

**AGENDA ITEM**

**BOARD OF TRUSTEES  
AGENDA**

<input type="checkbox"/> Workshop	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special
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- (A)  Report Only  Recognition

**Presenter(s):**

**Briefly describe the subject of the report or recognition presentation.**

- (B)  Action Items

**Presenters(s):** John Cox, Deputy Superintendent for Curriculum & Instruction  
Francisco Vielma Jr., Science & Social Studies Director

**Briefly describe the action required.**

Consideration and possible action to adopt a Resolution in accordance with Texas Education Code Section 28.004 as amended by Texas House Bill 1525.

- (C) **Funding source: Identify the source of funds if any are required.**

- (D) **Clarification: Explain any question or issues that might be raised regarding this item.**



Eagle Pass Independent School District

Science & Social Studies Department

To: Samuel Mijares, Superintendent of Schools

From: Francisco Vielma, Science & Social Studies Director

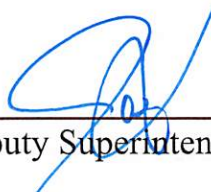
Date: 04/28/2022

RE: Eagle Pass ISD School Board Resolution for House Bill 1525

I would like to request that we submit a request to Eagle Pass ISD School Board to adopt a Resolution in accordance with Texas Education Code Section 28.004 as amended by Texas House Bill 1525.

If you have any further questions, please don't hesitate to contact me at (830)773-5181, ext. 81800 / ext. 81801.

Approved: \_\_\_\_\_

  
John Cox, Deputy Superintendent for C&I

APR 28 2022

**RESOLUTION**  
**EAGLE PASS INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES**  
**HB 1525**

**WHEREAS**, the Eagle Pass Independent School District (the "District" or "EPISD") is aware that in House Bill 1525, the Texas Legislature made changes to Section 28.004 of the Texas Education Code regarding the Local School Health Advisory Council and Health Education Instruction;

**WHEREAS**, as part of those changes, school district boards of trustees are required to adopt a policy establishing a process for the adoption of curriculum materials for the school district's human sexuality instruction and related matters;

**WHEREAS**, in accordance with the changes in House Bill 1525, the Board of Trustees of SISD seeks to adopt the necessary policy.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Board of Trustees of the Eagle Pass Independent School District adopts this Resolution in compliance with House Bill 1525;
2. The Board of Trustees establishes the following:
  - a. By the authority of this Resolution, the Board of Trustees convenes the District's local school health authority council (hereafter, "SHAC") for the purpose of making recommendations regarding curriculum materials;
  - b. The SHAC shall hold at least two public meetings on curriculum materials before adopting recommendations and shall provide the recommendations adopted by the SHAC to the Board of Trustees at a public meeting of the Board of Trustees;
  - c. The Board of Trustees, after receipt of the SHAC's recommendation, shall take appropriate action on the adoption of the recommendations by a record vote at a public meeting;
  - d. Curriculum materials proposed to be adopted for the District's human sexuality instruction shall be made available in accordance with applicable law; and
  - e. Before adopting curriculum materials for the District's human sexuality instruction, the Board of Trustees shall ensure that the curriculum materials are: (1) based on the advice of the SHAC, (2) suitable for the subject and grade level for which the curriculum materials are intended; and (3) reviewed by academic experts in the subject and grade level for which the curriculum materials are intended;
3. The District shall incorporate the above process into policy through the usual policy revision process as soon as practicable; and,
4. This Resolution is effective May 10, 2022.

## AN ACT

relating to the public school finance system and public education.

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

SECTION 1. Section 8.051(d), Education Code, is amended to read as follows:

(d) Each regional education service center shall maintain core services for purchase by school districts and campuses. The core services are:

(1) training and assistance in:

(A) teaching each subject area assessed under Section 39.023; and

(B) providing instruction in personal financial literacy as required under Section 28.0021;

(2) training and assistance in providing ~~a gifted and talented program and~~ each program that qualifies for a funding allotment under Section 48.102, 48.104, ~~or~~ 48.105, or 48.109;

(3) assistance specifically designed for a school district or campus assigned an unacceptable performance rating under Section 39.054;

(4) training and assistance to teachers, administrators, members of district boards of trustees, and members of site-based decision-making committees;

(5) assistance specifically designed for a school district that is considered out of compliance with state or federal special education requirements, based on the agency's most recent compliance review of the district's special education programs; and

(6) assistance in complying with state laws and rules.

SECTION 2. Section 11.156, Education Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) A school district shall:

(1) accept from a parent-teacher organization or association recognized by the district a donation designated to fund supplemental educational staff positions at a school campus; and

(2) spend the donation accepted under Subdivision (1) for the designated purpose at the direction of and within the time period specified by the school campus for which the donation was designated.

(d) Subsection (c) and this subsection expire September 1, 2025.

SECTION 3. Section 12.106, Education Code, is amended by adding Subsections (a-5) and (a-6) to read as follows:

(a-5) To ensure compliance with the requirements for the maintenance of state financial support for special education under 20 U.S.C. Section 1412(a)(18), in determining the funding for an open-enrollment charter school under Subsection (a) for the Section 48.102 allotment, the commissioner shall:

(1) if necessary, increase the amount of that allotment to an amount equal to the amount the charter holder was entitled to receive for the charter school under the allotment under former Section 42.151, Education Code, for the 2018-2019 school year; and

(2) reduce the amount of the allotment the charter holder is entitled to receive for the charter school under Subsection (a-2) by the amount of any increase provided for the charter school under Subdivision (1).

(a-6) Subsection (a-5) and this subsection expire September 1, 2025.

SECTION 4. Sections 12.133(b), (b-1), and (c), Education Code, are amended to read as follows:

(b) Each school year, ~~[using state funds received by the charter holder for that purpose under Subsection (d),]~~ a charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in an average compensation increase for classroom teachers, full-time librarians, full-time school counselors, and full-time school nurses who are employed by the charter holder and who would be entitled to a minimum salary under Section 21.402 if employed by a school district, in an amount at least equal to \$2,500.

(b-1) ~~A [Using state funds received by the charter holder for that purpose under Subsection (d-1), a]~~ charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in average compensation increases as follows:

(1) for full-time employees other than employees who would be entitled to a minimum salary under Section 21.402 if employed by a school district, an average increase at least equal to \$500; and

(2) for part-time employees, an average increase at least equal to \$250.

(c) Each school year, ~~[using state funds received by the charter holder for that purpose under Subsection (e),]~~ a charter holder that did not participate in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in an average compensation increase for classroom teachers, full-time librarians, full-time school counselors, and full-time school nurses who are employed by the charter holder and who would be entitled to a minimum salary under Section 21.402 if employed by a school district, in an amount at least equal to \$2,000.

SECTION 5. Section 21.3521(a), Education Code, is amended to read as follows:

(a) Subject to Subsection (b), a school district or open-enrollment charter school may designate a ~~[certified]~~ classroom teacher as a master, exemplary, or recognized teacher for a five-year period based on the results from single year or multiyear appraisals that comply with Section 21.351 or 21.352.

SECTION 6. Section 22.092(d), Education Code, is amended to read as follows:

(d) The agency shall provide ~~[private schools and public schools]~~ equivalent access to the registry maintained under this section to:

(1) private schools;  
(2) public schools; and  
(3) nonprofit teacher organizations approved by the commissioner for the purpose of participating in the tutoring program established under Section 33.913.

SECTION 7. Section 28.004, Education Code, is amended by amending Subsections (d-1), (h), (i), (i-1), and (j) and adding Subsections (d-2), (e-1), (e-2), (e-3), (i-2), (i-3), (j-1), and (p) to read as follows:

(d-1) The local school health advisory council shall meet at least four times each year. For each meeting, the council shall:

(1) at least 72 hours before the meeting;  
(A) post notice of the date, hour, place, and

subject of the meeting on a bulletin board in the central administrative office of each campus in the school district; and

(B) ensure that the notice required under Paragraph (A) is posted on the district's Internet website, if the district has an Internet website;

(2) prepare and maintain minutes of the meeting that state the subject and content of each deliberation and each vote, order, decision, or other action taken by the council during the meeting;

(3) make an audio or video recording of the meeting;  
and

(4) not later than the 10th day after the meeting, submit the minutes and audio or video recording of the meeting to the district.

(d-2) As soon as practicable after receipt of the minutes and audio or video recording under Subsection (d-1)(4), the school district shall post the minutes and audio or video recording on the district's Internet website, if the district has an Internet website.

(e-1) The board of trustees shall adopt a policy establishing a process for the adoption of curriculum materials for the school district's human sexuality instruction. The policy must require:

(1) the board to adopt a resolution convening the local school health advisory council for the purpose of making recommendations regarding the curriculum materials;

(2) the local school health advisory council to:

(A) after the board's adoption of the resolution under Subdivision (1), hold at least two public meetings on the curriculum materials before adopting recommendations; and

(B) provide the recommendations adopted under Paragraph (A) to the board at a public meeting of the board; and

(3) the board, after receipt of the local school health advisory council's recommendations under Subdivision (2), to take action on the adoption of the recommendations by a record vote at a public meeting.

