.B. 435

Relating to recommendations by local school health advisory councils regarding opioid addiction and abuse education in public schools.

Bill Overview:

The bill directs each local school health advisory council (SHAC) to recommend appropriate opioid addiction and abuse curriculum for the district including methods of administering an opioid antagonist.

Section Analysis:

Section 1 – Amends Section 28.004 (c) of the Education Code.

This section increases the local SHAC's responsibilities by adding the responsibility of recommending appropriate grade level curriculum for instruction regarding opioid addiction, abuse, and how to administer an opioid antagonist.

Section 2 – The bill is effective May 31st, 2019 (earliest effective date upon Governor's signature).

Bill Author: Jane Nelson

Sponsored By: Four Price

Governor Action: Signed May 31st, 2019

Effective Date: May 31st, 2019

Applies: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

S.B. 504

Relating to the inclusion of certain information in postsecondary education and career counseling academies developed for certain school counselors and other postsecondary advisors employed by a school district.

Bill Overview:

This bill adds social-emotional learning and indicators of behavioral issues to Postsecondary Education and Career Counseling Academies.

Section Analysis:

Section 1 – Amends Section 33.009 of the Education Code.

This bill makes changes to the “Postsecondary Education and Career Counseling Academies” section of the Education Code. Specifically, the bill allows an academy created under this section to include social-emotional learning and indicators of behavioral issues.

Section 2 – The bill is effective June 14th, 2019 (earliest effective date upon Governor’s signature).

Bill Author: Kel Seliger

Sponsored By: Michelle Beckley

Governor Action: Signed June 14th, 2019

Effective Date: June 14th, 2019

Applies: School Districts, and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

S.B. 522

Relating to the development of an individualized education program for a public school student with a visual impairment.

Bill Overview:

This bill replaces the term "functionally blind" with wording that is closer to federal law under the Individuals with Disabilities Education Act (IDEA). The bill specifies that an Individual Education Plan (IEP) for a student with visual impairment is required to provide instruction in braille if deemed appropriate by the student's admission, review, and dismissal (ARD) committee, based on an evaluation of their proficiency in relevant skills and their instructional needs.

Bill Author: Judith Zaffirini

Sponsored By: Scott Sanford

Governor Action: Signed June 4th, 2019

Effective Date: June 4th, 2019

Applies: School Districts, and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Begins: 2019 – 2020 school year

Section Analysis:

Section 1 – Amends Section 30.002 of the Education Code.

This section removes the term “functionally blind” and replaces this with “visual impairment”. The bill states that an IEP for a student must include instruction in braille and the use of braille unless a student’s ARD committee deems and documents that braille is not an appropriate literacy medium for that student. This determination must be based on an evaluation of the student’s appropriate literacy media and literacy skills and the student’s current and future instructional needs.

Section 2 – The bill begins in the 2019 – 2020 school year.

Section 3 – The bill is effective June 14th, 2019 (earliest effective date upon Governor’s signature).

S.B. 608

Relating to the continuation and functions of the School Land Board.

Bill Overview:

This bill changes how the School Land Board (SLB) and the State Board of Education (SBOE) work together to manage the Permanent School Fund.

Section Analysis:

Section 1 – Amends Section 32.003 of the Natural Resources Code.

This section moves the School Land Board (SLB) Sunset evaluation to 2023.

Section 2 – Amends Section 32.012 of the Natural Resources Code.

This section amends the SLB membership by increasing the membership to include four citizens (previously one), two of whom will be nominated to the Governor by the SBOE. The Governor has the ability to reject the nominations presented by the SBOE and request additional names. One of the four citizen members must be a resident of a county with less than 200,000 people.

The bill removes the ability of the Attorney General to make interim appointments.

Section 3 – Amends Section 32.013 of the Natural Resources Code.

This section updates language to reflect the change in the membership appoint process.

Section 4 – Amends Subchapter B of Chapter 32 of the Natural Resources Code to create Section 32.0161 “Annual Joint Meeting.”

This section requires the SLB and the SBOE to annually hold a joint public meeting to discuss the allocation of the assets of the permanent school fund and the investment of the money in the fund. All members of both boards must be present or be excused through majority vote. A subcommittee of the SBOE may represent the full board.

Section 5 – Amends Subchapter B of Chapter 32 of the Natural Resources Code to create Section 32.0191 “Separation of Responsibilities.”

SLB is responsible for developing and implementing policies that clearly separate the policy making and management responsibilities of the commissioner and the staff of the land office.

Section 6 – Amends Subchapter B of Chapter 32 of the Natural Resources Code to create Section 32.027 “Member Training.”

Before an appointed individual can assume their full voting duties, they must receive training on the following: law governing the SLB operations’ programs, function, rules, and budget; investment programs and strategies; permanent school fund, including overview of the law governing the fund; the scope of and limitation on the rulemaking authority of the board; results of the most recent formal audit of the board; requirements of laws relating to open meetings and state policymaking

Bill Author: Kirk Watson

Sponsored By: Chris Paddie

Governor Action: Signed June 7th, 2019

Effective Date: December 1st, 2019

Applies: School Land Board and State Board of Education

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

duties; and any applicable ethics training.

Those appointed to the SLB are entitled to reimbursement for attending trainings.

Commissioner of the General Land Office must create a training manual and ensure (through signature) that each member of the SLB has received the manual.

Section 7 – Amends Subchapter B of Chapter 32 of the Natural Resources Code to create Section 32.028 “Complaints.”

SLB has to create a system to track all received complaints and general information about the subject matter and individual providing the complaint. The board must make available the procedures for how a complaint is handled and must periodically check in on complaints received until they are resolved.

Section 8 – Amends Section 51.402 (a) and (c) of the Natural Resources Code.

This section establishes an exception to the use of funds by the Board and changes the general language of the section from money to funds. The exception created states that the market value of the investments made to acquire interests in real estate and investments in real estate cannot exceed 15% of the market value of the assets held by the SLB and SBOE as part of the permanent school fund.

Section 9, 10, 11, and 12 – Amends Sections 51.4021, 51.412, 51.413 and 51.4131 of the Natural Resources Code.

This section updates the term of money to funds. It also states the SLB must report (within their report to the legislature) the amounts of all fees and other compensation paid by the SLB to investment managers, consultant, or advisors.

Section 13 – Changes to the appointment schedule and structure of the SLB only apply to new appointments. Currently sitting members will fulfill their current terms.

Section 14 – The required training applies to current members of the SLB; they have until December 1st, 2019 to become compliant.

Section 15 – This bill is effective September 1st, 2019.

S.B. 619

Relating to the sunset review process and certain governmental entities subject to that process.

Bill Overview:

Amends and updates the Sunset Act requirements for various state agencies. The Texas Education Agency (TEA) is now required to go through Sunset in 2027. The bill also removes the independent sunset of the Regional Education Service Centers (ESCs). Three of the regions will now go through Sunset with the Agency on the Agency's schedule.

Section Analysis:

Article 1 – 2021 Sunset Schedule

The following agencies and departments will go through the sunset process in 2021:

- Teacher Retirement System of Texas (TRS)
- Anatomical Board of the State of Texas
- Texas Department of Licensing and Regulation
- Texas Racing Commission

Article 2 – 2023 Sunset Schedule

- Limited review of the Department of Family and Protective Services
- Office of Inspector General, Health and Human Services Commission
- Texas Invasive Species Coordinating Committee
- Texas Juvenile Justice Board and Texas Juvenile Justice Department
- Division of Workers' Compensation, Texas Department of Insurance
- Office of Injured Employee Counsel
- Review of programs transferred to the Texas Department of Licensing and Regulation
- Upper Guadalupe River Authority

Article 3 – 2025 Sunset Schedule

- State Commission on Judicial Conduct and the Judicial Branch Certification Commission
- Texas Board of Criminal Justice and Texas Department of Criminal Justice
- Department of Information Resources
- Angelina and Neches River Authority, Lower Neches Valley Authority, Sabine River Authority of Texas, and the Trinity River Authority
- Public Utility Commission of Texas and the Office of Public Utility Counsel

Bill Author: Brian Birdwell

Sponsored By: Chris Paddie

Governor Action: Signed June 10th, 2019

Effective Date: June 10th, 2019

Applies: Texas Education Agency and Regional Education Service Centers

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Article 4 – 2027 Sunset Schedule

- TEA
 - As part of the TEA review, the Sunset Commission (in consultation with TEA) will select for review three ESCs that serve a diverse geographic area and population sizes. This review will include TEA’s oversight of the ESCs
- Expanded Learning Opportunities Council
- Texas Civil Commitment Office
- Texas Facilities Commission
- Maternal Mortality and Morbidity Task Force
- Public Health Funding and Policy Committee
- Perinatal Advisory Council
- Department of State Health Services
- Department of Family and Protective Services
- State Use Program of the Texas Workforce Commission

Article 5 – 2029 Sunset Schedule

- Texas Emergency Services Retirement System

Article 6 – Entities Removed from Sunset Review Process

- ESCs (now evaluated within the TEA sunset)
- State Procurement System and Related Comptroller Authority
- State Use Program, Texas Comptroller of Public Accounts
- Inter-Municipal Commuter Rail Districts

Article 7 – Amends Section 325 of the Government Code to make changes to the Sunset Review Process.

The Sunset Advisory Commission is now considered a legislative agency. A public member of the commission is acting on behalf of the legislature when carrying out commission duties. Term limits are established for members; a legislative member who serves two terms on the commission and a public member who serves three terms are no longer able to serve on the commission. If an individual does not serve their full term (is not present for all public hearings), the term will not count toward the term limit. The commission may not discuss or include the cybersecurity practices of an agency in a public meeting or final report. The bill modifies how the commission staff will monitor and report on legislative actions regarding sunset review. The correspondence and requests of the commission are considered confidential. The bill makes the river authorities subject to limited review.

Article 8 – This bill prevails over similar legislation and the bill is effective June 10th, 2019 (earliest effective date upon Governor’s signature).

S.B. 668

Relating to data collection, reporting, and notice requirements for certain educational entities.

Bill Overview:

This bill establishes a uniform definition to “homeless children and youth” within the Education Code. Additionally, the bill creates a more efficient collection of data regarding the persistence rates of teachers. School districts and open-enrollment charter schools are given more flexibility in the timing for purchases of instructional materials, as well as in the notice and amendment process of charter school expansion. The reporting process on the use of Epi-pens is streamlined and multiple underused or burdensome provisions are repealed.

Bill Author: Bryan Hughes

Sponsored By: Gary VanDeaver

Governor Action: Signed June 10th, 2019

Effective Date: June 10th, 2019

Applies: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Section Analysis:

Article 1 – Uniform Definition of Homeless Children and Youth

Section 1 – Amends Section 5.001 of the Education Code.

This section establishes a uniform definition for a “child, person, or student who is homeless” to be the same meaning assigned to the term “homeless children and youths” (under 42 U.S.C. Section 1434a):

Individuals who lack a fixed, regular, and adequate nighttime residence and include the following:

- children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals
- children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
- migratory children

Section 2 – Amends Section 21.0452 (b) of the Education Code.

This section adds that the perseverance of beginning teachers in the profession will be based on information reported through the Public Education Information Management System (PEIMS) regarding the number of beginning teachers employed as classroom teachers for three years after certification.

Section 3 through 7 – Amends Section 25.001 (b), 25.086 (a), 28.025 (i), 29.081 (d), 29.153 (b) of the Education Code.

These sections updates the definition of homeless to reflect Section 1 definition.

Section 8 – Amends Section 31.103 (b) of the Education Code.

This section removes the June 1st of each year deadline that a school district or open-enrollment charter school must make a requisition for instructional materials. This makes requests available throughout the year.

Section 9 – Amends Section 33.906 (a) and (c) of the Education Code.

This section updates the definition of homeless to reflect Section 1 definition.

Section 10 – Amends Section 38.209 (a) of the Education Code.

This section removes the requirement that a school must report the use of an Epi-pen to the Commissioner of Education.

Section 11 – Amends Section 39.0233 (a) of the Education Code.

This section removes a reference to the Recognition of High School Completion and Success and College Readiness Programs which is a section later repealed in this bill.

Section 12 – Amends section 39.410 (c) of the Education Code.

Evaluations of the High School Completion and Success Initiative are no longer need to go through the clearinghouse established by Section 7.009.

Section 13 – Amends Section 2265.001 (a) of the Government Code.

School Districts are no longer required to report and record their electricity, water, and natural gas consumption.

Article 2 – Open-Enrollment Charter School Changes

Section 1 and 3- Amends Section 12.101 and 12.114 of the Education Code.

A current charter holder can provide written notice to the Commissioner of Education that they wish to open another open-enrollment charter school or expand up to 18 months before the anticipated opening. This does not require the charter holder to open the school.

Section 2 – Amends Section 12.1101 of the Education Code.

Regarding the notification of the establishment of a campus, the charter holder must notify the superintendent as well as the board of trustees of the local school district.

