

82nd Legislative Session
and First Called Special Session



Final Bill Report



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Disclaimer:

This document is for informational purposes only and is intended to provide superintendents and administrators with brief summaries of school-related legislation passed during the Regular Session and the First Called Special Session of the 82nd Legislature. This document is not intended to be a substitute for legal advice. Specific questions and circumstances regarding a bill's impact on a school district should be individually discussed with the school district's attorney.

EDUCATION-RELATED HOUSE BILLS PASSED

HB 1

Pitts

Appropriations for the 2012–13 biennium

Appropriates \$49.6 billion in all funds to TEA for the next biennium, which is \$448 million less than the previous biennium. Appropriates \$4 billion less to the Foundation School Program and another \$1.3 billion less in special program funding. Special program cuts include a loss of \$345 million for District Awards for Teacher Excellence (DATE) and \$270 million loss for the Student Success Initiative (SSI), among other programs.

Eliminates all funding for the following programs: Pre-K Early Start Grant Program (\$227 million); Technology Allotment (\$271 million); Science Lab Grants (\$35 million); New Instructional Facilities Allotment (NIFA); Middle School P.E. Grants (\$20 million); Optional Extended Year (\$14 million); and property value and ADA decline protections.

Includes the following program funding:

- \$300 million, Proclamation 2011
- \$40 million, D.A.T.E. (reduced \$345 million from 2010–11)
 - Requires up to \$10 million to be used for an educator mentor program
 - Requires up to \$5 million to be used for implementing educator quality standards
 - Requires up to \$1 million to be used for support of new teachers through Humanities Texas
- \$25 million, Education Service Centers (reduced \$15.7 million from 2010–11)
 - Requires a new funding system in which two-thirds of the funding must flow based on geographic considerations and districts serving less than 1,600 students
- \$23.5 million, SSI (reduced \$270 million from 2010–11)
 - Requires \$4.5 million to be used for Reasoning Mind Program
- \$20 million, Communities in Schools (reduced \$12 million from 2010–11)
- \$17 million, JJAEPs (reduced \$5.9 million from 2010–11)
- \$13.8 million, Texas AP Incentives (reduced \$5.9 million from 2010–11)
- \$8 million, Virtual School Network (reduced \$12.3 million from 2010–11)
- \$8 million, Teach for America
- \$7 million, Texas School Ready Program
- \$6 million, TSTEM and Early College High School
- \$4 million, Online College Prep
- \$3.5 million, Campus Intervention and Turnaround Teams (increased \$2 million from 2010–11)
 - Requires up to \$1.5 million to be used for the development of financial and productivity tools
- \$3 million, Texas Academic Innovation and Mentoring
- \$2.5 million, Amachi (reduced \$5 million from 2010–11)

- \$1.4 million, MATHCOUNTS
- \$1.3 million, Steroid Testing Program (reduced \$700,000 from 2010–11)

Sets the state contribution rate for the TRS pension fund at 6 percent of active member payroll in fiscal year 2012 and 6.4 percent in fiscal year 2013. Continues active member rates at 6.4 percent for the 2012–13 biennium.

Sets the state contribution rate for TRS care at 1 percent of the active member payroll for fiscal year 2012 and 0.5 percent for the 2013 fiscal year. Retains the school district contribution rate for TRS care at 0.55 percent.

Earliest effective date: September 1, 2012

HB 4

Pitts

Supplemental appropriations

Reduces appropriations for fiscal year 2011 by \$90.2 million for cuts to TEA made prior to the legislative session. Appropriates \$550 million to the Foundation School Program for settle-up payments for the first year of the 2010–11 biennium and for other necessary adjustments.

Appropriates \$184 million for instructional materials, which includes (1) \$85 million for continuing contracts for classroom materials for the 2011–12 school year, (2) \$60 million for supplemental science instructional materials, and (3) \$34 million for pre-k systems included in proclamation 2011.

Appropriates \$8.75 million each year of the next biennium to provide supplemental services to students who fail the reading or mathematics assessments; and for prevention programs such as algebra readiness, literacy and math academies, professional development programs, and other services aimed at improving student performance on state assessments.

Appropriates \$18 million for TEA operations of the Permanent School Fund.

Earliest effective date: Immediately

HB 34

Branch

Postsecondary education and training

Expands the personal financial literacy component of any course meeting the requirements for economics graduation credit for students enrolled in public high school or open-enrollment charter high school programs, by requiring the instruction to include methods of paying for college and other postsecondary training.

Requires the instruction to include methods for completing federal student financial aid forms, and allows a district or charter to use existing state, federal, private, or nonprofit programs to provide the instruction free of charge.

Mandates that districts and charters ensure that students enrolled in dual credit courses receive the instruction as outlined above.

Requires the SBOE to adopt new TEKS for the expanded personal financial literacy student expectations by January 31, 2012.

Requires the SBOE to approve corresponding instructional materials by August 31, 2012.

Mandates that this Act begin with the 2013–14 school year.

Earliest effective date: Immediately

HB 252

Hilderbran

Exemption from ad valorem taxation

Requires that an applicant for a residence homestead exemption supply a copy of the applicant's driver's license or state-issued personal identification and a copy of the applicant's vehicle registration. An applicant who does not own a vehicle must sign an affidavit stating such and provide a copy of a utility bill in the applicant's name for the residence for which the exemption is sought.

Prohibits a chief appraiser from granting an exemption unless the address on the applicant's driver's license or state-issued identification card matches the address on the applicant's vehicle registration or utility bill for the property for which the residence exemption is sought.

Requires the application to include a statement from the applicant that they have not claimed another homestead exemption inside or outside the state of Texas. If an applicant is not specifically identified on a deed or other records, the applicant must provide an affidavit or other compelling evidence establishing the applicant's ownership of an interest in the homestead.

Clarifies the types of acceptable documentation required to verify ownership of a manufactured home for the purpose of obtaining a homestead exemption. To qualify land on which a manufactured home is located for the exemption the (1) land must be owned by one or more individuals, including the applicant; (2) the manufactured home must be occupied by the applicant as their principal residence; (3) and the applicant must own the manufactured home.

Earliest effective date: September 1, 2011

HB 274
Creighton
Remedies and procedures in civil actions

Requires a proposition allowing the voters to approve the imposition, increase, or reduction of a tax or the issuance of bonds to specifically state, as applicable the: (1) total amount and description of the purpose of the bonds to be authorized; (2) amount of the tax rate increase, or (3) amount of the tax rate reduction.

Earliest effective date: September 1, 2011

HB 275
Pitts
Appropriation of money from Economic Stabilization Fund

Appropriates \$3.2 billion from the state's rainy day fund (Economic Stabilization Fund) to make up the budget shortfall for the 2010–11 biennium.

Earliest effective date: Immediately

HB 336
Marquez
Posting political contributions on the Internet

Requires a school district located wholly or partly in a municipality with a population of more than 500,000 and with a student enrollment of more than 15,000 to post on the Internet a report filed by a member of the board of trustees; a candidate for the board of trustees; or a specific-purpose committee that supports, opposes, or assists a candidate.

Requires that the report be filed no later than the fifth business day after it is filed with the school district.

Allows a school district to redact information other than city, state, and zip code before making the information available online.

Earliest effective date: September 1, 2011

HB 359
Allen
Corporal punishment in schools

Defines "corporal punishment" to mean the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline.

Allows a school district to adopt a policy to use corporal punishment and a district educator to use such punishment unless a student's parent, guardian, or other person having lawful control over the student provides a written, signed statement each school year prohibiting the use of corporal punishment.

Allows revocation of the statement at any time during the school year.

Requires a school district to report electronically to TEA, in accordance with commissioner rules, information relating to the use of restraint by a peace officer performing law enforcement duties as defined in the law, on school property or during a school-sponsored or school-related activity.

Provides that a student in the sixth grade or a lower grade level is exempted from the offense of disrupting a class or transportation on a vehicle owned or operated by a county or independent school district.

Provides that certain disorderly conduct offenses such as the use of vulgar language, offensive gestures, the creation of noxious odors in public places thru chemical means, and unreasonable noise do not apply if a student was in the sixth grade or a lower grade level and the prohibited conduct occurred at a public school campus during regular school hours.

Earliest effective date: Immediately

HB 360

Jackson, Jim

Required ballot language for tax increases

Requires that a proposition submitted to the voters for approval of the imposition, reduction, or an increase of a tax or the issuance of bonds to specifically state, as applicable (1) the total principal amount and a description of the purpose of the bonds to be authorized; (2) the amount of the tax or tax rate increase or (3) the amount of the tax rate reduction. This change in law applies only to an election ordered on or after the effective date of this act.

Earliest effective date: September 1, 2012

HB 398

Jackson, Jim

Employees convicted of certain offenses

Prohibits any contracting or subcontracting entity from allowing an employee to provide services at a school if the employee has been convicted of certain felony and misdemeanor offenses.

Current law prevents these employees from providing services if convicted of a felony or misdemeanor that would prevent the person from being certified as an educator.

Earliest effective date: September 1, 2011

HB 600**Solomons****Composition of SBOE districts**

Establishes new districts that are delineated by county, tract, and block number for election of SBOE members.

Allows one member per district to be elected beginning with the primary and general elections in 2012 for membership on the board in 2013.

Earliest effective date: Immediately

HB 628**Callegari****Contracts by governmental entities**

Makes several changes to procedures used by governmental entities (including school districts) to contract and pay for professional services, including construction, renovation, or improvement of property and facilities.

Prohibits the use of a reverse auction procedure to obtain services related to any public works contract if a bond is required for such work.

Provides an exception to the prohibition of the use of district resources for the design, construction, or renovation of improvements to property not owned or leased by the district if the improvements benefit any real property owned or leased by the district. Such improvements could include highways, roads, streets, sidewalks, crosswalks, utilities, and drainage improvements that benefit property owned or leased to the district.

Allows districts to use a competitive bid process for construction services, and requires districts to award a competitively bid contract to the bidder offering the best value for the district. "Best value" does not restrict the district's consideration to price alone, but allows the district to consider any other factors noted in the stated selection criteria.

Requires a district to consider for a contract for goods and services (other than telecommunications, information services, or building construction and maintenance) whether the vendor or the vendor's parent company or majority owner has its principal place of business in Texas or employs at least 500 persons in Texas.

Limits change orders on contracts of \$1 million or more (or contracts that become \$1 million or more due to change orders) to 25 percent or less of the original contract price. In the event of legal action brought by a district for recovery of damages for defective design, construction, or renovation, any proceeds must be used for repairs to the facility in question, and the state's share of any proceeds must be sent to the comptroller.

Delineates contracting requirements and delivery procedures for construction projects to any governmental entities (including school districts) engaged in a public works contract.

Establishes procedures and requirements for the use of the construction manager-agent, construction manager-at-risk, and design-build methods of construction, and outlines requirements for the use of architects or engineers within those processes.

Delineates requirements and limitations for the use of job order contracting. Assures the "right to work" by prohibiting a governmental entity, when awarding a contract or procuring goods or services, from considering whether a person is a member of or has a relationship with any organization.

Earliest effective date: September 1, 2011

HB 673

Parker

Recreational water safety

Requires the Texas Parks and Wildlife to produce a video suitable for use with high school students on recreational water safety, and to notify TEA in writing when the video is available.

Requires TEA to adopt rules to incorporate a curriculum module on recreational water safety into driver education instruction using the video produced.

Earliest effective date: Immediately

HB 675

Lucio III

Football helmet safety requirements

Prohibits school districts from using football helmets that are 16 years old or older in the district's football program.

Requires school districts to recondition helmets that are 10 years old or older at least once every two years.

Requires districts to maintain and make available to parents documentation indicating the age of each football helmet used and the dates on which each helmet is reconditioned.

Applies beginning with the 2012–13 school year.

Allows the University Interscholastic League to adopt rules necessary for implementation.

Earliest effective date: September 1, 2011

HB 692**Farias****High school graduation physical requirements**

Mandates that the SBOE allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies, or one academic elective credit for the P.E. graduation credit.

Prevents the student from using the substitute credit to satisfy a graduation requirement other than the P.E. credit requirement.

Requires that rules regarding a student's ability to participate in P.E. be made by a student's ARD committee; Section 505 committee; or if neither committee is applicable, by a committee established by the district of persons with appropriate knowledge regarding the student.

Earliest effective date: Immediately

HB 734**Patrick, Diane****Jurisdiction over truancy cases**

Allows constitutional courts in counties of 1.75 million or more to address truancy matters.

Earliest effective date: September 1, 2011

HB 742**Hunter****Student information upon enrollment**

Requires school districts to request food allergy information upon a student's enrollment. Any information obtained would be confidential and disclosed only to teachers, counselors, nurses, and other appropriate personnel. The information would be kept in the child's student records unless it was received from a physician, in which case it would be kept in the student's health records. A registered nurse could enter appropriate notes regarding a food allergy in the student's health records.

Applies beginning with the 2011-12 school year.

Earliest effective date: Immediately

HB 826

Farias

Students in conservatorship of the state

Requires each school district to appoint at least one employee to act as a liaison officer to facilitate the enrollment in or transfer to a public school of a child in the district who is in the conservatorship of the state.

Earliest effective date: September 1, 2011

HB 843

Geren

Use of electronic means to deliver tax bills

Requires the assessor for a taxing unit to deliver a tax bill electronically if on or before September 15 of a given year the individual or entity entitled to receive the tax bill enters into an agreement (electronic or written) for delivery of the tax bill via electronic means.

Provides that tax bills delivered electronically are not required to be sent via mail.

Requires the comptroller to create a model to be used for the agreement, and may prescribe acceptable media, formats, content, and methods for the delivery of tax bills by electronic means.

Earliest effective date: January 1, 2012

HB 861

Patrick, Diane

Membership of the state continuing advisory committee

Provides that at least one gubernatorial appointment to the continuing advisory committee for special education service be a director of special education services for a school district or for a shared services arrangement of multiple school districts.

Earliest effective date: Immediately

HB 942

Dukes

Exemption from certain court costs

Includes school districts in the list of entities that are not required to file a bond for court costs incident to suit filed by the entity.

Exempts school districts from having to provide a bond for court costs or from having to provide a bond relating to a stay of proceedings from a lower court ruling when filing an appeal.

Applies to a suit or appeal filed on or after September 1, 2011.