(e-2) Curriculum materials proposed to be adopted for the school district's human sexuality instruction must be made available as provided by Subsection (j)(1) or (2)(A) or (C), as applicable.

(e-3) Before adopting curriculum materials for the school district's human sexuality instruction, the board of trustees shall ensure that the curriculum materials are:

(1) based on the advice of the local school health advisory council;

(2) suitable for the subject and grade level for which the curriculum materials are intended; and

(3) reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

(h) The board of trustees shall determine the specific content of the district's instruction in human sexuality, in accordance with this section [Subsections (e), (f), and (g)].

(i) Before each school year, a school district shall provide written notice to a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

(1) a [summary of the basic content of the district's human sexuality instruction to be provided to the student, including a] statement informing the parent of the human sexuality instruction [instructional] requirements under state law;

(2) a detailed description of the content of the district's human sexuality instruction and a general schedule on which the instruction will be provided;

(3) a statement of the parent's right to:

(A) at the parent's discretion, review or purchase a copy of curriculum materials as provided by Subsection (j); ~~and~~

(B) remove the student from any part of the district's human sexuality instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

(C) use the grievance procedure as provided by Subsection (i-1) or the appeals process under Section 7.057 concerning a complaint of a violation of this section;

(4) a statement that any curriculum materials in the public domain used for the district's human sexuality instruction must be posted on the district's Internet website, if the district has an Internet website, and the Internet website address at which the curriculum materials are located; and

(5) ~~(3)~~ information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the local school health advisory council established under Subsection (a).

(i-1) A parent may use the grievance procedure adopted under Section 26.011 concerning a complaint of a violation of this section ~~[Subsection (i)].~~

(i-2) Before a student may be provided with human sexuality instruction, a school district must obtain the written consent of the student's parent. A request for written consent under this subsection:

(1) may not be included with any other notification or request for written consent provided to the parent, other than the notice provided under Subsection (i); and

(2) must be provided to the parent not later than the 14th day before the date on which the human sexuality instruction begins.

(i-3) Subsection (i-2) and this subsection expire August 1, 2024.

(j) A school district shall make all curriculum materials used in the district's human sexuality instruction available by:

(1) for curriculum materials in the public domain:

(A) providing a copy of the curriculum materials by mail or e-mail to a parent of a student enrolled in the district on the parent's request; and

(B) posting the curriculum materials on the district's Internet website, if the district has an Internet website; and

(2) for copyrighted curriculum materials, allowing a parent of a student enrolled in the district to:

(A) review the curriculum materials at the student's campus at any time during regular business hours;

(B) purchase a copy of the curriculum materials from the publisher as provided by the district's purchase agreement for the curriculum materials under Subsection (j-1); or

(C) review the curriculum materials online through a secure electronic account in a manner that prevents the curriculum materials from being copied and that otherwise complies with copyright law ~~[for reasonable public inspection].~~

(j-1) If a school district purchases from a publisher copyrighted curriculum materials for use in the district's human sexuality instruction, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

(p) In this section:

(1) "Curriculum materials" includes the curriculum, teacher training materials, and any other materials used in

providing instruction.

(2) "Human sexuality instruction," "instruction in human sexuality," and "instruction relating to human sexuality" include instruction in reproductive health.

SECTION 8. Section 28.0062(a), Education Code, is amended to read as follows:

(a) Each school district and open-enrollment charter school shall:

(1) provide for the use of a phonics curriculum that uses systematic direct instruction in kindergarten through third grade to ensure all students obtain necessary early literacy skills;

(2) ensure that:

(A) not later than the 2022-2023 [~~2021-2022~~] school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Section 21.4552; and

(B) each classroom teacher and each principal initially employed in a grade level or at a campus described by Paragraph (A) for the 2022-2023 [~~2021-2022~~] school year or a subsequent school year has attended a teacher literacy achievement academy developed under Section 21.4552 by the end of [~~before~~] the teacher's or principal's first year of placement in that grade level or campus; and

(3) certify to the agency that the district or school:

(A) prioritizes placement of highly effective teachers in kindergarten through second grade; and

(B) has integrated reading instruments used to diagnose reading development and comprehension to support each student in prekindergarten through third grade.

SECTION 9. Section 29.026, Education Code, is amended by amending Subsections (c), (h), (k), and (o) and adding Subsection (l-1) to read as follows:

(c) A program is eligible for a grant under this section if the program:

(1) [~~the program operates as an independent campus or a separate program from the campus in which the program is located, with a separate budget,~~

~~[(2) the program] incorporates:~~

(A) evidence-based and research-based design;

(B) the use of empirical data on student

achievement and improvement;

(C) parental support and collaboration;

(D) the use of technology;

(E) meaningful inclusion; and

(F) the ability to replicate the program for

students statewide; and

~~(2) [(3) the program] gives priority for enrollment to students with autism[+]~~

~~[(4) the program limits enrollment and services to students who are:~~

~~[(A) at least three years of age; and~~

~~[(B) younger than nine years of age or are~~

~~enrolled in the third grade or a lower grade level; and~~

~~[(5) the program allows a student who turns nine years of age or older during a school year to remain in the program until the end of that school year].~~

(h) [~~The commissioner shall award grants to fund not more than 10 programs that meet the eligibility criteria under Subsection (c).~~] In selecting programs to receive a grant under this section, the commissioner shall prioritize programs that are collaborations between multiple school districts, multiple charter schools, or school districts and charter schools. The selected



programs must reflect the diversity of this state.

(k) The commissioner shall ~~use [set aside an amount not to exceed \$20 million from the total amount of] funds appropriated or otherwise available [for the 2018-2019 fiscal biennium] to fund grants under this section. [The commissioner shall use \$10 million for the purposes of this section for each school year in the state fiscal biennium. A grant recipient may not receive more than \$1 million for the 2018-2019 fiscal biennium. The commissioner shall reduce each district's and charter school's allotment proportionally to account for funds allocated under this section.]~~

(l-1) A regional education service center may administer grants awarded under this section.

(o) This section expires September 1, 2023 ~~[2021]~~.

SECTION 10. Section 29.027, Education Code, is amended to read as follows:

Sec. 29.027. GRANT PROGRAM PROVIDING TRAINING IN [SERVICES TO STUDENTS WITH] DYSLEXIA FOR TEACHERS AND STAFF. (a) The commissioner shall establish a program to award grants to school districts and open-enrollment charter schools to increase local capacity to appropriately serve ~~[that provide innovative services to]~~ students with dyslexia.

(b) A school district, including a school district acting through a district charter issued under Subchapter C, Chapter 12, ~~or [and]~~ an open-enrollment charter school, including a charter school that primarily serves students with disabilities, as provided under Section 12.1014, is eligible to ~~[may]~~ apply for a grant under this section~~[-~~

~~[(c) A program is eligible for a grant under this section] if the district or school submits to the commissioner a proposal on the use of grant funds that:~~

~~(1) [the program operates as an independent campus or a separate program from the campus in which the program is located, with a separate budget;~~

~~[(2) the program] incorporates[+]~~

~~[(A)] evidence-based and research-based design;~~

and

(2) increases local capacity to appropriately serve students with dyslexia by providing:

(A) high-quality training to classroom teachers and administrators in meeting the needs of students with dyslexia;  
or

(B) training to intervention staff resulting in appropriate credentialing related to dyslexia ~~[the use of empirical data on student achievement and improvement;~~

~~[(C) parental support and collaboration;~~

~~[(D) the use of technology;~~

~~[(E) meaningful inclusion; and~~

~~[(F) the ability to replicate the program for students statewide;~~

~~[(3) the program gives priority for enrollment to students with dyslexia;~~

~~[(4) the program limits enrollment and services to students who are:~~

~~[(A) at least three years of age; and~~

~~[(B) younger than nine years of age or are enrolled in the third grade or a lower grade level; and~~

~~[(5) the program allows a student who turns nine years of age or older during a school year to remain in the program until the end of that school year].~~

(c) [(d) A school district or open enrollment charter school may not:

[(1) charge a fee for the program, other than those authorized by law for students in public schools;

[(2) require a parent to enroll a child in the program;

[(3) allow an admission, review, and dismissal

~~committee to place a student in the program without the written consent of the student's parent or guardian; or~~

~~[(4) continue the placement of a student in the program after the student's parent or guardian revokes consent, in writing, to the student's placement in the program.]~~

~~[(e) A program under this section may:~~

~~[(1) alter the length of the school day or school year or the number of minutes of instruction received by students;~~

~~[(2) coordinate services with private or community based providers;~~

~~[(3) allow the enrollment of students without disabilities or with other disabilities, if approved by the commissioner; and~~

~~[(4) adopt staff qualifications and staff to student ratios that differ from the applicable requirements of this title.]~~

