



EICHELBAUM WARDELL
HANSEN POWELL & MEHL, P.C.

2019 Legal Update Superintendent's Retreat

Holly Boyd Wardell
www.edlaw.com

86(R) – Texas Legislature

Over the course of the 140-day legislative session:

- 7,324 bills were filed;
- 1,429 bills were passed;
- 217 joint resolutions were filed; and
- 8 joint resolutions were passed.



Texas Legislature 86(R)

★ May 27, 2019 – Sine die

★ June 16, 2019 – Last day governor can sign or veto bills passed during the regular session. (If r veto, bill becomes law.)

2017 – 50 bills vetoed

2019 – 6 vetoed as of 6/5/19



TASB SLI Legislative Update

- **June 12**
- **June 19**





HB 3: School Funding

HB 3 - adds \$11.6 billion for the 2020-2021 biennium.

\$4.5 billion for Transformational Education Reforms

- Significantly increases the Basic Allotment per student from \$5,140 to \$6,160
- Funds full-day pre-K for low-income students
- Adopts high-quality K-3 reading standards so students read at grade level by third grade
- Accelerates student achievement via College, Career & Military Readiness (CCMR) outcomes, bonuses, dual-language programs, and extended-year summer programs for economically disadvantaged students
- Creates a "Do Not Hire" registry to protect children in the classroom
- Funds transportation at a rate of \$1 per mile and quadruples funding for building and equipping new facilities
- Directs more funds to schools with higher concentrations of under-served students, including dropouts, students in special education, and residential treatment facilities



HB 3: School Funding

Over \$5 Billion in Property Tax Relief

- Provides over \$5 billion in statewide property tax relief
- Lowers school property tax rates by an average of 8 cents in 2020 and 13 cents in 2021
- Provides an additional 2.5% tax compression starting in 2021
- Requires districts to conduct efficiency audits before going to voters with a tax increase
- Increases the state's share of education funding from 38% to 45%



HB 3: School Funding

Must dedicate 30% of increase to staff salaries

75% for teachers, librarians, nurses, counselors



HB 3: “Do not hire” Registry

- Tex. Educ. Code §22.091 (new)
- TEA shall maintain and make available on the internet a registry of persons who are not eligible to be employed.
- Districts, charters, DOIs, ESCs
- Must discharge or refuse to hire anyone on the list.



HB 3: “Do not hire” Registry

Following persons are not eligible for employment:

1. Determined by TEA as not eligible per TEC 22.0832 charter schools (National Criminal History Record);
2. Determined by TEA as not eligible per TEC 22.0833 non-certified employees (National Criminal History Record);
3. Not eligible based on criminal history record received by TEA under 21.058 (sex offender; felony victim under 18)



HB 3: “Do not hire” Registry

Following persons are not eligible for employment:

4. Comm’r determined individual committed abuse or illegal act with minor or romantic relationship
5. Certificate revoked by SBEC for
 - Abuse or committing illegal act with minor
 - Romantic relationship



HB 3: “Do not hire” Registry

Requirement to Report Employee Misconduct – noncertified employees

- Abuse, unlawful act with student, romantic relationship
- Finish investigation even if employee resigns
- Principal must notify Superintendent within 7 business days of termination
- Superintendent must report to SBEC within 7 business days of report from a principal
- Offense to fail to report
- Comm’r may review district records to “ensure compliance with the requirement to report misconduct”



HB 3: “Do not hire” Registry

- **Notice to Accused of Alleged Misconduct; Investigation**
- **Accused entitled to a hearing**
- **Comm’r will “promptly” send notice**
- **Accused must respond within 10 days**
- **Failure to respond – internet portal “under investigation for alleged misconduct”**
- **Names added to “do not hire” registry if comm’r determines misconduct**
- ***TEA shall conduct site visits and review records to ensure compliance with 22.092 (do not hire registry)**



HB 3: Highlights

- **Optional Teacher Incentive Allotment:** For classroom teachers with a designation of “master,” “exemplary,” or “recognized,” based on a local appraisal system that qualifies, a district is entitled to an allotment based on the designation and place of work of the teacher.
- **Mentor Program Allotment:** The commissioner is authorized to establish a formula to distribute funds to support mentor teachers.



HB 3: Highlights

Autism Training: A district may provide a salary incentive or similar compensation to a teacher who completes training provided by an ESC relating to autism.