Earliest effective date: September 1, 2011

HB 968

Strama

Expulsion or placement in a disciplinary alternative education program (DAEP)

Requires a school district to place a student in a DAEP if a student receives deferred prosecution for the felony offense of aggravated robbery, a court or jury finds that the student engaged in delinquent conduct for conduct defined as a felony offense of aggravated robbery, or the superintendent or his designee has a reasonable belief that the student engaged in conduct defined as the felony offense of aggravated robbery.

Allows a school district to place a student in a DAEP if the superintendent or superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than aggravated robbery under the Penal Code or those offenses defined in Title 5 and that the continued presence of the student in the regular classroom threatens the safety of other students.

Allows a school district to expel a student placed in a DAEP if the student engages in documented serious misbehavior while on the program campus despite documented behavioral interventions.

Provides a definition for "serious misbehavior."

Provides that the felony offense of aggravated robbery is a ground to expel a student and place the student in an alternative setting.

Provides that a student may be placed in a JJAEP if the student engages in serious misbehavior.

Earliest effective date: Immediately

HB 1061

Otto

Investment authority

Extends the statutory expiration date from September 2012 to September 2019 for the Teacher Retirement System (TRS) use of external managers and re-authorizes the board of trustees to delegate investment authority over a portion of the assets of the Retirement Trust Fund to external managers.

Provides additional flexibility with the TRS investment portfolio. Increases the allowable amount that TRS can invest in hedge funds to not more than 10 percent of the total investment portfolio.

Earliest effective date: Immediately

HB 1090

Gonzalez, Naomi

Calculation of interest on tax refunds

Requires any refund on paid property taxes later determined on appeal not to have been owed to include with the refund the interest equal to the annual rate of 2 percent plus the most recent prime rate, but the rate may not exceed 8 percent, as calculated from the delinquency date through the date the refund is made.

Changes made by this act only apply to the rate of interest on a tax refund that is made following an appeal that is made on or after the effective date of this act.

Earliest effective date: September 1, 2011

HB 1130

Huberty

Placement of students receiving special education services

Repeals a provision in statute requiring TEA to disseminate a list of each school district that maintains for two successive years a ratio of full-time equivalent students placed in partially or totally self-contained classrooms to the number of full-time equivalent students placed in resource room or mainstream instructional arrangements that is 25 percent higher than the statewide average ratio.

Earliest effective date: September 1, 2011

HB 1224

Reynolds

Expulsions involving a computer

Allows a school district to expel a student who breaches computer security.

Earliest effective date: Immediately

HB 1254

Pickett

Consolidation of school district peace officers and security personnel

Requires school districts in a county with a population of 800,000 or more that are located adjacent to an international border to meet no later than January 1, 2012, to discuss countywide consolidation of school district employment of peace officers and security personnel and collect information for the feasibility of consolidating that employment.

Requires school districts to provide no later than May 1, 2012, a joint report to the commissioner of education summarizing the information collected and reviewed and provide recommendations concerning the feasibility of countywide consolidation of district employment of peace officers and security personnel.

Earliest effective date: Immediately

HB 1286
Howard, Donna
University Interscholastic League rules

Prohibits the legislative council of the University Interscholastic League (UIL) from taking final action on a new or amended rule that would impose additional costs on a school unless a fiscal impact statement is attached to the rule when it is submitted for approval to school superintendents or the commissioner of education.

Applies only to a rule adopted by the UIL on or after the effective date of this act.

Earliest effective date: September 1, 2012

HB 1334
Allen
Educator certification

Stipulates that a certification or permit is not considered expired if the holder has completed the requirements for renewal of the certificate or permit and has submitted the request for the renewal prior to the expiration date, and the date the certification or permit would have expired is before the date SBEC takes action to approve the renewal.

Earliest effective date: Immediately

HB 1335
Allen
Statewide plan for delivery of services

Requires that the statewide plan for the delivery of services to public school students with disabilities (1) ensures that each district develops a process to be used by a teacher who instructs a student with a disability in a regular classroom setting to request a review of the student's individualized education program, (2) provides for a timely district response to the teacher's request, and (3) provides for notification to the student's parent or legal guardian of that response.

Earliest effective date: Immediately

HB 1386

Coleman

Youth suicide and family therapists

Requires the Department of State Health Services, in coordination with TEA, to provide and annually update a list of recommended best practice-based early mental health intervention and suicide prevention programs for implementation in public elementary, junior high, middle, and high schools within the general education setting.

Allows the school district to select from the list a program or programs appropriate for implementation.

Requires that the programs on the list include components that provide for training of school district personnel, law enforcement officers, and social workers to recognize students at risk of committing suicide, displaying early warning signs and need for early mental health intervention, and intervene effectively with students by providing notice and referral to a parent or guardian so appropriate action may be taken.

Requires the Department of State Health Services and TEA to consider any existing suicide prevention method developed by a school district, and any Internet or online course or program developed in this state or other state, based on best practices recognized by the Substance Abuse and Mental Health Services Administration or the Suicide Prevention Center.

Allows the board of trustees of each school district to develop a policy with established procedures and a reporting mechanism to address early mental health intervention and suicide prevention.

Provides that the policy adopted by the school district prohibit the use of medical screening of a student without the prior consent of a student's parent or guardian.

Requires that the policy and procedures adopted by a school district be included in the annual student handbook and the district improvement plan. Allows the Department of State Health Services to accept non-anonymous donations from sources without a conflict of interest.

Requires the Department of State Health Services to submit a report no later than January 1, 2013, to the legislature relating to the development of the list of programs and the school districts that chose to implement the programs.

Provides that the new language added to the Health and Safety Code shall not be construed as interfering with parental rights or granting school districts the authority to prescribe medications.

Requires that a school district's improvement plan contain methods for addressing the needs of students for special programs, including suicide prevention programs.

Requires anyone employed as a marriage or family therapist with a school district after September 1, 2011, to be licensed.

Earliest effective date: Immediately

HB 1481

Truitt

Use of respectful language in reference to disabled persons

Requires TEA to use certain terms when proposing, adopting, or amending agency rules, reference materials, publications, and electronic media related to individuals with disabilities. Terms and phrases that include the words disabled, developmentally disabled, mentally disabled, mentally ill, mentally retarded, handicapped, or crippled must be replaced with persons with disabilities, persons with developmental disabilities, persons with mental illness, and persons with intellectual disabilities.

Earliest effective date: September 1, 2011

HB 1545

Lewis

Date of general elections

Allows political subdivisions (excluding counties) to change the date of its general election to the November uniform election date as long as the change is made prior to December 31, 2012.

Repeals current law requiring municipalities and school districts in areas with a population over 450,000 to hold general and special elections on the spring uniform election date.

Earliest effective date: Immediately

HB 1550

Aycock

State travel service contracts

Allows an officer or employee of an open-enrollment charter school who is engaged in official business to participate in the comptroller's contract for travel services.

Earliest effective date: Immediately

HB 1555

Thompson

First day of instruction in certain districts

Modifies current law which prohibits districts from starting classes before the fourth Monday in August unless the school operates on a year-round system.

Allows a campus to begin instruction on or after the first Monday in August if the district has an enrollment of 190,000 or more, the district uses local funds to provide days of instruction exceeding the minimum number of days of instruction, the campus (or each of multiple campuses

not exceeding 20 percent of campuses in the district) is undergoing comprehensive reform, and a majority of the students are educationally disadvantaged.

Earliest effective date: Immediately

HB 1610

Gonzales, Larry

Employment termination procedures

Requires the superintendent or director of a school district to complete an investigation of an educator who engaged in sexual misconduct with a student, despite the educator's resignation from district employment before completion of the investigation.

Provides that certificate revocation procedures apply only to a conviction of a felony offense under Title 5, Penal Code, or an offense on conviction of which a defendant is required to register as a sex offender and the victim is under 18 years of age.

Requires a school district that receives notice of a person's certificate revocation to immediately remove the person from campus or an administrative office and if the person is employed under a probationary, continuing, or term contract, suspend the person without pay, provide the person with a written notice that the person's contract is void, and terminate the employment of the person as soon as practicable.

Allows a school district to suspend a person with pay, provide the person with written notice that the person's contract is void' and terminate the employment of the person as soon as practicable, if a school district or open-enrollment charter school becomes aware that a person employed by the district or school under a probationary, continuing, or term contract has been convicted of or received deferred adjudication for a felony offense and the person's certificate has not been revoked.

Provides that the aforementioned actions taken by a school district or open-enrollment charter school against a person is not appealable and not subject to the notice and hearing requirements.

Provides that an employee commits an offense if the employee has a certificate or is licensed by a state agency and engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person the employee knows is enrolled in a public primary or secondary school in the same school district as the school at which the employee works or is a student participant in an educational activity that is sponsored by a school district or a public or private primary or secondary school, if students enrolled in a public or private primary or secondary school are the primary participants in the activity and the employee provides education services to those participants or the employee engages in the online solicitation of a minor with a person the employee knows is a student enrolled in a public primary or secondary school in the same school district as the school at which the employee works or is a student participant in an educational activity.

Provides that it is a defense to prosecution if the actor was not more than three years older than the enrolled person and, at the time of the offense, the actor and the enrolled person were in a relationship that began before the actor's employment at a public or private primary or secondary school.

Earliest effective date: Immediately

HB 1682
Weber
Charitable contributions

Prohibits trustees or school district employees from directly or indirectly requiring or coercing any district employee to make a contribution to a charitable organization or in response to a fundraiser or to attend a meeting called for the purpose of soliciting charitable contributions.

Prohibits trustees or school district employees from directly or indirectly coercing or requiring any employee to refrain from making such contributions or from attending a meeting called for the purpose of soliciting charitable contributions.

Earliest effective date: Immediately

HB 1781
Price
Obsolete or redundant reporting requirements

Requires all state agencies to conduct a sunset review of all reporting requirements that have been in effect and unchanged since 2009.

Requires each agency to submit a report to the legislature and governor with recommendations on the continuation or abolition of each reporting requirement imposed on the agency by law.

Earliest effective date: Immediately

HB 1899
Pickett
Signs in school crossing zones

Provides that a municipality, county, or other political subdivision that by ordinance or rule prohibits the use of a wireless communication device while operating a motor vehicle throughout the jurisdiction of the political subdivision is not required to post a sign at the entrance of each school crossing zone if the political subdivision (1) posts signs that are located at each point at which a state highway, U.S. highway, or interstate highway enters the political subdivision and that state that the operator is prohibited from using a wireless communication device while operating a motor vehicle in the political subdivision and that the operator is subject to a fine if the operator

uses a wireless communication device while operating a motor vehicle in the political subdivision; and (2) posts a message on any dynamic sign operated by the subdivision.

Earliest effective date: September 1, 2011

HB 1907

Madden

District discretion over admission or placement

Requires the head of a law enforcement agency or a person designated by the head of the agency to orally notify the superintendent or a person designated by the superintendent in the school district in which the student is enrolled of an arrest or referral within 24 hours after the arrest or referral is made, or before the next school day, whichever is earlier, if the law enforcement agency ascertains that the individual is enrolled as a student in a public or primary secondary school.

Requires the head of a law enforcement agency or a person designated by the head of the agency to orally notify the superintendent or a person designated by the superintendent in the school district in which the student is believed to be enrolled of an arrest or detention within 24 hours after the arrest or detention is made, or before the next school day, whichever is earlier, if the law enforcement agency cannot ascertain whether the individual is enrolled as a student.

Requires the superintendent or the superintendent's designee to notify all instructional and support personnel who have responsibility for supervision of the student, if the student is enrolled as a student in the school district.

Requires the head of the law enforcement agency or the person designated by the head of the agency to mail written notification within seven days after the date the oral notice is given, marked "PERSONAL AND CONFIDENTIAL" on the mailing envelope, to the superintendent or the person designated by the superintendent. The written notification must include the facts contained in the oral notification, the name of the person who was orally notified, and the date and time of the oral notification.

Requires the superintendent or the superintendent's designee to consider the information in the notice in determining whether the student engaged in conduct defined as a felony offense by the Penal Code.

Requires the superintendent or the superintendent's designee to send to a school district employee having direct supervisory responsibility over the student the information contained in the confidential notice.

Requires the office of the prosecuting attorney to orally notify a superintendent within 24 hours of the time of the order or before the next school day, whichever is earlier, if a student enrolled in a public primary or secondary school is convicted; received deferred prosecution, deferred adjudication; or is adjudicated of delinquent conduct.

Requires the superintendent to, within 24 hours of receiving notification from the office of the prosecuting attorney, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.

Requires a parole/probation/community supervision office, including a community supervision and corrections department, a juvenile probation department, the paroles division of the Texas Department of Criminal Justice, and the Texas Youth Commission having jurisdiction over a student, to notify a superintendent or his designee within 24 hours or before the next school day, whichever is earlier, of learning of the student's transfer or re-enrollment in a school district.

Requires the superintendent to notify all instructional and support personnel who have regular contact with the student within 24 hours of receiving notification or before the next school day, whichever is earlier.

Requires the oral and written notice to include all pertinent details of the offense or conduct, including details of any assaultive behavior or other violence, weapons used in the commission of the offense or conduct, or weapons possessed during the commission of the offense or conduct.

Requires the school board of trustees to report a superintendent's or principal's failure to give notice to the State Board for Educator Certification.

Requires the superintendent of a school district to report the head of a law enforcement agency or a person designated by the head of the agency to the Commission on Law Enforcement Officer Standards and Education if notice is not provided to the superintendent.

Requires a juvenile court judge or official designated by the juvenile board to report a prosecuting attorney's failure to provide notice to the elected prosecuting attorney responsible for the operation of the office.

Requires the supervisor of a parole, probation, or community supervision department to report the failure of an officer to provide notice to the director of the entity that employs the officer.

Earliest effective date: September 1, 2011

HB 1942

Patrick, Diane

Bullying in public schools

Allows a school district to include procedures in its staff development relating to preventing, identifying, responding to, and reporting incidents of bullying.

Defines bullying as engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that has the effect or will have the effect of

physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student. Considers conduct bullying if that conduct exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct and interferes with a student's education or substantially disrupts the operation of a school.

Allows the board of trustees to transfer the student who engaged in bullying to another classroom at the campus to which the victim was assigned at the time the bullying occurred; or a campus in the district other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with the parent or other person with authority to act on behalf of the student who engaged in bullying.