~~[(f) The commissioner shall adopt rules creating an application and selection process for grants awarded under this section.]~~

~~[(g)] The commissioner shall create an external panel of stakeholders, including parents of students with disabilities, to provide assistance in the selection of applications for the award of grants under this section.~~

~~[(d)] [(h) The commissioner shall award grants to fund not more than 10 programs that meet the eligibility criteria under Subsection (e). In selecting programs, the commissioner shall prioritize programs that are collaborations between multiple school districts, multiple charter schools, or school districts and charter schools. The selected programs must reflect the diversity of this state.]~~

~~[(i)] The commissioner shall select grant recipients [programs] and award grant funds [to those programs] beginning in the 2021-2022 [2018-2019] school year. The grants [selected programs] are to be awarded [funded] for two years.~~

~~[(e)] [(j)] A grant awarded to a school district or open-enrollment charter school under this section is in addition to the Foundation School Program funds that the district or charter school is otherwise entitled to receive. A grant awarded under this section may not come out of Foundation School Program funds.~~

~~[(f)] [(k)] The commissioner shall use [set aside an amount not to exceed \$20 million from the total amount of] funds appropriated or otherwise available [for the 2018-2019 fiscal biennium] to fund grants under this section. [The commissioner shall use \$10 million for the purposes of this section for each school year in the state fiscal biennium. A grant recipient may not receive more than \$1 million for the 2018-2019 fiscal biennium. The commissioner shall reduce each district's and charter school's allotment proportionally to account for funds allocated under this section.]~~

~~[(g)] [(l)] The commissioner and any grant recipient [program] selected under this section may accept gifts, grants, and donations from any public or private source, person, or group to implement and administer the grant [program]. The commissioner and any grant recipient [program] selected under this section may not require any financial contribution from parents to implement and administer the grant [program].~~

~~[(h) A regional education service center may administer grants awarded under this section.]~~

~~[(i)] [(m) The commissioner may consider a student with dyslexia who is enrolled in a program funded under this section as funded in a mainstream placement, regardless of the amount of time the student receives services in a regular classroom setting.]~~

~~[(n) Not later than December 31, 2020, the commissioner shall publish a report on the grant program established under this section. The report must include:~~

~~[(1) recommendations for statutory or funding changes~~

~~necessary to implement successful innovations in the education of students with dyslexia; and~~

~~[(2) data on the academic and functional achievements of students enrolled in a program that received a grant under this section.~~

~~[(e)] This section expires September 1, 2023 [2021].~~

SECTION 11. Section 29.153(d-1), Education Code, is amended to read as follows:

(d-1) A district may not receive an exemption under Subsection (d) unless the district has solicited ~~[and considered at a public meeting]~~ proposals for partnerships with public or private entities regarding prekindergarten classes required under this section in accordance with guidance provided by the agency regarding soliciting partnerships and considered submitted proposals at a public meeting. A decision of the board of trustees regarding a partnership described by this subsection is final.

SECTION 12. Subchapter Z, Chapter 29, Education Code, is amended by adding Sections 29.929, 29.930, 29.931, 29.932, 29.933, and 29.934 to read as follows:

Sec. 29.929. PROGRAMS TO ENSURE ONE-TIME INTENSIVE EDUCATIONAL SUPPORTS FOR OVERCOMING COVID-19 PANDEMIC IMPACT. (a) From state discretionary funds under Section 313(e), Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, reprinted in note, 20 U.S.C. Section 3401) and Section 2001(f), American Rescue Plan Act of 2021 (Pub. L. No. 117-2, reprinted in note, 20 U.S.C. Section 3401) and other funds appropriated, the agency shall establish programs that assist school districts and open-enrollment charter schools in implementing intensive supports to ensure students perform at grade level and graduate demonstrating college, career, or military readiness. Programs established under this section must include:

(1) expanding learning options for:

(A) Pathways in Technology Early College High School (P-TECH) programs in participating school districts under Subchapter N, Chapter 29;

(B) the Texas Regional Pathways Network; and

(C) the Jobs and Education for Texans (JET) Grant Program under Chapter 134;

(2) supplemental instructional supports, including tutoring; and

(3) COVID-19 learning acceleration supports, including:

(A) innovation in curriculum and instruction;

(B) diagnosing student mastery;

(C) extended instructional time; and

(D) supports for teachers.

(b) The agency may take actions as necessary in implementing intensive supports under Subsection (a), including providing grants to school districts, open-enrollment charter schools, and regional education service centers.

Sec. 29.930. USE OF ONE-TIME FEDERAL DISCRETIONARY COVID-19 FUNDING TO ENSURE GRADE LEVEL SUPPORT AND REIMBURSEMENTS. (a) To ensure additional resources to pay for unreimbursed costs due to the coronavirus disease (COVID-19) pandemic and for intensive educational supports for students not performing satisfactorily, for each of the 2021-2022 and 2022-2023 school years, except as provided by Subsection (c), from state discretionary funds under Section 2001(f), American Rescue Plan Act of 2021 (Pub. L. No. 117-2, reprinted in note, 20 U.S.C. Section 3401), the agency shall provide to each school district and open-enrollment charter school an allotment in an amount equal to the sum of:

(1) \$208.35 for each student enrolled in the district or charter school; and

(2) \$1,290 for each student enrolled in the district or charter school during the 2020-2021 school year multiplied by

the percentage of students at the district or charter school who are not performing satisfactorily, as determined under Subsection (b).

(b) For purposes of Subsection (a)(2), the agency shall determine the percentage of students not performing satisfactorily by:

(1) dividing the number of students who did not perform satisfactorily on an assessment instrument administered under Section 39.023 by the total number of students who were administered assessment instruments under Section 39.023 during the 2018-2019 school year; and

(2) increasing the resulting number under Subdivision (1) by:

(A) for the 2021-2022 school year, 40 percent;  
and

(B) for the 2022-2023 school year, 20 percent.

(c) The agency shall reduce the amount of the allotment that a school district or open-enrollment charter school receives under Subsection (a) by the amount that the district or charter school receives from the local educational agency subgrants under Section 313(c), Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, reprinted in note, 20 U.S.C. Section 3401) and Section 2001(d), American Rescue Plan Act of 2021 (Pub. L. No. 117-2, reprinted in note, 20 U.S.C. Section 3401).

(d) If the allotment provided to a school district or open-enrollment charter school under Subsection (a) is reduced in accordance with Subsection (c), the agency shall provide the total allotment amount to which the district or charter school is entitled for the 2021-2022 and 2022-2023 school years to the district or charter school in an equal amount each year.

(e) An allotment provided to a school district or open-enrollment charter school under this section may not reduce funding to which the district or charter school is otherwise entitled.

(f) The agency may not provide allotments to school districts and open-enrollment charter schools under this section after the 2022-2023 school year.

(g) This section expires September 1, 2024.

Sec. 29.931. BROADBAND TECHNICAL SUPPORT FOR STUDENTS. From appropriated state funds or other funds, including federal funds, available for this section, the agency shall provide technical assistance to school districts and open-enrollment charter schools to ensure Internet access for students who have limited or no access to the Internet.

Sec. 29.932. ONE-TIME TECHNOLOGY REIMBURSEMENT. (a) Using state discretionary funds under Section 18003(e), Coronavirus Aid, Relief, and Economic Security Act (Title VIII, Div. B, Pub. L. No. 116-136, reprinted in note, 20 U.S.C. Section 3401), and Section 313(c), Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, reprinted in note, 20 U.S.C. Section 3401), the agency shall provide reimbursement for technology acquisitions made by school districts and open-enrollment charter schools before February 28, 2021.

(b) This section expires September 1, 2023.

Sec. 29.933. LEGISLATIVE OVERSIGHT ON COVID-19 STATE RESPONSE. (a) At least quarterly, the agency shall update the entities listed under Subsection (b) regarding the state response to the coronavirus disease (COVID-19) pandemic with respect to public education matters, including:

(1) the implementation of and distribution of funds under the following programs:

(A) programs to ensure one-time intensive educational supports for overcoming COVID-19 pandemic impact under Section 29.929;

(B) the use of one-time federal discretionary

COVID-19 funding to ensure grade level support and reimbursements under Section 29.930;

(C) broadband technical support for students under Section 29.931; and

(D) one-time technology reimbursement under Section 29.932; and

(2) the use of state discretionary funds under:

(A) Section 18003(e), Coronavirus Aid, Relief, and Economic Security Act (Title VIII, Div. B, Pub. L. No. 116-136, reprinted in note, 20 U.S.C. Section 3401); and

(B) Section 313(e), Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, reprinted in note, 20 U.S.C. Section 3401).

(b) The agency shall update, in accordance with Subsection (a), the following entities:

(1) the office of the governor;

(2) the office of the lieutenant governor;

(3) the office of the speaker of the house of representatives;

(4) the office of the chair of the Senate Committee on Finance;

(5) the office of the chair of the House Committee on Appropriations;

(6) the office of the chair of the Senate Committee on Education; and

(7) the office of the chair of the House Committee on Public Education.

