



# Summary of Select Legislation

88th Session (Regular)

July 26, 2023

## INTRODUCTION/USING THIS DOCUMENT

This document was compiled by the Intergovernmental Relations staff at Austin ISD. While secondary sources were occasionally used as the basis for the bill analyses and to confirm interpretation, the summaries are the work of Austin ISD employees and reflect their analysis of the anticipated consequences of a bill on the district. Others may have differing interpretations.

Staff welcomes your comments on this document and will work with you to seek clarification on any interpretation that may differ from your understanding of the bill.

As with any legislation, some bills may need further interpretation or rulemaking, whether by Austin ISD staff or external organizations, such as the Texas Association of School Boards, or governmental agencies, such as the Texas Education Agency.

The document has two key features that should help the reader:

- a table of contents with headings that may provide key words and bill subjects; and
- bill summaries by subject area.

The bills referenced, as well as other select statutes and materials are hyperlinked in the event the reader wishes to read the full bill and related statutes.

The bill summaries are written in a common format with the:

- bill number (hyperlinked to the legislative website for copies of the bills and bill history);
- the bill caption;
- staff analysis/summary; and
- effective date(s).

The summary of HB 3, an extensive school safety bill, is organized by the entity that has primary responsibility for implementing certain provisions of the bill, e.g., the Board of Trustees, the District, the Texas Education Agency, the Commissioner, etc.

In many cases, a bill may be listed under one category but may affect other categories. Staff suggests using the table of contents and word searches to identify bills that may have cross-departmental implications.

Finally, to all the Austin ISD students, teachers, staff, administrators, community members and board members who throughout the session provided reviews of bills, identified intended and unintended consequences of proposed legislation, and testified before legislative committees, **Thank You!**

Note: This document does not reflect changes that may be made during Special Sessions. The district will update the appropriate departments if changes made during Special Sessions result in changes to state law.

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# ACCOUNTABILITY/ASSESSMENT

## EOCs

### **HB 1225 (Metcalf) relating to the administration of certain required assessment instruments in paper format**

Allows a school district to administer certain required assessment instruments in paper format to any student whose parent, guardian, or teacher in the applicable area requested it. A request would have to be submitted to the school district by December 1 of the school year.

The number of students enrolled at a school district who were administered an assessment instrument in paper format for any single administration could not exceed 3% of the number of students enrolled in the district. **On receipt of more requests than permitted, the district would be required to accept the requests in the order received until the maximum number was reached.** There is an exception from the 3% for ARD, **but not 504.**

**Effective Date:** Applies beginning with the 2023-24 school year.

### **HB 1883 (Bhojani) relating to the administration of assessment instruments to public school students on religious holy days**

"Religious holy day or period of observance" means a holy day or a period of holy days observed by a religion whose places of worship would be exempt from property taxation under Section 11.20, Tax Code.

The board of trustees of a school district may consider the dates of religious holy days or periods of observance likely to be observed by the students enrolled in the district or school during the period set by the State Board of Education for the administration of assessment instruments in establishing:

- (1) the district's or school's calendar for that school year; and
- (2) the instructional days within that period on which district or school students are administered the required assessment instruments, provided that the board of trustees or governing body may not exclude more than two instructional days from that period based solely on the occurrence of a single religious holy day or period of observance.

In establishing a school calendar the board of trustees of a school district shall provide for alternative dates for the administration of assessment instruments required under Section 39.023 to a student who is absent from school to observe a religious holy day or period of observance on the date an assessment instrument is administered.

Rulemaking authority granted to TEA.

**Effective Date:** Applies beginning with the 2023-2024 school year.

## BUSINESS FUNCTIONS

### Publication of Notices

#### **SB 943 (Kolkhorst) relating to publication of notices by a governmental entity on the Internet websites of a newspaper and the Texas Press Association**

Amends the Government Code to require a newspaper that publishes a notice on behalf of a governmental entity or representative to do the following at no additional cost to the entity or representative:

- publish the notice on one or more webpages on the newspaper's website, if applicable, that are clearly designated for notices and accessible to the public at no cost; and
- deliver the notice to the Texas Press Association for the association to publish in a statewide repository of notices, if the association maintains a website that serves as such a repository.

Requires the association to publish each notice it receives on the association's website, if applicable, and to ensure the website, as follows:

- is accessible to the public at no cost;
- is updated as notices are received;
- is searchable and sortable by subject matter, location, and both subject matter and location; and
- offers an email notification service to which a person may electronically subscribe to receive notifications that a notice has been published on the website and that allows the subscriber to limit the notifications by subject matter, location, or both subject matter and location.

SB 943 requires a person who is required to publish a notice on a website under the bill's provisions to archive the notice on the website in its entirety, including the date the notice is published. The bill specifies that the validity of a notice printed in a newspaper and published on a website is not affected if there is an error in the notice published on the website or the publication of the notice on the website is temporarily prevented as the result of a technical issue with the website.

**Effective Date:** September 1, 2023; SB 943 applies only to a notice published on or after the bill's effective date.

## Economic Development

### **HB 5 (Hunter) relating to agreements authorizing a limitation on taxable value of certain property to provide for the creation of jobs and the generation of state and local tax revenue; authorizing fees; authorizing penalties**

Known as the Texas Jobs, Energy, Technology, and Innovation Act (JETI), the bill restores school district tax abatement programs for ten years after the expiration of the ability for districts to approve new 313 tax agreements.

Provides a value limitation of 50% of the market value (or 25% if located in a qualified opportunity zone) for qualifying entities.

Eligible projects include manufacturing, research, development, high tech/technology, and dispatchable electric generation.

Schools would receive \$30,000 to cover evaluation costs, and otherwise do not receive any payment from the agreement.

The bill creates a mechanism in which a company would submit an application to the Office of the Texas Comptroller. The comptroller would review the information and make a recommendation to the governor and the school district on whether to accept the offer or not.

The governor, not later than the 30<sup>th</sup> day after the date the governor receives an application from the comptroller, shall determine if the governor is agreeable. The governor is to provide written notice of his determination to the school district.

The school board is required to take action not later than the 30<sup>th</sup> day (*“business” day, “calendar” day not specified, so it is calendar day*) would then need to take action to approve or disprove the offer. Within those 30 days the school board shall hold a public hearing and must provide notice of the hearing not later than the 15<sup>th</sup> day before the date of the hearing. The notice must contain specific information as set out in the bill.

The school board must consider and take official action on whether to enter into an agreement that is the subject of the recommended application and shall provide written notice of the district’s determination to the comptroller, the governor and the applicant.

**Effective Date:** January 1, 2024

## CHARTERS

### Approval & Expansion

### **HB 2102 (Goldman) relating to the establishment of a new open-enrollment charter school campus by certain charter holders and to the expansion of an open-enrollment charter school**

Requires charter school to provide written notice of a new charter school campus up to 36 months before campus is to open, rather than the current 18 months’ notice.



**Effective Date:** September 1, 2023

## CONTRACTING

### **HB 1817 (Capriglione) relating to the validity of a contract for which a disclosure of interested parties is required**

Amends Texas Government Code section 2252.908, relating to required vendor disclosures for certain contracts of governmental entities, including school districts. Under current law, a governmental entity may not enter into a contract that requires an action or vote of the board before it may be signed, has a value of \$1 million, or is for services that would require a person to register as a lobbyist unless the vendor has disclosed interested parties to the contract on Texas Ethics Commission Form 1295.

The bill provides that a contract is voidable for failure to provide Form 1295 only if the governmental entity submits written notice to the vendor and the vendor fails to submit the disclosure within 10 business days after receiving the notice.

**Effective Date:** June 9, 2023

### **HB 3485 (Bell, Keith) relating to a contractor's or subcontractor's right to elect not to proceed with additional work under a contract**

Grants vendors and subcontractors certain rights related to performing additional work directed by a governmental entity, including a school district, under a public work contract. A vendor or subcontractor may elect not to proceed with additional work if it has not received a written, fully-executed change order for additional work and the aggregate value of the additional work plus any previous additional work not covered by a change order exceeds 10% of its original contract amount. A vendor or subcontractor who elects not to proceed with additional work is not responsible for damages associated with the election not to proceed.