Provides that the statutory requirements regarding an admission, review, and dismissal committee apply to a transfer of a student with a disability who receives special education services.

Requires that the SBOE, in consultation with the Texas School Safety Center, provide essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, self-defense in response to, and resolution or/and intervention in, bullying and harassment.

Requires the board of trustees of each school district to adopt a policy concerning bullying, including any necessary procedures, that prohibits the bullying of a student; prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying; establishes a procedure for providing notice of an incident of bullying to a parent or guardian of the victim and a parent or guardian of a bully within a reasonable amount of time after the incident; establishes the actions a student should take to obtain assistance and intervention in response to bullying; sets out the available counseling options for a student who is a victim or a witness to bullying or who engages in bullying; establishes procedures for reporting an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred; prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to bullying; and requires that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act.

Requires that the policy and necessary procedures be included annually in the student and employee school district handbooks and in the district improvement plan.

Requires a school district to post on its Internet website to the extent practicable the procedure for reporting bullying.

Earliest effective date: Immediately

HB 2038

Price

Concussions affecting students participating in athletics

Adds a chapter to Education Code that is cited as Natasha's Law. Defines the following in accordance with Occupations Code: advanced practice nurse, athletic trainer, neuropsychologist, physician, and physician assistant.

Defines coach (as including an assistant coach), licensed health care professional (as including an advanced practice nurse, athletic trainer, neuropsychologist, or physician assistant), and concussion.

Applies protocol and procedures established under this chapter to an interscholastic athletic activity, including practices and competition, sponsored or sanctioned by (1) a school district, including a home-rule school district, or a public school, including any school for which a charter has been granted; or (2) the UIL.

Appointment of a Concussion Oversight Team

Requires the governing body of each school district or open-enrollment charter with students enrolled who participate in an interscholastic athletic activity to appoint or approve a concussion oversight team.

Composition of a Concussion Oversight Team

Requires each concussion oversight team to include at least one physician and, to the greatest extent practicable, considering factors related to population and location, and availability of licensed health care professionals, to include one or more of the following: athletic trainer, advanced practice nurse, neuropsychologist, or physician assistant.

Requires an athletic trainer already employed by the district to be included on the oversight team.

Mandates that each member of the oversight team have training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member to the team.

Establishment of a "Return-to-Play" Protocol

Requires the concussion oversight team to establish a "return-to-play" protocol, based on peer-reviewed scientific evidence, for a student's return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion.

Notification to Parents of Students Participating in Interscholastic Athletic Activities

Establishes an annual requirement before a student can participate in an interscholastic athletic activity.

Requires a student and a student's parent or guardian to sign a form approved by the UIL that acknowledges receipt of written information regarding concussions and guidelines for safely resuming participation in an athletic activity following a concussion.

Procedural Requirements and Protocol If a Student Is Suspected of Having Sustained a Concussion

Requires a student to be removed from an interscholastic athletic practice or competition immediately if one of the following persons believes the student might have sustained a concussion: coach, physician, licensed health care professional, or the student's parent or guardian or another person with legal authority to make medical decisions for the student.

Prevents a student removed from the activity under the above circumstances from returning to the activity until (1) the student has been evaluated using established medical protocols by a treating physician chosen by the student's parent or guardian or another person with legal authority to make medical decisions for the student; (2) the student has successfully completed each requirement of the return-to-play protocol; (3) the treating physician has provided a written statement that it is safe for the student to return; (4) and the student's parent or guardian or another person with legal authority to make medical decisions for the student has acknowledged the protocol was followed, has provided the physician's written statement to the person responsible for protocol compliance, and has signed a consent form with particular acknowledgements and disclosures.

Prevents a coach of an interscholastic athletics team from authorizing a student's return to play.

Requires the superintendent, or designee, or the person who serves the function of a superintendent to supervise an athletic trainer or other person responsible for compliance with the return-to-play protocol. Prevents a coach of an interscholastic athletic team from supervising under this provision.

Required Training Courses for Concussion Oversight Team Members

Requires the UIL to approve and maintain a list of approved training courses and a list of course providers for coaches of interscholastic athletic activities.

Mandates that the course provide not less than two hours of training in concussion-related matters.

Requires the Department of State Health Services Advisory Board of Athletic Trainers to approve and maintain a list of concussion training courses, and a list of course providers for athletic trainers.

Does not provide time requirements for the courses.

Mandates the following persons take a training course at least once every two years, and submit proof of timely completion: (1) a coach of an interscholastic activity; (2) a licensed health care professional who serves on the concussion oversight team and is an employee, representative, or

agent of a district or open-enrollment charter; and (3) a licensed health care professional who serves on a volunteer basis as a member of the oversight team.

Prevents a licensed health care professional who is not in compliance with the training requirements from serving on an oversight team in any capacity.

Specifies that a licensed health care professional who is an athletic trainer must take a training course approved by the Department of State Health Services Advisory Board of Athletic Trainers or a course related to concussions that has been approved for continuing education credit by the appropriate licensing authority for the profession.

Specifies that a licensed health care professional other than an athletic trainer must take a course approved by the UIL, the Department of State Health Services Advisory Board of Athletic Trainers; or a course related to concussions that has been approved for continuing education credit by the appropriate licensing authority for the profession.

Mandates that a physician who serves on the oversight team, to the greatest extent practicable, periodically take an appropriate continuing medical education course related to concussions.

Immunity

Does not waive any immunity from liability of a school district or open-enrollment charter or of district or charter officers or employees; create any liability for a cause of action against a school district or open-enrollment charter or against district or charter officers or employees; waive any immunity from liability under Section 74.151 Civil Practice and Remedies Code; or create any cause of action or liability for a member of a concussion oversight team arising from the injury or death of a student participating in an interscholastic athletics practice or competition, based on service or participation on the concussion oversight team.

Rules and Timelines

Allows the commissioner to adopt rules. Applies beginning with the 2011–12 school year. Mandates that persons required to take a concussion-related training course must initially complete the course not later than September 1, 2012.

Earliest effective date: Immediately

HB 2120

Miller, Doug

Composition of the board of trustees

Changes the composition of the board of trustees of the TRS.

Requires that the governor's one appointment to this board be chosen from a slate of three persons who have been nominated collectively by (1) members of the retirement system whose most recent credited service was performed at an institution of higher education, (2) members of

the retirement system whose most recent credited service was performed for a public school district, and (3) persons who have retired and are receiving benefits from the retirement system.

Provides that a person is eligible for nomination for this appointment if the person is (1) a member of the retirement system who is currently employed by an institution of higher education; (2) a member of the retirement system who is currently employed by a public school district; or (3) a former member of the retirement system who has retired and is receiving benefits.

Applies only to the appointment of a trustee to TRS that occurs on or after the effective date of this act.

Earliest effective date: September 1, 2011

HB 2135

Hochberg

Certain assessment requirements for students

Requires students in grades 3-8 who take courses for high school credit to take the appropriate EOC assessment, and does not require that these students also take the grade-level STAAR for the related content area. For example, an eighth grade student taking Algebra I for high school graduation credit would take the Algebra I EOC instead of the eighth grade mathematics STAAR.

Provides that students in grades 5 and 8 who are taking EOC assessments in the Student Success Initiative areas of reading or math are not subject to the same grade advancement requirements. For example, an eighth grade student who does not meet the performance standard on the Algebra I EOC would not be automatically retained pending Grade Placement Committee decisions as a student who failed the eighth grade STAAR. Maintains state assessment requirements for all other students enrolled in grades 3-8.

Requires the commissioner to adopt rules to ensure that student performance on an EOC is considered in the same manner as the performance of a student enrolled at the high school level.

Requires the EOC exam performance results of a student enrolled below the high school level to be aggregated with results of other students at the same grade level for the accountability performance measure.

Note: TEA has indicated that the STAAR and EOC results of middle school students would be combined for purposes of accountability and state ratings.

Permits the commissioner to award a distinction designation to a campus with a significant number of students below ninth grade who perform satisfactorily on EOC exams.

This Act applies beginning with the 2011-12 school year.

Earliest effective date: Immediately

HB 2169

Aycock

Discount for early payment taxes

Authorizes the governing body of a taxing unit to rescind any discounts for early payment of property taxes previously adopted by the taxing unit.

Mandates that the elimination of an existing discount take effect in the tax year following the year in which the discount is rescinded.

Earliest effective date: Immediately

HB 2247

King, Phil

Texas Challenge Academy

Creates a mechanism for the Adjutant General's Department to receive the state aid generated by the average daily attendance of students.

Enables Foundation School Program funding generated by the students' attendance to be used as match for available federal funding on a 25 percent state 75 percent federal matching basis.

Provides that the department contract with a school district to provide the educational services and that school districts be responsible for ensuring regulatory compliance.

Earliest effective date: Immediately

HB 2280

Eiland

Advisory committee to Texas Commission on Environmental Quality

Requires that at least one of the Tax Relief for Pollution Control Property Advisory Committee members be a representative of a school district or a junior college district in which property is or was previously subject to a property tax exemption.

Requires the Texas Commission on Environmental Quality (TCEQ) to appoint the new member(s) as soon as practicable after the act becomes law.

Earliest effective date: Immediately

HB 2338**Paxton****Posting Internet tax rates**

Requires the county assessor-collector for each county that maintains a Web site to post tax rate information for the most recent five tax years (beginning with the 2012 tax year) for each taxing unit, all or part of which is located in the county.

Requires information to include (1) the adopted tax rate, (2) the maintenance and operations tax rate, (3) the debt rate, (4) the effective tax rate, (5) the effective maintenance and operations tax rate, and (6) the rollback tax rate.

Requires all taxing units in a county to provide this information to the county assessor annually following the adoption of the tax rate for the current tax year. Mandates the information be presented in the form of a table under the heading "Truth in Taxation Summary."

Requires each tax rate summary to include definitions and descriptions below the table describing what each tax rate represents.

Earliest effective date: September 1, 2011

HB 2366**Truitt****Preference in admissions**

Provides that an open-enrollment charter school authorized by a charter granted to a municipality be considered a work-site open-enrollment charter school for purposes of federal regulations and that it may admit the children of employees of the municipality to the school before conducting a lottery to fill available positions, provided that the number of children admitted constitutes only a small percentage of the school's total enrollment.

Earliest effective date: Immediately

HB 2380**Shelton****Persons under probationary contracts**

Allows districts to employ a person under a probationary contract if the person voluntarily accepts an assignment in a new professional capacity that requires a different class of certificate than the class of certificate required by the prior position.

Mandates that a person who is returned to their prior position by a district is entitled to be employed under the same contractual status held by the person in the original professional capacity to which the person is being returned.

Earliest effective date: Immediately

HB 2460**Truitt****Confidentiality of information**

Requires public retirement systems, including the Employees and the Teacher Retirement Systems of Texas, to be subject to the Open Records Act (ORA) in the same way as other governmental bodies.

Provides that records of individual members, annuitants, retirees, alternate payees, and others are confidential and not subject to public disclosure.

Gives complete discretion to a retirement system in determining whether a record is subject to release under ORA.

Earliest effective date: Immediately

HB 2561**Eissler****Definition of "school year"**

Defines "school year" for purposes of the Teacher Retirement System as a 12-month period beginning September 1 and ending August 31 of the following calendar year.

This act takes effect with the 2012–13 school year.

Earliest effective date: September 1, 2011

HB 2678**Smith, Todd****Regulation of driver training**

Requires the Sunset Advisory Commission, during its review of TEA, to review the agency's jurisdiction and control over driver education and driving safety schools.

Regulates driver training schools in several ways.

- Requires TEA to issue certificates or certificate numbers to driver training schools or parent-taught, DPS-approved, course providers.
- Requires driver training schools (or DPS-approved course providers) to print certificates in a manner and form prescribed by TEA and electronically submit information related to the issuance of certificates with certificate numbers.

- Requires driver training schools and DPS-approved course providers to take measures to prevent the unauthorized production or misuse of certificates.
- Requires TEA to review the national criminal history record information of a person who holds or applies for a driver education instructor license.
- Requires holders of such licenses (or applicants for such licenses) who have not previously submitted fingerprints to the Department of Public Safety for a criminal history review to do so, and to pay a fee for the criminal history review. Requires that information collected about a person to comply with this criminal history record information review is considered confidential and is not subject to disclosure under open records laws except to provide relevant information to driver education schools, by court order, or with the consent of the person who is the subject of the information.
- Requires a driver education school to dismiss or refuse to hire as an instructor any employee or applicant if the review reveals that the employee or applicant has been convicted of a Title 5 felony or an offense that requires the person to register as a sex offender.
- Requires a driver education school to discharge an employee who serves as an instructor if the school obtains information of the employee's conviction of a felony or a misdemeanor involving moral turpitude that was not disclosed to the school or to TEA.
- Allows a driver education instructor license authorizing a person who does not hold a teaching certificate but who has completed nine semester hours of driver and traffic safety education to teach or provide classroom training as long as the driver education school is located in Lubbock County and is operated by a private primary or secondary school or open-enrollment charter school.

Earliest effective date: September 1, 2011

HB 2785

Davis, John

Select Committee on Economic Development

Directs the committee to evaluate state and local economic development incentives, including Chapter 313 agreements.

Creates a 12-member select committee on economic development.

Requires the committee to submit a report to the legislature by January 2013.

Requires that four public members be appointed by the governor, two public members appointed by the Lt. governor, two senators appointed by the Lt. governor, two public members appointed by the speaker, and two house members appointed by the speaker.

Requires that the appointments be made by November 1, 2011.

Earliest effective date: September 1, 2011

HB 2909

Branch

Importance of higher education

Renames "Education: Go Get It" week to "Generation Texas" week. Provides that this campaign serve to raise awareness of the importance of higher education.

Requires school districts to share information with students about college readiness standards and expectations.

Requires the Higher Education Coordinating Board to coordinate with TEA, the P-16 Council, and other appropriate entities to implement the awareness campaign.

Allows the P-16 Council to appoint up to six members.

Earliest effective date: Immediately

HB 2971

Smith, Todd

Confidentiality of performance evaluation documents

Provides that documents evaluating the performance of a teacher or administrator employed by an open-enrollment charter school are confidential.

Earliest effective date: Immediately

HB 3133

Rodriguez

Tax appraisal for a low-income individual or family

Allows the continuation of a property tax exemption for low-income housing when the property is transferred to a nonprofit organization that claims an exemption for the property.