(c) This section expires September 1, 2024.

Sec. 29.934. RESOURCE CAMPUS. (a) A school district campus that is eligible under Subsection (b) may apply to the commissioner to be designated as a resource campus that provides quality education and enrichment for campus students.

(b) To apply to be designated as a resource campus under this section, the campus must have received an overall performance rating under Section 39.054 of F for four years over a 10-year period of time.

(c) A campus notified by the commissioner under Subsection (f) that the campus has been designated as a resource campus qualifies for funding as provided by Section 48.252 for each year the campus maintains approval to operate as a resource campus regardless of whether the campus is unacceptable or does not qualify under Subsection (b).

(d) To be designated as a resource campus, the campus must:

(1) implement a targeted improvement plan as described by Chapter 39A and establish a school community partnership team;

(2) adopt an accelerated campus excellence turnaround plan as provided by Section 39A.105(b) except that a classroom teacher who satisfies the requirements for demonstrated instructional effectiveness under Section 39A.105(b)(3) must also hold a current designation assigned under Section 21.3521;

(3) be in a school district that has adopted an approved local optional teacher designation system under Section 21.3521;

(4) satisfy certain staff criteria by:

(A) requiring a principal or teacher employed at the campus before the designation to apply for a position to continue at the campus;

(B) employing only teachers who have at least three years of teaching experience;

(C) employing at least one school counselor for every 300 students; and

(D) employing at least one appropriately licensed professional to assist with the social and emotional needs of students and staff, who must be a:

(i) family and community liaison;

(ii) clinical social worker;

(iii) specialist in school psychology; or

(iv) professional counselor;

(5) implement a positive behavior program as provided by Section 37.0013;

(6) implement a family engagement plan as described by Section 29.168;

(7) develop and implement a plan to use high quality instructional materials;

(8) if the campus is an elementary campus, operate the campus for a school year that qualifies for funding under Section 48.0051; and

(9) annually submit to the commissioner data and information required by the commissioner to assess fidelity of implementation.

(e) On the request of a school district, the agency shall assist the district in:

(1) applying for designation of a district campus as a resource campus; and

(2) developing and implementing a plan to operate a district campus as a resource campus.

(f) The commissioner shall notify a campus if it has been designated as a resource campus not later than the 60th day after the date the commissioner receives the request for the designation.

(g) A campus approved to operate as a resource campus must annually submit to the commissioner data and information requested by the commissioner for purposes of determining whether the campus has met the measure of fidelity of implementation required to maintain status as a resource campus.

(h) If a campus fails to maintain status as a resource campus for two consecutive years, the campus is not eligible for designation as a resource campus. A campus subject to this subsection may reapply for designation as a resource campus if the campus qualifies under Subsection (b).

(i) A decision by the commissioner regarding whether to designate a campus as a resource campus is final and may not be appealed.

(j) The commissioner may adopt rules necessary to implement this section.

SECTION 13. Section 31.0211(c), Education Code, is amended to read as follows:

(c) Subject to Subsection (d), funds allotted under this section may be used to:

(1) purchase:

(A) materials on the list adopted by the commissioner, as provided by Section 31.0231;

(B) instructional materials, regardless of whether the instructional materials are on the list adopted under Section 31.024;

(C) consumable instructional materials, including workbooks;

(D) instructional materials for use in bilingual education classes, as provided by Section 31.029;

(E) instructional materials for use in college preparatory courses under Section 28.014, as provided by Section 31.031;

(F) supplemental instructional materials, as provided by Section 31.035;

(G) state-developed open education resource instructional materials, as provided by Subchapter B-1;

(H) instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;

(I) technological equipment necessary to support the use of materials included on the list adopted by the

commissioner under Section 31.0231 or any instructional materials purchased with an allotment under this section; and

(J) inventory software or systems for storing, managing, and accessing instructional materials and analyzing the usage and effectiveness of the instructional materials; and

(2) pay:

(A) for training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use; ~~and~~

(B) the salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning; and

(C) for costs associated with distance learning, including Wi-Fi, Internet access hotspots, wireless network service, broadband service, and other services and technological equipment necessary to facilitate Internet access.

SECTION 14. Section 32.155, Education Code, is amended to read as follows:

Sec. 32.155. PROTECTION OF COVERED INFORMATION. (a) An operator must implement and maintain reasonable security procedures and practices designed to protect any covered information from unauthorized access, deletion, use, modification, or disclosure.

(b) Any operator that has been approved by the agency or had a product adopted by the agency and possesses any covered information must use the unique identifier established by the Texas Student Data System (TSDS) or a successor data management system maintained by the agency for any account creation, data upload, data transmission, analysis, or reporting to mask all personally identifiable student information. The operator shall adhere to a state-required student data sharing agreement that includes an established unique identifier standard for all operators as prescribed by the agency.

(c) In addition to including the unique identifier in releasing information as provided by Subsection (b), an operator may include any other data field identified by the agency or by a school district, open-enrollment charter school, regional education service center, or other local education agency as necessary for the information being released to be useful.

(d) A school district, open-enrollment charter school, regional education service center, or other local education agency may include additional data fields in an agreement with an operator or the amendment of an agreement with an operator under this section. An operator may agree to include the additional data fields requested by a school district, open-enrollment charter school, regional education service center, or other local education agency but may not require that additional data fields be included.

(e) A school district, open-enrollment charter school, regional education service center, or other local education agency may require an operator that contracts directly with the entity to adhere to a state-required student data sharing agreement that includes the use of an established unique identifier standard for all operators as prescribed by the agency.

(f) A national assessment provider who receives covered information from a student or from a school district or campus on behalf of a student is not required to comply with Subsection (b) or (e) if the provider receives the covered information solely to provide access to:

(1) employment, educational scholarships, financial aid, or postsecondary educational opportunities; or

(2) educational resources for middle school, junior high school, or high school students.

(g) The commissioner may adopt rules as necessary to administer this section.

SECTION 15. Subchapter Z, Chapter 33, Education Code, is amended by adding Section 33.913 to read as follows:

Sec. 33.913. TUTORING PROGRAM. (a) A member of a nonprofit teacher organization or a person who is not a member but meets the requirements under Subsection (b) may participate in a tutoring program in accordance with this section to provide supplemental instruction to students in kindergarten through grade 12 on an individualized or small-group basis.

(b) To participate in the program as a tutor, a person must:

(1) be an active or retired teacher;

(2) apply for the position in a manner specified by the nonprofit organization;

(3) designate in the application whether the person plans to provide tutoring:

(A) for compensation, on a volunteer basis, or both; and

(B) in person, online, or both; and

(4) not be included in the registry of persons not eligible for employment by a public school under Section 22.092.

(c) The superintendent or chief executive officer of each school district or open-enrollment charter school or the person designated by the superintendent or chief executive officer shall:

(1) oversee the tutoring program within the district or school; and

(2) not later than the last day of each semester, submit a report to the board of trustees of the district or the governing body of the school that includes, with respect to that semester:

(A) the number of active or retired teachers who contacted the district or school to offer tutoring services to students in the district or school; and

(B) the number of active or retired teachers who were used by the district or school as a tutor on a volunteer basis or employed by the district or school to provide tutoring services for compensation.

(d) A school district or open-enrollment charter school may use any available local, state, or federal funds to provide compensation to a person participating in the program as a tutor who is providing tutoring for compensation under the program.

(e) If an active or retired teacher who has been approved for participation in the tutoring program contacts a school district or open-enrollment charter school to provide tutoring to students in the district or school and the district or school needs tutoring assistance, the district or school may:

(1) if the teacher is providing tutoring services on a volunteer basis, use the volunteer tutoring services provided by the teacher; or

(2) if the district or school has local, state, or federal funds for purposes of the tutoring program and the teacher is providing tutoring services for compensation, employ the teacher as a tutor.

(f) At least quarterly, each nonprofit organization participating in the tutoring program shall provide to the organization's members:

(1) a description of the tutoring program and guidance on how to participate in the program; and

(2) the contact information of each person described by Subsection (c) for the school district in which the member resides, any open-enrollment charter schools located within that district, and any adjacent districts.

(g) This section does not create a cause of action or liability or an obligation or duty that provides a basis for a cause of action or liability against a nonprofit teacher organization approved by the commissioner for the purpose of participating in the tutoring program for any action taken by a member of the



organization participating in the program as a tutor.

SECTION 16. Section 37.108(b-1), Education Code, is amended to read as follows:

(b-1) In a school district's safety and security audit required under Subsection (b), the district must certify that the district used the funds provided to the district through the school safety allotment under Section 48.115 [~~42.168~~] only for the purposes provided by that section.

SECTION 17. Section 39.0261, Education Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) Notwithstanding Subsection (a)(3), the commissioner by rule may allow a student to take at state cost an assessment instrument described by that subdivision if circumstances existed that prevented the student from taking the assessment instrument before the student graduated from high school.