Applies only to contracts entered into on or after September 1, 2023

**Effective Date:** September 1, 2023

## DISCIPLINE

### **HB 114 (Thompson, Ed) relating to the possession, use, or delivery of marijuana or e-cigarettes on or near public school property or at certain school events**

This bill requires a student to be placed in the DAEP if the student possesses, uses, or is under the influence of, or sells, gives, or delivers marijuana, THC, or an e-cigarette to another person within 300 feet of school property or at a school-related event. The requirement for mandatory expulsion for felony marijuana, THC, and alcohol-related conduct has been removed. In addition, the bill allows a program of educational and support services to be provided to a student and parents for an offense involving e-cigarettes.

The bill clarifies that the conference, hearing and review provisions in TEC Sec. 37.009(a) apply to all mandatory DAEP removals under Sec. 37.006(a) and all mandatory expulsions under Sec. 37.007(a).

If a DAEP is at capacity, a student who commits an offense related to marijuana, THC, e-cigarettes, alcohol, or abusable volatile chemicals shall be placed in in-school suspension (ISS) until a place in a DAEP becomes available or the period of the student's placement ends. If a DAEP is at capacity when a student who engaged in violent conduct needs to be placed, a district may move a student placed in DAEP for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical to ISS to make room for the student who engaged in violent conduct. If a district removes a student from a DAEP to ISS, the student must be returned to a DAEP if a place becomes available before the end of the period of placement. The student may also complete a drug and alcohol awareness program approved by TEA.

**Effective Date:** September 1, 2023

**[HB 1427](#) (Bettencourt) relating to the prosecution of the offense of harassment**

Addresses the harassment loophole from "burners" in Section 42.07(a) of the Penal Code by adding an act of harassment to include obscene, intimidating, or threatening phone calls or other electronic communications from a temporary or disposable telephone number provided by an Internet application or other technological means as an offense.

**Effective Date:** September 1, 2023

**[HB 3917](#) (Buckley) relating to dismissal of a complaint alleging a parent contributing to nonattendance on the parent's fulfillment of certain terms**

Allows for truancy fines or other punitive measures to be waived if a parent completes an alternative requirement by the school district to attend counseling, trainings, programs, or other services designated by the district within a certain period designated in statute or as agreed to by the parent and school district. School districts are not required to offer any such program but may elect to provide this alternative rather than a traditional fine or other punitive measure.

These programs and services could be provided through state or local counseling resources, or faith-based entities or other entities. The training may include, but is not limited to, training in parenting, including parental responsibility, under Texas law regarding truancy.

None of these changes would impact students or other parts of truancy laws.

The change in law made by this legislation applies only to an offense committed on or after the effective date of the Act.

**Effective Date:** September 1, 2023

**[SB 37](#) (Zaffirini) relating to the criminal offense of hazing**

Eliminates requirement in Penal Code Ch. 37 that a report of a specific hazing event or planned hazing event be made in writing. It expands who may receive a report to include peace officers and law enforcement agencies.

The bill allows a report to be made to a peace officer or law enforcement agency, in addition to a dean of students or other institutional official. The bill also provides immunity from liability for any person, including an entity organized to support an organization, who reports a specific hazing incident to certain people, including a peace officer or law enforcement agency, if the person makes the report before being contacted by the educational institution or law enforcement agency and cooperates in good faith with the investigation conducted by the institution or law enforcement agency.

**Effective Date:** September 1, 2023

**[SB 133 \(West\)](#) relating to prohibiting the physical restraint of or use of chemical irritants or Tasers on certain public school students by peace officers and school security personnel under certain circumstances**

A peace officer or school security personnel performing security-related duties on school property or at a school-sponsored or school-related activity may not restrain or use a chemical irritant spray or Taser on a student enrolled in fifth grade or below unless the student poses a serious risk of harm to the student or another person.

The bill defines "Taser" as a device manufactured, sold, or distributed by Taser International, Incorporated, that is intended, designed, made, or adapted to incapacitate a person by inflicting an electrical charge through the emission of a projectile or conductive stream. The term includes a similar device manufactured, sold, or distributed by another person.

**Effective Date:** September 1, 2023

## EARLY CHILDHOOD

**[HB 1615 \(Button\)](#) relating to strategies to increase the availability of child-care and prekindergarten programs**

Establishes a pre-K partnership program that would partner certain eligible child-care providers with local school districts and open-enrollment charter schools to provide required pre-K classes. **Using existing funds**, the Texas Workforce Commission and the Texas Education Agency would coordinate to develop strategies to expand availability of partnership programs.

Establishes a scholarship program for current and prospective child care workers. The scholarship funds could be used to pay for:

- earning a Child Development Associate (CDA) credential and costs related to the CDA exam;
- earning an associates or bachelors in early childhood education or a similar field;
- participation in a registered child-care apprentice program;
- books and supplies for educational or apprenticeship programs;
- release time or stipends to attend class;
- travel expenses related to training or classes; and
- stipends for mentors or master teachers providing hands-on training. The bill also would require that a representative of the child care workforce be placed on workforce development boards.

**Effective Date:** September 1, 2023

**HB 2729 (Harris of Anderson) relating to teacher requirements for high quality prekindergarten programs**

Adds to the list of eligible qualifications to pre-K certification that the teacher has an associate or baccalaureate degree in early childhood education or a related field, or at least eight years' experience teaching in a Texas Rising Star Program.

Each teacher for a prekindergarten class provided by an entity with which a school district contracts to provide a prekindergarten program must:

- (1) be supervised by a person who meets the requirements under Subsection (b) for certification; and
- (2) have one of the following qualifications:
  - (A) at least two years' experience of teaching in a nationally accredited child care program or a Texas Rising Star Program and:
    - (i) a Child Development Associate (CDA) credential or another early childhood education credential approved by the agency; or
    - (ii) certification offered through a training center accredited by Association Montessori International or through the Montessori Accreditation Council for Teacher Education; or
  - (B) a qualification described by Subsection (b)(2)(A), (D), (E), or (F).

A person who supervises a prekindergarten program provided by an entity with which a school district contracts for that purpose may supervise multiple prekindergarten classrooms to:

- (1) ensure programmatic compliance; and
- (2) support:
  - (A) classroom instruction;
  - (B) the developmental needs of students; and
  - (C) continuous quality improvement, including professional development.

Subsections (b-1) and (b-2) and this subsection expire September 1, 2029.

A school district or an entity with which the district contracts to provide a prekindergarten program **must attempt** to maintain an average ratio in any prekindergarten program class of not less than one qualified [certified] teacher or teacher's aide for each 11 students.

**Effective Date:** September 1, 2023. Applies beginning with the 2023-2024 school year

## **ELECTIONS**

**HB 2626 (Tepper) relating to the availability on the Internet of certain reports of political contributions and expenditures**

Repeals current law related to posting of campaign finance reports of school district trustees and amends the Election Code to require that political subdivisions, including school districts, make

campaign finance reports available on their websites no later than 10 business days after the report is received. Before posting the report on the website, the political subdivision may remove the portion of the contributor's address, other than the city, state, and zip code. The unredacted address information must remain available on the report maintained in the filing authority's office. Reports must remain accessible on the website until the fifth anniversary of the date the report was first made available.

**Effective Date:** September 1, 2023

## EXTRA-CURRICULAR

**HB 699(Frank) relating to determining the student enrollment of a public school that allows non-enrolled students to participate in University Interscholastic League activities for purposes of assigning a University Interscholastic League classification**

Requires that the UIL apply the same student enrollment calculation formula to all schools whether or not the school allows a non-enrolled student to participate in UIL activities.

**Effective Date:** September 1, 2023

## FACILITIES

**SB 2069 (Bettencourt) relating to the required posting of signs regarding human trafficking penalties by certain schools**

SB 2069 amends the Education Code to revise statutory provisions relating to the requirement for schools to post warning signs of increased human trafficking penalties at certain locations, as follows:

Removes the specification that the warning signs must be posted in the following locations:

- parallel to and along the exterior boundaries of the school's premises;
- at each roadway or other way of access to the premises;
- on premises not fenced, at least every five hundred feet along the exterior boundaries of the premises; and
- at each entrance to the premises.

The bill clarifies that the warning signs must be posted in a conspicuous place reasonably likely to be viewed by all school employees and visitors.

The bill removes the requirement that rules adopted by the TEA, in consultation with the human trafficking prevention task force, address the placement, installation, design, size, and maintenance procedures for the warning signs.

TEA has provided No Human Trafficking Signage pertaining to the criminal offenses of human trafficking. TEA has three sample signs below (based on location) that the LEA may use directly or as a template for local development.