Allows the exemption of such transferred property to continue only for the first five years after it was acquired by the transferring organization.

Earliest effective date: September 1, 2011

HB 3278**Shelton****TEA membership in committees, commissions, and task forces**

Removes requirement that TEA representatives or the commissioner serve on numerous advisory committees, commissions, and task forces.

Earliest effective date: Immediately

HB 3468**Patrick, Diane****College readiness and developmental education courses**

Calls for TEA, in consultation with THECB, to conduct a study of best practices for existing programs offering early assessments of high school students in order to determine college readiness, identify any deficiencies in college readiness, and provide intervention to prevent any deficiencies before high school graduation.

Requires that TEA and THECB include in the study a review of various assessments, early intervention models, costs associated with different assessments and early intervention models, and effectiveness of different assessments and early intervention models in preparing students for college coursework for which course credit may be earned.

Specifies that results of the study be reported to the governor and other specified legislators not later than December 1, 2012.

Calls for TEA, in consultation with THECB, to review and recommend any necessary changes to the standardized assessment mechanism used to determine whether an adult education program participant needs literacy instruction, adult basic education, or secondary education leading to an adult high school diploma or equivalent in order to allow for the proper placement in an adult basic education course or to provide the proper developmental or ESL coursework, as appropriate.

Requires that THECB encourage institutes of higher education to offer various types of developmental coursework in order to allow a student to complete any necessary developmental coursework in an efficient and cost-effective manner.

Requires THECB, in consultation with institutes of higher education, to conduct a study of assessment instruments such as those used for diagnostic or placement purposes, and to study whether differentiated placements based on a student's demonstrated strengths or weaknesses result in or serve efficient, cost effective, and successful developmental education.

Specifies that results of the study be reported to the governor and other specified legislators not later than December 1, 2012.

Requires THECB to include a periodic review of funding formulas for developmental efforts based on the results of the two studies. Applies this section beginning with the periodic reviews submitted on or after December 1, 2012.

Earliest effective date: Immediately

HB 3506

Villarreal

Use of transportation allotment funds

Allows school districts to use transportation allotment funds to provide a bus pass or card for another transportation system to each student who is eligible to use the school district's transportation system but for whom that system is not a feasible method of providing transportation.

Earliest effective date: Immediately

HB 3708

Hochberg

Early High School Graduation Scholarship Program

Provides changes to statute related to systems of academic and financial support for high school students.

Operation of Dropout Recovery Programs by Public Junior Colleges and Districts

Contains identical language to that of SB 975 by Sen. Hinojosa.

Applies only to a public junior college located in a county with a population of 750,000 or more, and with less than 65 percent of the population 25 years and older having graduated from high school.

Applies no effect after a junior college enters a partnership and begins providing a dropout recovery program if the county's demographics change.

Applies only to a district with a dropout rate that is higher than 15 percent.

Applies no effect after a district enters a partnership if the district's dropout rate changes.

Expires this section of statute September 1, 2013.

Allows, beginning September 1, 2012 a public junior college to enter into an articulation agreement to partner with one or more districts located in the junior college district to provide on the junior college campus a dropout recovery program for students to complete and receive a high school diploma.

Defines an eligible person as one who is under 26 years old and who needs to complete not more than three course credits in order to graduate under the minimum, recommended, or advanced high school programs; or has failed to perform satisfactorily on an end-of-course exam.

Requires the junior college to include in the design of the program career and technology courses that lead to industry or career certification.

Requires integration of college readiness strategies that ensure students are academically prepared for postsecondary success.

Mandates that the program offer advanced academic and transition opportunities, including dual credit and college preparatory courses such as advanced placement courses.

Retains district authority regarding student attendance, completion of high school course requirements, and student performance on assessments needed to receive a diploma.

Provides that funding be negotiated between the junior college and partnering district, not to exceed the total average per student funding amount in that district during the preceding school year for maintenance and operations, including state and local funding but excluding money from the available school fund.

Maintains that the student be included in the average daily attendance of the district that the student would otherwise attend.

Allows a junior college to be eligible to receive dropout prevention and intervention funds, as well as gifts, grants, and donations.

Early High School Graduation Program

Removes a provision that states that an eligible person under the Early High School Graduation Scholarship Program is entitled to state credit.

Adds a provision that the THECB commissioner will award a state credit to eligible individuals out of funds appropriated for that purpose, with the total amount not to exceed the funds appropriated.

Repeals the current funding provisions that provide for the program to be paid out of the Foundation School Program (FSP), and repeals the provision that required any savings to the FSP resulting from the early graduation program be used for tuition exemptions.

Adds a provision that requires the TEA commissioner to transfer appropriated funds to the THECB for distribution among the institutes of higher education that provide exemptions.

Texas Save and Match Program

Enacts the Texas Save and Match Program.

Requires the Prepaid Higher Education Board (PHEB) to develop and implement the program to assist qualifying beneficiaries who open a higher education savings plan or purchase a prepaid tuition contract by matching the contributions of the beneficiaries.

Grants the PHEB power to implement the program.

States that the program is considered a charitable organization; therefore, a state employee may authorize a payroll deduction that can be designated as a charitable contribution.

Defines beneficiary eligibility as a person who resides in Texas, or is a dependent of a Texas resident, who qualifies for free meals under the national free or reduced-price breakfast and lunch program.

Establishes limitations by requiring that the matching account be forfeited to the board under the following circumstances: on the 10th anniversary of the date the beneficiary was projected to graduate from high school, though time spent in the military would allow the deadline to be extended; change of beneficiary by the account holder; contract cancellation; completion of a degree program; transfer of the account to another state's qualified tuition program; and any other inconsistent event as determined by the board or program entity.

Requires that the matching account be accounted for separately from the prepaid tuition contract balance or savings account trust balance.

Mandates that matching funds be used or redeemed after money is used, or tuition units are redeemed, from the underlying beneficiary account.

Provides that records regarding a person's participation in the program are generally confidential, but could be released to the IRS or a state tax agency.

Allows the board to establish pilot projects to incentivize participation in higher education and tuition credit programs. Provides that the Texas Save and Match Program is a trust held with the state comptroller.

Allows money in the fund to be spent without appropriation to establish accounts, make deposits, purchase tuition units, etc.

Does not consider a person's assets in a higher education savings account, a matching account, or a prepaid tuition account as an asset of the person or included in the person's household income for purpose of determining eligibility for state financial assistance.

Earliest effective date: Immediately

HJR 109

Orr

Permanent School Fund

Clarifies references to the Permanent School Fund (PSF) by way of a constitutional amendment to allow the General Land Office to distribute revenue derived from PSF land or other properties to the Available School Fund (ASF).

Limits the distribution to no more than \$300 million per year. Provides for an increase in the market value of the PSF for the purpose of allowing increased distributions from the ASF.

Earliest effective date: Requires a constitutional amendment to be placed on the November 8, 2011 ballot.

EDUCATION-RELATED SENATE BILLS PASSED

SB 1 - 1st Called Special Session

Duncan

State fiscal matters including school finance

Note: Changes to this bill summary may be made at a later date as the bill is reviewed and interpreted by TEA.

Payment Delay

Defers the annual August Foundation School Program (FSP) payment to districts. Requires these payments be made between September 5–10. Maintains without changes the 2011 August FSP payment to districts to be distributed on or before August 25, 2011. Changes the requirement that previously unpaid category 2 or category 3 payments be paid to a district together “with the September payment of the current year entitlement” to “with the September payment of the current *fiscal* year entitlement.”

Advanced Placement (AP)

Adds criteria for students who can take exams by the College Board and the International Baccalaureate Organization (IB) at no cost. Requires students to also demonstrate financial need for eligibility purposes. Note: current law eligibility requirements mandate only that a student take a college AP or IB course or be recommended by the student’s principal or teacher to take the test.

Retention of Certain FSP Payments

Allows districts that were provided state aid for the 2009–10 or 2010–11 school year that had an adopted tax rate below the 2005 compressed tax rate to retain the state aid provided. Sets a September 1, 2013, expiration date on this statutory provision, but provides legislative intent noting that the retention of this aid is not affected by the expiration of this provision.

State Compression Percentage

Requires the commissioner to reduce proportionally a district's entitlement of state aid if the district adopts a Maintenance and Operations (M&O) tax rate below the 2005 compressed tax rate. Provides that the reduction is in proportion to the amount the adopted tax rate is less than the compressed tax rate. Requires the reduction beginning with the M&O tax rate adopted for the 2009 tax year.

Tax Increment Fund Reporting

Applies only to school districts that before May 1, 2011, received notice from the commissioner of a reduction in state funding for the 2004–05 through 2008–09 school years based on the district's reporting of deposits of taxes into a tax increment fund. Requires the commissioner to reduce by one-half of the amounts of reduction of entitlement amounts for the purpose of adjusting entitlement amounts to account for taxes deposited into a tax increment fund. Provides that this provision expires September 1, 2013.

Authority to Charge Transportation Fee

Allows school districts to charge a reasonable fee for the transportation of a student to and from school if the district does not receive transportation allotment funding and does not participate in a county transportation system.

Bond Guarantee for Charter Schools

Allows open-enrollment charter schools to apply for bonds guaranteed by the Permanent School Fund (PSF). Provides that charter schools must meet certain financial standards adopted by the commissioner in order to participate in the program.

Prohibits the commissioner from approving charter district bonds for guarantee in an amount that exceeds the percentage of students enrolled in charter schools compared to students enrolled in all public schools. Prohibits the commissioner from approving any bond guarantees to charter schools that will result in lower bond ratings for school districts.

Minimum Salary Schedule

Changes the formula factors for computing the minimum salary for full-time teachers, nurses, counselors, librarians, and speech pathologists. Reduces the factor amounts. Provides that the new salary schedule replace the amount of local and state funds per weighted average daily attendance (WADA) with the amount of the basic allotment (BA) for a district with a maintenance and operations (M&O) tax rate at least equal to the state maximum compressed tax rate. Requires the commissioner of education to determine the BA and resulting monthly salaries to be paid by school districts by June 1 of each year.

Sets forth a salary schedule for all full-time teachers, nurses, counselors, librarians, and speech pathologists based on a monthly dollar amount. Requires school districts to pay an amount that is at least equal to the monthly salary determined by the commissioner or the monthly dollar amount set in statute, whichever is greater.

Provides that if the minimum monthly salary determined for a particular level of experience is less than the minimum monthly salary for the level of experience in the preceding year, the minimum monthly salary is the minimum monthly salary for the preceding year.

Requires the commissioner to submit a written report that evaluates and provides recommendations regarding the salary schedule to the governor, lieutenant governor, speaker of the house of representatives, and presiding officers of each legislative standing committee with jurisdiction over primary and secondary education. Provides that the report is due no later than January 1, 2013.

Basic and Regular Program Allotments

Removes the driver under current law that automatically increases the BA when the average statewide property values increase. Continues the BA at \$4,765 but provides that increases to this allotment may now be provided by legislative appropriations.

Creates the regular program allotment (RPA), which results from the following formula:

$$RPA = ADA \times AA \times RPAF$$

Specifies that “ADA” is the number of students in average daily attendance (ADA), not including time spent in special education programs, in an instructional arrangement other than mainstream or career and technology programs, for which an additional allotment is made.

Specifies that “AA” is the district’s adjusted basic allotment.

Specifies that “RPAF” is the regular program allotment factor. Sets RPAF for the 2011–12 school year at 0.9239 and for the 2012–13 school year at 0.98. Allows for a district that does not receive additional state aid for tax reduction (ASATR) for the 2011–12 school year, the commissioner to set the RPAF at 0.95195 for the 2011–12 and 2012–13 school years if the district demonstrates that funding reductions resulting from the new RPA will result in a hardship to the district in the 2011–12 school year.

Sets the RPAF for the 2013–14 and 2014–15 school years at 0.98 or a greater amount, not to exceed 1.0, if appropriated by the legislature. Repeals the RPAF September 1, 2015, and returns to current law the calculation of a district’s basic allotment entitlement. Makes conforming changes to the sparsity adjustment related to a district’s allotment entitlements.

Compensatory Education Allotment Funds

Expands current law that permits districts to use compensatory education funds to pay for the costs associated with a disciplinary alternative education program (DAEP) to also pay for the costs associated with a juvenile justice alternative education program (JJAEP). Repeals the requirement that districts can spend no more than 18 percent of compensatory education funds for DAEPs.

Indirect Cost Allotments

Requires the SBOE to adopt rules increasing the indirect cost allotments for special education, compensatory education, bilingual education, and career and technology education in proportion to revenue losses provided for the 2011–12 school year in Senate Bill 1. Requires the SBOE to adopt any necessary rules to apply beginning with the 2011–12 school year.

School Funding Reductions

Distributes \$4 billion in cuts to the FSP over the biennium. Provides that first year cuts be made through proration and second year cuts by reductions in target revenue. Allows formula districts to apply to the commissioner to smooth out or average losses over both years of the biennium.

For the 2011–12 school year:

- Sets RPAF at 92.39 percent for most districts and 95.195 percent for formula districts
- Provides no changes to target revenue
- Sets the equalized wealth level “EWL” at \$339,950 and the guaranteed level of state and local funds “GL” at \$33.95 for districts at the maximum tax rate (\$1.17) for the pennies above the Austin ISD yield
- Repeals the gain limit

For the 2012–13 school year:

- Raises and resets RPAF to 98 percent for most districts and 95.195 percent for formula districts
- Reduces target revenue to 92.35 percent of current level
- Returns EWL and GL for pennies above Austin ISD yield to current law levels (\$319,500 EWL and \$31.95 GL) for districts at the maximum rate
- Repeals the gain limit

Provides legislative intent to continue to reduce ASATR and increase the basic allotment between fiscal years 2014 and 2018.

Adjustments for Certain Districts Receiving Federal Impact Aid

Grants the commissioner the authority to ensure that school districts receiving federal impact aid due to the presence of a military installation or significant concentrations of military students do not receive more than an 8 percent reduction in state aid should the federal government reduce appropriations to those schools.

Notice of Budget and Tax Rate

Provides that if a district’s interest and sinking (I&S) tax rate decreases after the publication of the required notice of the budget and tax rate meeting, the president is not required to publish another notice or call another meeting to discuss and adopt the budget and the proposed lower tax rate.

