



# Texas Association of Community Schools

1011 San Jacinto Blvd., Ste 204, Austin, Texas 78701-2431  
512/440-8227 • Fax: 512/442-6705 • WEB: [www.tacsnet.org](http://www.tacsnet.org)

Barry Haenisch, Executive Director



June 22, 2017

## TACS LEGISLATIVE UPDATE

The 85th Regular Session is over and done and while we await the drama of the special session scheduled to begin July 18th, we can assess the good and the damage that was done. Sunday, June 18th was the last day for the Governor to sign or veto legislation. Many education bills were signed into law, and a few were vetoed as well. It is interesting to look at the overall statistics of the session, which show that the 85th Regular Legislative Session had the fewest number of bills become law since the 74th Legislative Session in 1995. Not only were there fewer bills passed by both chambers, but also, there were more bills vetoed by the Governor than during any session since 2007, when 51 bills were vetoed and 1481 were passed. In most other years, about half of that number (or fewer) were vetoed.

### 2017 Regular 85th Texas Legislative Session Statistics:

Total House Bills and Senate Bills Introduced: 6631

Total Bills Passed: 1211

Total Bills Vetoed: 50

A reasonable conclusion is that not too much got accomplished this session. The chambers were at loggerheads, and the Governor didn't get very involved during the session, and instead waited until after session to pick and choose which bills he liked. Many of the bills he vetoed are related to his 19 additional agenda items for the special session, including limiting local control in exchange for increased state power. If you are a glass half-full person, you may notice that a lot of bad bills were killed. If you tend to see the glass half empty, you might focus on important legislation that didn't get passed, like a school finance bill that was urgently needed.

Some legislators fought valiantly for public schools, and supported increased funding, an updated school finance mechanism, and a greatly improved A-F system with less reliance on standardized testing, local control, and support for educators and students. However, given the controversial issues that the Senate prioritized, it was virtually impossible for good public education laws to make their way through the gauntlet. In spite of the multitude of challenges, a handful of relatively good education bills made their way into law. Some are listed below with brief explanations.

### Some Relatively Good Education Bills That Were Signed Into Law:

#### HB 22 (Huberty) Revises A-F Accountability System

While this version of HB 22 incorporates Senate changes that make it far worse than the one passed by the House, it does make some improvements to the horrid system that the commissioner used for the sample grades released this past year. Some beneficial elements of HB 22 include:

- a. Differentiates between "D" and "F" ratings
- b. One year delay for campuses for A-F (not districts)
- c. Must be "possible" for all districts and campuses to get an "A"
- d. Local accountability systems can override TEA's campus letter grades if the commissioner hasn't assigned the campus a "D" or "F" rating.

\*We will provide more information on HB 22 soon.

#### HB 1081 (Arevalo) NIFA

Increases the award amount for a district eligible for New Instructional Facilities Allotment (NIFA) from \$250/ADA to \$1,000/ADA. If the total of the \$23.75 million is exceeded, the awards will be pro-rated. Also redefines instructional facilities to include newly constructed, repurposed, and leased facilities operating for the first time with a minimum lease of no less than 10 years.

#### HB 2442 (Ken King) "Minutes Bill" Fix

Modifies language to allow the statutory minimum requirements to apply to non-instructional times of the day. Better defines the amount of time that qualifies for "full-day" or "half-day" status. Allows pre-K programs to generate half-day ADA for only 32,600 minutes and allows dropout recovery and certain other programs to generate full-day ADA for 43,200 minutes.

#### HB 3976 (Ashby) TRS-Care Shortfall

Attempts to fund the \$1 billion TRS-Care shortfall by increasing the state contribution from 1.0 to 1.25, increasing ISD contribution from .55 to .75, and changing retiree benefits. Retirees not eligible for Medicare would transition to a high-deductible plan (\$3,000 deductible, \$7,150 out of pocket, and open enrollment in the plan once 65 years of age.) If there are funds, the trustee of the program will look into implementing a plan to help non-Medicare eligible retirees pay for preventative care in a manner consistent with federal law.