HB 3: Highlights

Reading standards K-3:

- New TEC 28.0062
- Each district shall use a phonics curriculum that “uses systematic direct instruction” in K-3 to ensure early literacy skills.
- Not later than 2021-22, each teacher in K-3 + principal must attend a teacher literacy achievement academy developed per TEC 21.4552.



HB 3: Highlights

Reading standards K-3:

Each district must certify that it **prioritizes** placement of “highly effective teachers in kindergarten through second grade” and has “integrated reading instruments used to diagnose reading development and comprehension” to support each student in PreK -3”



HB 3: Highlights

FAFSA: Before graduating from HS, each student must complete and submit a free application for federal student aid (FAFSA) or Texas application for state financial aid (TASFA).

Exceptions:

- Parent or adult student signs form authorizing student to decline
- School counselor authorizes student to decline

Commissioner rules – districts will have to report #s to TEA



HB 3: Highlights

Bilingual and special education: TEA shall develop tools to assist in implementing these programs.

GT: Districts must adopt a policy regarding the use of funds to support the district's program for GT students.

Must certify to TEA that district has a GT program.

Failure to certify may result in reduced funding.



HB 3: Highlights

EHBG (LEGAL) – 15 or more eligible students

PreKindergarten

- 3 year-olds may be half-day
- 4 year-olds must be full-day

Exceptions: if comm'r determines would require construction of classroom facilities or implementing would result in fewer eligible children being enrolled in a preK class (must consult with public or private entitled regarding preK classes)



HB 3: Highlights

PreKinder: Before a district may construct, repurpose, or lease a classroom facility, or issue bonds for same, the district must solicit and consider proposals for partnerships to provide classes with community-based child-care providers who:

1. Texas Rising Star Program provider (★★★);
2. Nationally accredited;
3. Head Start program;
4. Texas School Ready! participant; or
5. Meet requirements under Section 29.1532



HB 3: Highlights

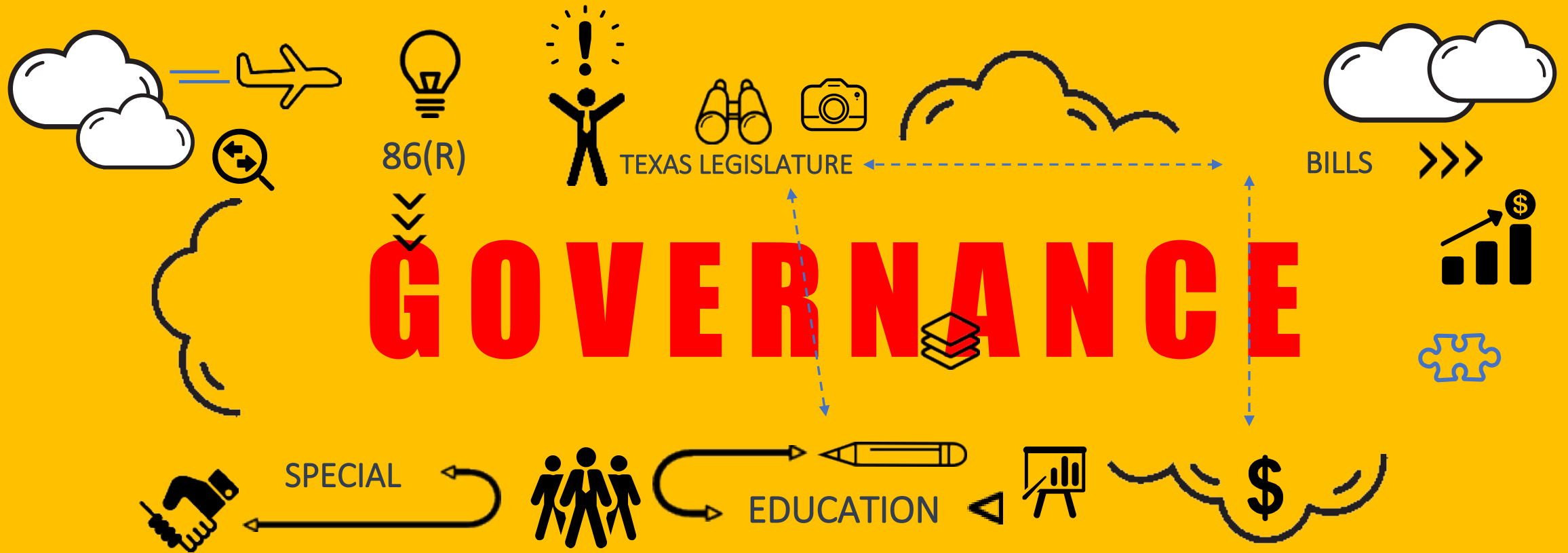
PreKinder:

- **Reports to Agency**
- **Commissioner establishing rules**



HB 3: Highlights

- **Blended Learning Grant Program – TEC 29.924**
- **Comm'r MOU w university to study whether STAAR is written at appropriate reading levels**





HB 81: Can't Contract Out of TPIA

Public Information Act – Tex. Gov't Code 551.104

- Public record: **“receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other entertainment event paid for in whole or part with public funds.”**
- A person, including a governmental body, may not include a provision in a contract related to an event described by this subsection that prohibits or would otherwise prevent the disclosure of information described by this subsection. A contract provision that violates this subsection is void.



HB 403: Trustees & Sex Trafficking

SIGNED

Amends 11.159 of the Education Code to require school board trustees to complete training:

- **three hours of training every two years on evaluating student academic performance; and**
- **one hour every two years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.**



HB 440: Unspent Proceeds from General Obligation Bonds

Prohibits the use of unspent funds on any project other than the project stated on the ballot proposal and requiring the maturation date of bonds does not exceed the life of the project being financed.



HB 793: Anti-Israel Boycott Contract Provision

No longer applies to sole proprietorships or companies fewer than 10 employees.



HB 963: Trustees Info on Website

Districts must post identifying info about trustees on the website:

- **Name**
- **Email address**
- **Term of office**



HB 2840: Public Testimony

Bill Analysis: *It has been suggested that the practice of the governing bodies of certain political subdivisions to provide for public input and comment only at the conclusion of a meeting of the governing body makes it too difficult for the public to properly weigh in on decisions being made because they are forced to wait through the entire meeting to provide an opinion on any subject matter being addressed at the meeting. HB 2840 seeks to give the public increased access to the decision making process by providing for public comment before or during the consideration of each item on the meeting agenda.*



HB 2840: Public Testimony

H.B. No. 2840

AN ACT

relating to the right of a member of the public to address the governing body of a political subdivision at an open meeting of the body.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 551, Government Code, is

Sec. 551.007. PUBLIC TESTIMONY. (a) This section applies only to a governmental body described by Sections 551.001(3)(B)–(L).

section, including rules that limit the total amount of time that a member of the public may address the body on a given item.

(d) This subsection applies only if a governmental body does not use simultaneous translation equipment in a manner that allows the body to hear the translated public testimony simultaneously. A rule adopted under Subsection (c) that limits the amount of time that a member of the public may address the governmental body must provide that a member of the public who addresses the body through a translator must be given at least twice the amount of time as a member of the public who does not require the assistance of a translator in order to ensure that non-English speakers receive the same opportunity to address the body.

(e) A governmental body may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This subsection does not apply to public criticism that is otherwise prohibited by law.

SECTION 2. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House



HB 2840: Public Testimony

(b) A governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item.

(c) A governmental body may adopt reasonable rules regarding the public's right to address the body under this section, including rules that limit the total amount of time that a member of the public may address the body on a given item.



HB 2840: Public Testimony

(d) This subsection applies only if a governmental body does not use simultaneous translation equipment in a manner that allows the body to hear the translated public testimony simultaneously. A rule adopted under Subsection (c) that limits the amount of time that a member of the public may address the governmental body must provide that a member of the public who addresses the body through a translator must be given at least twice the amount of time as a member of the public who does not require the assistance of a translator in order to ensure that non-English speakers receive the same opportunity to address the body.



HB 2840: Public Testimony

(e) A governmental body may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This subsection does not apply to public criticism that is otherwise prohibited by law.

SECTION 2. This Act takes effect September 1, 2019.



SB 30: Ballots – Bonds Construction

Bonds for these purposes must be stated in separate propositions:

- Stadiums
- Natatoriums
- Rec facility other than a gym
- Performing arts facility
- Housing for teachers
- Technology equipment, other than school security purposes



SB 494: Emergency Meetings

SIGNED

- Changes notice from 2 hours to 1 hour
- Adds to list of reasonably unforeseeable situations (fire, flood, earthquake, hurricane, tornado, or storms; power failures, transportation failures, interruption of communication facilities; epidemic; or riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence)



SB 494: Emergency Meetings

Temporary suspension (7 days) of requirements for governmental body impacted by **catastrophe**

- If suspend must notify AG's office
- Form provided by AG's office
- May toll PIA requests during catastrophe



SB 944: Public Info; Temporary Custodians; Methods of Making PIAR

Temporary Custodians – officer or employee who creates or receives public information in the transaction of official business



SB 944: Preservation of Public Info

A current or former officer or employee...who maintains public information on a privately owned device shall:

- (1) forward or transfer the public information to the governmental body or a server to be preserved as provided by law; or
- (2) preserve the public information in its original form in a backup or archive and on the privately owned device for the time described by law.