Interim Committee on School Finance

Requires the speaker of the house of representatives and the lieutenant governor to establish a joint legislative interim committee to conduct a comprehensive study of the public school finance system in Texas. Requires the committee to provide legislative recommendations to the 83rd legislature regarding changes to the school finance system.

Award of Service Contracts for Adult Education Programs

Requires TEA to use a competitive procurement process to award a contract to a service provider of an adult education program and adopt rules no later than August 31, 2012. Provides that this change applies only to a contract entered into on or after the effective date of this bill.

Texas Virtual School Network (TxVSN)

Provides that students who are under the age of 26 on September 1 of the school year are eligible to participate in the program. Requires school districts or open-enrollment charter schools to adopt a policy that provides district or school students with the opportunity to enroll in electronic courses provided through the TxVSN. Requires when applicable that each student's admission, review, and dismissal (ARD) committee determine whether a particular course meets the needs of a student with disabilities.

Requires the administering authority to provide students who have completed or withdrawn from electronic courses through the TxVSN and their parents with a mechanism for providing comments regarding the courses. Requires the mechanism to include a quantitative rating system and a list of verbal descriptions that a student or parent may select as appropriate. Requires the administering authority to provide public access to the comments and format the comments in a way that permits sorting of the comments by teacher, electronic course, and course provider.

Allows TxVSN providers the same time to revise course alignments with any modifications to the essential knowledge and skills as is provided in traditional class settings.

Requires the administering authority to publish the schedule of courses, including any deadlines specified in that schedule, and any guidelines applicable to the submission and approval process for electronic courses. Requires that the evaluation by the administering authority include a review of each electronic course component, including off-line material proposed for use in the course.

Requires the commissioner to adopt a standard agreement that governs payment of funds and other matters relating to a student's enrollment in a course offered in the network. Prohibits the agreement from requiring a school district or open-enrollment charter school to pay the provider the full amount until the student has successfully completed the electronic course. Requires a school district or open-enrollment charter school to use the standard agreement unless: (1) the district or school requests from the commissioner permission to modify the standard agreement; and (2) the commissioner authorizes the modification. Mandates the commissioner adopt rules to implement these provisions, including rules regarding attendance accounting.

Provides that a school district or an open-enrollment charter school in which a student is enrolled is entitled to funding under Chapter 42, Education Code, for the student's enrollment in an electronic course offered through the network in the same manner that the district or charter school is entitled to funding for the student's enrollment in a traditional classroom setting, providing the student successfully completes the electronic course.

Education Jobs Funding

Prohibits the Teacher Retirement System of Texas (TRS) from considering salaries of personnel paid wholly or partly from the Education Jobs Fund as being paid from federal funds.

Earliest Effective Date: September 1, 2011

SB 2 (1st Called Special Session)

Duncan

Contingent appropriations

Amends HB1, which passed during the regular session. Authorizes and prescribes conditions, limitations, rules, and procedures for allocating and expending appropriated funds.

Appropriates \$37.2 billion to the FSP for operations and \$1.4 billion to the FSP for facilities.

Requires the commissioner to make allocations to school districts based on the March 2011 estimates of average daily attendance (ADA) and local district tax rates as determined by the Legislative Budget Board (LBB) and the final tax year 2010 property values.

Provides that the BA is projected to be \$4,765 in fiscal years 2012 and 2013. Sets the guaranteed yield at \$59.97 in fiscal years 2012 and 2013.

Requires that property values, and the estimates of local tax collections on which they are based, be decreased by 0.97 percent for tax year 2011, then increased by 0.52 percent for tax year 2012.

Defers the August 2012 and 2013 FSP payment to school districts until September 2013, which in turn reduces the appropriations to the FSP by \$2.3 billion.

Reduces appropriations to the FSP by \$800 million for the 2012–13 biennium due to lower updated pupil projections and projections of district property values.

Earliest Effective Date: Immediately

SB 6 (1st Called Special Session)

Shapiro

Establishment of a new system for district use in acquiring instructional materials

Changes processes related to the review, adoption, and purchase of textbooks; electronic instructional materials; and technological equipment.

State Instructional Materials Fund

Merges separate funds for textbooks and technology into one new fund using an amount set aside by the SBOE. Requires that money in the fund be used to fund the instructional materials allotment; purchase special materials for public school blind and visually impaired students; pay the expenses associated with the review, adoption, and purchase processes, including intrastate freight and shipping and associated insurance expenses; fund the technology lending grant program; and provide funding to the Texas School for the Blind and Visually Impaired, the Texas School for the Deaf, and the Texas Youth Commission.

Percentage of PSF Set Aside for the State Instructional Materials Fund

Creates a new funding formula that requires the SBOE to set aside 40 percent of the annual distribution for that year from the Permanent School Fund (PSF) to the Available School Fund (ASF) to be placed in the state instructional materials fund for the state fiscal biennium beginning September 1, 2011. Requires that the SBOE set aside 50 percent from the PSF to the ASF beginning September 1, 2013.

Instructional Materials Allotment

Provides that a district is entitled to an annual allotment from the state instructional materials fund called the "Instructional Materials Allotment" (IMA) for each student enrolled in the district on a date during the preceding school year specified by the commissioner. Provides that the commissioner determine the per pupil amount based on the amount of money available in the state instructional materials fund. Provides that the allotment be transferred to the credit of a district's instructional materials account.

Provides that juvenile alternative education programs are also entitled to an IMA in an amount to be determined by the commissioner.

Requires the commissioner to annually adjust the IMA allotment of a district that is experiencing high enrollment growth.

States that the commissioner's determinations regarding the IMA are final and may not be appealed.

Allowable Purchases and Uses of a District's IMA

Allows IMA funds to be used to purchase from the commissioner's list of electronic materials; instructional materials regardless of whether the materials are on the SBOE-adopted list; consumables including workbooks; materials for use in bilingual education classes; SBOE-adopted supplemental materials; state-developed open-source materials; materials and technological

equipment under continuing contracts of the district as of September 1, 2011; and technological equipment necessary to support the use of materials districts are allowed to purchase with the IMA. Allows IMA funds to be used to pay for educator training in the appropriate use of technological equipment for instructional purposes, and to pay for the salary and other expenses of employees who provide technical support in the use of equipment directly involved in student learning.

Requires each district to certify annually to the commissioner that the district IMA has been used only for the allowable expenses referenced above.

Prioritizes spending by requiring that for the state fiscal biennium beginning September 1, 2011 districts use their IMA to purchase instructional materials that will help students meet the performance standards on the STAAR and End-of-Course exams. Expires this provision August 1, 2013.

Prioritizes spending by requiring that *after* the above provision expires August 1, 2013, districts use their IMA to purchase, in the following order: (1) instructional materials that permit the district to certify that students have materials that cover all of the TEKS for the required curriculum; and (2) any other material or technological equipment as determined by the district.

Authorizes a district to request not later than May 31 of a school year that the commissioner adjust the per-pupil allotment due to an increase or decrease in enrollment. Authorizes the commissioner to make any necessary adjustments without a district's request, with the commissioner's determinations being final. Allows the commissioner to adopt rules.

Instructional Materials Account

Requires the commissioner to maintain an instructional materials "account" for each district, and to deposit in the account an annual allotment from the IMA for each enrolled student. Requires the commissioner to pay the cost of requisitioned instructional materials from the district's account.

Allows districts to use account funds to purchase electronic instructional materials or technological equipment by submitting a request to the commissioner. Requires the commissioner to establish rules regarding the documentation a district must submit to use account funds for this purpose.

Mandates that the money deposited each year to a district's instructional materials account remain available for the entire state fiscal biennium. Allows any unused money in a district's account at the end of a biennium to be carried forward to the next biennium.

Requires the commissioner to adopt rules as necessary to implement this section, including a rule that requires a district to provide the title and publication information of any requisitioned or purchased instructional materials using the district's IMA.

“Instructional Materials” Defined

Replaces "textbook" references with the term "instructional materials" throughout the Education Code to indicate the broad spectrum of material types that may be used for instructional purposes. Defines “instructional materials” as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or combination of media for conveying information to a student. States that the term includes a book; supplementary materials; a combination of a book, workbook, and supplementary materials; computer software; magnetic media; DVD; CD-ROM; computer courseware; online services; or an electronic medium or other means of conveying information through electronic means, including open-source instructional materials.

Prevents a district from charging a student for instructional material or technological equipment purchased with the IMA.

Certification of Provision of Instructional Materials

Requires districts to certify annually that instructional materials that cover all of the TEKS for each subject and grade level in the required foundation and enrichment curriculum, other than physical education, have been provided.

Allows districts to consider a variety of materials when certifying TEKS coverage, including those that are SBOE-adopted, on the commissioner’s list of electronic materials, SBOE-adopted open-source materials, open-source materials made available by other public schools, and materials developed or purchased by the district or open-enrollment charter school.

Curriculum

Moves economics with an emphasis on the free enterprise system and its benefits from the enrichment curriculum to the foundation curriculum.

Instructional Materials Review and Adoption

Requires the SBOE to adopt a review and adoption cycle for instructional materials. Does not require the cycle to include materials for every grade level in a single year, and gives priority to certain subject areas; e.g., foundation subject areas that have recently revised TEKS that are subject to state assessments. Revises other timelines and procedures for the SBOE and entities interested in participation in the review and adoption process.

SBOE’s Instructional Materials List

Replaces the SBOE’s list of conforming and nonconforming materials with a single list of instructional materials. Requires that materials on the list contain at least half of the TEKS for the applicable subject area or grade level. Authorizes the SBOE to determine the percentage of TEKS covered in each instructional material submitted, with their decision being final.

Commissioner’s List

Maintains the commissioner’s list of electronic instructional material that includes investigative materials for use in science in grades K–5. Adds material to the commissioner’s list that conveys

information about personal financial literacy in grades K–8. Allows a district to use their IMA to purchase material from the commissioner’s list.

Permits the SBOE to require the commissioner to remove materials from the list not later than the 90th day after material has been placed on the list.

SBOE’s Open-Source Materials

Maintains the SBOE’s ability to include open-source instructional material for a secondary-level course submitted by an eligible institution on the SBOE list of adopted instructional materials.

Adds a requirement that not later than the 90th day after the date open-source instructional material is submitted, the SBOE may review the materials. Requires the SBOE to post their comments related to the open-source materials placed on the list and distribute their comments to districts.

Provisions for Specific Instructional Materials

Transfers authority from the SBOE to the commissioner to purchase instructional materials for the education of blind and visually impaired students, and outlines requirements for publishers of these materials.

Transfers authority from the SBOE to school districts to purchase bilingual instructional materials using the district IMA. Mandates that the commissioner adopt rules for these purchases.

Supplemental Materials

Repeals the provision that allowed the use of textbook credits to purchase supplemental materials. Maintains certification requirements for districts and open-enrollment charters that requisition supplemental materials.

Online Requisition System

Requires the commissioner to maintain an online requisition system for districts to use in requisitioning materials to be purchased with their IMA. Mandates that districts make their requisitions not later than June 1 of each year.

Title and Custody of Instructional Materials

Removes ownership of instructional materials from the state and gives property rights to the purchasing district or open-enrollment charter school. Allows the school board or governing body to distribute printed instructional material as they deem most effective and economical.

Sale or Disposal of Instructional Materials and Technological Equipment

Gives school boards and governing bodies decision-making authority over the sale or disposal of instructional materials and technological equipment after the date they are discontinued for use in public schools, or before the date they are discontinued if it is determined the materials are not needed.

Technology Lending Program Grants

Allows the commissioner to establish a program to award districts and open-enrollment charters with grants to implement a technology-lending program to loan students equipment necessary to access and use electronic instructional materials. Limits the commissioner from using more than \$10 million from the state instructional materials fund each state fiscal biennium to administer the grant program. Requires the commissioner to submit a report to the governor and other specified legislative members regarding the grant program not later than January 1, 2013.

Earliest Effective Date: Immediately

SB 8 (1st Called Special Session)

Shapiro

Flexibility in management and operations

Salary Reductions

Repeals the statutory provision that prohibits districts from reducing the salaries of teachers, counselors, nurses, librarians, and speech pathologists below 2010–11 levels. Requires districts that implement a widespread reduction in teacher salaries, which are based primarily on district financial conditions rather than teacher performance, to reduce each district administrator or professional employees by the same percentage as teacher salaries. Requires salary reduction plans to be developed using the process described in the furlough section below.

Furloughs

Allows districts to furlough employees for up to 6 non-instructional days and reduce salaries proportionately during each year that the commissioner certifies that a district's state and local funding per WADA will be below 2010–11 levels.

Requires the commissioner of education to determine whether, for the next school year, a district's state and local funding will be reduced on a per WADA basis below the 2010–11 funding level. Provides that the commissioner make the determination by July 1st of each year. Specifies how the commissioner makes the determination.

Requires that (1) all contract personnel be furloughed for the same number of days, (2) salary reductions based on a furlough must be equally distributed over the course of the employee's current contract with the school district, (3) an educator may not be furloughed on a day that is included in the statutorily required 180 days of instruction, and (4) the number of teacher work days not increase as a result of a furlough. Prohibits an educator from using paid leave while on furlough. Provides that a furlough day does not constitute a break in service or a day of service for purposes of calculating Teacher Retirement Service (TRS) days.

Provides that if a board adopts a furlough plan after the penalty-free resignation date, a teacher who subsequently resigns is not subject to SBEC sanctions for contract abandonment.

States that a school board's decision to implement a furlough is final, cannot be appealed, and does not create a cause of action or require collective bargaining.

Prohibits a district from implementing a salary reduction or furlough plan until the district has complied with the following process requirements:

(1) the district's professional staff must be included in the development of the plan; (2) the district's employees and the public must be allowed to comment on the proposed plan during that public meeting; and (3) the district must hold a public meeting during which the board and administration:

- present the options that were considered for managing the district's resources (including a tax rate increase and use of the fund balance);
- provide an explanation of how the furlough or salary reduction will help save district jobs, including the number of furlough days proposed; and
- provide information about the local option residence homestead exemption.

Financial Exigency

Requires the commissioner of education to adopt minimum standards defining the conditions that must exist for a declaration of financial exigency. Provides that a financial exigency declaration expire at the end of the fiscal year during which the declaration was made, unless the board adopts a resolution declaring a continuation of the financial exigency for the following fiscal year. Provides that a school board is not limited in the number of times it may declare a financial exigency and a board may terminate a financial exigency declaration at any time. Requires school boards to notify the commissioner of education whenever financial exigency is declared.