#### SB 160 (Rodriguez) Eliminates TEA's Special Ed Cap

Eliminates and prohibits a monitoring system performance indicator based on the number or percentage of students receiving special education services.

#### SB 463 (Seliger) Individual Graduation Committees (IGCs)

Extends the IGCs for two years until September 2019. Also, requires the commissioner to establish a procedure for students in pre-STAAR cohorts who still have state tests to pass to earn a diploma. Discontinues TAKS and previous state tests.

#### SB 725 (Miles) Food Pantry For Hungry Kids

Gives school districts the authority to donate food to a non-profit organization to be served to kids in the district.

#### SB 754 (Perry) Public School Depository Contracts

Enables districts to extend or modify existing depository contracts for three additional 2-year terms if the bank and school district agree.

#### SB 826 (Larry Taylor) Sequencing Requirements in English and Math

Eliminates the requirement that students complete English I, II, III before taking an advanced English course. Eliminates the requirement that students take Algebra I and Geometry before taking an advanced math course. Also, requires SBOE to allow students to use certain advanced CTE courses (determined by SBOE) for the third and fourth math and science credits.

#### SB 1398 (Lucio) Fixes "Cameras in the Classroom" Bill

Modifies requirements for placing video cameras in special education classrooms. Clarifies that cameras are only required in the classroom where the student is in regular attendance. Cameras must be operating within 45 days of an approved request and film must be retained until the alleged incident has been resolved.

#### **Other victories worth noting include:**

1. The budget included funding for the \$25 million rider for the E-rate program. This funding enables Texas to get matching funds that will total \$250 million and will connect rural schools to high-speed broadband services.
2. The many efforts to limit what Districts of Innovation (DOI) can do did not prevail. The freedom for a district to determine its school start date was not removed as an option for a DOI.

3. No vouchers!!! The house voted down vouchers several times during the session, and we will need to remind our elected officials that we expect them to do the same during the special session.

**Education-Related Vetoes:**

Of the 50 bills vetoed by the Governor, four directly affect public education.

**1. HB 61 (Guillen) Accountability**

This bill related to how students who were formerly receiving special education services are counted in the accountability system. The Governor vetoed this bill because he signed HB 22 revising the accountability system.

**2. HB 1342 (Tan Parker) Child Sex Abuse Prevention**

This bill would have required sexual abuse prevention training for public school students. The Governor vetoed this bill because there was not an opt-out provision.

**3. HB 1500 (Giddings) Accountability**

This bill revised Domain 4 of HB 2804 from the 84th Legislative Session. The Governor vetoed this bill since HB 22 was signed into law changing the accountability system.

**4. SB 196 (Garcia) Notification re: Nurses, Counselors, and Librarians**

This bill would have required districts with 10,000 or more students to notify parents if it did not have a nurse, school counselor, or librarian assigned to school during all instructional hours. The Governor vetoed this bill because “our public schools should be focused on educating students in the classroom. Senate Bill 196 detracts from that focus and imposes a needless regulatory mandate on schools.”

**If only, he used that logic on all bills!!!**

**Bills Signed into law since last week's update:**

- HB 22 (Huberty) revises the state A-F accountability system.
- HB 332 (Meyer) requires school districts to include in its multi-hazard emergency plan, a policy for a district property being used as a polling place.
- HB 357 (Huberty) extends Pre-K to children of first responders seriously injured or killed in the line of duty.
- HB 441 (Martinez) prohibits school districts from offering instruction on Memorial Day.
- HB 523 (Schofield) requires school boards in districts with 10,000 or more students to make audio and video recordings of certain work sessions and meetings.
- HB 789 (Meyer) allows Highland Park ISD to raise the required pass rate for credit by exam to 90%.
- HB 1081 (Arevalo) increases NIFA to \$1000/ADA from \$250/ADA and expands the definition of who is eligible for NIFA funds.
- HB 1545 (Clardy) relates to acceptance of certain high school courses to satisfy part of the training required to obtain a peace officer license.
- HB 1553 (Lozano) allows a school district that has failed to satisfy performance standards to partner with an institution of higher education to improve district performance.
- HB 1569 (Ashby) requires residential treatment placement facilities to share a student's records with school districts to help them provide educational services to the student.
- HB 1593 (Bohac) adds family engagement programs and interventions supporting a student's learning at home to a district's family engagement plans.
- HB 1886 (Rick Miller) requires ESCs to employ a licensed dyslexia therapist as a specialist to support districts, parents, and students with dyslexia. Requires student dyslexia screening at the end of kindergarten and first grade.
- HB 1934 (Minjarez) expedites processing of a teaching certificate for the spouse of an active-duty service member. Certificate would be valid for up to 3 years.
- HB 2039 (Huberty) creates an EC-3 early childhood certificate that will be in addition to, not replacing, the current EC-6 certificate.
- HB 2223 (Giddings) makes changes to the Texas Success Initiative program to require universal administration of college readiness tests to entering undergraduate students. Allows for some alternative