No Human Trafficking Signage in English and Spanish (Color Block) [8x11](#) | [11x17](#)

No Human Trafficking Signage in English and Spanish (General Street) [8x11](#) | [11x17](#)

No Human Trafficking Signage in English and Spanish (Perimeter) [12x18](#)

**Effective Date:** September 1, 2023

## FINANCE

### **[HB 3708](#) (Buckley) relating to creating an allotment under the Foundation School Program for school districts that allow non-enrolled students to participate in University Interscholastic League activities**

Entitles a school district to an annual allotment of \$1,500 per student per league activity in which a non-enrolled student participated.

The bill defines “non-enrolled student” as a student who predominantly received instruction from a non-public school in a general elementary or secondary education program that was provided by the parent, or a person standing in parental authority, in or through the child's home.

**Effective Date:** September 1, 2023

## GOVERNANCE

### **[SB 232](#) (Hinojosa) relating to the removal from office of an officer of a political subdivision for commission of certain criminal offenses**

Amends the Texas Local Government Code to provide that a person who holds an elected or appointed office of a political subdivision, including a school district, is automatically removed from and vacates the office as soon as they plead no contest to, receive deferred adjudication for, or are convicted of a qualifying offense.

"Qualifying offense" means a criminal offense involving:

- (1) bribery;
- (2) theft of public money;
- (3) perjury;
- (4) coercion of public servant or voter;
- (5) tampering with governmental record;
- (6) misuse of official information;
- (7) abuse of official capacity; or
- (8) conspiracy or the attempt to commit any of the offenses described by this subsection.

At the first regular public meeting after the officer is removed from office, the governing body must either order an election to fill the vacancy or fill the vacancy in the manner provided by law if an election is not required.

**Effective Date:** September 1, 2023

## HEALTH/STUDENT SAFETY

### Child Water Safety

#### **HB 59 (Goodwin) relating to child water safety requirements for certain organizations; authorizing disciplinary action, including an administrative penalty**

Imposes new requirements on organizations that authorize children younger than 12 years of age to engage in organized water activities in which the child will enter or travel on a body of water, including a swimming pool, lake, river, wading pool, or bath as part of the activity.

The organization must require a child's parent or legal guardian to affirm in writing whether the child is able to swim or is at risk of injury or death when swimming or otherwise accessing a body of water. If a child is unable to swim or is at risk of injury or death, the organization must provide a properly fitted and fastened personal flotation device. Such is not required if the child is actively participating in swim instruction or a competition and the organization ensures that each child is closely supervised.

An organization that violates these requirements is subject to disciplinary action, including the imposition of an administrative penalty.

**Effective Date:** September 1, 2023

### Concussion Oversight Team

#### **HB 1002 (Price) relating to the membership of a public school concussion oversight team and the removal of a public school student from an interscholastic athletic activity on the basis of a suspected concussion**

Authorizes a school district to include a chiropractor or a physical therapist as a member of the district concussion oversight team, provided that the person has had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team.

Requires a student to be removed from an interscholastic athletics practice or competition immediately if certain persons believe the student might have sustained a concussion during the practice or competition.

**Effective Date:** immediately

### AED Instruction

#### **HB 4375 (VanDeaver) relating to instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator in public schools**

Requires students in grades 7-12 to receive instruction on the use of automated external defibrillators. This provision was added to an existing law requiring districts to provide instruction on CPR. Donations may be accepted.

**Effective Date:** September 1, 2023

## Mask Mandate

### **SB 29 (Birdwell) relating to prohibited governmental entity implementation or enforcement of a vaccine mandate, mask requirement, or private business or school closure to prevent the spread of COVID-19**

Prohibits a governmental entity from implementing, ordering, or otherwise imposing a mandate to prevent the spread of COVID-19 that required:

- a person to wear a face mask or other face covering;
- a person to be vaccinated against COVID-19; or
- the closure of a private business or a public, open-enrollment charter, or private school.

**Effective Date:** September 1, 2023

## Vision Screening

### **HB 1297 (Dutton) relating to vision screenings for students in public or private school**

Requires the HHSC executive commissioner to develop rules relating to screening for special senses and communication disorders to allow an individual who attends a public or private school to be screened using an electronic eye chart as a substitute for a printed eye chart to assess visual acuity.

Defines "electronic eye chart" as any computerized or other electronic system, device, or method of displaying on an electronic screen medically accepted and properly sized optotypes, which may be letters, numbers, or symbols, a health care practitioner or other person uses to assess an individual's visual acuity. The term does not include an automated computer program that assesses an individual's visual acuity through the individual's interaction with the program by playing a game.

**Effective Date:** September 1, 2023

## Epi-Pen

### **SB 294 (Johnson) relating to the use of epinephrine auto-injectors and medication designated for treatment of respiratory distress on public and private school campuses**

Allows authorized and trained school personnel and volunteers to administer medication for respiratory distress caused by asthma, allergic reactions and other conditions. Defines "medication for respiratory distress" as:

- albuterol;
- levalbuterol; or
- another medication designated by the executive commissioner of the Health and Human Services Commission (HHSC) under the bill's provisions as a type of medication for treatment of respiratory distress.



Removes a school campus as the sole location for administering such medication and authorizes such administration either on a school campus or at a school-sponsored or school-related activity on or off school property.

The medication is to be stored in a secure location and be easily accessible to authorized school personnel and school volunteers.

Requires parental consent, but failure to obtain consent does not preclude administration of medication in good faith. School employees may not be compelled to participate.

The school, not later than the 10th business day after the date a school personnel member or school volunteer administers medication for respiratory distress to a person experiencing respiratory distress must report the following information to the district; the physician or other person who prescribed the medication for respiratory distress; and the commissioner of state health services:

- the age of the person who received the administration of the medication;
- whether the person who received the medication was a student, a school personnel member or school volunteer, or a visitor;
- the dosage of the medication administered;
- the title of the person who administered the medication; and
- any other information required by the commissioner of education.

The bill requires training provided by a school district to school personnel and volunteers to include information on the following, as applicable:

- recognizing the signs and symptoms of respiratory distress;
- administering medication for respiratory distress;
- implementing emergency procedures, if necessary, after administering the medication; and
- proper sanitization, reuse, and disposal of medication for respiratory distress.

A person who in good faith takes or fails to take action under applicable provisions regarding the maintenance and administration of medication for respiratory distress, as defined by the bill, is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act.

**Effective Date:** immediately

## Fruit & Vegetable Day

### **HB 3991 (Issac) relating to Texas Fruit and Vegetable Day in public schools**

Designates the **first Friday in April** as Texas Fruit and Vegetable Day in public schools to promote awareness of the health benefits of fruits and vegetables and to encourage students to consume more fruits and vegetables during Texas Fruit and Vegetable Month. The bill requires Texas Fruit and Vegetable Day to include appropriate instruction, as determined by each public school district, and authorizes the Texas Education Agency to collaborate with other state agencies to promote Texas Fruit and Vegetable Day.

**Effective Date:** immediately. The bill applies beginning with the 2023-2024 school year

## Opioid Antagonists

### **HB 3908 (Wilson) relating to fentanyl prevention and drug poisoning awareness education for public school students in grades 6 through 12**

Requires a school district to annually provide research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12.

The instruction required by this section must include:

- (1) suicide prevention;
- (2) prevention of the abuse of and addiction to fentanyl;
- (3) awareness of local school and community resources and any processes involved in accessing those resources; and
- (4) health education that includes information about substance use and abuse, including youth substance use and abuse.

The instruction required by this section may be provided by an entity or an employee or agent of an entity that is:

- (1) a public or private institution of higher education;
- (2) a library;
- (3) a community service organization;
- (4) a religious organization;
- (5) a local public health agency; or
- (6) an organization employing mental health professionals.

A school district may satisfy a requirement to implement a program in the area of substance abuse prevention and intervention by providing instruction related to youth substance use and abuse education.

**Effective Date:** immediately. Applies beginning with the 2023-2024 school year

### **SB 629 (Menendez) relating to the use of opioid antagonists on public and private school campuses and at or in transit to or from off-campus school events and to the permissible uses of money appropriated to a state agency from the opioid abatement account**

Requires a school district to adopt and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists at each campus in the district that serves students in grades 6 through 12 and permits adoption of such a policy at campuses serving students in a grade level below grade 6.

A policy adopted under this section must:

1. provide that school personnel and school volunteers who are authorized and trained may administer an opioid antagonist to a person who is reasonably believed to be experiencing an opioid-related drug overdose;

2. require that each school campus subject to a policy adopted under this section have one or more school personnel members or school volunteers authorized and trained to administer an opioid antagonist present during regular school hour;
3. establish the number of opioid antagonists that must be available at each campus at any given time; and
4. require that the supply of opioid antagonists at each school campus subject to a policy adopted under this section must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an opioid antagonist.