Hearings for Mid-Year Terminations Based on Financial Exigency

Provides that when a mid-year termination is proposed as a result of a financial exigency, school boards have authority to decide whether the board will hear the case or whether the case will be heard by an independent hearing examiner.

Amending Superintendent's Contract Based on Financial Exigency

Allows a school board to amend the terms of the superintendent's contract when a school board declares a financial exigency and implements a reduction in personnel. Allows the superintendent to resign without penalty by providing reasonable notice to the board and allows the superintendent to continue employment during the notice period.

Termination of Continuing Contracts During a Reduction in Personnel

Allows districts to retain continuing contract employees based on teacher appraisals during a reduction in personnel, unlike current law that mandates continuing contract employees be terminated "in reverse order of seniority" during a reduction of personnel.

Suspension Without Pay Pending Discharge

Provides districts the additional option of suspending an employee without pay for good cause "pending" the employee's discharge.

Determination of Conclusion of Law

Provides that a hearing examiner's determination of whether good cause exists to support a suspension without pay or a termination is a "conclusion of law" (rather than a fact); and allows a school board to adopt, reject, or change a hearing officer's determination. Provides under current law that an independent hearing examiner's determination of whether "good cause" exists to support a suspension without pay or a termination is considered a "finding of fact," which the board cannot change, unless the board provides that the hearing officer's finding is not supported by substantial evidence.

Deadline for Notice of Nonrenewal for Probationary and Term Contracts

Moves the deadline for providing notice of nonrenewal from 45 to 10 days before the last day of instruction. Provides that the notice must be delivered to the employee in person at the campus where the teacher is employed. Requires that if the teacher is not present when hand delivery is attempted, the notice be mailed by prepaid certified or express mail to the teacher's address of record. Provides that a notice postmarked on or before the 10th day before the last day of instruction is considered timely.

Term Contract Nonrenewal Hearings

Provides to school districts with 5,000 or more students an additional option (an independent attorney) for handling nonrenewal hearings. Provides under current law that if a teacher requests a hearing to protest a proposed contract nonrenewal, the hearing be conducted either by the school board or by an independent hearing examiner appointed by TEA.

Allows the school board to designate an independent attorney (as defined in the bill) to conduct the initial nonrenewal hearing, create a record of the hearing, and make recommendations to the board within 15 days after the hearing. Requires the school board to consider the record and recommendation at the next regular board meeting or at a mutually agreeable date. Provides that each party must be allowed to present oral argument within any established time limits set forth in local board policy at the board meeting. Allows the board to accept, reject, or modify the attorney's recommendation and provides that the board must notify the employee of the board's decision within 15 days after the board meeting.

Employment Contract Void for Lack of Certification

Expands the circumstances under which a district may declare an employee's probationary, term, or continuing contract void. Provides an employee with a 10-day grace period after the employee's certificate or permit is void to take the necessary measures required to renew, extend, or otherwise validate the certificate or permit before the district can suspend or terminate the employee.

Provides that a district may not continue to employ an individual whose certificate is void in any position that requires a chapter 21 contract. Under current law, a district can opt to retain an employee whose contract is void on an at-will basis in a certified position other than as a classroom teacher.

Field-Based Experience Requirement

Requires candidates for an initial teaching certificate to complete 15 hours of student teaching before they can be hired by a district as a “teacher of record.”

Defines “teacher of record” as a person employed by a school district that teaches the majority of the instructional day in an academic instructional setting and is responsible for evaluating student achievement and assigning grades.

FITNESSGRAM

Limits the administration of the FITNESSGRAM to only those students who are enrolled in a course for P.E. credit.

Public Information Act Relief Based on Nonpayment of Estimated Charges

Allows districts to require a person who requests public information to pay the estimated charges before the district responds to the request, if the requester has outstanding charges for a public information request made within the last six months. Applies to a request for inspection, as well as for copies of public information.

Hearing over Public School Child Care

Eliminates the requirement that districts with 5,000 or more students, which do not provide child care services for district employees before/after school or during vacations, hold two public hearings before the start of the school year to consider the need for and accessibility of child care services.

Repeals the statutory requirement that guarantees certain certified employees a salary at least equal to the salary they received during the 2010–11 school year.

SB 18

Estes

Use of eminent domain authority

Allows an independent school district to use the right of eminent domain to acquire title to real property for the purpose of constructing school buildings or for any other public use necessary for the district.

Prohibits the taking of private property by a governmental or private entity through the use of eminent domain if the taking is not for a public use.

Authorizes private property to be taken through eminent domain, however, for the operations of a common carrier pipeline (generally, a pipeline operated for purposes of transportation of oil, coal, carbon dioxide, hydrogen, or raw materials used in the production of carbon gas).

Requires an entity (governmental or private) that is authorized by the state to exercise the power of eminent domain to submit a letter to the comptroller by December 31, 2012, identifying the

provisions of the law that grant the entity that authority. Mandates that without the letter to the comptroller, the entity's authority to exercise eminent domain expires on September 1, 2013.

Requires specific procedures be used to initiate eminent domain proceedings. Requires condemnation proceedings be enacted by a record vote at a public meeting and requires that the motion to do so specify the public use for which the land will be used.

Prohibits an entity seeking to acquire property from including a confidentiality provision in an offer or agreement to acquire property.

Requires the entity to inform the owner of the property of the property owner's right to discuss any offer or agreement regarding the entity's acquisition of the property with others or to keep such information confidential.

Requires an entity that wants to acquire property for public use through eminent domain to first make a bona fide offer (one that is reasonable) to the property owner in an attempt to acquire the land voluntarily. Requires, before making a final offer, an entity to obtain a written appraisal from a certified appraiser of the value of the property in question as well as any damages to the property owner's remaining property. Requires the final offer be equal to or greater than the amount of the written appraisal obtained by the entity, and the entity must include along with the written final offer a copy of the written appraisal, a copy of the deed, easement or other instrument conveying the property sought, and the landowner's bill of rights statement. Requires that in the event a court hearing determines a bona fide offer was not made, the court abate the suit, order the entity to make a bona fide offer, and order the entity to pay not only court costs but also any reasonable attorney's fees or other professional fees incurred by the property owner in relation to the hearing or suit.

Permits each party to a condemnation hearing a reasonable period to strike one of the three commissioners appointed by the judge to hear the condemnation petition.

Requires the presiding judge to appoint a replacement if any commissioner is struck.

Requires the taking entity to produce certain information if requested by the person who owns the property that is proposed to be taken under eminent domain, and specifies that the entity's response must be in accordance with the Texas Rules of Civil Procedure as if the request were made in a matter pending before a state district court.

Requires an entity with eminent domain authority (governmental or private) to disclose in writing that the property owner's heirs, successors, or assigns are entitled to repurchase the property at the price paid to the owner at the time of acquisition if (1) the intended public use is canceled before the property is used for that public use; (2) no actual progress is made toward the public use for which the property was acquired between the date of acquisition and the 10th anniversary of the acquisition date; or (3) the property becomes unnecessary for the public use for which the property was acquired, or for a substantially similar public use, before the 10th anniversary of the

date of acquisition. Establishes conditions that help determine whether "actual progress" has been made on such a project.

Requires notification of the right of repurchase to a former property owner no later than 180 days after a determination that the former property owner is entitled to repurchase the property under these provisions. Mandates that the right to repurchase ends on the first anniversary of the period during which the entity must provide notice of the right to repurchase as long as the entity makes a good faith effort to locate and provide notice to each person entitled to that notice and as long as the entity does not receive a response to any provided notice.

Earliest effective date: September 1, 2011

SB 27

Zaffirini

Students at risk for anaphylaxis

Requires school boards to adopt and administer a policy for the care of students with diagnosed food allergies who are at risk for anaphylaxis.

Provides that the policy be based on guidelines developed by the commissioner of state health services in consultation with an ad hoc committee appointed by the commissioner.

Prohibits the guidelines from requiring school districts to purchase anaphylaxis medication.

Requires those districts that adopted such a policy prior to the development of the guidelines to review the policy and revise as necessary to ensure the district policy is consistent with the guidelines.

Requires the commissioner to appoint members to the committee by December 1, 2011, and requires that the committee develop the guidelines by May 1, 2012. Requires TEA to post the guidelines on the agency's Web site along with any other information related to students with special health needs.

Requires districts to adopt a policy by August 1, 2012.

Earliest effective date: Immediately

SB 28

Zaffirini

TEXAS grant program

Establishes new eligibility criteria for TEXAS grants awarded for the 2013–2014 academic year, with priority being given to students who demonstrate the most financial need and who also meet certain grade and academic requirements.

Earliest effective date: September 1, 2011

SB 49

Zaffirini

School requirements regarding parental notice

Requires a school district to provide the parents of a student removed to a disciplinary alternative education program with written notice of the district's obligation to provide the student with an opportunity to complete coursework required for graduation.

Requires the notice to include information regarding all methods available for completing the coursework, which are available at no cost to the student.

Earliest effective date: Immediately

SB 54

Zaffirini

Visually impaired students

Requires a person to meet certain eligibility requirements to teach students with visual impairments, including completion of all courses required for that certification in an approved educator preparation program or an alternative certification program approved for the purpose by SBEC.

Requires a person to perform satisfactorily on each necessary certification exam after completion of the coursework, and to meet any other requirements prescribed by SBEC.

Does not apply new eligibility requirements for a person who applied for a certificate or renewal of a certificate on or before September 1, 2011.

Earliest effective date: September 1, 2011

SB 89

Lucio

Summer nutrition programs

Summer Nutrition Programs

Requires districts in which 50 percent or more of the students are eligible to participate in the national free or reduced-price lunch program to arrange for a summer nutrition program for at least 30 days during the period in which the district schools are recessed for summer, regardless of whether a district receives state or federal funding.

Allows a district's board of trustees to request a waiver after sending written notice to the district's local school health advisory council not later than November 30 of each year.

Requires the district to show the following when requesting a waiver: there are fewer than 100 students eligible for the free and reduced-price lunch program; student transportation is an insurmountable obstacle; the district is unable to provide service due to construction; the district is unable to operate a summer nutrition program due to extenuating circumstances and an alternative site is not available; or the cost to the district would be cost-prohibitive.

Allows waivers to be granted for a one-year period.

Requires the Department of Agriculture to notify each eligible district not later than October 31 of each year of the district's responsibility concerning provision of a summer nutrition program during the next period in which school is recessed for summer.

Requires a district that receives such notice to notify the department not later than January 31 of the year following the year in which the notice was received of the intention to provide the nutrition program or request a waiver.

Requires the department to provide a report via email to lawmakers every other year regarding the number of schools required to offer a summer meal program, the number of schools that did and did not comply with the requirement, the funds other than federal used, and whether any profit or loss was made.

Requires the report be posted on the department's website.

Earliest effective date: September 1, 2011

SB 100
Van de Putte
Election dates

Changes a number of election dates and timelines, including the filing deadline for school district and junior college board of trustees candidates as follows: for an election held on the date of the November general election, the filing deadline is the 78th day before election day; and for a uniform election date, the filing deadline is the 71st day before election day. Specifies the filing deadline for write-in candidates is not later than 5pm of the 74th day before the general election, and the 71st day before the uniform election day. Moves the filing deadline for statewide, congressional, and county offices to the second Tuesday in December.

Maintains the primary election date but changes the primary runoff to the fourth Tuesday in May.

Provides that local political subdivisions have the following options for their elections: second Saturday in May of odd-numbered years; second Saturday in May of even-numbered years except a county would not be required to conduct the election; and the November general election. Includes a provision that allows trustees by December 31, 2011, to change the length of their terms by board resolution.

Allows general-law municipalities the opportunity to change terms and to stagger their terms, as well as conforming changes for municipal utility districts, water improvement districts, and hospital districts.

Earliest effective date: September 1, 2011

SB 149
West
College credit program

Allows the commissioner of education to adopt rules as necessary concerning the duties of a school district in administering the college credit program.

Requires that beginning September 1, 2011, each school district report annually to TEA the number of district students, including career and technical students, who have participated in the program; and the courses in which participating district students have earned high school credit.

Provides that effective September 1, 2013, the commissioner of education and the Texas Higher Education Coordinating Board shall share data as necessary to enable school districts to comply with the annual reporting requirement to TEA.

Earliest effective date: Immediately

SB 155
Huffman
Group health benefit programs

Clarifies health coverage that must be provided to former school district employees under a school district's uniform group coverage program or group health coverage.

Requires districts to provide district employees who resign after the last day of instruction to continue coverage through the earlier of (1) the first anniversary of the date such coverage was first made available to the employee for the last instructional year; or (2) the last calendar day before the first day of the instructional year immediately following the last instructional year in which the employee was employed by the district.

Takes effect beginning with the 2012–13 school year.

Earliest effective date: September 1, 2011

SB 199

West

Grants for agricultural projects

Allows the Texas Department of Agriculture to award grants to nonprofit organizations that partner with public elementary and middle schools located in large urban districts that establish agriculture projects or other projects designed to foster understanding and awareness of agriculture.

Requires a school or nonprofit organization that receives a grant to report the results to the department.

Eliminates the requirement that TDA limit awards to \$2,500 or less in a school year.

Earliest effective date: Immediately

SB 201

Uresti

Ad valorem taxes for disabled veterans

Requires that the total ad valorem tax exemption of homesteads of 100 percent or totally disabled veterans be prorated when the exemption terminates during the year, and when the exemption begins during the year.

Takes effect in the ad valorem tax year beginning on or after September 1, 2012.

Earliest effective date: January 1, 2012

SB 226

Nelson

Physical fitness assessment

Requires a school district to provide the results of individual student performance on the FITNESSGRAM to TEA.

Prevents the results from containing the names of individual students or teachers, or a student's social security number or date of birth.

Applies beginning with the 2011–12 school year.

Earliest effective date: Immediately

SB 290

Watson

Personal financial literacy

Expands the requirements for instruction in personal financial literacy to students in grades K-8 by incorporating the instruction into the mathematics TEKS at these grade levels.

Expands the commissioner's list of electronic textbooks and instructional materials by requiring the list to include materials for personal financial literacy in grades K-8.

Takes effect beginning with the 2011-12 school year.

Earliest effective date: Immediately

SB 391

Patrick, Dan

Electronic sample copies of textbooks

Requires a publisher of an adopted textbook from a grade level other than prekindergarten to provide an electronic sample of the textbook, and prohibits a publisher from submitting a print sample copy to a district or a regional education service center.