(b) The agency shall:

(1) select and approve vendors of the specific assessment instruments administered under this section and negotiate with each approved vendor a price for each assessment instrument; and

(2) provide reimbursement to a school district in the amount negotiated under Subdivision (1) for [~~all fees associated with~~] the administration of the assessment instrument from funds appropriated for that purpose.

SECTION 18. Section 39.053(g-4), Education Code, is amended to read as follows:

(g-4) For purposes of the computation of dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix), the commissioner shall exclude a student who was reported as having dropped out of school under Section 48.009(b-4) [~~42.006(a-9)~~], and the student may not be considered to have dropped out from the school district or campus in which the student was last enrolled.

SECTION 19. Subchapter D, Chapter 39, Education Code, is amended by adding Section 39.087 to read as follows:

Sec. 39.087. COVID-19 ADJUSTMENT FOR FINANCIAL ACCOUNTABILITY. (a) The commissioner shall adjust the financial accountability rating system under Section 39.082 to account for the impact of financial practices necessary as a response to the coronavirus disease (COVID-19) pandemic, including adjustments required to account for federal funding and funding adjustments under Subchapter F, Chapter 48.

(b) This section expires September 1, 2023.

SECTION 20. Section 45.0021, Education Code, is amended by amending Subsection (a) and adding Subsections (c), (d), (e), and (f) to read as follows:

(a) A school district may not levy [~~increase the rate of~~] the district's maintenance taxes described by Section 45.002 at a rate intended to create a surplus in maintenance tax revenue for the purpose of paying the district's debt service.

(c) The agency shall:

(1) develop a method to identify school districts that may have adopted a maintenance tax rate in violation of Subsection (a), which must include a review of data over multiple years;

(2) for each school district identified under the method developed under Subdivision (1), investigate as necessary to determine whether the district has adopted a maintenance tax rate in violation of Subsection (a);

(3) if the agency determines that a school district has adopted a maintenance tax rate in violation of Subsection (a):

(A) order the district to comply with Subsection (a) not later than three years after the date of the order; and

(B) assist the district in developing a corrective action plan that, to the extent feasible, does not

result in a net increase in the district's total tax rate; and

(4) post on the agency's Internet website a list of each school district the agency has determined to have adopted a maintenance tax rate in violation of Subsection (a).

(d) The implementation of a corrective action plan under Subsection (c)(3)(B) does not prohibit a school district from increasing the district's total tax rate as necessary to achieve other legal purposes.

(e) If a school district fails to take action under a corrective action plan developed under Subsection (c)(3)(B), the commissioner may reduce the district's entitlement under Chapter 48 by an amount equal to the difference between:

(1) the amount of state and local funding the district received as a result of adopting a maintenance tax rate in violation of Subsection (a); and

(2) the amount of state and local funding the district would have received if the district had not adopted a maintenance tax rate in violation of Subsection (a).

(f) This section does not prohibit a school district from:

(1) using a surplus in maintenance tax revenue to pay the district's debt service if:

(A) the district's interest and sinking fund tax revenue is insufficient to pay the district's debt service due to circumstances beyond the district's control; and

(B) the use of the surplus maintenance tax revenue to pay the district's debt service is necessary to prevent a default on the district's debt;

(2) paying a portion of the district's maintenance tax revenue into the tax increment fund for a reinvestment zone under Chapter 311, Tax Code; or

(3) using money disbursed from the tax increment fund for a reinvestment zone under Chapter 311, Tax Code, in accordance with the agreement entered into by the district with the governing body of the municipality or county that designated the zone under Section 311.013(f) of that code.

SECTION 21. Section 48.005(d), Education Code, is amended to read as follows:

(d) The commissioner may adjust the average daily attendance of a school district in which a disaster, flood, extreme weather condition, fuel curtailment, or other calamity has a significant effect on the district's attendance. In addition to providing the adjustment for the amount of instructional days during the semester in which the calamity first occurred, an adjustment under this section may only be provided based on a particular calamity for an additional amount of instructional days equivalent to one school year. The commissioner may divide the adjustment between two consecutive school years.

SECTION 22. Section 48.009, Education Code, is amended by amending Subsection (b) and adding Subsection (b-4) to read as follows:

(b) The commissioner by rule shall require each school district and open-enrollment charter school to report through the Public Education Information Management System information regarding:

(1) the number of students enrolled in the district or school who are identified as having dyslexia;

(2) the availability of school counselors, including the number of full-time equivalent school counselors, at each campus;

(3) the availability of expanded learning opportunities as described by Section 33.252 at each campus;

(4) the total number of students, other than students described by Subdivision (5), enrolled in the district or school with whom the district or school, as applicable, used intervention strategies, as that term is defined by Section 26.004, at any time

during the year for which the report is made; ~~and~~

(5) the total number of students enrolled in the district or school to whom the district or school provided aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), at any time during the year for which the report is made;

(6) disaggregated by campus and grade, the number of:

(A) children who are required to attend school under Section 25.085, are not exempted under Section 25.086, and fail to attend school without excuse for 10 or more days or parts of days within a six-month period in the same school year;

(B) students for whom the district initiates a truancy prevention measure under Section 25.0915(a-4); and

(C) parents of students against whom an attendance officer or other appropriate school official has filed a complaint under Section 25.093; and

(7) the number of students who are enrolled in a high school equivalency program, a dropout recovery school, or an adult education program provided under a high school diploma and industry certification charter school program provided by the district or school and who:

(A) are at least 18 years of age and under 26 years of age;

(B) have not previously been reported to the agency as dropouts; and

(C) enroll in the program at the district or school after not attending school for a period of at least nine months.

(b-4) A student reported under Subsection (b)(7) as having enrolled in a high school equivalency program, a dropout recovery school, or an adult education program provided under a high school diploma and industry certification charter school program must be reported through the Public Education Information Management System as having previously dropped out of school.

SECTION 23. Section 48.051, Education Code, is amended by adding Subsections (c-1) and (c-2) to read as follows:

(c-1) A school district employee who received a salary increase under Subsection (c) from a school district for the 2019-2020 school year is, as long as the employee remains employed by the same district and the district is receiving at least the same amount of funding as the amount of funding the district received for the 2019-2020 school year, entitled to salary that is at least equal to the salary the employee received for the 2019-2020 school year. This subsection does not apply if the board of trustees of the school district at which the employee is employed:

(1) complies with Sections 21.4021, 21.4022, and 21.4032 in reducing the employee's salary; and

(2) has adopted a resolution declaring a financial exigency for the district under Section 44.011.

(c-2) A reduction in the salary of a school district employee described by Subsection (c-1) is subject to the rights granted to the employee under this code.

SECTION 24. Section 48.104, Education Code, is amended by adding Subsection (e-1) and amending Subsections (j-1) and (k) to read as follows:

(e-1) For each student who is a homeless child or youth as defined by 42 U.S.C. Section 11434a, a school district is entitled to an annual allotment equal to the basic allotment multiplied by the highest weight provided under Subsection (d).

(j-1) In addition to other purposes for which funds allocated under this section may be used, those funds may also be used to:

(1) provide child-care services or assistance with child-care expenses for students at risk of dropping out of school, as described by Section 29.081(d)(5); ~~or~~

(2) pay the costs associated with services provided through a life skills program in accordance with Sections 29.085(b)(1) and (3)-(7);

(3) pay costs for services provided by an instructional coach to raise student achievement at a campus in which educationally disadvantaged students are enrolled; or

(4) pay expenses related to reducing the dropout rate and increasing the rate of high school completion, including expenses related to:

(A) duties performed by attendance officers to support educationally disadvantaged students; and

(B) programs that build skills related to managing emotions, establishing and maintaining positive relationships, and making responsible decisions.

(k) At least 55 percent of the funds allocated under this section must be used to:

(1) fund supplemental programs and services, including services provided by an instructional coach, designed to eliminate any disparity in performance on assessment instruments administered under Subchapter B, Chapter 39, or disparity in the rates of high school completion between:

(A) students who are educationally disadvantaged and students who are not educationally disadvantaged; and

(B) students at risk of dropping out of school, as defined by Section 29.081, and all other students; or

(2) support a program eligible under Title I of the Elementary and Secondary Education Act of 1965, as provided by Pub. L. No. 103-382 and its subsequent amendments, and by federal regulations implementing that Act.

SECTION 25. Section 48.106, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (d) to read as follows:

(a) For each full-time equivalent student in average daily attendance in an approved career and technology education program in grades 7 through 12, a district is entitled to[+]

[+] an annual allotment equal to the basic allotment, or, if applicable, the sum of the basic allotment and the allotment under Section 48.101 to which the district is entitled, multiplied by:

(1) 1.1 for a full-time equivalent student in career and technology education courses not in an approved program of study;

(2) 1.28 for a full-time equivalent student in levels one and two career and technology education courses in an approved program of study, as identified by the agency [a weight of 1.35]; and

(3) 1.47 for a full-time equivalent student in levels three and four career and technology education courses in an approved program of study, as identified by the agency.