**Report On Administering Opioid Antagonist.** Not later than the 10th business day after the date an opioid antagonist is administered, the school shall report to:

1. the school district;
2. the physician or other person who prescribed the opioid antagonist; and
3. the commissioner of state health services.

The report must include the following information:

1. the age of the person who received the administration of the opioid antagonist;
2. whether the person who received the administration of the opioid antagonist was a student, a school personnel member or school volunteer, or a visitor;
3. the physical location where the opioid antagonist was administered;
4. the number of doses of opioid antagonist administered;
5. the title of the person who administered the opioid antagonist; and
6. any other information required by the commissioner of education.

**Training.** Each school district is responsible for training school personnel and school volunteers in the administration of an opioid antagonist.

A training must include information on:

1. recognizing the signs and symptoms of an opioid-related drug overdose;
2. administering an opioid antagonist;
3. implementing emergency procedures, if necessary, after administering an opioid antagonist; and
4. properly disposing of used or expired opioid antagonists.

The training must be provided in a formal training session or through online education; and be provided in accordance with the policy adopted under the district's annual adoption of professional development policies.

Each school district that adopts a policy must maintain records on the training required under this section.

**Prescription of Opioid Antagonists.** A physician or person who has been delegated prescriptive authority may prescribe opioid antagonists in the name of a school district.

A physician or other person who prescribes opioid antagonists shall provide the school district with a standing order for the administration of an opioid antagonist to a person reasonably believed to be experiencing an opioid-related drug overdose.

The standing order is not required to be patient-specific, and the opioid antagonist may be administered to a person without a previously established physician-patient relationship.

Supervision or delegation by a physician is considered adequate if the physician:

1. periodically reviews the order; and
2. is available through direct telecommunication as needed for consultation, assistance, and direction.

An order issued under this section must contain:

1. the name and signature of the prescribing physician or other person;
2. the name of the school district to which the order is issued;
3. the quantity of opioid antagonists to be obtained and maintained under the order; and
4. the date of issue.

A pharmacist may dispense an opioid antagonist to a school district without requiring the name or any other identifying information relating to the user.

**Gifts, Grants, and Donations.** A school district may accept gifts, grants, donations, and federal and local funds to implement this subchapter.

**Immunity from Liability.** A person who in good faith takes, or fails to take, any action under this subchapter is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including:

1. issuing an order for opioid antagonists;
2. supervising or delegating the administration of an opioid antagonist;
3. possessing, maintaining, storing, or disposing of an opioid antagonist;
4. prescribing an opioid antagonist;
5. dispensing an opioid antagonist;
6. administering, or assisting in administering, an opioid antagonist
7. providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans; or
8. undertaking any other act permitted or required under this subchapter.

The bill does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides a basis for a cause of action for an act or omission.

A school district and school personnel and school volunteers are immune from suit resulting from an act, or failure to act, under this subchapter, including an act or failure to act under related policies and procedures.

The HHSC commissioner, in consultation with the TEA commissioner, shall adopt rules.

**Effective Date:** September 1, 2023

## Seizure Management

### **SB 1506 (Hughes) relating to a seizure management and treatment plan for the care to be provided by a public school to a student with a seizure disorder**

Under current law, a student's parent or guardian and their physician are required to create a treatment plan for the student in case of a seizure. The treatment plan, however, does not include requirements for what should or should not be on the plan.

Requires TEA to adopt and post on TEA's Internet website a form to be used in submitting a seizure management and treatment plan and prescribes what information should be on the form. Because the treatment plan will be the same for all schools, in the event of a seizure, teachers will have a general knowledge of where to look when seeking to assist the affected student.

Requires TEA, not later than December 1, 2023, to adopt and post the form on TEA's Internet website.

**Effective Date:** January 1, 2024

## COUNSELING

### Tuition Assistance

### **HB 1211 (Guillen) relating to financial assistance, including repayment of loans, for certain students attending postsecondary educational institutions**

Expands definition of a *mental health professional* to include a licensed specialist in school psychology to be eligible for repayment assistance if the person meets certain criteria. To be eligible, a licensed specialist in school psychology must apply to the Higher Education Coordinating Board, be employed by a school district or OECS located in a federally-designated mental health care health professional shortage area or by a public school that receives federal funding under Title I of ESSEA, provide mental health services to enrolled students, and have completed one to five consecutive years of practice in those environments. The amount of repayment assistance is limited to \$40,000.

**Effective Date:** September 1, 2023

## Certification Requirements

### **SB 798 (Middleton) relating to the certification requirements for a public school counselor**

Removes classroom teaching experience from being a requirement for certification as a school counselor.

Not later than January 1, 2024, the State Board for Educator Certification shall propose any rules necessary to implement.

**Effective Date:** September 1, 2023

## Chaplains

### **SB 763 (Middleton) relating to allowing public school to employ or accept as volunteers chaplains**

A school district may employ or accept as a volunteer a chaplain to provide support, services, and programs for students as assigned by the board of trustees of the district. A chaplain employed or volunteering is not required to be certified by the State Board for Educator Certification.

A school district may not employ or accept as a volunteer a chaplain who has been convicted of or placed on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under the Code of Criminal Procedure.

Each board of trustees of a school district shall take a record vote not later than six months after the effective date of this Act on whether to adopt a policy authorizing a campus of the district or school to employ or accept as a volunteer a chaplain. **Deadline March 2, 2024.**

**Note:** GKG(LOCAL), Community Relations: School Volunteer Program permits volunteers in schools; thus chaplains may volunteer under this provision.

**Effective Date:** September 1, 2023; applies beginning with the 2023-2024 school year

## INSTRUCTION/CURRICULUM

### Accelerated Instruction

### **HB 1416 (Bell, Keith) relating to accelerated instruction provided to public school students who fail to achieve satisfactory performance on certain assessment instruments**

Referred to as the “HB 4545 clean-up” bill, HB 1416 eliminates the requirement for accelerated learning committees.

**Required Accelerated Instruction.** Requires at least 15 hours of accelerated instruction for student who fails state assessment, and 30 hours of accelerated instruction if the student performs *significantly* below satisfactory levels.

Increases student-to-teacher ratios to *four students per teacher*, rather than three student per teacher.

Requires a school district to allow a student to be assigned a classroom teacher who is certified as a master, exemplary or recognized teacher, or provide the student supplemental instruction if the student fails to perform satisfactorily on an end-of-course assessment instrument other than an assessment instrument developed or adopted based on alternative academic achievement standards.

A school district is not required to provide supplemental instruction to a student in more than two subject areas per school year. Requires the district, if the district would otherwise be required to provide supplemental instruction to a student in more than two subject areas for a school year, to prioritize providing supplemental instruction to the student in mathematics and reading, or Algebra I, English I, or English II for that school year.

**Supplemental Instruction Requirements.** Authorizes a parent or guardian of a student to whom supplemental instruction will be provided and who either was administered and failed to perform satisfactorily on an assessment instrument specified or was administered a beginning-of-year assessment instrument aligned with the essential knowledge and skills for the applicable subject area to elect to modify or remove a requirement for that instruction by submitting a written request to an administrator of the campus at which the student is enrolled. Prohibits a school district from encouraging or directing a parent or guardian to make an election under this subsection that would allow the district to:

1. not provide supplemental instruction to the student; or
2. provide supplemental instruction in a group larger than authorized.

TEA required to approve one or more products that use an automated, computerized, or other augmented method for providing supplemental instruction. Authorizes TEA to approve a method under this subsection only if evidence indicates that the product is more effective than the individual or group instruction.

A school district is permitted to use a service provider that is not on a list of service providers approved by TEA if the district can demonstrate to the commissioner that use of the service provider results in measurable improvement in student outcomes.

**Parent Notice.** A school district must provide notice to the parent or guardian of a student who fails to perform satisfactorily on an assessment instrument that the student is not performing on grade level in the applicable subject area. Requires the district to provide the notice at a parent-teacher conference or by another means. Requires TEA to develop and provide a model notice in plain language for use by school districts.

**Parent Modification of Requirements.** A parent of a student to whom supplemental instruction or an accelerated education plan applies may choose to modify or remove a requirement for supplemental instruction. The parent must submit a written request to an administrator.