SB 944: Preservation of Public Info

Public information officer must make reasonable efforts to obtain public information from a temporary custodian if needed to comply with a request for information.

An individual has no personal or property right to public information created or received while acting in an official capacity.



SB 944: Preservation of Public Info

A temporary custodian must turn over public information within 10 days of a request.

Failure to do so “is grounds for disciplinary action” by the governmental body or “any other applicable penalties provided by this chapter or other law.”



SB 944: Methods of Making PIAR

PIARS may be made only by:

1. US mail
2. E-mail
3. Hand-delivery
4. Other method approved by the governmental body,
including fax or electronic submission through website



SB 944: Methods of Making PIAR

- Post of website approved methods
- District may designate one mailing address and one email address for receiving written requests for information
- Not required to respond to requests sent elsewhere, unless hand-delivered
- AG shall create a PIAR form that provides requestor option of excluding info the district determines is confidential or subject to an exception for disclosure



SB 1640: Walking Quorums

- **Conspiring to circumvent the state open meetings law**
- **To address State v. Doyal in which the Texas Criminal Court of Appeals ruled that criminal offense for “walking quorums” was unconstitutionally vague**



SB 1640: Walking Quorums

BACKGROUND: Gov't Code 551.143 made it a crime for members of a governmental body to knowingly conspire to circumvent the TOMA by meeting in numbers less than a quorum for the purpose of secret deliberations.

State v. Doyal – Montgomery County Judge & 2 county comm'rs criminally indicted for allegedly engaged in a verbal exchange about the potential structure of a county road bond



SB 1640: Walking Quorums

Texas Court of Criminal Appeals:

To pass constitutional muster, a law that imposes criminal liability must be sufficiently clear (1) to give a person of ordinary intelligence a reasonable opportunity to know what is prohibited and (2) to establish determinate guidelines for law enforcement. When the law also implicates First Amendment freedoms, it must also be sufficiently definite to avoid chilling protected expression.



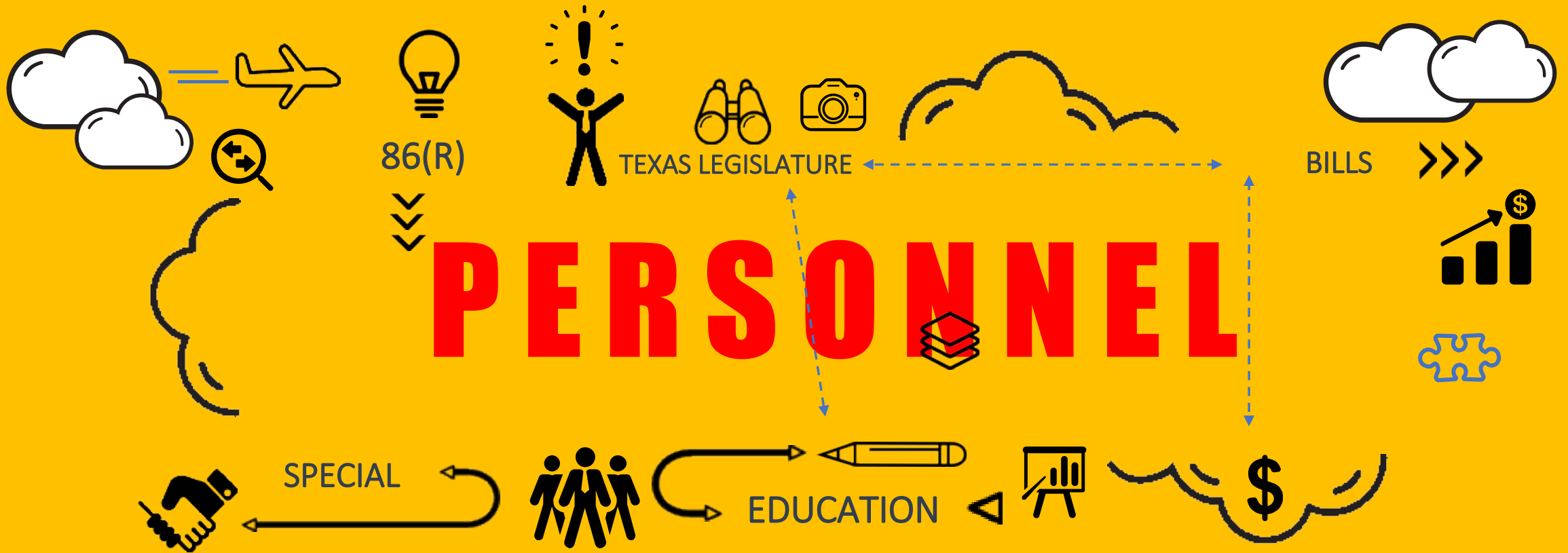
Amends the TOMA to revise the conduct constituting the offense of conspiring to circumvent state open meetings law:

1. A member commits an offense if
2. Knowingly engages in at least one communication among a series of communications that each occur outside of a meeting
3. That concern an issue within the jurisdiction of the governmental body
4. In which the members engaging in individual communications constitute fewer than a quorum of members but the members engaging in the series constitutes a quorum; and
5. Knew at the time the member engaged in the communication that the series involved or would involve a quorum and would constitute a deliberation once a quorum engaged in the series



HB 1241: Address of Polling Locations

Bill Analysis: *It has been suggested that the absence of street addresses on polling place location notices may discourage voters from seeking out a polling place if they are new to the county or otherwise unfamiliar with the area. HB 1241 seeks to address this issue by requiring a written notice of a polling place location to specify the street address of the polling place and any applicable building name.*





HB 111: Staff & Sex Trafficking

Districts must adopt a policy to raise staff awareness of sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities

SIGNED



HB 403: Supts & Sex Trafficking

Superintendents must have at least 2.5 hours of CE every 5 years on ID's and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

SIGNED



HB 496: Bleeding Control Stations

- Districts must develop and annually train on a traumatic injury response protocol
- Protocol must include bleeding control stations
- To be trained: SROs, security personnel, “all other district or school personnel who may be reasonably expected to use a bleeding control station”
- Must annually “offer instruction” to students in grades 7+



HB 496: Bleeding Control Stations

- TEA has until Oct. 1, 2019 to develop the course of instruction for bleeding control stations
- Districts have until Jan. 1, 2020 to develop and implement a traumatic injury response protocol.



HB 4310: New Curriculum?

- When adopting new curriculum for each grade level, must ensure teachers have sufficient time to teach and students to learn required essential knowledge and skills.
- May not penalize a teacher who departs from the adopted curriculum if he/she determines students require more or less time to demonstrate proficiency for that subject and grade level.



SB 1376: Misc Updating TE

SIGNED

- Changes the name of the master reading teacher grant program to the master teacher grant program
- Extends master teachers to include mathematics, technology, and science



SB 1376: Misc Updating TEE

SIGNED

- Transfers authority from commissioner to UIL to develop and adopt an extracurricular activity safety training program
- Transfers from a district to UIL the requirement to provide certain training to students participation in an extracurricular athletic activity
- Repeals requirement to distribute info to districts about steroids



SB 1376: Misc Updating Text

SIGNED

- Transfers authority from commissioner to UIL to develop and adopt an extracurricular activity safety training program
- Transfers from a district to UIL the requirement to provide certain training to students participation in an extracurricular athletic activity
- Repeals requirement to distribute info to districts about steroids



SB 1451: Teacher Appraisals – Documenting Students Behavior

- Authorizes a teacher to document any conduct by a student that does not conform to the SCOC and to submit that documentation to the principal
- Cannot discipline the teacher for such documentation
- Teacher may not be assigned an area of deficiency on an appraisal solely on the basis of such documentation or discipline referrals



SB 1476: Reports to SBEC

A superintendent is no longer required to report potential educator misconduct to SBEC when the superintendent completes an investigation into the alleged incident before the educator's termination/resignation and determines that the educator did not engage in the alleged misconduct.*

***Misconduct = abuse, unlawful act with student/minor, or romantic relationship/soliciting**



SB 1707: SROs

SIGNED

- “Unintended consequences” of increased police presence in schools—ordinary student discipline or student monitoring matters
- Prohibits districts from assigning or requiring SROs or security personnel duties that involve routine student discipline, administrative tasks, or contact with students unrelated to law enforcement duties.
- Districts must adopt policies outlining the duties and expectations of security personnel and SROs.