measures to be used.

- HB 2369 (Nevarez) forbids the utility commission from charging school districts for water or sewer utility service based on the number of students or employees in addition to other utility rates. Also, allows for districts to appeal charges.
- HB 2442 (King) modifies previous bill relating to minutes of operation required for public schools and open-enrollment charters and calculating average daily attendance for certain education programs.
- HB 3075 (Huberty) excludes students who are detained in juvenile detention facilities from being computed in the computation of dropout and completion rates for public school accountability.
- HB 3270 (Bohac) requires fingerprinting and criminal background checks for contractors and subcontractors doing construction work on an in-service instructional facility.
- HB 3593 (Bernal) allows a district to offer a course for local credit in cybersecurity and coding.
- HB 3632 (Moody) extends the timeline for a parent to request a special education impartial due process hearing if the parent is a member of the armed services.
- HB 3706 (Lucio III) enables districts to offer alternative education programs designed to address workforce development needs for at-risk students.
- 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 1404 (Hughes) requires school districts and charters to report in PEIMS each campus that provides expanded learning opportunities, and the number of students who participate in each category of expanded learning.
- SB 1553 (Menendez) requires a student code of conduct to include an explanation of rules around the refusal of entry or ejection from school district property.
- SB 1556 (Kolkhorst) relates to school board authority, board members' rights, and other school oversight issues.
- SB 1663 (Huffman) clarifies changes to laws regulating TRS and contributions, benefits, late fees, and administration.
- SB 1664 (Huffman) makes technical corrections related to contributions to, benefits from, membership in, and administration of TRS.
- SB 1665 (Huffman) makes permanent the provision that allows 30% of the TRS to be managed by external investment advisors.
- SB 1784 (Larry Taylor) relates to state-developed open education resources for public schools. It updates the term "open-source instructional materials" to "open education resources" in the list of acceptable items for which the instructional materials allotment may be used.
- SB 1843 (Campbell) encompasses many changes regarding teacher preparation programs.
- SB 1882 (Menendez) relates to school districts that partner with open-enrollment charters to operate a district campus and share educational resources.
- SB 1963 (Creighton) allows teacher certification candidates (for non-classroom teacher certification) to have one or more formal observations via electronic transmission or other video or technology-based method.
- SB 2084 (Larry Taylor) requires the commissioner to calculate average daily attendance for students participating in blended learning programs in which classroom instruction is supplemented with applied workforce learning opportunities, including internships, externships, and apprenticeships.

We will send you a list that includes all of the education bills that have been signed into law and will go into more detail on those we think will likely have the biggest impact on you and your districts. If you have specific questions on any specific bills, please don't hesitate to reach out to me and/or Barry.

I wish I could report to you that school funding was increased \$5 billion, that testing was reduced to no more than what the feds require, and that all Texas senators and representatives constantly extol the virtues of public education. Maybe next session I'll be able to send such a note if every teacher, eligible student, and district employee gets involved and votes for pro-public education candidates from school board up to governor of the great state of Texas!

Many thanks for your hard work and dedication to improving the lives of Texas children.

Sincerely,

Laura Yeager  
TACS Governmental Affairs