Earliest effective date: September 1, 2011

SB 407

Watson

Electronic transmission of certain visual material

Addresses "sexting" by minors younger than 18 years of age.

Provides that a minor commits the offense of "sexting" if the minor intentionally or knowingly by electronic means promotes to another minor visual material depicting a minor, including the actor, engaging in sexual conduct, if the actor produced the visual material or knows that another minor produced the visual material; or possesses in an electronic format visual material depicting another minor engaging in sexual conduct, if the actor produced the visual material or knows that another minor produced the visual material.

Provides that the promotion or possession of "sexting" material may be a Class A, Class B, or Class C misdemeanor.

Provides that it is an affirmative defense to prosecution that the visual material depicted only the actor or another minor who is not more than two years older or younger than the actor and with whom the actor had a dating relationship at the time of the offense or who was the spouse of the

actor at the time of the offense; and was promoted or received only to or from the actor and the other minor.

Provides that it is a defense to prosecution for an actor that possesses the visual material if the actor did not produce or solicit the visual material; possessed the visual material only after receiving the material from another minor; and destroyed the visual material within a reasonable amount of time after receiving the material from another minor.

Provides a law enforcement officer or a school administrator with a defense to prosecution if the visual material was possessed in good faith solely as a result of an allegation involving "sexting;" allowed other law enforcement or school administrative personnel to access the material only as appropriate based on the allegation of "sexting;" and took reasonable steps to destroy the material within an appropriate period following the "sexting" allegation.

Allows a judge to order a minor who committed "sexting" to attend and successfully complete an educational program that addresses the legal and social consequences of "sexting."

Requires the Texas School Safety Center, in consultation with the Office of the Texas Attorney General, to develop educational programs for use by school districts that address various issues relating to "sexting."

Requires school districts to annually provide or make available information on the educational programs developed by the Texas School Safety Center in a grade level and in a manner the district considers appropriate.

Earliest effective date: September 1, 2011

SB 419

West

Funding for physical education courses

Excludes P.E. courses for which a student is getting dual college and high school credit from being included in the contact hours used to determine a junior college's share of state money.

Applies beginning with funding for the 2011 fall semester.

Earliest effective date: Immediately

SB 432

Jackson, Mike

Ad valorem taxes for property in a disaster area

Reduces the penalty on delinquent property tax installment payments for property located in a disaster area from 12 percent to 6 percent.

Applies only to the penalty for failure to make a timely installment payment of taxes that occurs on or after September 1, 2011.

Earliest effective date: September 1, 2011

SB 471

West

Policies addressing sexual abuse

Requires a school district's improvement plan to include a policy addressing sexual abuse and other maltreatment of children.

Provides that the school policy must address methods for increasing staff awareness of issues of maltreatment of children and include prevention techniques and options for a student affected by maltreatment.

Requires that training be provided concerning prevention techniques for and recognition of sexual abuse and all other maltreatment of children as part of a new employee orientation to new school district and open-enrollment charter school educators, including counselors and coaches, and other district and charter school professional staff members.

Provides that training may be provided annually to any district or charter school member.

Specifies the areas that must be addressed in the training.

Requires each school district and open-enrollment charter school to maintain records of each training participant.

Requires a school district or charter school to work in conjunction with a community organization to provide training at no cost to the district or charter school, if a school district or charter school does not have the resources to provide the training.

Provides that the training may be included in staff development.

Prohibits a school district or open-enrollment charter school from disciplining an employee who complies with the policy relating to the sexual abuse and other maltreatment of children.

Provides that an employee's immunity from liability is not limited for actions taken to comply with the statute's requirements.

Earliest effective date: Immediately

SB 501**West****Interagency Council for Addressing Disproportionality**

Eliminates the Health and Disparities Task Force. Creates the Interagency Council for Addressing Disproportionality.

Provides that the council examine the level of disproportionate involvement of minority children at each level in the juvenile justice, child welfare, and mental health systems.

Provides that the council also study the disproportionate delivery of educational services to minority students.

Requires the council to make recommendations to (1) reduce the number of minority children in the juvenile justice, child welfare, and mental health systems; and (2) improve the success in the education system.

Requires the council to be composed of representatives from various state agencies, including TEA.

Provides that the council must submit a report of findings and recommendations for addressing disproportionality to lawmakers by December 1, 2012.

Earliest effective date: Immediately

SB 516**Patrick, Dan****Ad valorem taxation for surviving spouse of disabled veteran**

Entitles the surviving spouse of a disabled veteran to an ad valorem tax exemption of the total appraised value of the surviving spouse's residence homestead if (1) the property was the surviving spouse's homestead when the veteran died, (2) the property remains the surviving spouse's homestead, and (3) the surviving spouse did not remarry since the death of the disabled veteran.

Provides that if the surviving spouse subsequently qualifies a different property as a residence homestead and has not remarried, the spouse is entitled to a property tax exemption on that homestead equal to the same dollar amount received on the former residence that qualified for the surviving spouse homestead exemption.

Takes effect only upon approval of the voters of a constitutional amendment allowing for the exemption.

Earliest effective date: January 1, 2012

SB 540

Van de Putte

Impact of adjusting tax exemptions

Requires the comptroller to study the fiscal impact on state and local governments if the veterans' exemptions required under the tax code had been indexed for homestead value inflation for the previous 10 years.

Provides that the comptroller must report the results of the study to the Lt. governor, the speaker of the house, and the presiding officers of the standing committees of the legislature with primary jurisdiction over matters impacting tax revenue and veterans affairs.

Requires the report due by December 1, 2012.

Earliest effective date: Immediately

SB 551

Williams

Taxes on improvements that escaped taxation

Prohibits tax assessors from charging interest on unpaid property taxes related to an improvement under certain conditions.

Mandates that to avoid interest penalties, (1) the land on which the improvement is located must have been taxed in the year in which the improvement escaped taxation, (2) the assessor must have had actual or constructive notice of the improvement, and (3) the property owner must pay all back taxes on the improvement within 120 days of date on which the tax bill for the back taxes on the improvement is sent.

Provides that the change in law applies only to omitted improvements included in a tax bill that is first sent to a property owner on or after the effective date of this act.

Earliest effective date: September 1, 2011

SB 652

Hegar

Sunset review process

Subjects regional education service centers (ESCs) to the sunset review process in 2013 at the same time as TEA is scheduled for sunset review.

Provides that unless continued in existence by the legislature, the service centers be abolished in 2015.

Earliest effective date: Immediately

SB 653**Whitmire****Texas Juvenile Justice Department**

Abolishes the Texas Youth Commission and the Texas Juvenile Probation Commission and transfers the power and duties of those agencies to the newly created Texas Juvenile Justice Department.

Earliest effective date: September 1, 2011

SB 729**Seliger****Joint elections for trustees**

Allows the election for school district trustees to be held on the same date as an election for junior college board members in which the district is located wholly or partly.

Earliest effective date: Immediately

SB 736**Hinojosa****Membership and duties of school health advisory councils**

Allows the board of trustees of a school district to appoint a member of a local domestic violence program to the local school health advisory council.

Earliest effective date: Immediately

SB 738**Shapiro****Parental role in determining sanctions**

Permits parents of students at a campus that has been rated academically unacceptable for three consecutive years to request one of three options currently ordered by the commissioner (repurposing, alternative management, or closure) through a written petition that states the preferred option.

Mandates that the petition be signed by a majority of the parents of the students at the campus, but allows the signature of only one parent of a student for the purposes of the petition.

Requires the commissioner to order the specific action requested unless the board of trustees of the district in which the campus is located presents to the commissioner in writing a request that an action be taken other than the option recommended in the parent petition.

Requires the board to explain the basis for their request.

Requires the commissioner to specify in rule the time frame and manner in which a board must submit its request.

Allows the commissioner to order the action requested by the board of trustees.

Applies beginning with the 2011–12 school year.

Earliest effective date: Immediately

SB 764

Williams

Use of district resources for a hotel

Prohibits school districts from imposing taxes, issuing bonds, or authorizing the use of school district employees, property, money, or other resources to acquire property to design, renovate, build, or operate a hotel.

Earliest effective date: Immediately

SB 773

Zaffirini

Telecommunications service discounts

Extends the telecommunications discount program for school districts until January 1, 2016.

Earliest effective date: September 1, 2011

SB 778

Williams

Inclusion of professional staff

Requires, if practicable, the inclusion of a professional staff member with the primary responsibility for educating students with disabilities in a local board policy relating to the district- and campus-level planning and decision-making process.

Earliest effective date: September 1, 2011

SB 851

Zaffirini

Uniform deadline for student financial assistance

Requires the Texas Higher Education Coordinating Board to adopt a rule providing for a uniform priority application deadline at general academic teaching institutions for applications for financial assistance for an academic year.

Requires that an eligible applicant be given priority consideration for available state financial assistance if priority deadline is met.

Earliest effective date: January 1, 2013

SB 866

Deuell

Students with dyslexia

Requires SBEC to specify in rule that in addition to any other minimum academic qualifications needed for certification, a person seeking a bachelor's degree must receive instruction in the detection and education of students with dyslexia.

Does not apply to students who obtain a certificate from an alternative certification program.

Applies to persons who commence enrollment in an institute of higher education during the 2011–12 year.

Requires the instruction to be developed by a panel of experts in the area of dyslexia who are employed by an institute of higher education, and who are approved by SBEC.

Mandates that the instruction include information on the characteristics and identification of dyslexia, and effective multisensory strategies for teaching students with dyslexia.

Provides new continuing education requirements for an educator who teaches students with dyslexia by requiring that the education include training regarding new research and practices in educating students with dyslexia.

Allows the training to be offered in an online course.

Prevents a district or an institute of higher education from retesting a student previously identified as having dyslexia for the purpose of reassessing the student's need for accommodations until the district or institute of higher education reevaluates the information obtained from previous testing of the student.

Requires TEA to establish a committee to develop a plan for integrating technology into the classroom to help accommodate students with dyslexia.

Requires the plan to have particular components and mandates that TEA provide information to districts about the availability and benefits of the identified classroom technologies.

Applies beginning with the 2011–12 public school year and the 2011–12 higher education academic year.

Earliest effective date: Immediately

SB 966**Uresti****High school diplomas for military veterans**

Expands allowance for school districts to issue high school diplomas to an honorably discharged member of the armed forces who was scheduled to graduate after 1989 and who left school after completing the sixth grade or a higher grade to serve in the Persian Gulf War; the Iraq War; the war in Afghanistan; or any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973.

Earliest effective date: Immediately

SB 975**Hinojosa****Dropout recovery programs in partnership with districts**

Applies only to a public junior college located in a county with a population of 750,000 or more, and with less than 65 percent of the population 25 years and older having graduated from high school.

Applies no effect after a junior college enters a partnership and begins providing a dropout recovery program if the county's demographics change. Applies only to a district with a dropout rate that is higher than 15 percent.

Applies no effect after a district enters a partnership if the district's dropout rate changes. Expires this section of statute September 1, 2013.

Allows, beginning September 1, 2012, a public junior college to enter into an articulation agreement to partner with one or more districts located in the junior college district to provide on the junior college campus a dropout recovery program for students to complete and receive a high school diploma.

Defines an eligible person as one who is under 26 years old and who (1) needs to complete not more than three course credits in order to graduate under the minimum, recommended, or advanced high school programs; or (2) has failed to perform satisfactorily on an end-of-course exam.

Requires the junior college to include in the design of the program career and technology courses that lead to industry or career certification.

Requires integration of college readiness strategies that ensure students are academically prepared for postsecondary success.

Mandates that the program offer advanced academic and transition opportunities, including dual credit and college preparatory courses such as advanced placement courses.

Retains district authority regarding student attendance, completion of high school course requirements, and student performance on assessments needed to receive a diploma.

Provides that funding be negotiated between the junior college and partnering district not to exceed the total average per student funding amount in that district during the preceding school year for maintenance and operations, including state and local funding, but excluding money from the available school fund.

Mandates that the student be included in the average daily attendance of the district that the student would otherwise attend.

Allows a junior college to be eligible to receive dropout prevention and intervention funds, as well as gifts, grants, and donations.

Earliest effective date: Immediately

SB 1042

Hegar

Employees convicted of certain offenses

Specifies that an employee of a contractor or subcontractor is prohibited from providing services at a school if the employee has been convicted of certain felony and misdemeanor offenses.

Strengthens current law which prevents these individuals from providing services only if convicted of a felony or misdemeanor that would prevent the individual from being certified as an educator.

Earliest effective date: Immediately

SB 1048

Jackson, Mike

Public and private facilities

Allows public-private partnerships for providing public facilities and infrastructure, including school districts.

Earliest effective date: September 1, 2011

SB 1094

Rodriguez

Online testing for high school equivalency examinations

Requires the SBOE by rule to develop and deliver high school equivalency examinations and provide for the administration of the exams online.

Mandates that the rules provide a procedure for verifying the identity of the person taking the exam, and prohibit a person under 18 years of age from taking the exam online.

Applies beginning with the 2011–12 school year.

Earliest effective date: Immediately

SB 1106

Harris

Exchange of confidential information

Requires a school district superintendent or the superintendent’s designee to disclose information contained in a student’s educational records to a juvenile service provider.

Requires a school district or a charter school to disclose to a juvenile service provider confidential information contained in the student’s educational records if the student has been taken into custody or referred to a juvenile court for allegedly engaging in delinquent conduct or conduct indicating a need for supervision.

Prohibits an independent school district or a charter school that discloses confidential information to a juvenile service provider from destroying a record of the disclosed information for seven years.

Requires a school district or charter school to comply with a request for confidential information from a juvenile service provider regardless of whether other state law makes that information confidential.

Earliest effective date: Immediately

SB 1107

Davis, Wendy

Vaccination against bacterial meningitis

Requires an entering student at an institution of higher education or private or independent institution of higher education who is under 30 years of age to have received a bacterial meningitis vaccination dose or booster during the five-year period preceding the date established by the Texas Higher Education Coordinating Board.

Earliest effective date: Immediately

SB 1120**Seliger****Taxation of property of a local government corporation**

Provides that the property of a local government corporation created by a municipal power agency is not exempt from property taxes if the property is located outside of the boundaries of each of the municipalities that created the municipal power agency.