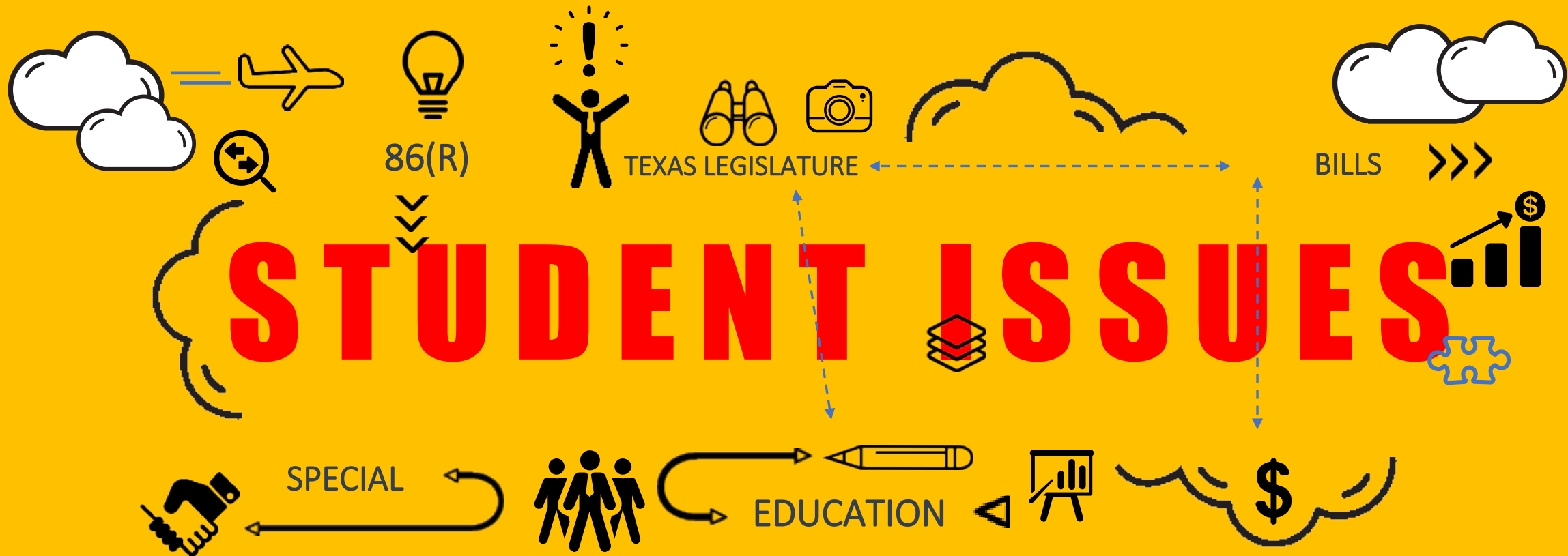
SB 2073: Teachers' days of service

- **Permits districts that anticipate providing fewer than 180 days of student instruction during the school year to reduce educators' days of service in proportion.**
- **Such reduction does not result in a salary decrease.**



Other Misc. Personnel

-  HB 961 – permits nurse to be a member of the school's concussion oversight team. Authorizes nurse to remove an athlete from practice or competition if suspect concussion.
- HB 2195 – requires SROs to complete an active shooter response training program approve by TCOLE





HB 18: Mental Health

SIGNED

Comprehensive bill enacting a number of school-focused measures to support student mental health through district planning and procedures, training of school personnel on effective practices (including trauma-informed practices), coordination of school-based and community-linked services and supports, and building students' knowledge and skills related to mental health.



HB 18: Mental Health

SIGNED

Every district must add to the student handbook and website:

- **a statement of the policies and procedures adopted to promote the physical health and mental health of students, the physical health and mental health resources available at each campus, contact information for the nearest providers of essential public health services under Chapter 121, Health and Safety Code, and the contact information for the nearest local mental health authority;**
- **for each campus in the district, a statement of whether the campus has a full-time nurse or full-time school counselor.**



HB 18: Mental Health

SIGNED

- **Minimum CE requirements for teachers for certain populations, including special education/504 and students with mental health conditions, intellectual or developmental disabilities**
- **School counselor must collaborate with faculty, students, parents, and community to develop a comprehensive school counseling plan**
- **Clarifies that 38.016 does not prohibit a school employee who is health care provider from recommending that a child be evaluated by a physician or other nonphysician mental health professional**



