



Texas Association of Community Schools

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TACS LEGISLATIVE UPDATE

Earlier this week, as I sat at my computer compiling lists of bills that automatically had become law and those signed into law by the Governor, I took a break to watch Governor Abbott's press conference. Suspicions were that he would call the legislature back into session to pass key sunset legislation to keep state agencies open, and there was speculation over whether he would comply with Dan Patrick's demand for a special session to bring back up the bathroom bill (SB 6) and the property tax bill (SB 2), which automatically triggers a special election if a city or county proposes a change in its tax rate of 4% or more.

The Governor began by praising all the great things the legislature had accomplished in its 140-day session: enacting CPS and foster care reform, banning sanctuary cities, passing ethics reform to reduce the "perception" of corruption, and approving a convention of states. He proudly reported that these priorities had passed into law. He also praised the passage of the bill cracking down on inappropriate relationships between teachers and students and bills protecting the sanctity of life. He then gave a gentle swipe at Lieutenant Governor Dan Patrick, for holding key sunset legislation hostage, in order to necessitate a special session. He said that such a session was avoidable as there had been time for compromise, but as a result of the "inability or refusal" to pass this simple law, the taxpayers would be forced to fund a special session. He went on to say that since a special session was required, he wanted to make sure it was worth the taxpayers' while.

The Governor stated that starting July 18th, 2017, the legislature would be convened in special session to pass sunset legislation to ensure Texas could license doctors. This "must pass" legislation that had been used as "political fodder" should take no more than 2-3 days to complete. As he continued speaking, my jaw dropped and remained agape until the end of his press conference. Governor Abbott said that once the sunset legislation is passed, the legislature would be charged with 19 additional items he expects them to pass. NINETEEN! I hoped this was a joke, and I checked my calendar just to be sure it wasn't April 1st. Sadly, it was not April Fools Day. Each and every one of the anti-local control, anti-public education bills that had been hard-fought and defeated in the House, was back alive, like zombies returning from the graveyard.

Each of these bills had been on Lieutenant Governor Dan Patrick's priority list and the Governor called out the House for killing them. Special sessions are usually reserved for a few key emergency items, rather than a redo of the entire session. Instead, the Governor has thrown down the gauntlet with this ultimatum that the House pass bad Senate bills that they intentionally didn't pass during the regular session. Ironically, his first words about the 19 additional items were about the importance of Texas children and their future. He spoke about the importance of education and having the best and brightest educators and he said that teachers are underpaid, and we must do better to attract and retain them. I would argue that the priorities and bills he outlined would do quite the opposite. I have grouped the 19 additional "charges" into sub-groups and listed them below.

Specifically Education-related:

1. Increase teacher pay by \$1000, without spending a penny more. We just need to spend "smarter."

- 2. Give administrators greater flexibility in teacher hiring and retention (firing).** Replace ineffective teachers and stop spending so much money on bureaucracy and overhead.
- 3. Overhaul school finance,** by passing Senator Larry Taylor's SB 2144, creating the Texas Commission on School Finance Reform. (Not by actually implementing the school finance reform carefully crafted by House Public Education Chairman, Dan Huberty, or the associated increase in state spending on public education.)
- 4. Create Special Education Vouchers,** by passing one of the many special education voucher bills introduced by Representative Simmons and Senator Larry Taylor.
- 5. Prohibit tax dollars (paid to teachers) from being collected to pay union dues** by passing SB 13, which singled out public education employees from engaging in such practices.
- 6. Protect the privacy of women and children** by passing HB 2899, which regulates where people can go to the bathroom and preempts local laws and school district policies that conflict with state laws.

General Limits to Local Control:

- 1. Reign in skyrocketing property taxes** by passing SB 2, which makes special elections automatically triggered by a much lower threshold change in the proposed rate. (Again, not addressing the real driver of property tax increases, which is the state's unwillingness to pay its share to fund public education.)
- 2. Cap state and local spending** to growth in population and inflation.
- 3. Prevent cities from micro-managing** treatment of trees on private land.
- 4. Prevent local governments from changing rules** midway through construction projects.
- 5. Speed up local government permitting** processes.
- 6. Reform municipal annexation policies** by passing Senator Campbell's SB 715.
- 7. Prevent cities from passing laws that regulate texting while driving,** which might go further than state law.

Women's Issues:

- 1. Prohibit state and local governments from using tax dollars to fund abortion providers.**
- 2. Pass "pro-life" insurance reform.**
- 3. Require stricter reporting requirements** related to health complications from abortions.
- 4. Strengthen patient protections** related to do-not-resuscitate orders.
- 5. Extend the maternal mortality task force.**

Voting:

- 1. Crack down on mail ballot fraud** by implementing tougher penalties. (No mention of redistricting as required by the courts, and no intention to eliminate the voter ID law that has been deemed intentionally discriminatory by the courts.)

For a Governor who fought the federal government tenaciously in the name of local control, the hypocrisy of these priorities cannot be overstated. Almost each and every one of these laws limits local control and strengthens the power of the state. As for the education priorities, you will note that there is no mention of increasing school funding.

Governor Abbott ended his presentation (no questions or comments were allowed), by saying the legislature had 6 weeks to prepare and then 30 days to pass this required list of bills. "If they fail, it will not be for a lack of time, but rather for a lack of will." The question we must ask is if the House will keep its resolve to fight these zombie bills that were bad last month and will still be bad next month, or if they will cave to political pressures and comply with the Governor and Lieutenant Governor's ultimatums that these anti-public education and anti-local control bills be passed. Time will tell. Meanwhile, we all need to rest up and ready ourselves to take back our state next election.