(a-1) In addition to the amounts under Subsection (a), for each student in average daily attendance, a district is entitled to

[+] \$50 for each of the following in which the student is enrolled:

(1) [A] two or more advanced career and technology education classes for a total of three or more credits;

[B] a campus designated as a P-TECH school under Section 29.556; or

(2) [C] a campus that is a member of the New Tech Network and that focuses on project-based learning and work-based education.

(d) The agency shall annually publish a list of career and technology courses that qualify for an allotment under Subsection (a), disaggregated by the weight for which the course qualifies.

SECTION 26. Section 48.106(b), Education Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as

follows:

(1) "Approved [~~Career and technology education class~~ and ~~"]career and technology education program":~~

(A) means a sequence of career and technology education courses, including [~~include~~] technology applications courses, authorized by the State Board of Education; and

(B) includes only courses that qualify for high school credit.

(1-a) "Approved program of study" means a course sequence that:

(A) provides students with the knowledge and skills necessary for success in the students' chosen careers; and

(B) is approved by the agency for purposes of the Strengthening Career and Technical Education for the 21st Century Act (Pub. L. No. 115-224).

SECTION 27. Subchapter C, Chapter 48, Education Code, is amended by adding Section 48.109 to read as follows:

Sec. 48.109. GIFTED AND TALENTED STUDENT ALLOTMENT. (a) For each identified student a school district serves in a program for gifted and talented students that the district certifies to the commissioner as complying with Subchapter D, Chapter 29, a district is entitled to an annual allotment equal to the basic allotment multiplied by 0.07 for each school year or a greater amount provided by appropriation.

(b) Funds allocated under this section, other than the amount that represents the program's share of general administrative costs, must be used in providing programs for gifted and talented students under Subchapter D, Chapter 29, including programs sanctioned by International Baccalaureate and Advanced Placement, or in developing programs for gifted and talented students. Each district must account for the expenditure of state funds as provided by rule of the State Board of Education. If by the end of the 12th month after receiving an allotment for developing a program a district has failed to implement a program, the district must refund the amount of the allotment to the agency within 30 days.

(c) Not more than five percent of a district's students in average daily attendance are eligible for funding under this section.

(d) If the amount of state funds for which school districts are eligible under this section exceeds the amount of state funds appropriated in any year for the programs, the commissioner shall reduce each district's tier one allotments in the same manner described for a reduction in allotments under Section 48.266.

(e) If the total amount of funds allotted under this section before a date set by rule of the State Board of Education is less than the total amount appropriated for a school year, the commissioner shall transfer the remainder to any program for which an allotment under Section 48.104 may be used.

(f) After each district has received allotted funds for this program, the State Board of Education may use up to \$500,000 of the funds allocated under this section for programs such as MATHCOUNTS, Future Problem Solving, Odyssey of the Mind, and Academic Decathlon, as long as these funds are used to train personnel and provide program services. To be eligible for funding under this subsection, a program must be determined by the State Board of Education to provide services that are effective and consistent with the state plan for gifted and talented education.

SECTION 28. Section 48.110(f), Education Code, is amended to read as follows:

(f) For purposes of this section, an annual graduate demonstrates:

(1) college readiness if the annual graduate:

(A) both:

(i) achieves college readiness standards

used for accountability purposes under Chapter 39 on the ACT, the SAT, or an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.334; and

(ii) ~~(B)~~ during a time period established by commissioner rule, enrolls at a postsecondary educational institution; or

(B) earns an associate degree from a postsecondary educational institution approved by the Texas Higher Education Coordinating Board while attending high school or during a time period established by commissioner rule;

(2) career readiness if the annual graduate:

(A) achieves college readiness standards used for accountability purposes under Chapter 39 on the ACT, the SAT, or an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.334; and

(B) during a time period established by commissioner rule, earns an industry-accepted certificate; and

(3) military readiness if the annual graduate:

(A) achieves a passing score set by the applicable military branch on the Armed Services Vocational Aptitude Battery; and

(B) during a time period established by commissioner rule, enlists in the armed forces of the United States.

SECTION 29. Section 48.111, Education Code, is amended to read as follows:

Sec. 48.111. FAST GROWTH ALLOTMENT. (a) Except as provided by Subsection (c), a [A] school district ~~[in which the growth in student enrollment in the district over the preceding three school years is in the top quartile of student enrollment growth in school districts in the state for that period, as determined by the commissioner,~~ is entitled to an annual allotment equal to the basic allotment multiplied by the applicable weight under Subsection (a-1) [0.04] for each enrolled student equal to the difference, if the difference is greater than zero, that results from subtracting 250 from the difference between the number of students enrolled in the district during the school year immediately preceding the current school year and the number of students enrolled in the district during the school year six years preceding the current school year [in average daily attendance].

(a-1) For purposes of Subsection (a), the agency shall assign the following weights:

(1) 0.48 for each student enrolled at a district in the top 40 percent of districts, as determined based on the number of students calculated under Subsection (a);

(2) 0.33 for each student enrolled at a district in the middle 30 percent of districts, as determined based on the number of students calculated under Subsection (a); and

(3) 0.18 for each student enrolled at a district in the bottom 30 percent of districts, as determined based on the number of students calculated under Subsection (a).

(a-2) Notwithstanding Subsection (a-1), for the 2021-2022 school year, instead of using the weights under that subsection, the agency shall substitute the following weights:

(1) 0.45 for each student enrolled at a district in the top 40 percent of districts, as determined based on the number of students calculated under Subsection (a);

(2) 0.30 for each student enrolled at a district in the middle 30 percent of districts, as determined based on the number of students calculated under Subsection (a); and

(3) 0.15 for each student enrolled at a district in the bottom 30 percent of districts, as determined based on the number of students calculated under Subsection (a).

(a-3) Subsection (a-2) and this subsection expire September 1, 2024.

(b) For purposes of Subsection (a), in determining the number of students enrolled in a school district, the commissioner shall exclude students enrolled in the district who receive full-time instruction through the state virtual school network under Chapter 30A.

(c) Notwithstanding Subsection (a), the total amount that may be used to provide allotments under Subsection (a) may not exceed \$320 million. If the total amount of allotments to which districts are entitled under Subsection (a) for a school year exceeds the amount permitted under this subsection, the commissioner shall proportionately reduce each district's allotment under this section.

(c-1) Notwithstanding Subsection (c), the total amount that may be used to provide allotments under Subsection (a) may not exceed:

- (1) for the 2021-2022 school year, \$270 million;
- (2) for the 2022-2023 school year, \$310 million; and
- (3) for the 2023-2024 school year, \$315 million.

(c-2) Subsection (c-1) and this subsection expire September 1, 2025.

(d) Subject to the limitation under Subsection (d-1), for the 2021-2022 school year, the agency shall provide to each school district, regardless of whether the district is entitled to an allotment under Subsection (a) for the 2021-2022 school year, an amount equal to the difference, if the difference is greater than zero, between the amount of the allotment for the 2019-2020 school year under this section, as this section existed on September 1, 2019, and the amount of the allotment for the 2021-2022 school year.

(d-1) The total amount that may be used to provide funding under Subsection (d) may not exceed \$40 million. If the total amount of funding to which districts are entitled under Subsection (d) for a school year exceeds the amount permitted under this subsection, the commissioner shall proportionately reduce each district's amount under Subsection (d).

(d-2) The amounts to which school districts are entitled under Subsection (d) are not subject to the amount limitations described by Subsections (c) and (c-1).

(d-3) Subsections (d), (d-1), (d-2), and this subsection expire September 1, 2023.

SECTION 30. Section 48.112, Education Code, is amended by adding Subsection (j) to read as follows:

(j) The Texas School for the Deaf and the Texas School for the Blind and Visually Impaired are entitled to an allotment under this section. If the commissioner determines that assigning point values under Subsections (e) and (f) to students enrolled in the Texas School for the Deaf or the Texas School for the Blind and Visually Impaired is impractical, the commissioner may use the average point value assigned for those students' home districts for purposes of calculating the high needs and rural factor.

SECTION 31. Section 42.168, Education Code, as added by Chapter 464 (S.B. 11), Acts of the 86th Legislature, Regular Session, 2019, is transferred to Subchapter C, Chapter 48, Education Code, redesignated as Section 48.115, Education Code, and amended to read as follows:

Sec. ~~48.115~~ [42.168]. SCHOOL SAFETY ALLOTMENT. (a) From funds appropriated for that purpose, the commissioner shall provide to a school district an annual allotment in the amount provided by appropriation for each student in average daily attendance.