HB 965: Intellectual Disability instead of Mental Retardation

- Replaces the phrase “mental retardation” with “intellectual disability” in various places in the Education Code





HB 1709: Surrogate Parents

- Requires school districts to notify DFPS when a surrogate is appointed
- Districts must consult with DFPS if a court-appointed surrogate is not performing his/her duties and request that the court remove the surrogate



HB 2184: Students Returning from DAEP

- Requires administrators to develop an individualized transition plan for students re-entering the regular classroom from DAEP.
- DAEP administrator must “as soon as practicable after the program determines the date of the student’s release” provide written notice to parents and campus admin of student’s “academic growth” while at DAEP and test results.



HB 2184: Students Returning from DAEP

- Campus admin within 5 school days of student's return
- Coordinate transition to a regular classroom
- Coordination must include assistance and recommendations from counselor, SROs, social workers, campus behavior coordinator, teachers who will implement the student's personalized transition plan, and other appropriate school personnel



HB 2184: Personalized Transition Plan

- If practicable, campus admin must meet with parent to develop plan
- Recs for “best educational placement of the student”
- Optional – recs for
 - Counseling, behavior management, academic assistance with concentration on academic or career goals
 - Obtaining access to mental health services provided by the district, local mental health authority, or other private/public entity
 - Information to parents about requesting a sped evaluation
 - Regular review of the student’ s progress toward academic or career goals



HB 3630: *Aversive Techniques*

- Amends Tex. Educ. Code §37.0021 to prohibit school employees, volunteers, and independent contractors from using aversive techniques with special education students.
- Technique or intervention that intended to reduce a behavior by inflicting significant physical or emotional discomfort or pain.



HB 3630: Aversive Techniques

1. Designed to or likely to cause physical pain, other than an intervention or technique permitted under Section 37.0011
2. Designed to or likely to cause physical pain through the use of electric shock or any procedure that involves the use of pressure points or joint locks



HB 3630: Aversive Techniques

3. Involves the directed release or a noxious, toxic, or otherwise unpleasant spray, mist, or substance near the student's face
4. Denies adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility



HB 3630: Aversive Techniques

5. Ridicules or demeans the student in a manner that
adversely affects or endangers the learning or mental
health of the student or constitutes verbal abuse
6. Employs a device, material, or object that simultaneously immobilizes all four extremities, including any procedure that results in such immobilization known as prone or supine floor restraining



HB 3630: Aversive Techniques

7. Impairs the student's breathing, including any procedure that involves:
 - (A) applying pressure to the student's torso; or
 - (B) obstructing the student's airway, including placing an object in, on, or over the student's mouth or nose or placing a bag, cover, or mask over the student's face



HB 3630: Aversive Techniques

8. Restricts the student's circulation
9. Secures the student to a stationary object while the student is in a sitting or standing position
10. Inhibits, reduces, or hinders the student's ability to communicate



HB 3630: Aversive Techniques

11. Involves the use of a chemical restraint
12. Constitutes a use of timeout that precludes the student from being able to be involved in and progress appropriately in the required curriculum and, if applicable, toward the annual goals included in the student's IEP, including isolating the student by the use of physical barriers



HB 3630: Aversive Techniques

13. Except as provided by (d-2), deprives the student of the use of one or more of the student's senses



HB 3630: Aversive Techniques

(c) An aversive technique may be used if the technique is executed in a manner that:

- (1) does not cause the student pain or discomfort; or
- (2) complies with the student's IEP or BIP



HB 3960: STAAR Testing

Sept. 1, 2021 – Eliminates 4th and 7th writing STAAR

*If you heard that they were adding writing questions to the reading tests for 4th and 7th grade, that did not make the final bill.

Section 2



HB 3960: STAAR Testing

- Allows SBOE to designate sections of math assessment that may be completed with the aid of technology or must be completed without tech.
- An assessment instrument “may not have more than 3 parts”
- Part of 3rd and 4th grade assessment must be completed by 85% of students within 60 minutes (down from 120 minutes)
- Part of 5th – 8th grade assessment must be able to be completed by 85% of students within 75 minutes (down from 180 minutes)

Section 3 – 9 Changes for 2019-20 SY



HB 3960: STAAR Testing

- Assessment no longer has to be completed one day but instead “may occur in multiple parts over more than once day”

Section 3 – 9 Changes for 2019-20 SY



HB 3960: STAAR Testing

- Algebra I EOC may include one or more parts that prohibit the use of technology
- English I and II EOCs do not have to have reading and writing in the same instrument—can be reading part one day; writing part another day

Section 3 – 9 Changes for 2019-20 SY



HB 3960: STAAR Testing

EOCs may be in multiple parts over more than one day

State assessments may not be on the first instructional day of a week

By 2022-23, instruments may not be more than 75% multiple choice

Section 3 – 9 Changes for 2019-20 SY



HB 3960: STAAR Testing

Technical Advisory Committee provides advice on validity and reliability of instruments. Experts on assessments and psychometrics.