Article 3 – Repealer Section

Section 1 – The following sections of the Education Code are repealed:

- Section 7.009 – Best Practices Clearinghouse
- Section 25.007 (a-1) repeals old language (not uniform homeless definition) from the Transition Assistance for Students Who Are Homeless or in Substitute Care
- Section 39.233 – Recognition of High School Completion and Success and College Readiness Programs
- Section 44.903 – Energy Efficient Light Bulbs in Instructional Facilities

Article 4 – Effective Dates

Section 1 – The bill begins in the 2019 – 2020 school year.

Section 2 – The bill is effective June 10th, 2019 (earliest effective date upon Governor’s signature).

S.B. 670

Relating to Medicaid telemedicine and telehealth services.

Bill Overview:

This bill removes state regulation that prohibited and did not encourage the use of telemedicine and telehealth services to allow these services to be reimbursed through Medicaid and private insurance.

Section Analysis:

Section 1 – Amends Section 531.001 of the Government Code.

This section defines a “Medicaid managed care organization” and adds telemedicine medical service or telehealth service to the definition of “Platform.”

Section 2 – Amends Section 31.0216 of the Government Code.

This section normalizes telemedicine. Medicaid managed care organizations will cover all telemedicine medical services, ensure their reimbursement is not denied, and must be compliant with any regulations established through this bill.

Section 3 – Amends Section 531.0217 of the Government Code.

This section allows for reimbursement for telehealth services and allows the decision to provide medical services through telemedicine to the physician.

Section 4 – Amends Section 162.251(2) of the Occupations Code.

This section adds to the definition of “Direct Primary Care” to include telemedicine medical and telehealth services.

Section 5 – Amends Section 562.110 of the Occupations Code.

This section allows a telepharmacy to be located in the same community in which a Class A or Class C pharmacy is located. This will be allowed through board rule.

Section 6 – Repealers

- Section 531.0216 (b) and (e) – Creates a telehealth system
- Section 531.02161 – Telehealth standards
- Section 531.0217 (c-1), (c-2), (c-3), and (f) – Medicaid reimbursement
- Section 531.02173 – Alignment of Medicaid reimbursement
- Section 531.02176 – Expiration of Medicaid reimbursement

Section 7 – the Commission must seek a waiver or authorization from the federal government before this bill will be implemented.

Section 8 – The bill is effective September 1st, 2019.

Bill Author: Dawn Buckingham

Sponsored By: Steve Allison

Governor Action: Signed June 14th, 2019

Effective Date: September 1st, 2019

Applies: Students and staff in need of telehealth services

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

S.B. 712

Relating to prohibiting the use of certain aversive techniques on students enrolled in public schools.

Bill Background:

This bill, identical to H.B. 3630 which also passed, provides guidance by listing extreme aversive interventions that may not be used on any student, under any circumstances. The bill directs the Commissioner of Education to develop guidance that will help educators to avoid the use of these dangerous interventions and develop in their stead positive interventions that will help redirect behavior.

Section Analysis:

Section 1 – Amends Subchapter A of Chapter 37 of the Education Code to create Section 37.0023 “Prohibited Aversive Techniques.”

“Aversive Technique” is defined as a technique or intervention that is intended to reduce the likelihood of a behavior reoccurring by intentionally inflicting on a student significant physical or emotional discomfort or pain. Except as provided in Section 37.011 of the Education Code, this includes techniques or intervention that

- is designed to or likely to cause physical pain;
- is designed to or likely to cause physical pain through the use of electric shock or any procedure that involves the use of pressure points or joint locks;
- involves the directed release of noxious, toxic, or otherwise unpleasant spray, mist, or substance near the student’s face;
- denies adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility;
- ridicules or demeans the student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse;
- employs a device, material, or object that simultaneously immobilizes all four extremities, including immobilization known as prone or supine floor restraint;
- impairs the student’s breathing, including any procedure that involves
 - applying pressure to the student’s torso or neck
 - obstructing the student’s airway, including placing an object in, on, or over the student’s mouth or nose or placing a bag, cover, or mask over the student’s face;
- restricts the student’s circulation;
- secures the student to a stationary object while the student is in a sitting or standing position;
- inhibits, reduces, or hinders the student’s ability to communicate;

Bill Author: Eddie Lucio

Sponsored By: Morgan Meyer

Governor Action: Signed June 10th, 2019

Effective Date: June 10th, 2019

Applies: School Districts, and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Begins: 2019 – 2020 school year

- involves the use of a chemical restraint;
- Constitutes a use of timeout that precludes the student from being able to be involved in and progress appropriately in the required curriculum and, if applicable, toward the annual goals included in the student's individualized education program, including isolating the student by the use of physical barriers; or
- deprives the student of the use of one or more of the student's senses.

A school district, school district employee, volunteer, or an independent contractor may not apply, authorize, order, consent, or cause an aversive technique to be applied to a student.

An aversive technique may be applied to a student if it does not cause the student pain or discomfort and complies with the student's individualized education program or behavior intervention plan.

This section in no way prohibits a teacher from removing a student from their classroom.

In adopting procedures for this section, the Commissioner of Education will provide guidance for school districts, employees, volunteers, and independent contractors to avoid a violation of this section.

Section 2 – The bill applies beginning in the 2019 – 2020 school year.

Section 3 – The bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

S.B. 820

Relating to a requirement that a school district develop and maintain a cybersecurity framework.

Bill Overview:

This bill adds a requirement that every school district adopt a cybersecurity policy to secure district cyberinfrastructure against attacks and determine current risk levels to implement mitigation planning. Additionally, the bill, through an appointed cybersecurity coordinator in each district, requires any attack or cybersecurity incident be reported to the Texas Education Agency (TEA) and parents/guardians notified.

Bill Author: Jane Nelson

Sponsored By: Morgan Meyer

Governor Action: Signed June 10th, 2019

Effective Date: September 1st, 2019

Applies: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Section Analysis:

Section 1 – Amends Subchapter D of Chapter 11 of the Education Code to create Section 11.175.

This section defines the following:

- “Breach of System Security” – an incident in which student information that is sensitive, protected, or confidential, as provided by state or federal law, is stolen or copied, transmitted, viewed, or used by a person unauthorized to engage in that action
- “Cyberattack” – an attempt to damage, disrupt, or gain unauthorized access to a computer, computer network, or computer system
- “Cybersecurity” – measures taken to protect a computer, computer network, or computer system against unauthorized use or access

Each school district is required to adopt a cybersecurity policy to secure district cyberinfrastructure against cyberattacks and other cybersecurity incidents. Additionally, a district must determine cybersecurity risk and implement mitigation planning. This policy cannot conflict with information security standards for institutions of higher education (outlined in Chapters 2054 and 2059 of the Government Code).

Each superintendent of a school district must designate a cybersecurity coordinator to serve as a liaison between the district and TEA regarding cybersecurity matters.

This coordinator must report to TEA any cyberattack or other cybersecurity incident against the district that constitutes a break of system security as soon as possible after the discovery of the attack or incident.

The coordinator must provide notice to parents/guardians of each student enrolled about the attack or incident that involves students’ information.

Section 2 – The bill is effective September 1st, 2019.

S.B. 869

Relating to guidelines for policies of school districts and open-enrollment charter schools for the care of certain students at risk for anaphylaxis.

Bill Overview:

This bill updates the current guidelines for care for students with a diagnosed food allergy and requires policy adoption and administration of a local program for all school districts and open-enrollment charter schools. The bill also creates an ad-hoc committee under the Department of State Health Services (DSHS) to continuously update these guidelines and best practices.

Bill Author: Judith Zaffirini

Sponsored By: Tan Parker

Governor Action: Signed June 14th, 2019

Effective Date: June 14th, 2019

Applies: School Districts, and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Section Analysis:

Section 1 – Amends Section 38.0151 of the Education Code.

The board of trustees and governing body of a school district or open-enrollment charter school must adopt and administer a policy for the care of students diagnosed with a food allergy at risk of anaphylaxis that is based on “Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis” that is developed by the Commissioner of DSHS. Any updates or changes to these guidelines that are made must be scientific valid.

Annually, the school district and charter school must review and revise their policy and must be using the most current version of the created guidelines. The Texas Education Agency (TEA) must post these guidelines on their website; this must include a summary of the guidelines.

Each year, the TEA summary of the guidelines must be posted on the website of the district or charter school. Any forms used by the school to request information for a child enrolled with a food allergy must include information on accessing the summary of the guidelines and how to access the full posting of the guidelines. These guidelines may not do the following:

- require a school district or open-enrollment charter school to purchase treatments or make any other expenditure that would result in a negative fiscal impact on the district or school
- require personnel to administer treatments to a student unless the medication is prescribed for that student by the student’s physician

This does not waive any liability or immunity of a school or school officer/employee. Neither does this create liability or cause of action.

Section 2 – Amends Subchapter A of Chapter 38 of the Education Code to create Section 38.0152 “Committee to Assist in Updating Guidelines for Care of Students at Risk for Anaphylaxis.”

The Commissioner of DSHS is responsible for appointing to a committee for the purpose of updating the current guidelines and incorporate any new best practices and treatments into the

guidelines. The committee is comprised of

- one representative from the DSHS and one from the Texas Nurses Association;
- two individuals from one or more national patient advocacy organizations in a related field;
- one principal of a public elementary school that has one or more students with a diagnosed food allergy enrolled;
- one superintendent of a school district;
- one member of a board of trustees;
- one member of a governing body of an open-enrollment charter school;
- at least two parents of public school students diagnosed with a food allergy;
- at least four physicians board certified in allergy and immunology by the American Board of Allergy and Immunology; and
- at least one physician board certified in general pediatric by the American Board of Pediatrics who is a member of a statewide pediatric organization.

The members will serve for a term determined by the Commissioner and an open position will be replaced with a similarly qualified individual.

This committee is not subject to Section 2110.005 of the Government Code which regulates how a state agency ad hoc committee reports to the agency.

Any recommendation on updating the current guidelines must be submitted by the physicians directly to the commissioner provided those recommendations have received majority support from those physicians serving on the committee.

This committee must meet at least once every three years and can be called to order by the commissioner at any time to discuss the protection of students with allergies and to update the guidelines.

Section 3 – By October 1st, 2019, the commissioner must appoint members, and by March 1st, 2020, the guidelines must be initially updated by the committee.

Section 4 – This bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

S.B. 943

Relating to the disclosure of certain contracting information under the public information law.

Bill Overview:

This bill enumerates exemptions to information that must be disclosed by governmental entities in a public information request. This includes information a governmental body can prove the release of would harm its interest by providing a competitor a competitive advantage the information is considered to be exempted.

Section Analysis:

Section 1 – Amends Section 552.003 of the Government Code.

This section adds to the definition of “Governmental Body” to include a confinement facility operated under a contract with any division of the Texas Department of Criminal Justice, a civil commitment housing facility under contract with the state, an entity that receives public funds in the current or preceding state fiscal year to manage the daily operations or restoration of the Alamo, or any entity that oversees such an entity. This does not include

- an economic development entity;
- an entity that does not receive \$1 million or more in public funds from a single state agency or political subdivision in the current or preceding state fiscal year; or
- an entity that either does not have the authority to make decisions or recommendations on behalf of a state agency or political subdivision regarding tax abatements or tax incentives
 - or does not require an officer of the state agency or political subdivision to hold office as a member of the board of directors of the entity;
 - does not use staff or office space of the state agency or political subdivision;
 - to a reasonable degree, tracks the entity’s receipt and expenditure of public fund separately from private funds; provides at least quarterly public reports to the state agency or political subdivision regarding work performed on behalf of the state agency or political subdivision.

This section defines “Contracting Information” as the following information maintained by a governmental body or political subdivision:

- information in a voucher or contract relating to the receipt or expenditure of public funds by a government body
- solicitation or bid documents relating to a contract with a governmental body
- communications sent between a governmental body and a vendor, contractor, potential

Bill Author: Kirk Watson

Sponsored By: Giovanni Capriglione

Governor Action: Signed June 14th, 2019

Effective Date: January 1st, 2020

Applies: Governmental bodies subject to public information requests

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

vendor, or potential contractor during the solicitation, evaluation, or negotiation of a contract

- documents, including bid tabulations, showing the criteria by which, a governmental body evaluates each vendor, contracts, potential vendor, or potential contractor responding to a solicitation and, if applicable, an explanation of why the vendor or contractor was selected
- communication and other information sent between a governmental body and a vendor or contractor related to the performance of a final contract with the governmental body or work performed on behalf of the governmental body

Section 2 – Amends Subchapter B of Chapter 352 of the Government Code to create Section 552.0222 “Disclosure of Contracting Information.”

Contracting information is considered to be public and must be released unless specifically excluded by this section.