(b) Funds allocated under this section must be used to improve school safety and security, including costs associated with:

- (1) securing school facilities, including:
  - (A) improvements to school infrastructure;
  - (B) the use or installation of physical barriers;

and

- (C) the purchase and maintenance of:
- (i) security cameras or other security equipment; and
  - (ii) technology, including communications systems or devices, that facilitates communication and information sharing between students, school personnel, and first responders in an emergency;
- (2) providing security for the district, including:
- (A) employing school district peace officers, private security officers, and school marshals; and
  - (B) collaborating with local law enforcement agencies, such as entering into a memorandum of understanding for the assignment of school resource officers to schools in the district;
- (3) school safety and security training and planning, including:
- (A) active shooter and emergency response training;
  - (B) prevention and treatment programs relating to addressing adverse childhood experiences; and
  - (C) the prevention, identification, and management of emergencies and threats, using evidence-based, effective prevention practices and including:
    - (i) providing licensed counselors, social workers, and individuals trained in restorative discipline and restorative justice practices;
    - (ii) providing mental health personnel and support;
    - (iii) [~~(ii)~~] providing behavioral health services; [and]
    - (iv) [~~(iii)~~] establishing threat reporting systems; and
    - (v) developing and implementing programs focused on restorative justice practices, culturally relevant instruction, and providing mental health support; and
- (4) providing programs related to suicide prevention, intervention, and postvention.

(c) A school district may use funds allocated under this section for equipment or software that is used for a school safety and security purpose and an instructional purpose, provided that the instructional use does not compromise the safety and security purpose of the equipment or software.

(d) The commissioner shall annually publish a report regarding funds allocated under this section including the programs, personnel, and resources purchased by districts using funds under this section and other purposes for which the funds were used [A school district that is required to take action under Chapter 41 to reduce its wealth per student to the equalized wealth level is entitled to a credit, in the amount of the allotments to which the district is to receive as provided by appropriation, against the total amount required under Section 41.093 for the district to purchase attendance credits.

[~~(e) The commissioner may adopt rules to implement this section~~].

SECTION 32. Section 48.252(a), Education Code, is amended to read as follows:

- (a) This section applies only to:
- (1) a school district and an open-enrollment charter school that enter into a contract to operate a district campus as provided by Section 11.174;
  - (2) a charter granted by a school district for a program operated by an entity that has entered into a contract under Section 11.174, provided that the district does not appoint a majority of the governing body of the charter holder; [and]
  - (3) a school district that contracts with an



open-enrollment charter school to jointly operate a campus or campus program as provided by Section 11.157(b); and

(4) a school district that operates a resource campus as provided by Section 29.934.

SECTION 33. Section 48.2551, Education Code, is amended by amending Subsections (a) and (c) and adding Subsections (d-1) and (d-2) to read as follows:

(a) In this section:

(1) "DPV" is the taxable value of property in the school district, as determined by the agency by rule, using locally determined property values adjusted in accordance with Section 403.302(d), Government Code [has the meaning assigned by Section 48.256];

(2) "E" is the expiration of the exclusion of appraised property value for the preceding tax year that is recognized as taxable property value for the current tax year, which is the sum of the following:

(A) property value that is no longer subject to a limitation on appraised value under Chapter 313, Tax Code; and

(B) property value under Section 311.013(n), Tax Code, that is no longer excluded from the calculation of "DPV" from the preceding year because of refinancing or renewal after September 1, 2019;

(3) "MCR" is the district's maximum compressed rate, which is the tax rate for the current tax year per \$100 of valuation of taxable property at which the district must levy a maintenance and operations tax to receive the full amount of the tier one allotment to which the district is entitled under this chapter;

(4) "PYDPV" is the district's value of "DPV" for the preceding tax year; and

(5) "PYMCR" is the district's value of "MCR" for the preceding tax year.

(c) Notwithstanding Subsection (b), for a district to which Section 48.2552(b) applies, the district's maximum compressed rate is the value calculated in accordance with Section 48.2552(b) [for "MCR" under Subsection (b)(1)(B)].

(d-1) Local appraisal districts, school districts, and the comptroller shall provide any information necessary to the agency to implement this section.

(d-2) A school district may appeal to the commissioner the district's taxable property value as determined by the agency under this section. A decision by the commissioner is final and may not be appealed.

SECTION 34. Section 48.2552(b), Education Code, is amended to read as follows:

(b) If a school district's [district has a] maximum compressed rate as calculated under Section 48.2551(b) would be [that is] less than 90 percent of another school district's maximum compressed rate, the district's maximum compressed rate is the value at which the district's maximum compressed rate would be equal to 90 percent of the other district's maximum compressed rate [calculated under Section 48.2551(c) until the agency determines that the difference between the district's and another district's maximum compressed rates is not more than 10 percent].

SECTION 35. Section 48.257(c), Education Code, is amended to read as follows:

(c) For purposes of Subsection (a), state aid to which a district is entitled under this chapter that is not described by Section 48.266(a)(3) [48.266(a)(1), (2), or (3)] may offset the amount by which a district must reduce the district's [tier one] revenue level under this section [Subsection (a)]. Any amount of state aid used as an offset under this subsection shall reduce the amount of state aid to which the district is entitled.

SECTION 36. Subchapter F, Chapter 48, Education Code, is amended by adding Section 48.2611 to read as follows:

Sec. 48.2611. ONE-TIME REIMBURSEMENT FOR WINTER STORM URI.

(a) The agency shall provide reimbursement to school districts in accordance with Section 48.261 for costs incurred as a result of the 2021 North American winter storm (Winter Storm Uri), including any resulting electricity price increases.

(b) This section expires September 1, 2023.

SECTION 37. Subchapter F, Chapter 48, Education Code, is amended by adding Section 48.2721 to read as follows:

Sec. 48.2721. RECOVERY OF FUNDS FROM EXCESSIVE TAXATION.

The commissioner shall reduce state aid or adjust the limit on local revenue under Section 48.257 in an amount equal to the amount of revenue generated by a school district's tax effort that is not in compliance with Section 45.003 or this chapter.

SECTION 38. Section 48.277, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Notwithstanding any other provision of this chapter, beginning with the 2021-2022 school year, if the total amount of allotments to which school districts and open-enrollment charter schools are entitled under this section for a school year exceeds \$400 million, the commissioner shall proportionately reduce each district's or school's allotment under this section. The reduction in the amount to which a district or school is entitled under this section may not result in an amount that is less than zero.

SECTION 39. Subchapter F, Chapter 48, Education Code, is amended by adding Section 48.281 to read as follows:

Sec. 48.281. MAINTENANCE OF EFFORT AND EQUITY FOR FEDERAL MONEY RELATED TO COVID-19 PANDEMIC. (a) Subject to Subsection (b), the commissioner shall increase a school district's or open-enrollment charter school's entitlement under this chapter as necessary to ensure compliance with requirements regarding maintenance of effort and maintenance of equity under Section 317, Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, reprinted in note, 20 U.S.C. Section 3401), and Section 2001, American Rescue Plan Act of 2021 (Pub. L. No. 117-2, reprinted in note, 20 U.S.C. Section 3401).

(b) Before making an increase under Subsection (a), the commissioner shall notify the Legislative Budget Board and the governor of the proposed increase. The increase is considered to be approved unless the Legislative Budget Board or the governor issues a written disapproval of the increase not later than the 30th day after the date on which the commissioner provides notice under this subsection.

(c) If the total amount of money available to the commissioner for purposes of making increases under this section for a state fiscal year is insufficient to make an increase the commissioner determines necessary under Subsection (a), the commissioner shall submit to the legislature an estimate of the amount of funding needed to make the increase for that state fiscal year.

(d) This section expires September 1, 2025.

SECTION 40. Section 48.302(b), Education Code, is amended to read as follows:

(b) The agency shall enter into a memorandum of understanding with the commission for the agency to transfer funds to the commission [~~funds specifically appropriated to the agency~~] for the commission to provide to an individual who is 21 years of age or older a subsidy in an amount equal to the cost of taking one high school equivalency examination administered under Section 7.111.

SECTION 41. Subchapter G, Chapter 48, Education Code, is amended by adding Section 48.303 to read as follows:

Sec. 48.303. ADDITIONAL STATE AID FOR REGIONAL EDUCATION SERVICE CENTER STAFF SALARY INCREASES. (a) A regional education service center is entitled to state aid in an amount equal to the sum of:

(1) the product of \$500 multiplied by the number of full-time center employees, other than administrators or classroom teachers, full-time librarians, full-time school counselors certified under Subchapter B, Chapter 21, or full-time school nurses; and

(2) the product of \$250 multiplied by the number of part-time center employees, other than administrators or teachers, librarians, school counselors certified under Subchapter B, Chapter 21, or school nurses.

(b) A determination by the commissioner under Subsection (a) is final and may not be appealed.

SECTION 42. Chapter 48, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. TEXAS COMMISSION ON SPECIAL EDUCATION FUNDING

Sec. 48.401. DEFINITION. In this subchapter, "commission" means the Texas Commission on Special Education Funding.

Sec. 48.402. TEXAS COMMISSION ON SPECIAL EDUCATION FUNDING.

(a) The commission is established to develop and make recommendations regarding methods of financing special education in public schools.

(b) The commission is composed of seven members, appointed as follows:

(1) one member appointed by the governor;

(2) three members appointed by the lieutenant governor; and

(3) three members appointed by the speaker of the house of representatives.