**Accelerated Education Plan.** School district must develop an accelerated education plan for each student who does not perform satisfactorily on an assessment instrument for two or more consecutive school years in the same subject area. The district must make a good faith attempt to provide to the parent or guardian of the student a parent-teacher conference with the student's primary teacher at the start and end of the subsequent school year. The bill requires the district, at the conference, to provide the student's parent or guardian with:

1. the notice that the student is not performing at grade level; and
2. an explanation of:
  - the accelerated instruction to which the student is entitled; and
  - the accelerated education plan that is required to be developed for the student and the manner in which the parent or guardian is authorized to participate in developing the plan.

Not later the start of the subsequent school year, the district must develop an accelerated education plan for each student who does not perform satisfactorily on an assessment instrument for two or more consecutive school years in the same subject area that provides the necessary accelerated instruction to

enable the student to perform at the appropriate grade or course level by the conclusion of the school year. Provides that the plan:

1. identify the reason the student did not perform satisfactorily on the applicable assessment instrument;
2. require the student to be provided with no less than 30 hours, or a greater number of hours if appropriate, of supplemental instruction for each consecutive school year in which the student does not perform satisfactorily on the assessment instrument in the applicable subject area; and
3. require, as appropriate, to ensure the student performs satisfactorily on the assessment instrument in the applicable subject area at the next administration of the assessment instrument:
  - the district expand the times in which supplemental instruction is available to the student;
  - the student be assigned for the school year to a specific teacher who is better able to provide accelerated instruction; and
  - the district provide any necessary additional resources to the student.

Amends existing law that requires the district to provide notice to a parent or guardian of a student to provide the option of a written copy of such notice.

**Students Receiving Special Education.** Requires the admission, review, and dismissal (ARD) committee of a student who participates in a district's special education program, and who does not perform satisfactorily on an assessment instrument to, at the student's next annual review meeting, review the student's participation and progress in, as applicable, accelerated instruction supplemental instruction. Authorizes the student's parent to request, or the district to schedule, an additional committee meeting if a committee member believes that the student's individualized education program needs to be modified based on the requirements under this section. Requires the district, if the district refuses to convene a committee meeting requested by the student's parent under this subsection, to provide the parent with written notice explaining the reason the district refuses to convene the meeting.

**Homebound and Off-Campus Students.** Authorizes a school district, if a student who attends school in a homebound or other off-campus instructional arrangement, including at a residential treatment campus or state hospital, is unable to participate in an accelerated instruction program due to the student's medical condition, to determine that the student be provided the accelerated instruction when the student attends school in an on-campus instructional setting. Provides that if the student's medical condition prevents the student from attending school in an on-campus instructional setting for the school year during which the accelerated instruction is required to be provided to the student, the district is not required to provide the accelerated instruction to the student for that school year.

**Transportation.** Creates exception to the requirement that a school district provide students required to attend accelerated programs with transportation to those programs if the programs occur outside of regular school hours, if the district does not operate, or contract or agree with another entity to operate, a transportation system.

Authorizes the commissioner to adopt rules as necessary to implement this section, including rules for required reporting necessary to support student transfers.



Requires TEA to monitor and evaluate the effectiveness of the accelerated instruction required under this section.

Requires a student for whom an accelerated education plan is required to be developed to be assigned, in each school year and subject covered by the accelerated education plan, to an appropriately certified teacher who meets all state and federal qualifications to teach that subject and grade.

Deletes existing text requiring a student who fails to perform satisfactorily on an assessment instrument and is promoted to the next grade level, to be assigned in the subsequent school year in each subject in which the student failed to perform satisfactorily on an assessment instrument to an appropriately certified teacher who meets all state and federal qualifications to teach that subject and grade.

The commissioner may waive the requirements regarding accelerated instruction for a school district for each school year in which at least 60 percent of the students who received accelerated instruction during the school year immediately preceding the previous school year, including at least 60 percent of students whose performance on the applicable assessment instrument was significantly below satisfactory, as defined by commissioner rule, performed satisfactorily in the previous school year on the assessment instrument in each subject in which the student previously failed to perform satisfactorily.

Requires the commissioner, for purposes of determining whether a school district qualifies for a waiver under this subsection, to:

1. if a student received accelerated instruction in more than one subject during the applicable school year, consider the student's performance on the assessment instrument in each subject separately from the student's performance on the assessment instrument for each other subject; and
2. by rule provide that a school district is prohibited from qualifying for a waiver if students who are receiving special education services or are educationally disadvantaged are overrepresented among the students in the district who received accelerated instruction during the school year immediately preceding the previous school year and did not perform satisfactorily in the previous school year on the assessment instrument in each applicable subject.

Requires the commissioner, not later than the beginning of each year, to publish a list of school districts that qualify for a waiver.

The bill *repeals* the following provisions of the Education Code:

Section 28.0211(c) relating to requiring an accelerated learning committee to be established after a student fails to perform satisfactorily on certain assessment instruments

Section 28.0211 (f-4) relating to requiring the superintendent of the district, or the superintendent's designee, to meet with the student's accelerated learning committee if a student who fails to perform satisfactorily on a specific assessment instrument fails in the subsequent school year to perform satisfactorily on an assessment instrument in the same subject

Section 28.0211(f-5) relating to authorizing the superintendent's designee to be an employee of a regional education service center and prohibiting the superintendent's designee from being a person who served on the student's accelerated learning committee

## Section 28.0217 Accelerated Instruction for High School Students

The bill provides that changes in law made by the legislation related to accelerated learning apply beginning with assessment instruments administered during the 2023 spring semester.

The provides that the repeal of the Accelerated Instruction for High School Students (Section 28.0217, Education Code) applies beginning with the 2023–2024 school year.

**Effective date:** immediately

## Instructional Materials

**HB 1605 (Buckley) relating to instructional material and technology, the adoption of essential knowledge and skills for certain public school foundation curriculum subjects, and the extension of additional state aid to school districts for the provision of certain instructional materials; authorizing a fee**

- TEA to create open resource instructional materials program for district use.
- District to post and provide parent access to instructional materials.
- Provides funding incentive for use of state-developed/approved materials: \$40 per enrolled student for the procurement of state-approved instructional materials deposited into IMTA account (unused balance rolls forward).
- Additional “up to” \$20 per enrolled student deposited into IMTA account to cover actual cost of printing and shipping of Open Educational Resource Instructional Materials.
- Prohibits an educator prep program from including instruction on the use of instructional materials that incorporate the method of three-cueing. “Three-cueing” means a method of reading instruction for identification of words by which a student is encouraged to draw on context and sentence structure to read words without sounding the words out or using a phonics-based approach.

**Planning and Non-instructional Duties of Teachers.** A school district may enter into a supplemental agreement with a classroom teacher under which the teacher agrees to perform a duty relating to initial lesson plan design or instructional material selection that is not a duty generally:

1. anticipated to be performed during the instructional day; and
2. assigned to all classroom teachers of the same subject and grade level under those teachers' employment contracts.

The supplemental agreement must explicitly state each of the teacher's duties unrelated to providing instruction.

A school district may not require a classroom teacher for a foundation curriculum course to spend planning and preparation time creating or selecting instructional materials to initially cover the applicable essential knowledge and skills for the course unless the teacher has entered into a supplemental agreement described above. A classroom teacher may choose to spend the teacher's planning and preparation time creating or selecting instructional materials.

**Immunity from Disciplinary Proceedings.** A classroom teacher may not be subject to disciplinary proceedings for an allegation that the teacher violated Section 28.0022 of the Education Code (Certain Instructional Requirements and Prohibitions), the Establishment Clause of the First Amendment of the United States Constitution, or a related state or federal law if:

1. the teacher used only instructional material included on the list of approved instructional material maintained by the State Board of Education and adopted by the district; and
2. the allegation does not dispute that the teacher delivered instruction from instructional material ***with fidelity.***

**Tests May be Reviewed by Parent.** A school district shall make tests readily available for review by parents both in person and, if applicable, through an instructional materials parent portal. In providing access to instructional materials to a student's parent under this section, the district shall:

1. allow access beginning not later than 30 days before the school year begins and concluding not earlier than 30 days after the school year ends; and
2. include, for the entire period specified access to all instructional materials that pertain to each subject area in the grade level in which the student is enrolled, except for:
  - tests or exams that have not yet been administered to the student; and
  - the student's graded assignments.

The district may specify reasonable hours for in-person review.