Exceptions do not include the following:

- A contract described by Section 2261.253 (a) of the Government Code excluding properly redacted information
- Contracts described by section 322.020 (c) of the Government Code; excluding redaction
- The following contract or offer terms
 - any term describing the overall or total price the governmental body will or could potentially pay, including overall or total value, maximum liability, and final price
 - a description of the items or services to be delivered with the total price for each if a total price is identified for the item or service in the contract
 - the delivery and service deadlines
 - the remedies for breach of contract
 - the identity for breach of contract
 - the identity of all parties to the contract
 - the identity of all subcontractors in a contract
 - the affiliate overall or total pricing for a vendor contractor, potential vendor, or potential contractor
 - the execution dates
 - the effective dates
 - the contract duration terms, including any extension options
- information indicating whether a vendor or the like performed its duties under a contract including information regarding breach of contract, a contract variance or exception, remedial action, an amendment to a contract, any assessed or paid liquidated damages, a key measures report, a progress report, and a final payment checklist
- retail electricity contracts may not be disclosed until the delivery start date

Section 3 – Amends Section 552.104 (a) of the Government Code.

If a governmental body can prove release of information would harm its interest by providing a competitor a competitive advantage the information is considered to be exempted.

Section 4 – Amends Section 552.110 of the Government Code.

This section creates a definition of “Trade Secret” which means all forms and types of information, including business, scientific, technical, economic, or engineering information, and any formula, design, prototype, pattern, plan, compilation, program device, program, code, device, method, technique, process, procedure, financial data, or list of actual or potential customers or suppliers, whether tangible or intangible and whether or however stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing if the owner of the trade secret has taken steps to keep the information secret or the information derives independent economic value.

Section 5 – Amends Subchapter C of Chapter 552 of the Government Code to create Section 552.1101 “Exceptional Confidentiality of Proprietary Information.”

Information submitted to a governmental body by vendor, contractor, potential vendor, or potential contractor in response to a request for a bid, proposal, or qualification is exempted from disclosure if the business can demonstrate that this would reveal an individual approach to work, organizational structure, staffing, internal operations, processes, or discounts pricing methodology, pricing per kilowatt hour, cost data, or other pricing information that will be used in future bids or gives advantages to a competitor.

This does not apply to information in a voucher or contract relating to the receipt or expenditure of public funds by a governmental body or communications other information sent between a governmental body and a vendor or contractor related to the performance of a final contract.

Only a vendor can request this kind of exemption.

Section 6 – Amends Section 552.131 of the Government Code.

This section adds an exemption for economic development entities.

Section 7 – Amends Section 552.305 (a) and (d) of the Government Code.

This section adds references to newly created sections of code.

Section 8 – Amends Section 552.321 of the Government Code.

This section allows a requestor to file a suit or writ of mandamus compelling a governmental body to providing certain contracting information.

Section 9 – Amends Chapter 552 of the Government Code to create Subchapter J “Additional Provision Related to Contracting Information.”

This section only applies to non-governmental entities that contract with a governmental body that has a stated expenditure of at least \$1 million in public funds for the purchase of goods or services or results in the expenditure of at least \$1 million in public funds of the purchase of goods and

services by the governmental body in a fiscal year.

A governmental body must request information from a contracting entity in writing no later than the third business day after the governmental body received the information request. A request to the Attorney General to withhold information is deemed timely if it is requested no later than 13 days after the request for information is received.

The bill outlines compliance dates and efforts that must be met for an exception to be allowed.

The bill creates additional terms that must be included in a contract with a governmental entity. This includes any executed contract that must preserve all contracting information related to the contract as provided by records retention requirements applicable to the governmental body for the duration of the contract and promptly provides to the governmental body any contracting information related to the contract that is in the custody or possession of the entity on request of the governmental body. At the end of the contract, the contracting entity either must provide at no cost to the governmental body all contracting information related to the contract or preserve the contracting information related subject to records retention requirements.

This section states that specific language included in this section be included in a contract.

A governmental body is barred from accepting a bid or award a bid unless that has to comply with this section.

Governmental bodies must make potential contractors aware of the requirements of this section in writing that the contract is in violation or that the contract may be terminated if corrective actions not taken.

A governmental body must provide notice that an entity is in non-compliance with this section of code. Time must be given for a contracting entity to correct any violations.

This does not apply to contracts to underwrite a public security, if the contract is or may be used as collateral on a loan, or if the contract's proceeds are to pay debt service of a public security or loan.

These changes in law do not prevent a governmental entity from having even more stringent rules.

Section 10 – These changes to law only apply to a request for public information that is received on or after the effective date of the bill.

Section 11 – These changes to law only apply to contracts that are executed on or after the effective date of this act.

Section 12 – This bill is effective January 1st, 2020.

S.B. 944

Relating to the public information law.

Bill Overview:

This bill outlines how information that is held by a temporary custodian (employee or former employee) and how a governmental body will work to regain that information and the timing for being compliant with a public information request in the event the information is in the position of a temporary custodian. The bill sets up a new method for requesting an opinion from the Attorney General to seek clarity and creates a general public information request form that a governmental body may use.

Bill Author: Kirk Watson

Sponsored By: Giovanni Capriglione

Governor Action: Signed June 14th, 2019

Effective Date: September 1st, 2019

Applies: All governmental bodies subject to public information requests

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Section Analysis:

Section 1 – Amends Section 552.02 of the Government Code.

“Protected Health Information,” as it is defined by Section 181.006 of the Health and Safety Code, is not to be public information and is not subject to disclosure under the open records sections of code.

Section 2 – Amends Section 552.003 of the Government Code.

This section defines a “Temporary Custodian” as an officer or employee of a governmental body who, for official business, creates or receives public information and has not provided that information to the officer for public information of the governmental body. This includes a former officer or employee that has information they have not turned over.

Section 3 – Amends Section 552.004 of the Government Code.

A current or former employee that maintains public information on a privately-owned device must forward or transfer that information to the governmental body or a governmental body server to be preserved, preserve the public information in its original form in a backup, or archive the information on the privately-owned device for the time required for records retention.

This section makes the records retention of information subject to privately controlled or stored information.

Section 4 – Amends Subchapter C of Chapter 552 of the Government Code.

This section provides an exception. Information obtained by a governmental body that was provided by an out-of-state health care provider in connection with a quality management, peer review, or best practices program that the out of state health care provider pays for is confidential.

Section 5 – Amends Section 552.003 of the Government Code.

Within the process of gathering information for a public information request, the governmental body will make a reasonable effort to obtain public information from a temporary custodian in the following situations: if the information has been requested from the governmental body; if the PIR

officer is aware of facts sufficient to warrant a reasonable belief that he temporary custodian has possession, custody, or control of the information; if the officer for public information is unable to comply with the duties imposed by this chapter without obtaining the information from the temporary custodian ; or if the temporary custodian has not provided the information to the officer for public information or the officer's agent.

Section 6 – Amends Subchapter E of Chapter 552 of the Government Code. To create Sections 552.233 “Ownership of Public Information,” 552.234 “Method of Making Written Request for Public Information,” and 552.235 “Public Information Request Form.”

A current or former employee does not own public information that was created or obtained during professional duties.

A temporary custodian with public information must surrender or return the information by the 10th day after the officer for public information has requested the information. Failure to surrender the information is grounds for the governmental entity to induce disciplinary actions or other applicable penalties. When information is surrendered or finally surrendered to the governmental body, that will be the date used by the governmental body to follow date requirements.

A request for information under this session can only be received through U.S. mail, electronic mail, hand delivery, and other approved methods like facsimile or through a website if the alternative method is approved by the board of the governmental body. A method is considered to be approved if they provide a statement that a request for public information may be made through the designated method either on a sign or on the governmental body's website.

A governmental entity may designate one mailing address or one electronic mail address for receiving requests.

The Attorney General is required to create a public information request form that provides the option of excluding from a request that a governmental body deems to be confidential or subject to an exception to disclosure. If the governmental body uses this form and an online submission platform, the governmental body must post the form on their website.

Section 7 – Repeals

- Section 552.301(c) of the Government Code is repealed – Request for Attorney General opinion. This section lays out the attorney general's original opinion on whether an item should be excluded from a public information request. This bill outlines how this process has changed.

Section 8 – Changes to law only apply to public information requests received after the effective date of this bill. Any requests received before the effective date are subject to previous law.

Section 9 – The Attorney General must create the public information request form by October 1st, 2019.

Section 10 – This bill is effective September 1st, 2019.

S.B. 981

Relating to the disaster supplemental nutrition assistance program.

Bill Overview:

In response to issues regarding in-person applications for SNAP benefits after Hurricane Harvey, this bill requires the Health and Human Services Commission (HHSC) to collaborate with local governments to create a directory of local points of contact, communication methods, and lists of potential sites for distributing supplemental nutrition benefits to victims of disasters.

Section Analysis:

Section 1 – Amends Subchapter A of Chapter 33 of the Human Resources Code to create Section 33.0024.

The bill creates a Disaster Supplemental Institution Assistance Program (SNAP). This program is created to provide supplemental nutrition assistance benefits to victims of a disaster as authorized by 7 U.S.C. Section 2014.

HHSC is required to collaborate with local government officials to

- create a directory of local points of contact for the operation of this program;
- determine the best method for communication between the commission and local government officials to start up and operate this program; and
- evaluate, develop, and maintain a list of potential sites for in-person application for program benefits. These sites must meet federal requirements.

HHSC will enter into memorandums of understanding with local government agencies documenting the roles and responsibilities of both parties regarding the need for and the location of sites for this program.

HHSC will provide information regarding the program and effective collaboration information between HHSC and coastal counties through webinars, conference calls, or in-person meetings.

Section 2 – The bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Lois Kolkhorst

Sponsored By: John Zerwas

Governor Action: Signed June 14th, 2019

Effective Date: June 14th, 2019

Applies: School Districts, and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

S.B. 1230

Relating to the reporting of private school educator misconduct.

Bill Overview:

This bill establishes reporting requirements for private school employees after conviction or deferred adjudication is granted. This bill makes private school employees compliant with similar requirements for public school employees. The bill requires school districts and open-enrollment charter schools to report evaluation information to the Texas Education Agency (TEA) in the event the agency is conducting an investigation.

Section Analysis:

Section 1 – Amends Article 42.018 of the Code of Criminal Procedure.

If a private school employee is convicted or granted deferred adjudication on the basis of an offense, the clerk of the court is required to provide the chief administrative officer of that private school written notice of the person’s conviction or deferred adjudication. This written notice must also include the offense that was committed.

Section 2 – Amends Subchapter A of Chapter 21 of the Education Code to create Section 21.0062 “Requirement to Report Misconduct: Private Schools.”

The bill defines “Abuse” and “Private School Educator” for the purposes of this section.

This section establishes that the chief administrator of a private school is required to report to the State Board for Educator Certification (SBEC) for the following reasons: if an employee has a criminal record and the school obtained information regarding that record; if an employee was terminated and there is evidence that the educator abused or otherwise committed an unlawful act with a student or minor; or if the employee was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor. This report must occur by the seventh day of the school becoming aware of the information.

If there is evidence that any of the above transpired, but the employee resigned before the conclusion of the investigation, the school will turn over all evidence of misconduct collected to SBEC.

The report filed with SBEC must be in writing and in a format that is determined by SBEC.

Anyone that believes a private school educator has engaged in this conduct may report that information to SBEC. Any chief administration officer that in good faith communicates information to SBEC will be immune from civil or criminal liability that might otherwise be incurred or imposed.

Bill Author: Paul Bettencourt

Sponsored By: Morgan Meyer

Governor Action: Signed June 14th, 2019

Effective Date: September 1st, 2019

Applies: School Districts, Open-Enrollment Charter Schools, and Private Schools

Note: School Districts and Open-Enrollment Charter Schools should not changes made in Section 5 of the bill

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

The name of a student or minor involved must be included in a report filed with SBEC; however, this name is not a part of the public record nor subject to information requests.

Section 3 – Amends Section 21.009 (a) of the Education Code.

This section adds private school to the requirement that an applicant disclose having been charged, adjudicated for, or convicted of having an inappropriate relationship with a minor.

Section 4 – Section 21.0581 (a) of the Education Code.

This section allows SBEC to suspend the teaching certificate of any person that assists a convicted (or the like) person in getting employment at a private school.

Section 5 – Amends Section 21.355 (c) and (d) of the Education Code.

This section adds private school to the list of entities that need to share evaluations information upon request of a school district, open-enrollment charter school, or private school.

It also requires a school district or open-enrollment charter school to give evaluation information to TEA if they are performing an investigation.

Section 6 – This change in law only applies to judgement of conviction or order granting deferred adjudication that occur on or after the effective date of this bill.

Section 7 – The Commissioner, State Board of Education, and in turn SBEC are granted rulemaking authority to execute this section.

Section 8 – This bill is effective September 1st, 2019.

S.B. 1231

Relating to providing certain public and private school administrators with information regarding certain child abuse and neglect investigations and allegations.

Bill Overview:

In an attempt to ensure open-enrollment charter schools and private school superintendents receive information regarding alleged abuse or neglect against a child, this bill directs the Department of Family and Protective Services (DFPS) to orally notify these parties as they currently notify public school districts.