Education Bills That Will Become Law

- SB 7 (Bettencourt) deals with inappropriate educator/student relationships.
- SB 22 (Larry Taylor) established the Pathways in Technology Early College High School (PTECH) program.
- SB 160 (Rodriguez) prohibits a special education monitoring system.
- SB 489 (Lucio) makes recommendations regarding instruction to prevent the use of e-cigarettes.

- SB 587 (Campbell) allows students of military families who have been deployed or transferred to Texas to enroll full-time in the state virtual school network if they attended a publically funded public school outside of Texas the preceding school year.
- SB 671 (Campbell) allows students in a dual language program in elementary school to gain one credit in fulfilling requirements for languages other than English for graduation.
- SB 802 (Seliger) directs the SBOE to conduct a study of the best practices in the transfer of credits for dual credit courses.
- SB 826 (Larry Taylor) revises the sequencing requirements for English Language Arts and Math.
- SB 1152 (Menendez) allows for excused absences from school for a student pursuing enlistment in a branch of the military of the US or the Texas National Guard.
- SB 1220 (Miles) requires the TEA to assist the transition of homeless students or those in substitute care from one school to another by developing procedures for schools to follow.
- SB 1318 (Van Taylor) authorizes the commissioner to designate some schools as mathematics innovation zones.
- SB 1901 (Campbell) requires the governor to designate a day to be known as Texas Military Heroes Day in public schools that includes appropriate instruction as determined by each school district.
- SB 2105 (Miles) requires the Texas Workforce Commission to provide certain employment information to secondary school students.
- HB 136 (Bell) includes Career and Technical Education in the mission of public education.
- HB 639 (Doc Anderson) authorizes ISDs to purchase certain insurance coverage for students and businesses participating in CTE or technology training programs.
- HB 657 (Bernal) requires the ARD committee of a special education student to meet before the student is required to retake a mandated state assessment; ARD committee may promote the student if all requirements of the student's IEP have been met.
- HB 728 (Guerra) directs the SBOE to create an advanced computer science course for high school students using the commissioner's rulemaking authority.
- HB 1076 (Oliverson) provides for new rules to be adopted by the health commissioner and TEA on appropriate ages for mandatory spinal screenings of students based on nationally accepted and peer-reviewed scientific research.
- HB 1638 (Guillen) requires TEA and the Texas Higher Education Coordinating Board to develop and align goals for all dual credit courses to ensure the availability of standard outcomes on which the program can be evaluated.
- HB 1645 (Lozano) requires school districts that allow students to earn letters for academic, athletic, or extracurricular achievements to allow special education students in the district to earn a letter based on participation in a Special Olympics event.
- HB 2087 (VanDeaver) relates to and restricts the use of certain information, including student personal information, by the operator of a website, online service, online application, or mobile application for a school purpose.
- HB 3157 (Dennis Bonnen) allows for photoscreening to be used in vision screenings in public and private schools.
- HB 3563 (Koop) requires parental notification if a teacher does not meet certification requirements at the grade level and subject area in which the teacher is assigned. Changes language from "highly qualified" to the above.

Education Bills Awaiting the Governor's Signature

- SB 179 (Menendez) is called David's Law and it requires schools to establish policies regarding cyberbullying.
- SB 463 (Seliger) extends Individual Graduation Committees for two additional years.
- SB 693 (Garcia) requires three-point seat belts on some district purchased school buses.
- SB 754 (Perry) allows a school district to extend its depository contract for three additional terms; contract may be modified for each two-year extension if both parties agree.
- SB 1398 (Lucio) includes several adjustments to last session's bill requiring video cameras in self-contained special education classrooms.
- SB 1566 (Kolkhorst) relates to school board authority, board members' rights, and other school oversight issues.
- SB 2080 (Larry Taylor) requires the commissioner by rule to require school districts to include in their PEIMS reports the number of children with disabilities residing in residential facilities who are required to

be tracked by the Residential Facility Monitoring (REM) System.

- SB 2141 (Larry Taylor) requires the commissioner to create rules regarding a person who for pay represents a student in a due process hearing to follow a code of ethics and display professional conduct.
- HB 22 (Huberty) revises the state A-F accountability system.
- HB 674 (Eric Johnson) bans out-of-school suspensions for Pre-K through second graders except for cases involving weapons, drugs, or violence.
- HB 1153 (Sarah Davis) requires districts to notify parents and report to TEA students, for whom intervention strategies for learning difficulties were provided, including RtI.
- HB 2039 (Huberty) creates an EC-3 early childhood certificate that will be in addition to, not replacing, the current EC-6 certificate.
- HB 3796 (Ashby) reforms the TRSCare health insurance program for retired teachers.

Bills that are sent to the governor can be signed, vetoed, or left to become law if no action is taken by June 18th, 2017. Governor Abbott has not yet vetoed any legislation from the 85th Legislative Session; however, he saved all of his vetoes for the last possible day of the 84th Legislative Session!

Congratulations on finishing another school year and for your tireless efforts to provide our children with the finest education possible, in spite of increasingly challenging obstacles.

With great respect and appreciation,

Laura Yeager
TACS Governmental Affairs