Earliest effective date: Immediately

SB 1179**Nelson****Elimination of report requirements by agencies**

Eliminates certain required reports of state agencies, including TEA.

Earliest effective date: Immediately

SB 1269**Wentworth****Honorariums offered and accepted**

Allows a public servant to accept transportation, lodging, and meals in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent that those services are more than merely perfunctory. Provides that transportation, lodging, and meals are not considered political contributions or a gift.

Earliest effective date: September 1, 2011

SB 1383**Shapiro****Appraisal systems**

Changes the statute that dictates the appraisal of administrators by stating that the appraisal requirements do not apply to the appraisal of the performance of a principal.

Requires the TEA commissioner to establish and implement a new comprehensive appraisal and professional development system solely for principals.

Permits the commissioner to establish a consortium of nationally recognized experts on educational leadership and policy to assist in this effort, and to evaluate relevant research practices and make recommendations to improve the training, appraisal, professional development, and compensation of principals.

Requires the commissioner to select a presiding officer if a consortium is established.

Mandates that the presiding officer be an expert on educational leadership and policy have a demonstrated ability to lead a statewide school leadership reform initiative, and not be employed by a school district in Texas.

Requires the commissioner to establish school leadership standards and a set of indicators of successful school leadership standards to align with the training, appraisal, and professional development of principals.

Mandates that the commissioner use only money available from private sources to carry out the powers and duties under this section of statute.

Allows current provisions related to the appraisal and staff development of administrators to remain in place until the new system is developed.

Mandates that once a new system is in place, a district must appraise principals annually using the appraisal system, school leadership standards and indicators established by the commissioner, or an appraisal process and performance criteria developed by the district and campus level committees and adopted by the board of trustees.

Aligns professional development requirements of principals with the new appraisal and professional development system and corresponding rules.

Requires the commissioner to submit a written report to the governor and other designated legislators describing any action or recommendations regarding development of the new system not later than December 1 of 2012 and 2014.

Earliest effective date: Immediately

SB 1410

Duncan

Tech-prep programs

Requires TEA to establish procedures for each school district and open-enrollment charter school to (1) accurately identify students who are enrolled in a tech-prep program, and (2) report the accurate number of tech-prep program students to TEA and THECB.

Uses the tech-prep definition found in Texas Education Code, Section 61.852.

Requires the THECB to develop and implement a statewide system to annually evaluate each tech-prep consortium.

Requires that the evaluation include an assessment of the consortium's performance during the past year in comparison to the goals and objectives stated in the five-year plan contained in the consortium's grant application to the board, an identification of any concerns the board has regarding the consortium's performance, and recommendations for improvement.

Mandates that at least once every four years, or more frequently as provided by THECB rule, the annual evaluation be conducted on-site.

Mandates that not later than November 1 of each year, the THECB provide a written report to each tech-prep consortium that contains the findings, including those relative to compliance with federal law, of the evaluation.

Earliest effective date: September 1, 2011

SB 1484

Shapiro

Academic distinction designations

Allows a "district" distinction designation to be applicable to an open-enrollment charter school that operates on more than one campus, and a "campus" distinction designation to be applicable to an open-enrollment charter school campus.

Prevents an open-enrollment charter school that is evaluated under alternative education accountability procedures adopted by the TEA commissioner from being eligible for a distinction designation under the state accountability system.

Earliest effective date: Immediately

SB 1489

Whitmire

Jurisdiction for the offense of truancy

Provides that a failure-to-attend-school offense is only committed if the individual is 12 years or older and younger than 18.

Adds a new provision to the Family Code defining "child" for purposes of delinquent conduct indicating a need for supervision as a person 10 years or older who engaged in the conduct before the age of 18 and was required to attend school.

Allows a juvenile court to waive exclusive jurisdiction and allow a county, justice, or municipal court to exercise jurisdiction if the child is 12 years of age or older and is alleged to have engaged in delinquent conduct.

Provides that a dispositional order, which can be modified by a juvenile court, for failure to attend school is effective for the period specified by the court in the order but may not extend beyond the 180th day after the date of the order or beyond the end of the school year in which the order was entered, whichever period is longer.

Requires a county, justice, or municipal court to dismiss the complaint against an individual alleging that an individual committed an offense of failure to attend school if the court finds that the individual has successfully complied with the conditions imposed on the individual by the court or the individual presents to the court proof that the individual has obtained a high school diploma or a high school equivalency certificate.

Requires a court to expunge the record of an individual convicted of the offense of failure to attend school, regardless of whether the individual has previously been convicted of the offense, if the court finds that the individual has successfully complied with the conditions imposed on the individual or if before the individual's 21st birthday the individual presents to the court proof the individual has obtained a high school diploma or a high school equivalency certificate.

Provides a peace officer serving as an attendance officer with the power to apply truancy prevention measures adopted by the school district, and, if the measures fail to meaningfully address the student's conduct, allows the peace officer to refer the student to a juvenile court or file a complaint against the student for unexcused absences or file a complaint against the parent.

Requires a school district to adopt truancy prevention measures designed to address student conduct related to truancy in the school setting, minimize the need for referrals to juvenile court for delinquent conduct, and minimize the filing of complaints in county, justice, and municipal courts.

Requires that a referral to a juvenile court for delinquent conduct or a complaint filed in county, justice, or municipal court alleging a violation by a student of failure to attend school be accompanied by a statement from the student's school (1) certifying that the school applied the truancy prevention measures to the student and the truancy prevention measures failed to meaningfully address the student's school attendance, and (2) specifying whether the student is eligible for or receives special education services.

Earliest effective date: September 1, 2011

SB 1505

Uresti

Appraisal of a real property interest in oil or gas

Requires the chief appraiser to calculate a price adjustment factor to be multiplied by the previous year's average price of oil or natural gas from the oil or gas interest.

Earliest effective date: January 1, 2012

SB 1543
Wentworth
Corporate bonds

Permits school districts with an average daily attendance of at least 50,000 to invest funds in corporate bonds as long as those investments meet certain guidelines.

Requires that investments be rated by a nationally recognized investment-rating firm, and not rated lower than "AA-" or the equivalent.

Prohibits a district from investing in corporate bonds in excess of 15 percent of its monthly average fund balance, or more than 25 percent of funds in any one domestic business entity.

Requires a school district that intends to invest in corporate bonds to amend its investment policy to authorize the investment in corporate bonds and to adopt procedures to provide for monitoring of rating changes in corporate bonds, liquidating the investment in corporate bonds, and identifying the funds that will be eligible to be invested in corporate bonds.

Prohibits corporate bonds as an investment for a public funds investment pool.

Earliest effective date: Immediately

SB 1545
Patrick, Dan
Liability of a volunteer health care practitioner

Broadens current law which provides immunity to health care practitioners who volunteer to provide physicals or medical screenings to certify a patient's eligibility to participate in school-sponsored extracurricular or sporting activities.

Broadens the law to include examinations or screenings for determining the physical health and fitness of the patient to participate in sporting activities.

Applies only to the death or injury to a patient that occurs on or after the effective date of this act.

Earliest effective date: September 1, 2011

SB 1557**Carona****Texas High Performance Schools Consortium**

Informs the governor, legislature, and commissioner through the consortium about methods for transforming public schools in this state by improving student learning through the development of innovative, next-generation learning standards and assessment and accountability systems.

Focuses on digital learning; high-priority learning standards; local control to involve parents in important decisions; and multiple assessments of learning that can inform students, parents, and educators on an ongoing basis.

Requires school district and charter schools through the commissioner's application process to submit a detailed plan designed to both support improved instruction of and learning by students and provide evidence of the accurate assessment of the quality of learning on campuses. Provides that the application may designate an entire district or one or more district campuses as participants.

Requires participating districts to represent a range of types, sizes, and student populations, and mandates that the number of students enrolled may not be greater than 5 percent of the total number of students enrolled in public schools in the state.

Requires that an open-enrollment charter school applicant must have been awarded an exemplary distinction designation during the preceding school year.

Requires the commissioner to report to the legislature and governor and make any legislative recommendations in December 2012 and 2014.

Earliest effective date: Immediately

SB 1610**Lucio****Seat belt requirements**

Requires districts to equip school buses purchased on or after September 1, 2010, with a three-point seat belt for each passenger so long as the legislature appropriates funds for the purpose of reimbursing school districts.

Earliest effective date: September 1, 2011

SB 1618**Seliger****Electronic reporting by state entities**

Requires school districts to submit reports to TEA in electronic format only. Allows TEA to prescribe the required electronic format for district use.

Requires reports by state agencies to be available only in electronic format.

Provides that the Sunset Advisory Commission will review the purpose and effectiveness of all reporting requirements imposed on agencies under its review and make recommendations on the continuation or abolition of each reporting requirement.

Earliest effective date: September 1, 2011

SB 1619**Duncan****Calculation of average daily attendance for dual credit**

Clarifies that under current law, a school district is not required to pay a student's tuition or other associated costs for taking a course that provides college credit (e.g., dual credit, International Baccalaureate, or Advanced Placement courses).

Allows districts to count students in attendance for state funding purposes if those students pay any portion of tuition, fees, or textbook cost.

Allows districts to continue to count those students for state funding purposes until September 1, 2013.

Earliest effective date: Immediately

SB 1620**Duncan****Substitution of certain career and technology courses**

Requires the State Board of Education (SBOE) to establish a process under which an applied STEM (science, technology, engineering, or mathematics) course may be reviewed and approved for purposes of satisfying the math and science curriculum requirements for the recommended high school program and completed during the student's fourth year of math or science coursework.

Provides that SBOE can only approve a course to substitute for a math course taken after successful completion of, or concurrently with, Algebra II.

Allows SBOE to only approve a course to substitute for a science course taken after successful completion of, or concurrently with, physics.

Requires the STEM course to meet certain requirements, including (1) that it be part of a curriculum created by a recognized national or international business and industry group to prepare a student for a business and industry certification or license, (2) that it qualifies as a dual credit or articulated postsecondary course, (3) the TEKS covered in the STEM course must be equivalent to the TEKS covered in the math or science course for which the STEM course is substituting, and (4) if substituting for a fourth math or science course it must provide substantial content and incorporate college and career readiness skills.

Provides that if a STEM course is part of a coherent sequence of career and technology courses, a student is eligible to enroll only if the student has completed the prerequisite coursework (if any) for the applied STEM course.

Requires the Texas Higher Education Coordinating Board to work with institutions of higher education to ensure that academic credit for an applied STEM course is transferable among all institutions of higher education in Texas.

Requires a person who teaches an applied STEM course at a secondary school to pass the appropriate certification test administered by the recognized national or international business and industry group that created the curriculum the applied STEM course is based on, and that the person must have at a minimum an associate degree and three years of work experience in the occupation for which the applied STEM course is intended to prepare the student.

Earliest effective date: Immediately

SB 1667

Duncan

Administration benefits payable by

Requires Teacher Retirement System (TRS) members to notify TRS if they find that their annual statement does not properly credit all service.

Provides that if the member does not notify TRS within five years after the service was rendered, the service is not creditable (This provision assists members and TRS in determining accurate service credit.).

Provides that for the fiscal year ending August 31, 2012, the state contribution may be less than the member contribution to the TRS pension fund, and that for the fiscal year ending August 31, 2013, the state may contribute less than 1 percent of salary of each active employee to TRS-Care.

Effective Date: September 1, 2011

SB 1668**Duncan****Purchase service credit Teacher Retirement**

Eliminates or reduces subsidizing the purchase of service credits and cost inequities. Provides that examples of service credit purchases include out-of-state service credit and developmental leave service credit.

Changes the reinstatement fee from 6 percent to 8 percent for withdrawn service allowing the 8 percent reinstatement fee to mirror the Teacher Retirement System's (TRS) investment return assumption.

Earliest effective date: September 1, 2011

SB 1669**Duncan****Resumption service retirees Retirement System**

Simplifies the law for return-to-work retirees with regard to the loss of annuity and continues to allow a Teacher Retirement System (TRS) retiree to return to work without loss of a monthly annuity if the retiree works as a substitute or in a part-time position. Requires the retiree to separate from service with all Texas public education employers for at least 12 months after retiring to work full-time.

Eliminates the prior list of "exceptions" to the loss of monthly annuity law, including exceptions for acute shortage area, principals, and bus drivers. Allows retirees who retired before January 1, 2011, to return to work without a loss of monthly annuity payments (Prior law allowed return-to-work retirees to work full-time for a maximum of six months in a school year without losing annuity payments).

Does not affect the pension surcharges enacted in 2005, which continue to apply.

Earliest effective date: Immediately

SB 1788**Patrick, Dan****Development model individualized education**

Requires TEA to develop a model form for use with an individualized education program (IEP).

Requires the form to be clear, parent-friendly, and include only the information included in the model form developed under federal law 20 U.S.C. Section 1417(e)(1); a state-imposed requirement relevant to an IEP not required under federal law; and the requirements identified under federal law 20 U.S.C. Section 1407(a)(2).

Requires TEA to post the model IEP form on the agency website.

Permits the written statement of a student's IEP to include only the information included in the model form.

Permits a school district to use the model IEP form to meet federal IEP requirements.

Changes the transition period for a student enrolled in special education programs by requiring that the state transition planning begin not later than when the student reaches 14 years of age.

Earliest effective date: Immediately

SJR 14

Van de Putte

Ad valorem tax on residence homestead

Requires a constitutional amendment authorizing the surviving spouse of a disabled veteran to an ad valorem tax exemption of the total appraised value of the surviving spouse's residence homestead if (1) the property was the surviving spouse's homestead when the veteran died, (2) the property remains the surviving spouse's homestead, and (3) the surviving spouse did not remarry since the death of the disabled veteran.

Provides that if the surviving spouse subsequently qualifies a different property as a residence homestead and has not remarried, the spouse is entitled to a property tax exemption on that homestead equal to the same dollar amount received on the former residence that qualified for the surviving spouse homestead exemption.

Takes effect if approved by voters.

Earliest effective date: January 1, 2012

EDUCATION-RELATED LEGISLATION THAT FAILED PASSAGE

- Class size waivers
- Consolidation of schools
- Lowering appraisal caps
- Private school participation UIL
- Salary cap for administrators and administrator ratios
- STAAR/EOC flexibility
- Sunset of SBOE
- Sunset of UIL
- Superintendent finalist notice
- Vouchers (regular and special ed)
- Unlimited expansion of charter schools



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