Section Analysis:

Section 1 – Amends Section 261.105 (d) of the Family Code.

If DFPS discovers the abuse or neglect of a child was caused by the actions of an employee of a public or private elementary or secondary school, DFPS is required to orally notify the school district, open-enrollment charter school director, or chief executive officer of a private school.

Section 2 – Amends Section 261.308 (d) of the Family Code.

Similarly, the bill requires DFPS to release information regarding a person alleged to have committed abuse or neglect to these individuals in addition to others.

Section 3 – Amends Sections 261.406 (a) and (b) of the Family Code.

Similarly, the bill requires DFPS to a copy of the report regarding alleged abuse or neglect to these individuals in addition to others.

Section 4 – The bill is effective September 1st, 2019.

Bill Author: Paul Bettencourt

Sponsored By: Morgan Meyer

Governor Action: Signed June 14th, 2019

Effective Date: September 1st, 2019

Applies: Open-Enrollment Charter Schools and Private Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

S.B. 1276

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.

Bill Overview:

In an attempt to ensure students are receiving accurate information regarding their high school endorsement and dual credit options, this bill clarifies necessary elements of a memorandum of understanding to create a dual credit program at a school district.

Section Analysis:

Section 1 – Amends Section 28.009 (b-2) of the Education Code.

The bill adds to the requirements of what must be included in a memorandum of understanding between a school district and public institution of higher education to provide a dual credit program.

The language added includes the following:

- must establish common advising strategies and terminology related to dual credit and college readiness
- provide for the alignment of high school endorsements and the dual credit courses; the courses offered need to apply towards high school endorsements and include postsecondary pathways, credentials at the institution, or industry certifications
- identify tools (including those developed by the Texas Education Agency (TEA), Texas Higher Education Coordinating Board (THECB), or the Texas Workforce Commission (TWC) to assist school counselors, students, and families in selecting endorsements offered by the district and dual credit courses offered through the program

Section 2 – This bill applies only to an agreement entered into or renewed on or after the effective date of the bill. Any agreement entered into or renewed before that date is subject to previous law.

Section 3 – The bill is effective May 28th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Beverly Powell

Sponsored By: John Frullo

Governor Action: Signed May 28th, 2019

Effective Date: May 28th, 2019

Applies: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

S.B. 1306

Relating to requiring a school district to post on the district's Internet website the name and contact information of each school administrator primarily responsible for student discipline at a district campus.

Bill Overview:

The bill requires districts to post the contact information of the campus behavior coordinator or campus administrator in charge of student discipline on the school district website by campus.

Section Analysis:

Section 1 – Amends Chapter 26 of the Education

Code to add Section 26.015 “Posting of Information Regarding Administrator Responsible for Student Discipline.”

For each campus, a school district must post the e-mail address, dedicated telephone number, and clearly identify the campus behavior coordinator.

If exempt from the campus behavior coordinator requirement through a district of innovation plan, the school district must post information of the campus administrator responsible for student discipline.

Section 2 — This bill begins in the 2019 – 2020 school year.

Section 3 – This bill is effective May 28th, 2019 (earliest effective date upon Governor’s signature).

Bill Author: Lois Kolkhorst

Sponsored By: DeWayne Burns

Governor Action: Signed May 28th, 2019

Effective Date: May 28th, 2019

Applies: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution
Begins: 2019 – 2020 School Year

S.B. 1374

Relating to the sequencing of certain required mathematics courses in public schools.

Bill Overview:

This bill allows a school district to concurrently enroll a student in Algebra I and Geometry.

Section Analysis:

Section 1 – Amends Section 28.025 of the Education Code.

This section allows a school district to concurrently enroll a student in Algebra I and Geometry.

Section 2 – This bill begins in the 2019 – 2020 school year.

Section 3 – This bill is effective June 10th, 2019 (Earliest effective date upon Governor’s signature).

Bill Author: Angela Paxton

Sponsored By: Trent Ashby

Governor Action: Signed June 10th, 2019.

Effective Date: June 10th, 2019.

Applies: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Begins: 2019 – 2020 School Year

S.B. 1376

Relating to eliminating certain requirements imposed on school districts and other educational entities.

Bill Overview:

This bill streamlines the functions shared between the State Board for Educator Certification (SBEC) and the Texas Education Agency (TEA). It consolidates the Master Reading, Mathematics, Science, and Technology Teacher Grant Programs and Certifications into a broader program. Additionally, the bill removes the High School Completion and Success Initiative Council and corresponding grants, energy efficient lightbulb requirements, and recycling requirements.

Bill Author: Angela Paxton

Sponsored By: Jared Patterson

Governor Action: Signed June 4th, 2019

Effective Date: June 4th, 2019

Applies: School Districts and UIL participating entities

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Section Analysis:

Article 1 – Powers of SBEC and the High School Completion and Success Initiative Council.

Section 1 – Amends Section 21.040 of the Education Code.

This section removes the need for SBEC to evaluate the Commissioner of Education, approve a budget, or execute contracts to perform routine administrative functions.

Section 2 – Amends Section 29.006 (a) of the Education Code.

This section removes language allowing one member of the continuing advisory committee of the state's special education program to be the director of a shared services arrangement.

Section 3 through 5 – Amends Section 29.095 through 29.097 of the Education Code.

This section removes the High School Completion and Success Initiative Council.

Section 6 – Amends Section 39.235 (a) of the Education Code.

This section removes the need for the Innovation Grant Initiative for Middle, Junior High, and High School Campuses from aligning their grant and program with the High School Completion and Success Initiative Council's strategic plan.

Article 2 – School Operations

Section 1 – Amends Section 33.202 of the Education Code.

This section transfers the need to develop and adopt an extracurricular activity safety training program from TEA to the University Interscholastic League (UIL). The UIL is required to provide training to students or through an approved provider.

Section 2 – Amends Section 361.425 (b) of the Health and Safety Code.

A school district with a student enrollment of fewer than 10,000 students or a district that petitions the Texas Commission on Environmental Quality (TCEQ) and shows hardship is exempt from governmental entity recycling regulations.

Section 3 – Amends Section 361.426 (d) of the Health and Safety Code.

A school district with a student enrollment of fewer than 10,000 students or a district that petitions the TCEQ and shows hardship is exempt from governmental entity’s required preference to purchase recycled products.

Article 3 – Teacher Quality

Section 1 – Amends the Heading of Section 21.410 of the Education Code to read “Master Teacher Grant Program.”

Section 2 – Amends Section 21.410 of the Education Code.

This section removes the references to just reading and now references all programs listed in Section 21.410, 21.411, 21.412, and 21.413.

This section adds language that states assessment instruments must be used in establishing the criteria for identifying high-need campuses for the awarding of these grants.

Article 4 – Repeals

Section 1 – The following sections of code are repealed:

- Section 7.102 (c)(9): State Board of Education’s ability to grant an open-enrollment charter or approve a charter revision
- Sections 21.41, 21.412, and 21.413: Master Mathematics, Science, and Technology Teacher Grant Programs and Certifications
- Section 29.007: Shared Service Arrangements for Special Education Services
- Sections 29.095 (a)(1), 29.096 (a), and 29.097(a)(1) Definitions relating to the High School Completion and Success Initiative Council
- Section 38.0081: The distribution of information regarding steroids
- Sections 39.401 – 39.4016: Disbands the High School Completion and Success Initiative Council
- Section 44.903: Energy-Efficient Light Bulbs in Instructional Facilities
- Section 45.208 (e): relating to requiring a copy of the depository contract and bond to be filed with TEA
- Chapter 114 of the Health and Safety Code: Interagency Obesity Council

Article 5 – Effective Date

Section 1 – This bill begins in the 2019 – 2020 school year.

Section 2 – This bill is effective June 14th, 2019. (Earliest effective date upon Governor’s signature).

S.B. 1451

Relating to the ability of public school teachers to maintain student discipline without being subjected to adverse employment consequences.

Bill Overview:

This bill prohibits disciplinary or negative evaluations for teachers who submit any number of discipline referrals. Additionally, the bill deems students leaving the classroom for disciplinary actions will be counted as present within the Public Education Information Management System (PEIMS).

Section Analysis:

Section 1 – Amends Section 21.321 of the Education Code.

The bill directs the Commissioner of Education to ensure the criteria adopted for the evaluation system will not let a teacher be deemed deficient in an appraisal area based solely on the number of discipline referrals that teacher creates. This does not prohibit a teacher from being assigned an area of deficiency; however, it must be based on documented evidence of deficiency in classroom management obtained through observation or a substantiated report.

Section 2 – Amends Section 21.352 of the Education Code.

This section of the bill reiterates the above section but in terms that a school district is not able to assign a teacher a deficiency in an area based on discipline referrals. Again, this section states that deficiency can be given if warranted through lack of classroom management either observed or reported.

Section 3 – Amends Section 37.002 of the Education Code.

This section gives a teacher the ability to document any conduct made by a student that violates the student code of conduct. This documentation may be submitted to the principal and the school district may not discipline a teacher on the basis of the documentation submitted.

A student who is removed from class to visit the campus behavior coordinator or for a discipline action is not considered absent for PEIMS reporting requirements or similar federal law.

Section 4 – This bill begins in the 2019 – 2020 school year.

Section 5 – This bill is effective June 10th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Larry Taylor

Sponsored By: Trent Ashby

Governor Action: Signed June 10th, 2019

Effective Date: June 10th, 2019

Applies: School Districts, and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Begins: 2019 – 2020 School Year

S.B. 1454

Relating to the ownership, sale, lease, and disposition of property and management of assets of an open-enrollment charter school.

Bill Overview:

This bill outlines the process by which the real property and assets of a closed charter will be transferred or disposed of.

Section Analysis:

Section 1 – Amends Section 12.1012 of the Education Code.

This section defines “Payable Obligation” as a contractually obligated expenditure that was reasonably incurred for the benefit of students enrolled at an open-enrollment charter school before the open-enrollment charter school ceased operations. This does not include any amount owed to a former charter holder or officer or director of the school. Additionally, the bill defined “Remaining Funds” as funds that are held by a former charter holder after satisfaction of all payable obligations that were received under Section 12.106 or from the disposition of property.

Section 2 – Amends Subchapter D of Chapter 12 of the Education Code by creating Section 12.10125 “Open-Enrollment Charter School not in Operation.”

An open-enrollment charter school ceases to operate if the school’s charter has been revoked, expired, been surrendered, abandoned, or the school has otherwise ceased operation as a public school.

Section 3 – Amends Section 12.106 of the Education Code.

All remaining funds (except as provided through this bill) of the charter holder that ceases to operate must be returned to the Texas Education Agency (TEA) and deposited in the charter school liquidation fund. TEA has the ability to transfer remaining funds to another charter holder or related party.

Section 4 – Amends Section 12.107 (a) of the Education Code.

Funds received by a charter holder that are transferred to that charter by TEA may not be pledged or used to secure loans or bonds for any other organization, including non-charter operation or out-of-state operation conducted by the charter hold. Additionally, these funds cannot be used to support an operation or activity not related to the educational activities of the charter holder.

Section 5 – Amends Section 12.1163 of the Education Code.

If more than \$5,000 dollars is transferred, an audit conducted may include the review of any real property transactions between the charter holder and the related party. If the transaction between the charter holder and related party is deemed to not benefit the open-enrollment charter school

Bill Author: Larry Taylor

Sponsored By: Dan Huberty

Governor Action: Signed June 10th, 2019

Effective Date: June 10th, 2019

Applies: Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

(this is determined by the Commissioner of Education) or was in excess of fair market value, the commissioner may reclassify the transaction or take other action. Failure to comply is a material violation of the charter.

Section 6 – Amends Subchapter D of Chapter 12 of the Education Code to create Section 12.1166 “Related Party Transactions.”

The Commissioner of Education is directed to adopt rules to define “Related Party.” This definition must include the following:

- a party with a current or former board member, administrator, or officer who is
 - a board member, administrator, or officer or an open-enrollment charter school; or
 - related within the third degree of consanguinity or affinity, as determined under Chapter 573 of the Government Code, to a board member, administrator, or officer of an open-enrollment charter school
- a charter holder’s related organizations, joint ventures, and jointly governed organizations
- an open-enrollment charter school’s board members, administrators, or officers or a person related to a board member, administrator, or officer within the third degree of relation or affinity, as determined under Chapter 573 of the Government Code
- any other disqualified person, as defined by 26 U.S.C. Section 4958 (f) which outlines disqualified persons within the tax code

A person is considered to be a former board member, administrator, or officer if the person served in the capacity within one year of the date on which a financial transaction between the charter holder and a related party occurred.

A charter holder’s financial audit must include a list of all transactions with a related party.

The Commissioner of Education is given rule authority to require an open-enrollment charter school to notify the Commissioner of Education that the school intends to enter into a transaction with a related party or provide an appraisal from a certified appraiser to TEA.

Within the financial report (required under Section 44.008 of the Education Code), all financial transactions between the open-enrollment charter school and any related party must be included separately stating the principal interest lease payments, and the total compensation and benefits provided by the school and any related party for each member of the governing body and each officer and administrator of the school and the related party.