(c) In making appointments under Subsection (b), the governor, lieutenant governor, and speaker of the house of representatives shall coordinate to ensure that membership of the commission, to the extent possible, reflects the ethnic and geographic diversity of this state.

(d) The members appointed by:

(1) the governor must have an interest in special education;

(2) the lieutenant governor must be three members of the senate; and

(3) the speaker of the house of representatives must be three members of the house of representatives.

Sec. 48.403. PRESIDING OFFICER. The governor shall designate the presiding officer of the commission.

Sec. 48.404. COMPENSATION AND REIMBURSEMENT. A member of the commission is not entitled to compensation for service on the commission but is entitled to reimbursement for actual and necessary expenses incurred in performing commission duties.

Sec. 48.405. ADMINISTRATIVE SUPPORT AND FUNDING. (a) The agency shall provide administrative support for the commission.

(b) Funding for the administrative and operational expenses of the commission shall be provided by legislative appropriation made to the agency for that purpose.

Sec. 48.406. RECOMMENDATIONS. (a) The commission shall develop recommendations under this subchapter to address issues related to special education funding.

(b) The commission may establish one or more working groups composed of not more than three members of the commission to study, discuss, and address specific policy issues and recommendations to refer to the commission for consideration.

Sec. 48.407. REPORT. Not later than December 31, 2022, the commission shall prepare and deliver a report to the governor and the legislature that recommends statutory changes to improve funding for special education.

Sec. 48.408. PUBLIC MEETINGS AND PUBLIC INFORMATION. (a) The commission may hold public meetings as needed to fulfill its duties under this subchapter.

(b) The commission is subject to Chapters 551 and 552.

Government Code.

Sec. 48.409. COMMISSION ABOLISHED; EXPIRATION OF SUBCHAPTER. The commission is abolished and this subchapter expires January 1, 2023.

SECTION 43. Subchapter A, Chapter 49, Education Code, is amended by adding Section 49.0041 to read as follows:

Sec. 49.0041. LOCAL REVENUE LEVEL IN EXCESS OF ENTITLEMENT AFTER REVIEW NOTIFICATION. If the commissioner determines that a school district has a local revenue level in excess of entitlement after the date the commissioner sends notification for the school year under Section 49.004(a), the commissioner shall include the amount of the district's local revenue level that exceeded the level established under Section 48.257 for that school year in the annual review for the following school year of the district's local revenue levels under Section 49.004(a).

SECTION 44. Section 49.054(b), Education Code, is amended to read as follows:

(b) A consolidated [~~Except as provided by Subsection (c), a~~] district under this subchapter [~~receiving incentive aid payments under this section~~] is [~~not~~] entitled to incentive aid under Subchapter G, Chapter 13.

SECTION 45. Section 822.201(b), Government Code, is amended to read as follows:

(b) "Salary and wages" as used in Subsection (a) means:

(1) normal periodic payments of money for service the right to which accrues on a regular basis in proportion to the service performed;

(2) amounts by which the member's salary is reduced under a salary reduction agreement authorized by Chapter 610;

(3) amounts that would otherwise qualify as salary and wages under Subdivision (1) but are not received directly by the member pursuant to a good faith, voluntary written salary reduction agreement in order to finance payments to a deferred compensation or tax sheltered annuity program specifically authorized by state law or to finance benefit options under a cafeteria plan qualifying under Section 125 of the Internal Revenue Code of 1986, if:

(A) the program or benefit options are made available to all employees of the employer; and

(B) the benefit options in the cafeteria plan are limited to one or more options that provide deferred compensation, group health and disability insurance, group term life insurance, dependent care assistance programs, or group legal services plans;

(4) performance pay awarded to an employee by a school district as part of a total compensation plan approved by the board of trustees of the district and meeting the requirements of Subsection (e);

(5) the benefit replacement pay a person earns under Subchapter H, Chapter 659, except as provided by Subsection (c);

(6) stipends paid to teachers in accordance with former Section 21.410, 21.411, 21.412, or 21.413, Education Code;

(7) amounts by which the member's salary is reduced or that are deducted from the member's salary as authorized by Subchapter J, Chapter 659;

(8) a merit salary increase made under Section 51.962, Education Code;

(9) amounts received under the relevant parts of the educator excellence awards program under Subchapter O, Chapter 21, Education Code, or a mentoring program under Section 21.458, Education Code, that authorize compensation for service;

(10) salary amounts designated as health care supplementation by an employee under Subchapter D, Chapter 22, Education Code; [~~and~~]

(11) to the extent required by Sections 3401(h) and 414(u)(12), Internal Revenue Code of 1986, differential wage payments received by an individual from an employer on or after

January 1, 2009, while the individual is performing qualified military service as defined by Section 414(u), Internal Revenue Code of 1986; and

(12) increased compensation paid to a teacher by a school district using funds received by the district under the teacher incentive allotment under Section 48.112, Education Code.

SECTION 46. Section 824.602(a), Government Code, is amended to read as follows:

(a) Subject to Section 825.506, the retirement system may not, under Section 824.601, withhold a monthly benefit payment if the retiree is employed in a Texas public educational institution:

(1) as a substitute only with pay not more than the daily rate of substitute pay established by the employer and, if the retiree is a disability retiree, the employment has not exceeded a total of 90 days in the school year;

(2) in a position, other than as a substitute, on no more than a one-half time basis for the month;

(3) in one or more positions on as much as a full-time basis, if the retiree has been separated from service with all Texas public educational institutions for at least 12 full consecutive months after the retiree's effective date of retirement; ~~or~~

(4) in a position, other than as a substitute, on no more than a one-half time basis for no more than 90 days in the school year, if the retiree is a disability retiree; or

(5) as a tutor under Section 33.913, Education Code.

SECTION 47. Subchapter G, Chapter 825, Government Code, is amended by adding Section 825.604 to read as follows:

Sec. 825.604. INFORMATION PROVIDED TO MEMBERS. The retirement system shall regularly provide information in an electronic format to members and retirees regarding the tutoring program established under Section 33.913, Education Code, that includes:

(1) general information regarding the tutoring program; and

(2) a statement directing members and retirees who want to participate in the tutoring program to contact their local school districts or open-enrollment charter schools for further guidance.

SECTION 48. (a) The following provisions of the Education Code are repealed:

(1) Sections 12.133(d), (d-1), and (e);

(2) Sections 29.026(f) and (m);

(3) Section 29.124;

(4) Section 48.0051(a-1); and

(5) Sections 49.054(a) and (c).

(b) The following provisions, which amended Section 42.006, Education Code, are repealed:

(1) Section 2, Chapter 1036 (H.B. 548), Acts of the 86th Legislature, Regular Session, 2019; and

(2) Section 8, Chapter 1060 (H.B. 1051), Acts of the 86th Legislature, Regular Session, 2019.

SECTION 49. (a) Except as provided by Subsection (b) of this section, Section 28.004, Education Code, as amended by this Act, applies beginning with the 2021-2022 school year.

(b) Section 28.004(j-1), Education Code, as added by this Act, applies only to a purchase agreement entered into, amended, or renewed on or after September 1, 2021.

SECTION 50. Section 45.0021, Education Code, as amended by this Act, applies only to a tax rate adopted on or after the effective date of this Act. A tax rate adopted before the effective date of this Act is governed by the law in effect on the date the tax rate was adopted, and the former law is continued in effect for that purpose.

SECTION 51. (a) Subject to Subsection (b) of this section, the changes in law made by this Act apply to a retiree of the Teacher

Retirement System of Texas regardless of whether the person retired from employment before, on, or after the effective date of this Act.

(b) Section 824.602(a), Government Code, as amended by this Act, applies only to the employment of a retiree of the Teacher Retirement System of Texas that occurs on or after the effective date of this Act.

SECTION 52. To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 53. (a) Except as provided by Subsections (b) and (c) of this section, this Act takes effect September 1, 2021.

(b) Sections 28.004 and 31.0211(c), Education Code, as amended by this Act, take effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, those sections take effect September 1, 2021.

(c) Section 32.155, Education Code, as amended by this Act, takes effect September 1, 2023.

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President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 1525 was passed by the House on April 22, 2021, by the following vote: Yeas 142, Nays 4, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1525 on May 28, 2021, and requested the appointment of a conference committee to consider the differences between the two houses; that the House adopted the conference committee report on H.B. No. 1525 on May 30, 2021, by the following vote: Yeas 129, Nays 3, 2 present, not voting; and that the House adopted H.C.R. No. 117 authorizing certain corrections in H.B. No. 1525 on May 31, 2021, by the following vote: Yeas 132, Nays 0, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 1525 was passed by the Senate, with amendments, on May 26, 2021, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; that the Senate adopted the conference committee report on H.B. No. 1525 on May 30, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate adopted H.C.R. No. 117 authorizing certain corrections in H.B. No. 1525 on May 31, 2021, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Governor