**Parent Review of Instructional Materials.** The board of trustees shall establish a process by which a parent of a student, as indicated on the student registration form at the student's campus, may request an instructional material review for a subject area in the grade level in which the student is enrolled. The process:

1. may not require more than one parent of a student to make the request;
2. must provide for the board of trustees to determine if the request will be granted, either originally or through an appeal process; and
3. may permit the requesting parent to review the instructional material directly before the district conducts an instructional material review.

The board of trustees must conduct a review of instructional materials if:

- More than 50 percent of parents of enrolled students request a review.
- If the parents of at least 25 percent but less than 50 percent of the students enrolled at a campus present a petition for the board to conduct an instructional material review, the board must conduct the review or vote to deny the request.
- The board may grant a review if one or more parents request.

The board of trustees of a school district is not required to conduct a review under this section for a specific subject area or grade level at a specific district campus more than once per school year.

**Instructional Material Internet Website.** TEA shall maintain an instructional material website to assist school districts in locating and selecting instructional material. For each instructional material included, the Internet website shall provide:

1. the price of the material;
2. the technological requirements needed to use the material;
3. the results of an agency review of the material;
4. a statement of whether the material is included on the list of approved instructional materials maintained by the State Board of Education or has been rejected by the board; and
5. any other information the agency determines relevant to a school district's selection of instructional material.

**Instructional Material Support.** On request of a school district, TEA shall provide the district assistance in evaluating, adopting, or using instructional materials

**Local Review of Classroom Instructional Material** TEA shall develop standards in consultation with stakeholders, including educators, by which a school district may conduct a review of instructional materials used by a classroom teacher in a foundation curriculum course to determine the degree to which the material:

1. corresponds with the instructional materials adopted by the school district or district campus; and
2. meets the level of rigor of the essential knowledge and skills adopted for the grade level in which it is being used.

The TEA standards:

1. shall minimize, to the extent possible, the time a classroom teacher is required to spend complying with a review conducted under this section;
2. may not, unless unavoidable, require a teacher to spend more than 30 minutes on a single review conducted under this section; and
3. may not authorize the review of instructional materials used by a classroom teacher for a specific subject or grade level at a specific school district campus more than once per school year.

**Open Education Resource Instructional Material Transition Plan.** If a school district does not participate in TEA's open education resource program to qualify for additional state aid, the board of trustees of a school district must adopt an open education resource instructional material transition plan to assist classroom teachers in the district who will be using an open education resource instructional material in a specific subject or grade level for which the teacher has not previously used an open education resource instructional material. Such plan must ensure that open education resource instructional materials are used in a manner that maintains the instructional flexibility of a classroom teacher to address the needs of each student.

**Open Education Resource Instructional Material Support Program.** TEA shall develop and maintain a program to assist school districts in adopting and using open education resource instructional material made available under this subchapter, including by assisting districts and schools to:

1. maintain the instructional flexibility of classroom teachers to address the needs of each student; and
2. schedule instructional periods in a manner that allows classroom teachers sufficient time to effectively prepare and present instructional material within the teacher's normal work day.

**Report to Agency.** Each school district shall annually report to TEA information regarding the instructional materials used by the district during the previous school year, including the cost of each material.

**Purchasing Method.** A school district is not required to use a method provided by TEC 44.031(a) to purchase instructional materials that have been reviewed by the agency and included on the list of approved instructional materials maintained by the SBOE.

**Instructional Materials Parent Portal.** The SBOE shall adopt standards for entities that supply instructional materials reviewed by the agency to make instructional materials supplied by the entity available on a parent portal hosted by the entity. An instructional materials parent portal must:

1. provide to each parent of a student enrolled in a school district or open-enrollment charter school access to instructional materials, other than tests or exams, that are included in the portal and used by the district or school;
2. organize instructional material by unit and in the order in which the material is designed to be used;
3. be capable of being searched by key word; and
4. for instructional material not available in a digital format, contain sufficient information to allow a parent to locate a physical copy of the material.

Standards may not require:

1. a classroom teacher to submit instructional materials developed by the teacher for inclusion in an instructional materials parent portal; or
2. an entity hosting an instructional materials parent portal to include tests or exams in the portal.

**Effective Date:** June 13, 2023; applies beginning with the 2023-24 school year except as otherwise provided

### **[SB 2294](#) (Creighton) relating to the Texas First Early High School Completion Program and the Texas First Scholarship Program**

Students qualified to graduate early under the [Texas First Diploma](#) program can receive a scholarship to *any* college or university in the state. Previously, the program had been limited to research and emerging research institutions.

The bill **requires** a school district to issue a diploma under the program to a student who meets the standards. Under the statute that SB 2293 amends, the school district was merely authorized, not required, to issue a diploma if the student met the prescribed standards.

**Effective Date:** September 1, 2023

### **[SB 2124](#) (Creighton) relating to an advanced mathematics program for public school students in middle school**

Amends the Education Code to require each public school district, as soon as practicable after the bill's effective date, to develop an advanced mathematics program for middle school students that is designed to enable those students to enroll in Algebra I in eighth grade for purposes of increasing the number of students who complete advanced mathematics courses in high school. The bill requires a district or charter school, under the program, to automatically enroll in an advanced mathematics course each sixth grade student who performed in the top 40 percent on the fifth grade mathematics statewide standardized test or on a local measure that includes the student's fifth grade class ranking or a demonstrated proficiency in the student's fifth grade mathematics coursework. The bill authorizes the parent or guardian of an eligible sixth grade student to opt the student out of automatic enrollment.

The bill authorizes the commissioner of education to adopt rules to implement the advanced mathematics program.

**Effective Date:** September 1, 2023

**[HB 3803 \(Cunningham\)](#) relating to allowing parents and guardians to elect for a student to repeat or retake a course or grade**

Allows parents/guardians to choose for their child to repeat a grade level up to grade 8 (rather than the current grade 3). The parent or guardian of a high school student could elect for the student to repeat any course from the previous school year, unless the school district or open-enrollment charter school determined the student had met all the requirements for graduation.

**Effective Date:** immediately. Applies beginning with the 2023-2024 school year.

**[Financial Aid for Swift Transfer Program \(FAST\)](#)**

**[HB 8 \(Van Deaver\)](#) relating to public higher education, including the public junior college state finance program**

Requires the THECB and TEA to jointly establish the Financial Aid for Swift Transfer (FAST) Program to allow eligible students to enroll at no cost in dual credit courses at participating higher education institutions. A student would be eligible to enroll at no cost in such courses if the student was enrolled in high school and a dual credit course at a participating institution and was educationally disadvantaged at any time during the four preceding school years before the student's enrollment in the dual credit course. A higher education institution would be eligible to participate in the program only if it charged tuition for each dual credit course offered by the institution that would not exceed the amount prescribed by THECB.

Each school district would be required to determine whether a high school student met the program's criteria upon the student's enrollment in a dual credit course and notify the higher education institution that offered the course of the final determination. A school district could make such a determination based on the district's or school's records, TEA records, or any other method authorized by commissioner rule. Any determination based on a different method would have to be reported to TEA by the district or school for verification. On receipt of notice of such a determination, the relevant higher education institution would be required to certify to TEA and THECB the student's eligibility for the program.

Money transferred to THECB would be distributed to the participating institutions in proportion to the number of dual credit courses in which eligible students were enrolled at the institution. TEA and THECB would coordinate as necessary to confirm an eligible student's enrollment in a participating institution and obtain or share data necessary to verify a student's eligibility.

The bill would require a school district to notify the parent of each enrolled high school student of the availability of and qualifications for funding for dual credit course enrollment.

A higher education institution participating in the FAST program would be entitled to an allotment equal to the amount of tuition for each dual credit course in which an eligible student was enrolled at the institution. TEA would transfer the amount to THECB for distribution and would coordinate as necessary to implement the allotment.

**Effective Date:** September 1, 2023, with numerous sections being effective immediately.

## **SB 1647 (Parker) relating to dropout recovery education programs**

Allows open enrollment charter schools, in addition to school districts, to use a dropout recovery education program and would allow a school district or charter school to use an education management organization to provide alternative education programs for students at risk of dropping out. A dropout recovery education program:

- could be operated only by an accredited entity;
- would be required to offer or provide referrals for mental health services to students in the program; and
- could not market directly to students enrolled in a traditional education program.

A school district could operate one campus-based dropout recovery education program for all students in the district. A school administrator or school counselor could refer a student to a dropout recovery education program if the administrator or counselor determined that enrollment in the program could prevent the student from dropping out of school.

In addition to current requirements, a remote or hybrid dropout recovery education program would be required to operate an in-person student engagement center at a location suitable for high school students.