Section 7 – Amends Section 12.128 of the Education Code.

Property leased by a charter with funds received under Section 12.106 (transferred from another charter) after September 1st, 2001 is considered to be public property for all purposes under state law. This property is to be held in trust by the charter holder for the benefit of the students of the open-enrollment charter school and may only be used for a purpose for which a school district may use school district property.

While a charter school is in operation, these types of properties are to be considered under the full

control of the charter school and they may exercise full rights over the property. A charter holder may not transfer, sell, or otherwise dispose of any property described by this section without the prior written consent of TEA if

- the charter holder has received notice of the expiration or revocation of their charter;
- the charter holder is under discretionary review, which may result in revocation; or
- the open-enrollment charter school for which the charter is held has ceased to operate.

If this happens, the Commissioner of Education will direct the charter holder to dispose of property purchased with state funds by either reimbursing the state for the value of the property; transferring the property to TEA, the school district, or open-enrollment charter school; closing the operations of the open-enrollment charter school; or taking a combination of those actions.

For leased properties, the charter school must assign TEA the interest in the lease.

TEA is given the ability to approve an expenditure of remaining funds for insurance, utilities, maintenance, repairs, or improvements to the property that are necessary to dispose of the property or preserve the value.

Any decision made under this section is final and may not be appealed.

Section 8 – Amends Subchapter D of Chapter 12 of the Education Code to create Section 12.1281 “Disposition of Property Purchased with State Funds.”

A closed open-enrollment charter school may maintain property if that charter reimburses the state for the value of the property with non-state funds and assures that any leftover funds will be remitted back to TEA and receives approval from the agency.

After all debts are paid and approval from TEA received, the charter holder may sell the property for fair market value or transfer the property to an open-enrollment charter school or a school district.

State funds will be calculated by TEA using an estimated state reimbursement amount based on the last annual financial report of the charter and a final state reimbursement amount using the former charter holder’s final financial audit filed.

A former charter holder retaining property or selling property must file an affidavit in the real property records of the county in which the property is located disclosing the state interest in the property. Additionally the entity must place in escrow with the state Comptroller of Public Accounts the amount of non-state funds equal to 110% of the estimated state reimbursement amount no later than the closing date of the sale of the property, the 90th day after the charter school’s last day of instruction. The charter must submit to the state the final state reimbursement amount using the funds in escrow in addition to any other funds necessary to pay the full amount of state reimbursement.

A former charter holder may retain any funds remaining after complying with this section.

As soon as TEA is satisfied that the former charter complied with this section, TEA will then file written notice of the release of the state interest in property the former charter holder retains and authorizes the return of any fund not used for state reimbursement.

If a former charter does not dispose of the property, they must transfer the property, including a conveyance of title, to TEA in accordance with the procedures and time requirements established by TEA. If TEA determines that the charter holder hasn't complied, they will notify the Attorney General and that office will take appropriate action.

Any decision made regarding this section is final and not appealable. The Commissioner of Education is given rule authority to implement.

TEA may approve the transfer of property from an open-enrollment charter school that has ceased to operate or may transfer property conveyed to the agency by the former charter holder to a school district or an open-enrollment charter if the open-enrollment charter school or school district receiving the property agrees to the transfer and agrees to identify the property as purchased wholly or partly using state funds on the school's annual financial report filed. Any creditor with a security interest in or lien on the property agrees to the transfer, and the transfer of the property does not make the open-enrollment charter school or school district receiving the property insolvent.

Any property received by an open-enrollment charter school or school district is considered to be state property.

The Commissioner of Education is given rule authority regarding this transfer and the can establish qualifications and priority for a school district or open-enrollment charter school to receive a transfer of property under this section.

If the cost of disposing a piece of property is deemed to exceed the value of the property, TEA may distribute the personal property to open-enrollment charter schools and school districts in a manner determined by the commissioner. The decision to dispose of property in this way is final and cannot be appealed.

Once TEA owns a piece of property, it has the ability to sell that property at any price they deem acceptable. On request TEA can enter into a memorandum of understanding to sell property. For real property, the General Land Office (GLO); for personal property, the Texas Facilities Commission (TFC). Both of these entities may take part of the profit to cover costs incurred by completing the sale.

Any profits from a sale, minus the costs of the sale, will be deposited into the charter school liquidation fund. The commissioner may adopt rules.

After a charter school has retired all debts, the charter school must remit to the agency any remaining funds and any state reimbursement amounts for the sale of property. The charter may also transfer any remaining funds to another charter school.

Any funds received by TEA will be deposited into the Charter School Liquidation Fund. The

commissioner may adopt rules.

Section 9 – Amends Subchapter D of Chapter 12 of the Education Code by creating Section 12.141 “Reclaimed Funds.”

Funds deposited in the Charter School Liquidation Fund may be used to

- pay expenses relating to managing and closing on open-enrollment charter school that ceases to operate, including:
 - maintenance of the school’s student and other records; and
 - TEA’s personnel costs associated with managing and closing the school;
- dispose of property; or
- maintain property including expenses for insurance, utilities, maintenance, and repairs.

TEA may not use funds under this section until the Commissioner of Education determines if the open-enrollment charter school that ceases to operate received an over allocation of funds that must be recovered for the Foundation School Program.

TEA must annually review the amount of funds in the charter school liquidation fund and transfer any funds exceeding \$2 million for the use of fund a grant program (operated by TEA) to encourage high school students to enter the teaching professional and assist current paraprofessionals and instructional aides in pursuing the necessary credentials to become full-time teachers; funds may also be transferred to the comptroller to deposit in the charter district bond guarantee reserve fund. This allocation of excess funds can be delayed if it is less than \$100 thousand: that amount does not count towards the overall value of the fund.

Section 10 – Amends Section 39A.256 of the Education Code.

A board of managers appointed for the final closure of a former open-enrollment charter school has the authority to access and manage any former charter holder’s bank account that contains funds and subject to approval by a creditor with a security interest in or lien on property sell or transfer to another charter holder or school district any property titled to the former charter holder.

Section 11 – Amends Section 39A.259 (c) of the Education Code.

This section moves the ability to use the funds from the commissioner to TEA.

Section 12 – Amends Section 43.001 (a) of the Education Code.

This section adds these funds to the prevue of the permanent school fund.

Section 13 – Amends Section 44.008 of the Education Code.

An open-enrollment charter school must provide a list of each parcel of the school’s real property that includes the amount of local, state, and federal funds used to purchase or improve each parcel of property.

If a charter has expired, been revoked, surrendered, or ceases to operate, it must submit a final annual financial report to TEA. This report must verify that all state property held by the charter

holder has been returned or disposed of in accordance the processes established by this bill. The Commissioner of Education is able to establish rules to execute this section, this may include defining “Local Funds.”

Section 14 – These changes only apply to transfers of real property that take place after the effective date of this bill. Any transfer made before the effective date is governed by previous law.

Section 15 – This bill is effective June 10th, 2019 (earliest effective date upon Governor’s signature).

S.B. 1476

Relating to the requirement for certain administrators of certain educational entities to report certain educator misconduct to the State Board for Educator Certification.

Bill Overview:

This bill allows for a superintendent to complete an investigation into alleged misconduct by an educator and determine if alleged conduct occurred before the superintendent is required to report the conduct.

Section Analysis:

Section 1 – Amends Section 21.006 of the Education Code.

This section creates an exception to the reporting required under Section 261.101 of the Family Code.

If the superintendent of a school district, district of innovation, open-enrollment charter school, regional education service center, or shared services arrangement has completed an investigation into an educator's alleged incident of misconduct before that educator was terminated or resigned and found the educator did not engage in the alleged incident of misconduct, this incident does not have to be reported.

Section 2 – This bill begins in the 2019 – 2020 school year.

Section 3 – The bill is effective June 14th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Paul Bettencourt

Sponsored By: Ken King

Governor Action: Signed June 14th, 2019

Effective Date: June 14th, 2019.

Applies: School Districts, Open-Enrollment Charter Schools, and Education Service Centers

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Begins: 2019 – 2020 School Year

S.B. 1557

Relating to military-connected students, including providing a designation for certain school district campuses that take actions to assist those students.

Bill Overview:

The bill adds dependents of current or former members of the United States Military to the definition of a military-connected student. Additionally, the bill establishes a “Purple Star Campus” Program.

Section Analysis:

Section 1 – Amends Section 25.006 (d) of the Education Code.

This section amends the definition of a “military-connected student” to include students who are dependents of current or former members of the United States Military. Additionally, the bill adds language that a student will be considered as a “military-connected student” if they were a dependent of a member of the military or reserve force that was killed in the line of duty.

Section 2 – Amends Subchapter z of Chapter 33 of the Education Code to create Section 33.909 “Purple Star Campus.”

This section creates a designation for campus to apply and be awarded.

To qualify for the designation the campus must meet the following requirements:

- designate a staff member as a military liaison whose duties include
 - identifying military-connected students enrolled at the campus through the Public Education Information Management System (PEIMS);
 - serving as a point of contact between the campus, the student, and a military-connected student’s family;
 - determining appropriate campus services available to students identified as military-connected; and
 - assisting in coordinating campus programs relevant to these specific students
- maintain on the campus website, resources that are easily accessible for these students and their families. Information that should be included on this website includes
 - relocation to, enrollment at, registration at, and transferring records to the campus;
 - academic planning, course sequences, and advanced classes available at the campus;
 - counseling and other support services available; and
 - the name of the liaison designated and their assigned duties
- maintain a transition program led by students, where appropriate, that assists military-connected students in transitioning into the campus

Bill Author: Eddie Lucio

Sponsored By: Diego Bernal

Governor Action: Signed May 28th, 2019

Effective Date: May 28th, 2019

Applies: Certain School Districts

Rule Authority: TEA is given rulemaking authority to help create and maintain the Purple Star Campus designation program

Begins: 2019 – 2020 School Year

- offer professional development for staff members on issues related to military-connected students
- offer at least one of the following initiatives:
 - a resolution showing support for military-connected students and their families;
 - recognition of the Month of the Military child or Military Family Month with relevant events hosted by the campus; or
 - a partnership with a local military installation that provides opportunities for active duty military members to volunteer at the campus, speak at an assembly, or host a field trip

To host the website, professional development, or initiative, a campus may partner with their district to offer these requirements for the designation.

The Texas Education Agency (TEA) is given rule making authority to execute this section.

Section 3 – The bill begins in the 2019 – 2020 school year.

Section 4 – The bill is effective May 28th, 2019 (earliest effective date upon Governor’s signature).

S.B. 1679

Relating to eligibility of certain children for free prekindergarten programs in public schools.

Bill Overview:

In an attempt to remove the administrative burden of re-enrolling four-year-old prekindergarten students that were eligible and enrolled in prekindergarten as three-year-olds, this bill allows those students to maintain their enrollment.

Section Analysis:

Section 1 – Amends Section 29.153 of the Education Code.

This section adds new language that a child is eligible for prekindergarten classes at the age of three and enrolls; the child is still eligible for prekindergarten the following year as a four-year-old.

Section 2 – The bill begins in the 2019 – 2020 school year.

Section 3 – The bill is effective September 1st, 2019.

Bill Author: Royce West

Sponsored By: John Turner

Governor Action: Signed June 4th, 2019

Effective Date: September 1st, 2019

Applies: School Districts, and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Begins: 2019 – 2020 School Year

S.B. 1682

Relating to the administration of and benefits payable under the Texas public school retired employees' group insurance program and the Texas school employees uniform group health coverage program.

Bill Overview:

The bill creates a contingency reserve account for the Texas Public School Retired Employees' Group Insurance Program and Uniform Group Health Coverage Program to cover all expected claims costs and administrative costs.

Section Analysis:

Section 1 – Amends Subsection of Chapter 1575 of the Insurance Code to create Section 1575.307

“Contingency Reserve Account.”

The bill outlines estimate deadlines for the trustee of the Texas Public School Retired Employees Group Insurance Program and the Texas School Employees Uniform Group Health Coverage Program. Before the first day of each state fiscal biennium, the trustee is required to estimate, for an average 60-day period, the expenditures of the fund anticipated. This must take into consideration projected claims and administrative expenses.

This estimated amount will be placed in a contingency reserve account to provide for adverse fluctuations in claims or expenses.

In each legislative appropriation request the group program submits, an amount the trustee determines will be necessary to maintain this contingency reserve account must be included.

This contingency reserve account may be invested or reinvested to offset any additional costs.

Any proceeds, including interest, from that invest must be deposited into the reserve account.

The trustee, occasionally and in amounts deemed appropriate by the trustee, may transfer unused administrative expense to the contingency reserve account. This money transferred may only be used for charges, claims, and expenses under the group program.