Educator Advisory Committee provides advice on the development of academically appropriate assessments

Section 4 – Advisory Committees



HB 3960: STAAR Testing

All instruments must be “capable” of being administered electronically effective 2019-20.

Section 5 – Electronic Administration



HB 3960: STAAR Testing

Requires TEA and SBOE to develop a plan to transition for administering all assessments electronically beginning not later than the 2022-23 school year.

TEA must submit a report to governor and others by Dec. 1, 2020.

Section 6 – Transition to Electronic Administration



HB 3960: STAAR Testing

Districts may allow students who are in a course requiring a graphing calculator to use a calculator app on a personal/laptop computer or tablet.

Section 7 – Use of Calculator App in
Place of Graphing Calculator



SB 139: Notice re Initiating Referral

- Adds Tex. Educ. Code §29.023 to require TEA to develop a notice explaining the removal of the PBMAS representation indicator ("cap") and the general process to initiate a referral for FIE.
- Notice of Rights - on TEA website
- School districts will have to insert their local procedures.
- By a date established by the commissioner, the school district must provide notice to all parents who attend school during the 2019-20 school year





SB 139: Notice re Initiating Referral

- School districts must provide this notice upon request
- School districts must make it available in English & Spanish
- Good faith effort for other languages
- Effective immediately
- Expires September 1, 2023





SB 1306: Campus Behavior Coordinator

Districts must post on website the email address and telephone number of the person designated as the campus behavior coordinator.*

*This person may be the principal or any other campus administrator selected by the principal.

SIGNED



SB 2432: Harassment EE = Mand DAEP

Harassment* by a student of an employee is a mandatory DAEP offense.

*as defined by Texas Penal Code 42.07(a)(1)-(3) or (7).



SB 2432: Harassment EE = Mand DAEP

- initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is **obscene**;
- **threatens**, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
- conveys, in a manner reasonably likely to alarm the person receiving the report, a **false report**, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; or
- sends **repeated electronic communications** in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.



Other Misc. Student Bills

- **HB 678: Allows students to earn high school credit for American Sign Language (ASL) courses taught in elementary school.**
- **HB 684 – develop a seizure management plan**



Other Misc. Student Bills

- ★ **HB 114 - HS Freshmen must be given information (added):**
 - Availability of college credit to veterans and military servicemembers for military experience, education, and training obtained during military service

- ★ **HB 638 - Posthumous diplomas**

Whether on track to graduate or not, if student dies, can receive diploma but not before person's class (at time of death) graduates (regardless of age at death – could be kindergarten)

MISCELLANEOUS

- **SB 1374: Allows students to take Algebra I and Geometry at the same time**
- ★ • **SB 213: Continues the Individual Graduation Committee Option, which allows high school students to graduate if they do not pass all 5 EOCs**

KILLED BILLS

TEXAS 86(R) - 2019





SB 29: Lobbying Activities; Associations and Organizations

- Bill intended to limit the ability of school districts, municipalities, and counties to advocate on behalf of their communities





Superintendent Payouts



SB 722 – Prohibited severance payment to a superintendent in an amount greater than one year's salary

SB 1600 – Would have required districts to post on its website notice of a superintendent's resignation, termination, or nonrenewal and provide the grounds for such decision. Post separation agreement; could not contract out of this provision.

HB 769 – Prohibited districts from making severance payments to superintendents whose contracts were terminated or not renewed for cause or where superintendent resigned in lieu of being terminated or nonrenewed for cause



HB 1093: Special Ed Statute of Limitations

- **Would have added Tex. Educ. Code §29.0164 to make the statute of limitations (SOL) for special education complaints to TEA and request for special education due process hearings two years.**
- **The SOL is currently one year.**



DIED IN COMMITTEE



EICHELBAUM WARDELL
HANSEN POWELL & MEHL, P.C.