Each year, a school district would be required to post a report on measurable outcomes for each offered dropout recovery education program on its website. The report would have to include the percentage of students enrolled in the program during the preceding school year who attained each of the following outcomes:

- transfer to a traditional education program;
- successful completion of the program;
- dual credit; or
- a credential of value.

The commissioner would be required to include a student who successfully completed a course offered through, rather than a student in attendance of, a dropout recovery program in the computation of average daily attendance for funding purposes. The attendance rate would be equal to:

- the average attendance rate for students successfully completing a course offered in person under the program; or
- if the district or school did not offer courses in person under the program, the statewide average attendance rate for students successfully completing a course offered in person under a dropout recovery program.

An entity that operated a dropout recovery education program could administer an assessment instrument on any date selected by the entity that fell within an applicable established testing window.

**Effective Date:** September 1, 2023. The bill applies beginning with the 2023-24 school year

## Future Texas Teachers Program

### **HB 4363 (Kuempel) relating to the establishment of the Future Texas Teachers Scholarship Program for certain students at public institutions of higher education**

Establishes the Future Texas Teachers scholarship program and requires districts to notify students in grades 6-12.

The Texas Higher Education Coordinating Board will administer the program. Priority will go to persons with financial need, first-generation college students, and persons committed to teach in critical shortage areas or a public school in which students are educationally disadvantaged.

Scholarship amount will be \$12,000 for the 2023-24 school year and will be adjusted for inflation using the college tuition and fees consumer price index in subsequent years.

**Effective Date:** immediately

## LIBRARY BOOKS

### **HB 900 (Patterson) relating to the regulation of library materials sold to or included in public school libraries**

The bill is known as the Restricting Explicit and Adult-Designated Education Resources (READER) Act. HB 900 amends the authority of the Texas State Library and Archives Commission (TSLAC), the requirements of school library vendors, and the definitions of what is considered sexually relevant or sexually explicit material. The bill creates requirements for the Texas Education Agency (TEA) and local school districts regarding their enforcement of these provisions.

**Definitions.** HB 900 defines “sexually explicit material” as any communication, language, or material, including a written description, illustration, photographic image, video image, or audio file, other than library material directly related to kindergarten through twelfth grade curriculum, that describes, depicts, or portrays sexual conduct in a way that is patently offensive.

The bill defines “sexually relevant material” as any communication, language, or material, including a written description, illustration, photographic image, video image, or audio file, other than library material directly related to kindergarten through twelfth grade curriculum, that describes, depicts, or portrays sexual conduct.

The bill defines a “library material vendor” to include any entity that sells library materials to a public primary or secondary school in Texas.

**Library standards.** HB 900 amends the Education Code, requiring the TSLAC, in consultation with the State Board of Education, to adopt voluntary standards for school library services, other than collection development, for a school to consider in developing, implementing, or expanding library services.

The bill requires TSLAC, with approval by majority vote of the State Board of Education, to adopt standards for school library collection development that a school district would adhere to in developing or implementing the district’s library collection development policies. The standards are required to be



adopted not later than January 1, 2024, and would be reviewed and updated annually and include a collection development policy that:

- prohibits the possession, acquisition, and purchase of harmful material, library material rated sexually explicit material by the selling library material vendor, or library material that is pervasively vulgar or educationally unsuitable as established in constitutional precedent;
- recognizes that obscene content is not protected by the First Amendment;
- is required for all library materials available for use or display, including material contained in school libraries, classroom libraries, and online categories;
- recognizes that parents are the primary decision makers regarding a student's access to library material;
- encourages schools to provide library catalog transparency;
- recommends schools communicate effectively with parents regarding collection development; and
- prohibits the removal of material based solely on the ideas contained in the material, or the personal background of the author of the material or the characters in the material.

**Ratings required.** The bill prohibits a library material vendor from selling library materials to a district unless the vendor has issued appropriate ratings regarding sexually explicit material and sexually relevant material previously sold to a district or school. A vendor could not sell library material rated sexually explicit material and would issue a recall for all copies sold to a district that was rated sexually explicit and in active use by the district.

No later than April 1, 2024, the bill would require each vendor to develop and submit to TEA a list of library material rated sexually explicit or sexually relevant sold by the vendor to a district before that date and still in active use by the district. No later than September 1 of each year, each vendor would be required to submit to TEA an updated list of such library materials sold during the preceding year and still in active use by a district. The bill requires TEA to post each list in a conspicuous place on the agency's website.

**Rating Guidelines.** Requires a library material vendor, for purposes of determining whether a library material is sexually explicit, to perform a contextual analysis of the material to determine whether the material describes, depicts, or portrays sexual conduct in a way that is patently offensive. Requires a library material vendor to consider the following three principal factors with respect to the material:

1. the explicitness or graphic nature of a description or depiction of sexual conduct contained in the material;
2. whether the material consists predominantly of or contains multiple repetitions of depictions of sexual or excretory organs or activities; and
3. whether a reasonable person would find that the material intentionally panders to, titillates, or shocks the reader.

Requires a library material vendor, to determine whether a description, depiction, or portrayal of sexual conduct contained in a material is patently offensive, to consider the full context in which the description, depiction, or portrayal of sexual conduct appears, to the extent possible, recognizing that contextual determinations are necessarily highly fact-specific and require the consideration of contextual characteristics that may exacerbate or mitigate the offensiveness of the material.

**TEA review and school/staff liability.** The bill allows TEA to review library material sold by a vendor that was not rated or incorrectly rated by the vendor as sexually explicit material, sexually relevant material, or no rating. TEA would be required to provide written notice to the vendor if the agency determined the library material was required to be rated as sexually explicit or sexually relevant. The notice would include information regarding the vendor's rating duty and provide the corrected rating required for the library material. No later than the 60th day after the date the vendor received notice regarding such material, the vendor would be required to rate the library material according to the TEA-corrected rating and notify TEA of the updated rating.

TEA would be required to post and maintain a list of vendors who failed to update the rating and notify TEA on its website. The bill would prohibit a district or school from purchasing library material from a vendor on the list. A vendor on the list could petition TEA for removal from the list. TEA could remove the vendor from the list only if TEA was satisfied that the vendor had taken appropriate actions to update the rating and notify TEA.

A district or school or a teacher, librarian, or other staff member of a school or district would not be liable for any claim or damage resulting from a vendor's violation of the bill's provisions.

**Review and reporting of library materials.** No later than January 1 of every odd-numbered year, the bill requires each district to:

- review the content of each library material in the catalog of a district or school library that was rated as sexually relevant material by the vendor;
- determine in accordance with the district's approval, review, and reconsideration of library materials policies whether to retain each reviewed library material in the school library catalog; and
- either conspicuously post a report on the district website or provide physical copies of the report at the district's central administrative building.

The bill requires the report to include the title of each relevant reviewed library material, the district's decision regarding the library material, and the school or campus where the library material is currently located.

**Parental consent.** The district may not permit a student to reserve, check out, or otherwise use sexually relevant material outside the library unless the student's parent has provided written consent. It is possible to get the parent's written consent at the beginning of the school year or to do so on a case-by-case basis.

**Other provisions.** The bill requires each library material vendor to submit the required initial list no later than April 1, 2024. The bill also requires each school district to conduct the initial content review and submit the required initial report no later than January 1, 2025.

#### **Summary for District Actions – Before the Ratings**

Continue to operate under the district's current policies, including those for library collection. The vendors will not have a list until ***April 2024.***

Required action will occur when the district gets the ratings.

Collection development policy not expected until **January 1, 2024**, but district should consider how to train classroom teachers and librarians.

Review self-checkout procedures if campuses have such procedures. Prepare of the possibility to not be able to buy from certain vendors.

EF series review policies remain in place.

**Effective Date:** September 1, 2023. The changes in law apply beginning with the 2023-2024 school year.

## PERSONNEL

### Child Abuse & Neglect

#### **HB 63 (Swanson) relating to reports of child abuse or neglect and certain preliminary investigations of those reports**

Prohibits anonymous reporting of child abuse; those making a report of abuse or neglect must identify the source of information and provide contact information; if the person reporting is a mandatory reporter, the business address and profession must be included.

Additional information will be required during reports:

- Facts and source of why abuse is suspected
- Reporting person's
  - Name
  - Phone Number
  - Address (can be school address)
  - Profession (if reporting as professional)

No anonymous reports are accepted

Reports over the phone are recorded

Anonymous report can be made to law enforcement, but will not satisfy employees' reporting requirement.