Section 2 – The bill is effective June 4th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Joan Huffman

Sponsored By: Greg Bonnen

Governor Action: Signed June 4th, 2019

Effective Date: June 4th, 2019

Applies: Texas Public School Retiree Group Insurance Members and Texas School Employees Uniform Group Health Coverage Members

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

S.B. 1707

Relating to the duties of school district peace officers, school resource officers, and security personnel.

Bill Overview:

This bill outlines the ability for school districts to create a memorandum of understanding to secure school resource officers for their district. Additionally, the bill outlines that all school security personnel should not be tasked with duties relating to student behavior or school administrative work.

Section Analysis:

Section 1 – Amends Section 30.052 (1) of the Education Code.

This section allows the governing board of the Texas School for the Deaf to enter into a memorandum of understanding with a local law enforcement agency for the school to have school resource officers.

Section 2 – Amends the heading of Section 37.081 of the Education Code to read “School District Peace Officers, School Resource Officers, and Security Personnel.”

Section 3 – Amends Section 37.081 of the Education Code.

This section allows the school board to enter into a memorandum of understanding with a local law enforcement agency for the school to have school resource officers.

The bill makes school resource officers subject to the same jurisdiction as a peace officer or security personnel in their jurisdiction. Each school board will determine the duties of peace officers, school resource officers, and security personnel. These duties must be included/printed in the following:

- the District Improvement Plan
- the student code of conduct
- any memorandum of understanding providing for a school resource officer
- any other document, whether district or campus level, that describes the role of peace officers, school resource officers, or security personnel

This section adds language to the description of duties to include school resource officers and security personnel.

A school district is not allowed to assign or require as a duty of these individuals the following:

- routine student discipline or school administrative tasks
- contact with students unrelated to the law enforcement duties of the peace officer, resource officer, or security personnel

Bill Author: Eddie Lucio

Sponsored By: Alma Allen

Governor Action: Signed June 2nd, 2019

Effective Date: June 2nd, 2019

Applies: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

This does not prohibit these individuals to have informal contact with students as long as it does not have to do with assigned duties of the officer or security personnel and does not involve an incident of student behavior or law enforcement.

In the construction of the law enforcement duties, the school board will consult with the district campus behavior coordinators and other district employees to ensure officers and security personnel are only tasked with duties related to law enforcement intervention and not tasked with behavioral or administrative duties better addressed by district employees.

Section 4 – The bill is effective June 2nd, 2019 (earliest effective date upon Governor’s signature).

S.B. 1746

Relating to the inclusion of certain students as students at risk of dropping out of school.

Bill Overview:

The bill adds any student that has been incarcerated and any student with a parent/guardian that has been incarcerated as being “at risk of dropping out of school.”

Section Analysis:

Section 1 – Amends Section 29.081 (d) of the Education Code.

This section amends the definition of a “student at risk of dropping out of school” to include a student that has been incarcerated or has a parent/guardian who has been incarcerated, within the lifetime of the student, in a penal institution (defined by Section 1.07 of the Penal Code). Meaning incarceration in “a place designated by law for confinement of persons arrested for, charged with, or convicted of an offense.”

Section 2 – This bill is effective June 2nd, 2019 (earliest effective date upon Governor’s signature).

Bill Author: Borris Miles

Sponsored By: James White

Governor Action: Signed June 2nd, 2019

Effective Date: June 2nd, 2019

Applies: School Districts, and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

S.B. 1828

Relating to Holocaust Remembrance Week in public schools.

Bill Overview:

The bill establishes a Holocaust Remembrance Week that will help students in public schools understand the Holocaust and learn how to prevent future atrocities.

Section Analysis:

Section 1 – Amends Subchapter Z of Chapter 29 of the Education Code.

This section establishes a Holocaust Remembrance Week. The intention is to educate students about the

Holocaust and inspire in student a sense of responsibility to recognize and uphold human value to prevent future atrocities. The Governor will designate a week for public schools.

This week will include age-appropriate instruction, as determined by each individual school district that includes

- information about the history of and lessons learned from the Holocaust;
- participation, in person or using technology, in learning projects about the Holocaust; and
- the use of materials developed or approved by the Texas Holocaust and Genocide Commission.

Section 2 – The bill begins in the 2019 – 2020 school year.

Section 3 – The bill is effective June 10th, 2019 (earliest effective date upon Governor’s signature).

Bill Author: Jose Menendez

Sponsored By: Richard Raymond

Governor Action: Signed June 10th, 2019

Effective Date: June 10th, 2019

Applies: School Districts and Open-Enrollment Charter Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

S.B. 2018

Relating to abolishing a dissolution committee established to abolish certain county boards of education or boards of county school trustees and appointing commissioners' courts to assume the duties of the dissolution committee.

Bill Overview:

This bill establishes the final phase out of the Dallas County Department of Education. It retires the commission established to close down the organization and moves the responsibility of collecting the local taxes and pay of any remaining debt to the county commissioner court.

Bill Author: Royce West

Sponsored By: Rafael Anchia

Governor Action: Signed June 10th, 2019

Effective Date: June 10th, 2019

Applies: Dallas County Department of Education

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Section Analysis:

Section 1 – Amends Section 15.001 of Chapter 967 (S.B. 2065) of the Acts of the 85th Legislature, Regular Session, 2017.

Any remaining taxes that are collected by the county that surpass the amount of debt needed to be retired will be distributed proportionally between the school districts in the county based on the percentage of each district's number of enrolled students in the county compared to the number of students enrolled the immediately preceding year.

The committee established is abolished as of September 1st, 2019. All obligations of the committee are transferred to the commissioner court of the county. This means the court assumes control of and responsibility for administering all assets, liabilities, debts, contracts, and other obligations of the county board of education. All outstanding debt and obligations may only be paid off using fund from the tax levied specifically for the board of education. County assets may not be used to retire this debt.

The court is required to continue to levy and collect the debt at a rate of one cent per \$100 of ad valorem valuation and is not required to post, hold hearings, or seek approval to assess this value each year. The court is allowed to deduct reasonable and proportionate share of the collected revenue for administrative costs. The court must pay all debts or claims including workers' compensation and unemployment compensation filed on or before September 1st, 2019 from funds reserved and retained for that purpose by the committee.

All claims against the board of education not filed on or before September 1st, 2019 are barred (not allowed). Similarly, a lawsuit cannot be filed after September 1st, 2019.

Any leftover funds, after all debt is retired, will be split proportionally amongst the county's school districts. This specific tax does not count towards the counties tax cap.

Section 2 – Repeals previous law that established the Committee to close the Board of Education.

Section 3 – This bill is effective June 10th, 2019 (earliest effective date upon Governor's signature).

S.B. 2073

Relating to a reduction in required days of service for educators in public schools under certain circumstances.

Bill Overview:

The bill allows a school district that has reduced the number of days of instruction for students to reduce the number of days a teacher is required to report to school proportionately.

Section Analysis:

Section 1 – Amends Section 21.401 of the Education Code.

This section creates a new subsection for school districts anticipating to provide less than 180 days of instruction for students during a school year; the district is able to reduce the number of days of service a teacher is required to be present proportionately. This will not reduce a teacher's salary.

The proof of the reduction will be evident in the school district's academic calendar.

Section 2 – This change only applies to a contract executed on or after the effective date of this bill. Any contract executed before the effective date of the bill is subject to previous law.

Section 3 – The bill is effective June 10th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Larry Taylor

Sponsored By: Ken King

Governor Action: Signed June 10th, 2019

Effective Date: June 10th, 2019

Applies: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

S.B. 2075

Relating to public school compliance with dyslexia screening and testing requirements.

Bill Overview:

This bill gives the Texas Education Agency (TEA) rulemaking authority to ensure school district compliance with the dyslexia and related disorders notification program through the Texas State Archives Commission to give students at risk of dyslexia and similar reading issues free of charge audiobook rentals.

Section Analysis:

Section 1 – Amends Section 7.028 (a) of the Education Code.

The bill adds to the list of exceptions regarding required agency monitoring. These sections include reading diagnosis monitoring and existing dyslexia screening requirements.

Section 2 – Amends Section 28.006 of the Education Code.

The bill states the Commissioner of Education will establish rules to create a notification program that outline how a school district must notify parents/guardians of each identified student to have dyslexia or a related disorder. These students will be determined to have dyslexia or another related disorder on the basis of screening outlined in code (Section 38.003 of the Education Code) or the basis of a reading instrument results. This notification must alert parents/guardians that the Texas State Library and Archives Commission provide eligible students (identified to be at risk for dyslexia or other reading difficulties) with the ability to borrow audiobooks free of charge.

Agency rules will audit and monitor and periodically conduct site visits of all school districts to ensure compliance, identify any problems with implementation of this section, and develop remedial strategies to address noncompliance.

Section 3 – Amends Section 38.003 of the Education Code.

This section establishes State Board of Education rule adoption to allow TEA to audit and ensure compliance with the notification program.

Section 4 – The bill begins in the 2019 – 2020 school year.

Section 5 – TEA is only required to implement this section if money is appropriated for this specific program.

Section 6 – The bill is effective June 4th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Angela Paxton

Sponsored By: Rick Miller

Governor Action: Signed June 4th, 2019

Effective Date: June 4th, 2019

Applies: School Districts

Rule Authority: TEA must establish rules to allow the agency to audit, remediate and ensure compliance with created parent/guardian notification included within this bill

Begins: 2019 – 2020 school year

S.B. 2117

Relating to state funding and accountability provisions applicable to school district campuses and programs operated under school district and charter partnerships.

Bill Overview:

In an effort to correct an unintended consequence of the 85th Legislative Session Senate Bill 1882, this bill ensures that districts that operate as public/charter partnerships receive an increase in Average Daily Attendance (ADA) funding.

Section Analysis:

Section 1 – Amends Section 11.157 of the Education Code.

If a school district, through a contract with an open-enrollment charter school, operated a campus or campus program during the 2017 – 2018 school year, they will be eligible for ADA funding for each student through a contract renewal.

The Commissioner of Education is given rulemaking ability to determine the portion of funding the school district is entitled to for this situation.

Section 2 – Amends Section 42.2511 (a) and (b) of the Education Code. This section will change due to H.B. 3.

This section adds school district charter joint operation or joint program operation to the list of eligible ADA funding measures.

Section 3 – This bill begins in the 2019 – 2020 school year.

Section 4 – The bill is effective June 10th, 2019 (earliest effective date upon Governor's signature).

Bill Author: Paul Bettencourt

Sponsored By: Dwayne Bohac

Governor Action: Signed June 10th, 2019

Effective Date: June 10th, 2019

Applies: School Districts and School District/Charter School Partnerships

Rule Authority: The Commissioner of Education is given rule making authority in Section 1

Begins: 2019 – 2020 School Year

S.B. 2135

Relating to information a law enforcement agency is required to share with a school district about a person who may be a student.

Bill Overview:

This bill establishes who is able to view and consider student information to determine if a threat assessment or safety plan needs to be created for a student.

Section Analysis:

Section 1 – Amends Article 15.27 of the Code of Criminal Procedure.

Written notification given to a superintendent regarding a student enrolled that has committed certain offenses must include whether it is necessary for the school district to conduct a threat assessment or prepare a safety plan related to the student.

Additionally, law enforcement must provide to the superintendent or their designee information for the purpose of a threat assessment or preparing a safety plan. School boards are given the ability to enter into a memorandum of understanding with a law enforcement agency for the purpose of sharing this information. If there is not a memorandum, the requested information shall be considered relevant.

Section 2 – Amends Section 37.006 (e) of the Education Code.

This section allows a superintendent or their designee to consider all available information collected or requested to determine if the student has engaged in conduct defined as a felony offense.

Section 3 – Amends Section 58.008 of the Family Code.

This section adds the chief executive officer or the officer's designee of a primary or secondary school where a child is enrolled is allowed, for the purposes of a threat assessment or safety plan creation, to view or copy information.

Chief executive officer is further defined to include the superintendent of a public school, director of an open-enrollment charter school, and chief executive officer of a private school.

Section 4 – This change in law only applies to arrests or referrals made on or after the effective date of the bill.

Section 5- This bill is effective September 1st, 2019.

Bill Author: Beverly Powell

Sponsored By: Philip Cortez

Governor Action: Signed June 4th, 2019

Effective Date: September 1st, 2019

Applies: School Districts, Open-Enrollment Charter Schools, and Private Schools

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

S.B. 2224

Relating to requiring a public retirement system to adopt a written funding policy.

Bill Overview:

The bill requires public retirement systems to develop and adopt a funding ratio plan that will achieve a 100% funding ratio for the system. The initial plan must be adopted by January 1st, 2020 and any subsequent changes must be filed with the State Pensions Review Board and the systems corresponding agency.

Section Analysis:

Section 1 – Amends Subchapter C of Chapter 802 of the Government Code to create Section 802.2011 “Funding Policy.”

This section defines the following:

- funded ratio is defined as the ratio of a public retirement system’s actuarial value of assets divided by the system’s actuarial accrued liability
- governmental entity is defined as a unit of government that is the employer of active members of a public retirement system (Section 802.1012 of the Government Code)

The governing body of a public retirement system must do the following:

- adopt a written funding policy that outline the system’s plan for achieving a funded ratio of the system that is equal to or greater than 100%
- maintain a copy of this policy at the main office of the system for public review
- file a copy of the policy and each change to the policy with the State Pension Review Board by the 31st day after the policy or change adoption
- submit a copy of the policy and any changes to the associated governmental entity (i.e. The Teacher Retirement System would submit to the Texas Education Agency) by the 31st day of the policy or change adoption.

Section 2 – By January 1st, 2020 each public retirement system must adopt a funding policy.

Section 3 – This bill is effective September 1st, 2019.

Bill Author: Joan Huffman

Sponsored By: Jim Murphy

Governor Action: Signed June 4th, 2019

Effective Date: September 1st, 2019

Applies: All public retirement systems

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency

S.B. 2283

Relating to the eligibility of persons convicted of certain offenses to serve as a member of a board of trustees of a school district.

Bill Overview:

This bill prevents individuals who had been convicted or plead guilty or no contest to a felony from serving on the school board. Currently, school board trustees who are convicted of or who have plead guilty or no contest to a felony still are allowed to serve out their term.

Section Analysis:

Section 1 – Amends Section 11.066 of the Education Code.

The bill adds any felony conviction to the list of items that make an individual ineligible from serving as a member of a school board.

Section 2 – This change in law only applies to members of the school board who are elected or appointed after the effective date of this bill. A current school board member who was elected or appointed before the effective date of this bill will serve out the term for which they were elected.

Section 3 – The bill is effective September 1st, 2019.

Bill Author: Donna Campbell

Sponsored By: Harold Dutton

Governor Action: Signed June 10th, 2019

Effective Date: September 1st, 2019

Applies: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

S.B. 2293

Relating to the applicability of certain laws to open-enrollment charter schools.

Bill Overview:

This bill establishes a common application for enrollment in an open-enrollment charter school and a standardized waiting list process. Additionally, the bill makes all governing members and employees of an open-enrollment charter subject to Chapter 617 of the Government Code by qualifying them as a political subdivision and public employees. This negates their ability to organize or collectively bargain.

Section Analysis:

Section 1 – Amends Section 12.1058 (c) of the Education Code.

The bill adds language that an open-enrollment charter school should not be considered a governmental entity or political subdivision unless specifically stated in this bill.

Section 2 – Amends Section 12.117 (a) of the Education Code.

This section establishes that an applicant for enrollment at an open-enrollment charter school must complete the “common admission application.”

Section 3 – Amends Section 12.1171 of the Education Code.

This section adds language to the application process for charter schools specializing in performing arts that their admission process can include an audition and the use of the common application.

Section 4 – Amends Subchapter D of Chapter 12 of the Education Code by adding Section 12.1173 “Common Admission Application Form.”

The Commissioner of Education, through rule, will adopt a common admission application form for use to apply for open-enrollment charter schools.

This form may not in any way advertise or otherwise promote any person or open-enrollment charter school or solicit money, goods, or services from an applicant. The Commissioner of Education is responsible for advertising the availability of the form and posting the form on the Texas Education Agency (TEA) website.

Through rule, the Commissioner of Education will adopt guidelines for how an open-enrollment charter school will manage a waiting list each school year for applicants that were not admitted due to unavailable space. Any rules adopted to implement this section must comply with federal law (including HIPA and FERPA).

By the last Friday in October of each school year, the governing body of an open-enrollment charter

Bill Author: Pat Fallon

Sponsored By: Harold Dutton

Governor Action: Signed June 10th, 2019

Effective Date: September 1st, 2019

Applies: Open-Enrollment Charter Schools

Rule Authority: Commissioner of Education is granted rule making authority in Section 4 to create and implement a common admission application form and waiting list for admission to be used by open-enrollment charter schools

Begins: The Common Admission and Waiting List for Admission will begin in the 2020 – 2021 School Year

school must report to TEA the following information for each campus operating under that charter holder's charter:

- the number of students enrolled
- the enrollment capacity
- if a waiting list was used, the total number of students on the waiting list, also disaggregated by grade level
- all the above data points aggregated for all campuses operating under the charter
- any information required by the Commissioner of Education to identify each student admitted or on a waiting list for admission who was previously enrolled in a public school in Texas

The Commissioner of Education will aggregate this data for any corporate affiliates that hold multiple charters.

By March 15th of each year, the Commissioner must post the information reported and any aggregated information to the TEA website.

The Commissioner of Education is given rule authority to implement this section and must ensure federal law is followed.

Section 5 – Amends Chapter 617 of the Government Code to create Section 617.0025 “Applicability of Chapter to Open-Enrollment Charter School.”

An Open-Enrollment Charter School is considered to be a political subdivision of the state and there for subject to the regulation of collective bargaining and strikes outlined in Chapter 617 of the Government Code. The bill states that a member of the governing body of a charter holder, governing body of an open-enrollment charter school, and officer of an open-enrollment charter school be considered officials of a political subdivision. An employee of an open-enrollment charter school is considered to be a public employee under this chapter.

Section 6 – The common application and waiting list for admission will begin in the 2020 – 2021 school year.

Section 7 – By January 1st 2020, the Commissioner of Education has to adopt the common application and waiting list guidelines or any other required rules to implement these items.

Section 8 – If an open-enrollment charter school entered into a collective bargaining contract with a labor organization before the effective date of September 1st, 2019, the applicability of Chapter 617 of the Government Code does not apply for the remaining term of that contract. A collective bargaining contracted entered into before September 1st, 2019 cannot be renewed.

Section 9 – This bill is effective September 1st, 2019.

S.B. 2432

Relating to the mandatory removal of a public school student from the classroom following certain conduct.

Bill Overview:

This bill extends the requirement for removal of a student who commits certain harassment offenses against a district employee to a District Alternative Education Program (DAEP).

Section Analysis:

Section 1 – Amends Section 37.006 (a) of the Education Code.

This section adds a subsection to create an additional reason for why a student should be removed from a classroom. This new reason is a student engages in conduct that contains the elements of the offense of harassment. This specific harassment is defined under Section 42.07 (a) of the Penal Code, specifically items (1) making obscene comments, (2) threatening bodily injury to the person, their family, or property, (3) making an alarming false report or death or serious bodily injury to another person, and (7) creating repeated electronic communications to harass, annoy, alarm, abuse, torment, embarrass, or offend.

Section 2 – The bill begins in the 2019 – 2020 school year.

Section 3 – The bill is effective September 1st, 2019.

Bill Author: Larry Taylor

Sponsored By: Scott Sanford

Governor Action: Signed June 10th, 2019

Effective Date: September 1st, 2019

Applies: School Districts

Rule Authority: This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution

Begins: 2019 – 2020 School Year

Appendix

Bill Index by Subject Matter

The following list of bills and their corresponding page numbers are listed in the order of the Texas System of Education Service Center’s PowerPoint presentation regarding the 86th Legislative Session Update.

School Finance:

Funding for Public Education, By John Zerwas and Jane Nelson	15
General Appropriations Bill for the State of Texas for the 2020 – 2021 fiscal years and the Supplemental Appropriations bill for the 2018 – 2019 fiscal years.	
H.B. 3, By Dan Huberty	18
Relating to public school finance and public education.	
H.B. 305, By Dennis Paul	47
Relating to the requirement that a state agency or political subdivision with authority to impose a tax post certain information on an Internet website.	
H.B. 391, By Cesar Blanco	49
Relating to student access to public school instructional materials and technology.	
H.B. 396, By Gary VanDeaver.....	50
Relating to acceptable uses of the instructional materials and technology fund and the instructional materials and technology allotment.	
H.B. 440, By Jim Murphy	52
Relating to general obligation bonds issued by political subdivisions.	
H.B. 477, By Jim Murphy	55
Relating to the notice required before the issuance of certain debt obligations by political subdivisions.	
H.B. 2706, By Giovanni Capriglione	117
Relating to local government public investment of funds by public schools.	
H.B. 4388, By Jim Murphy	152
Relating to the management of the permanent school fund by the School Land Board and the State Board of Education.	
H.B. 4611, By Dan Huberty	154
Relating to certain distributions to the available school fund.	
H.J.R. 151, By Dan Huberty.....	156
Proposing a constitutional amendment allowing increased distributions to the available school fund.	

S.B. 2, By Paul Bettencourt	157
Relating to ad valorem taxation.	
S.B. 30, By Brian Birdwell.....	173
Relating to ballot language requirements for a proposition seeking voter approval for the issuance of bonds.	
S.B. 608, By Kirk Watson	186
Relating to the continuation and functions of the School Land Board.	
S.B. 2117, By Paul Bettencourt	232
Relating to state funding and accountability provisions applicable to school district campuses and programs operated under school district and charter partnerships.	
School Safety:	
H.B. 18, By Four Price	28
Relating to consideration of the mental health of public school students in training requirements for certain school employees, curriculum requirements, counseling programs, educational programs.	
H.B. 19, By Four Price	35
Relating to mental health and substance use resources for certain school districts.	
H.B. 76, By Dan Huberty	38
Relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored by the University Interscholastic League.	
H.B. 496, By Barbara Gervin-Hawkins	58
Relating to the placement of bleeding control kits in public schools and to required training of school personnel.	
H.B. 684, By Travis Clardy	68
Relating to training requirements for public school nurses and certain other school personnel regarding seizure recognition and related first aid.	
H.B. 906, By Senfronia Thompson	74
Relating to the establishment of a collaborative task force to study certain public school mental health services.	
H.B. 961, By Donna Howard.....	77
Relating to the membership and training course requirements of school district and open-enrollment charter school concussion oversight teams.	
H.B. 1070, By Four Price.....	83
Relating to the mental health first aid training program reporting requirements.	
H.B. 1143, By Cole Hefner.....	84
Relating to the transportation or storage of a handgun or other firearm or ammunition by a handgun license holder in a school parking area.	

H.B. 1387, By Cole Hefner.....	86
Relating to the number of school marshals that may be appointed to serve on a public school campus or at a private school.	
H.B. 1791, By Matt Krause	92
Relating to the carrying of handguns by license holders on property owned or leased by a governmental entity.	
H.B. 2195, By Morgan Meyer	103
Relating to an active shooter emergency policy for school districts.	
H.B. 2243, By Tom Oliverson	105
Relating to the use of prescription asthma medicine on public and private school campuses.	
H.B. 3871, By Matt Krause	142
Relating to the process for establishing speed limits on roads near certain schools.	
H.B. 3884, By Terry Wilson	143
Relating to dissemination of bacterial meningitis information by school districts.	
H.B. 4342, By Travis Clardy.....	151
Relating to the composition of the board of directors of the Texas School Safety Center.	
S.B. 11, By Larry Taylor.....	158
Relating to policies, procedures, and measures for school safety and mental health promotion in public schools; making an appropriation.	
S.B. 435, By Jane Nelson	183
Relating to recommendations by local school health advisory councils regarding opioid addiction and abuse education in public schools.	
S.B. 670, By Dawn Buckingham.....	192
Relating to Medicaid telemedicine and telehealth services.	
S.B. 820, By Jane Nelson	195
Relating to a requirement that a school district develop and maintain a cybersecurity framework.	
S.B. 869, By Judith Zaffirini	196
Relating to guidelines for policies of school districts and open-enrollment charter schools for the care of certain students at risk for anaphylaxis.	
S.B. 1231, By Paul Bettencourt.....	207
Relating to providing certain public and private school administrators with information regarding certain child abuse and neglect investigations and allegations.	
S.B. 1707, By Eddie Lucio.....	225
Relating to the duties of school district peace officers, school resource officers, and security personnel.	

S.B. 2135, By Beverly Powell	233
Relating to information a law enforcement agency is required to share with a school district about a person who may be a student.	
School Safety; Discipline:	
H.B. 65, By Eric Johnson	37
Relating to reporting information regarding public school disciplinary actions.	
H.B. 692, By James White	70
Relating to the suspension of a student who is homeless from public school.	
H.B. 811, By James White	73
Relating to determining appropriate disciplinary action to be taken against a public school student who is in foster care or who is homeless.	
H.B. 2184, By Alma Allen	100
Relating to a public school student's transition from an alternative education program to a regular classroom.	
H.B. 2813, By Four Price.....	120
Relating to the statewide behavioral health coordinating council.	
H.B. 3012, By James Talarico.....	134
Relating to requiring the provision of instruction to public school students subject to in-school or out-of-school suspension.	
H.B. 3630, By Morgan Meyer	138
Relating to prohibiting the use of certain behavioral interventions on students enrolled in public school who receive special education services.	
S.B. 38, By Judith Zaffirini	175
Relating to the offense of hazing.	
S.B. 712, By Eddie Lucio	193
Relating to prohibiting the use of certain aversive techniques on students enrolled in public schools.	
S.B. 1306, By Lois Kolkhorst.....	209
Relating to requiring a school district to post on the district's Internet website the name and contact information of each school administrator primarily responsible for student discipline at a district campus.	
S.B. 1451, By Larry Taylor.....	213
Relating to the ability of public school teachers to maintain student discipline without being subjected to adverse employment consequences.	
S.B. 2432, By Larry Taylor.....	238
Relating to the mandatory removal of a public school student from the classroom following certain conduct.	

School Safety; Disaster Recover:

H.B. 6, By Geanie Morrison.....	25
Relating to developing a disaster recovery task force to assist with long-term disaster recovery.	
H.B. 7, By Geanie Morrison.....	27
Relating to disaster preparation for state agencies and political subdivisions.	
H.B. 2325, By Will Metcalf.....	109
Relating to providing information and communication regarding and during a disaster.	
S.B. 981, By Lois Kolkhorst	204
Relating to the disaster supplemental nutrition assistance program.	

Academics, Special Educations:

H.B. 165, By Diego Bernal	42
Relating to providing for endorsements for public high school students enrolled in special education programs.	
H.B. 706, By Diego Bernal	71
Relating to the eligibility of certain children with hearing impairments for audiology services under the school health and related services program.	
H.B. 965, By Mary Gonzalez.....	79
Relating to updating references to certain former health services state agencies and certain terms used to describe persons with intellectual or developmental disabilities in the Education Code.	
S.B. 139, By Jose Rodriguez	177
Relating to a notice of educational rights and recovery by school districts and open-enrollment charter schools of costs for certain student evaluations.	
S.B. 522, By Judith Zaffirini	185
Relating to the development of an individualized education program for a public school student with a visual impairment.	
S.B. 2075, By Angela Paxton.....	231
Relating to public school compliance with dyslexia screening and testing requirements.	

Academics; College, Career, and Military Readiness:

H.B. 114, By James White	41
Relating to providing public high school students information regarding the availability of college credit awarded for military experience, education and training obtained during military service.	
H.B. 277, By Tom Oliverson	44
Relating to a requirement that online admission application forms for public institutions of higher education include a link to certain comparative gainful employment data.	

H.B. 539, By Ben Leman	60
Relating to the automatic admission to general academic teaching institutions and eligibility for certain scholarships of a student who is the valedictorian of the student's high school graduating class.	
H.B. 638, By Giovanni Capriglione.....	65
Relating to the issuance of posthumous high school diplomas to certain students.	
H.B. 678, By Ryan Guillen	67
Relating to the public high school graduation credit requirements for a language other than English.	
H.B. 963, By Cecil Bell.....	78
Relating to the career and technology education and technology applications allotment and the essential knowledge and skills of the career and technology education and technology applications curriculums.	
H.B. 1051, By Gary VanDeaver	81
Relating to an adult education program provided under an adult high school diploma and industry certification charter school program, eligibility of certain students for Foundation School Program benefits.	
H.B. 1244, By Trent Ashby	85
Relating to including a civics test in the graduation requirements for public high school students and to eliminating the United States history end-of-course assessment instrument.	
H.B. 1891, By Lynn Stucky	94
Relating to an exemption from the assessment requirements of the Texas Success Initiative for students who achieve certain scores on certain high school equivalency examinations.	
H.B. 2984, By Steve Allison	129
Relating to the essential knowledge and skills of the technology applications curriculum and the establishment of a computer science strategic advisory committee to increase computer science instruction and participation in public schools.	
H.B. 3650, By Chris Turner.....	140
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.	
H.B. 3652, By Chris Turner.....	141
Relating to the creation of a state repository for open educational resources by the Texas Higher Education Coordinating Board.	
S.B. 213, By Kel Seliger.....	178
Relating to the use of individual graduation committees and other alternative methods to satisfy certain public high school graduation requirements.	
S.B. 232, By Jose Menendez	179
Relating to parental notification by a school district regarding high school graduation requirements.	

S.B. 504, By Kel Seliger.....	184
Relating to the inclusion of certain information in postsecondary education and career counseling academies developed for certain school counselors and other postsecondary advisors employed by a school district.	
S.B. 1276, By Beverly Powell	208
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.	
S.B. 1374, By Angela Paxton.....	210
Relating to the sequencing of certain required mathematics courses in public schools.	
Academics; Curriculum:	
H.B. 1026, By Dwayne Bohac.....	80
Relating to instruction in positive character traits in public schools.	
Academics; Accountability:	
H.B. 330, By Gary VanDeaver.....	48
Relating to excluding certain students from the computation of dropout and completion rates for purposes of public school accountability.	
H.B. 2210, By Keith Bell.....	104
Relating to the consideration for public school accountability purposes of certain students receiving residential services in state hospitals.	
H.B. 3007, By Chris Turner.....	132
Relating to requiring the Texas Education Agency to provide to a school district certain information used in determining academic accountability ratings for the district.	
H.B. 3011, By Chris Turner.....	133
Relating to requiring the Texas Higher Education Coordinating Board to provide to a school district certain information used in determining academic accountability ratings for the district.	
H.B. 3906, By Dan Huberty	144
Relating to the adoption and administration of assessment instruments used to assess the performance of public school students.	
H.B. 4205, By Tom Craddick.....	147
Relating to the conditions under which a closed campus may be repurposed to serve students at that campus location.	
S.B. 54, By Judith Zaffirini	176
Relating to a study regarding the appropriate methods and standards to evaluate certain students participating in regional day school programs for the deaf.	

S.B. 1746, By Borris Miles	227
Relating to the inclusion of certain students as students at risk of dropping out of school.	

Academics; Prekindergarten:

S.B. 1679, By Royce West.....	223
Relating to eligibility of certain children for free prekindergarten programs in public schools.	

Charter Schools:

H.B. 2190, By Todd Hunter.....	102
Relating to admission of certain students to an open-enrollment charter school in certain counties.	

H.B. 4258, By Jim Murphy	149
Relating to approval by the attorney general of certain bonds financing an educational facility for certain charter schools.	

S.B. 372, By Donna Campbell.....	182
Relating to the authority of an open-enrollment charter school to employ security personnel, commission peace officers, and have school resource officers.	

S.B. 1454, By Larry Taylor.....	214
Relating to the ownership, sale, lease, and disposition of property and management of assets of an open-enrollment charter school.	

S.B. 2293, By Pat Fallon.....	236
Relating to the applicability of certain laws to open-enrollment charter schools.	

Teacher Compensation and Preparation:

H.B. 2424, By Trent Ashby	112
Relating to the creation of a micro-credential certification program for public school educator continuing education.	

H.B. 3217, By Trent Ashby	136
Relating to certain eligibility requirements for issuance of a teaching certificate.	

H.B. 4310, By Harold Dutton.....	150
Relating to teacher instructional time.	

S.B. 1230, By Paul Bettencourt.....	205
Relating to the reporting of private school educator misconduct.	

S.B. 2073, By Larry Taylor.....	230
Relating to a reduction in required days of service for educators in public schools under certain circumstances.	

Teacher Compensation and Preparation; Teacher Retirement System:

H.B. 1612, By Jim Murphy	88
Relating to the authority of the Teacher Retirement System of Texas to invest in certain hedge funds.	
H.B. 2629, By Dan Flynn	115
Relating to the deadline to appeal administrative decisions of the Teacher Retirement System of Texas.	
H.B. 2820, By Dan Flynn	122
Relating to the registration and certification of certain investment products made available to public school employees.	
S.B. 12, By Joan Huffman.....	171
Relating to the contributions to the Teacher Retirement System of Texas.	
S.B. 322, By Joan Huffman	180
Relating to the evaluation and reporting of investment practices and performance of certain public retirement systems.	
S.B. 1682, By Joan Huffman	224
Relating to the administration of and benefits payable under the Texas public school retired employees group insurance program and the Texas school employees uniform group health coverage program.	
S.B. 2224, By Joan Huffman	234
Relating to requiring a public retirement system to adopt a written funding policy.	

Teacher Compensation and Preparation; Ethics:

H.B. 111, By Mary Gonzalez.....	40
Relating to training for employees of school districts and open-enrollment charter schools on the prevention of sexual abuse, sex trafficking, and other maltreatment of certain children.	
S.B. 1476, By Paul Bettencourt.....	220
Relating to the requirement for certain administrators of certain educational entities to report certain educator misconduct to the State Board for Educator Certification.	

Governance:

H.B. 293, By Ken King.....	45
Relating to investment training requirements for school district and municipal financial officers.	
H.B. 403, By Senfronia Thompson.....	51
Relating to training requirements for a member of the board of trustees and the superintendent of an independent school district regarding sexual abuse, human trafficking, and other maltreatment of children.	

H.B. 1734, By Justin Holland.....	90
Relating to litigation involving certain defects in school district facilities and enforcement of certain duties following that litigation.	
H.B. 1999, By Jeff Leach	98
Relating to certain construction liability claims concerning public buildings and public works.	
H.B. 2263, By Chris Paddie	107
Relating to the sale of electric power to certain public customers.	
H.B. 2617, By Sheryl Cole	114
Relating to the fiscal year of certain political subdivisions.	
H.B. 2633, By Geanie Morrison	116
Relating to the consumption, possession, or sale of an alcoholic beverage at a performing arts facility leased to a nonprofit organization by a school district.	
H.B. 2778, By Tracy King.....	119
Relating to the allocation of expenses of a joint election to certain school districts.	
H.B. 2826, By Greg Bonnen	124
Relating to procurement of a contingent fee contract for legal services by a state agency or political subdivision.	
H.B. 2840, By Terry Canales	127
Relating to the right of a member of the public to address the governing body of a political subdivision at an open meeting of the body.	
H.B. 2868, By Dade Phelan.....	128
Relating to the procurement of interior design services by a governmental entity.	
H.B. 3001, By Geanie Morrison	131
Relating to the fiscal transparency of special purpose districts and other political subdivisions.	
S.B. 943, By Kirk Watson	198
Relating to the disclosure of certain contracting information under the public information law.	
S.B. 944, By Kirk Watson	202
Relating to the public information law.	
S.B. 1376, By Angela Paxton.....	211
Relating to eliminating certain requirements imposed on school districts and other educational entities.	
S.B. 2283, By Donna Campbell	235
Relating to the eligibility of persons convicted of certain offenses to serve as a member of a board of trustees of a school district.	

Other:

H.B. 81, By Terry Canales	39
Relating to the disclosure under the public information law of certain information related to parades, concerts, or other entertainment events open to the general public that are paid for with public funds.	
H.B. 234, By Matt Krause.....	43
Relating to the local regulation of the sale of lemonade or other beverages by children.	
H.B. 295, By Briscoe Cain	46
Relating to designating March 30 as Master Sergeant Jonathan J. Dunbar Day.	
H.B. 452, By Hugh Shine.....	54
Relating to the creation of truancy masters for Bell County.	
H.B. 548, By Terry Canales	61
Relating to reporting certain truancy information through the Public Education Information Management System.	
H.B. 621, By Victoria Neave	64
Relating to prohibited adverse employment action against an employee who in good faith reports child abuse or neglect.	
H.B. 674, By Jared Patterson.....	66
Relating to soliciting from school districts served by a regional education service center certain information in conjunction with the annual evaluation of the center.	
H.B. 771, By Sarah Davis.....	72
Relating to the placement of warning signs in areas where the use of a wireless communication device is prohibited.	
H.B. 1597, By Stan Lambert.....	87
Relating to establishing residency for purposes of admission into public schools.	
H.B. 1709, By Mary Gonzalez	89
Relating to the appointment of a surrogate parent for certain children in the conservatorship of the Department of Family and Protective Services.	
H.B. 1888, By Greg Bonnen	93
Relating to temporary branch polling place hours of operation.	
H.B. 1949, By Ryan Guillen	95
Relating to the criteria for awarding adult education and literacy program performance incentive funds.	
H.B. 1960, By Four Price.....	96
Relating to the creation of the governor's broadband council.	

H.B. 2526, By Jeff Leach	113
Relating to criteria for admission of certain students into public schools.	
H.B. 3145, By Steve Toth	135
Relating to the right of a parent appointed as a conservator of a child to attend school activities.	
H.B. 3435, By Rhetta Bowers.....	137
Relating to establishing and celebrating Texas Girls in STEM Day.	
H.C.R. 59, By Ryan Guillen.....	155
Designating the second week of November as School Psychologist Appreciation Week for a 10-year period beginning in 2019.	
S.B. 619, By Brian Birdwell.....	188
Relating to the sunset review process and certain governmental entities subject to that process.	
S.B. 668, By Bryan Hughes.....	190
Relating to data collection, reporting, and notice requirements for certain educational entities.	
S.B. 1557, By Eddie Lucio	221
Relating to military-connected students, including providing a designation for certain school district campuses that take actions to assist those students.	
S.B. 1828, By Jose Menendez.....	228
Relating to Holocaust Remembrance Week in public schools.	
S.B. 2018, By Royce West.....	229
Relating to abolishing a dissolution committee established to abolish certain county boards of education or boards of county school trustees and appointing commissioners courts to assume the duties of the dissolution committee.	