**Effective Date:** September 1, 2023

### Benefits – First Responders

#### **HB 471 (Patterson) relating to the entitlement to and claims for benefits for certain first responders and other employees related to illness and injury**

Requires a political subdivision, including a school district, to provide police officers, firefighters, and other EMS personnel paid leave for an injury or illness related to their line of duty. "Police officer" is defined as a full-time, paid employee who holds an officer license under the Texas Occupations Code, chapter 1701 and who regularly serves in a law enforcement capacity in a political subdivision's police department.

The leave must be for a period commensurate with the nature of the line of duty injury or illness and continue for at least one year, if necessary. After one year of leave, the governing body of the political subdivision may opt to extend the leave at full or reduced pay. The employee may use other available sick leave, vacation, and other accrued benefits before using temporary leave. Temporary leave must be provided if the employee needs additional leave after the expiration of the leave and any applicable extension.

The employee may return to light duty if able while recovering from a temporary disability, which may continue for at least one year if medically necessary.

Upon return from a temporary disability, the employee must be reinstated at the same rank and with the same seniority as before the temporary leave.

**Effective Date:** June 12, 2023

## Mental Health Leave – Telecommunicators

### **HB 1486 (Gerdes) relating to the adoption of a mental health leave policy for certain telecommunicators**

Adds telecommunicators (Occupations Code section 1701.405) to the existing law that requires political subdivisions to provide mental health leave for peace officers. The bill requires a political subdivision that employs a full-time telecommunicator to adopt a mental health leave policy with the same provisions.

*AISD's DEC(LOCAL) provides mental health leave for peace officers.*

**Effective Date:** September 1, 2023

## Nepotism – Bus Drivers

### **HB 1789 (Buckley) relating to the application of nepotism prohibitions to a person appointed or employed by a school district as a bus driver**

Allows school district boards of trustees to exempt the appointment or employment of public school bus drivers from nepotism prohibitions if the board approved the appointment or employment. The bill only would apply to the appointment or employment of a person by a school district on or after the effective date of the bill.

**Effective Date:** September 1, 2023

## Display of National Motto in Classrooms

### **HB 2012 (Oliverson) relating to the display of the national motto in public school and institution of higher education classrooms**

A classroom teacher at a public elementary or secondary school could not be prohibited from displaying in a classroom a poster or framed copy of the national motto that met the established requirements.

The bill refers to the poster or framed copy of the U.S. motto "In God We Trust authorized by the 87<sup>th</sup> legislature.

**Effective Date:** immediately

## CE & Training – Teachers & Counselors

### **HB 2929 (Lozano) relating to continuing education and training requirements for classroom teachers and public school counselors**

Amends the Education Code so that a classroom teacher's continuing education requirements could not require that more than 25 percent of the training required every five years include instruction on:

- collecting and analyzing information that will improve effectiveness in the classroom;
- recognizing early warning indicators that a student could be at risk of dropping out of school; digital learning, digital teaching, and integrating technology in the classroom;
- educating diverse student populations; and
- understanding appropriate relationships, boundaries, and communications between educators and students.

Training in these topics by a classroom teacher in excess of 25 percent of the hours of a teacher's required training every five years would be counted toward the teacher's overall training requirements.

Amends the continuing education requirements for counselors such that ***at least (previously "not more than")*** 25 percent of training required every five years include instruction on:

- assisting students in developing high school graduation plans;
- implementing dropout prevention strategies;
- informing students about college admissions, financial aid resources, and career opportunities;
- counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and
- effective implementation of a comprehensive school counseling program.

**Effective Date:** immediately. Applies beginning with the 2023-2024 school year

## Disqualification from Employment – Harmful Material to Minor

### **HB 4520 (Harris, Cody) relating to employment and retirement consequences for an educator convicted of or placed on deferred adjudication community supervision for the sale, distribution, or display of harmful material to a minor**

Adds conviction of deferred adjudication for the sale, distribution, or display of harmful material to a minor to the list of qualifying felonies that disqualify someone from employment with a school district.

"Harmful material" means material whose dominant theme taken as a whole:

- appeals to the prurient interest of a minor, in sex, nudity, or excretion;
- is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
- is utterly without redeeming social value for minors.

*Texas Penal Code section 43.24*

A person who was convicted of or placed on deferred adjudication community supervision for this conduct would have their teaching certificate revoked. The school district would be required to immediately remove the person from campus or an administrative office to prevent the person from having any contact with a student and take certain employment actions.

**Effective Date:** September 1, 2023

## PUBLIC INFORMATION/CONFIDENTIALITY

### **HB 30 (Moody) relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law**

Law enforcement exception to disclosure in PIA does not apply to information, records, or notations if:

1. a person who is described by or depicted in the information, record, or notation, other than a peace officer, is deceased or incapacitated; or
2. each person who is described by or depicted in the information, record, or notation, other than a person who is deceased or incapacitated, consents to the release of the information, record, or notation other than a person who is deceased or incapacitated, consents to the release of the information, record, or notation.

**Effective Date:** September 1, 2023

### **HB 611 (Capriglioni) relating to the creation of the criminal offense of unlawful disclosure of residence address or telephone number**

Creates the offense of unlawful disclosure of residence address or telephone number. A person commits an offense if the person posts on a publicly accessible website the residence address or telephone number of an individual with the intent to cause harm or a threat of harm to the individual or a member of the individual's family or household. A person who posts such information in the performance of the person's duties as required by or in accordance with state or federal law does not commit an offense.

**Effective Date:** September 1, 2023

### **HB 3033 (Landgraff) relating to the public information law**

Defines "business day" as a day other than:

- a Saturday or Sunday;
- a national holiday under statute; or

- a state holiday under statute.

The fact that an employee works from an alternative work site does not affect whether a day is considered a business day.

An optional holiday is not a business day of a governmental body if the officer for public information of the governmental body observes the optional holiday.

The Friday before or Monday after a holiday is not a business day of a governmental body if the holiday occurs on a Saturday or Sunday and the governmental body observes the holiday on that Friday or Monday.

A governmental body may designate a day on which the governmental body's administrative offices are closed or operating with minimum staffing as a nonbusiness day. *The designation of a nonbusiness day for an independent school district must be made by the board of trustees.*

*A governmental body may designate not more than 10 non-business days each calendar year.*

**Litigation or Settlement Negotiations.** The exception to disclosure for litigation or settlement negotiations involving the state or a political subdivision is amended to so that it does not except from disclosure information relating to a general, primary, or special election, or that is in the possession of a governmental body that administers elections.

**Law Enforcement, Corrections, and Prosecutorial Information.** Governmental body must promptly release basic information unless it seeks to withhold the information as provided by another provision of the PIA, and regardless of whether the governmental body requests an AG decision regarding other information subject to the request.

**Attorney General Settlement Negotiations.** Adds new exception for materials or information collected, assembled, drafted, developed, used, received or maintained by or on behalf of the AG with respect to an investigation or litigation conducted under the DTPA, and that reflects or is regarding negotiations made for the purpose of settlement. Sets dates and circumstances when the exception to disclosure ends.

**Requestor Who Has Exceeded Limit.** Adds provision that a requestor who has exceeded a limit may not inspect public information on behalf of another requestor unless the requestor who exceeded the limit has paid each statement issued by the governmental body.

**Requests that Require Large Amounts of Employee or Personnel Time.** Adds provision that the governmental body may include in statement of the amount of personnel time spent compiling information if the requestor's time limit for the period has been exceeded.

Permits a governmental body to request photo ID from a requestor for the sole purpose of establishing that the requestor has not (1) exceeded a limit and (2) concealed the requestor's identity. The request or photo ID must include a statement that describes each specific reason stated in (1) or (2) above. ID may be transmitted electronically or mail. The requestor may decline to provide ID and obtain the information by paying the charge.

**Electronic Submission of Request for AG Decision.** Governmental body must submit request through the AG's designated electronic filing system. Exception if the amount or format of responsive

information at issue makes use of the AG’s electronic filing system impractical or impossible or the request is hand delivered. AG may adopt rules, including rules that define the amount or format of responsive information at issue that makes use of the AG’s electronic filing system impractical or impossible.

**Rendition of Attorney General Decision; Issuance of Written Opinion.** Adds provision that the governmental body within a reasonable period of time after AG issues an opinion, must provide the requestor an itemized estimate of charges for production if the estimate is required, and if the requested information is voluminous, must provide the following information if it determines it is able to disclose the information in a single batch.

1. written certified notice to the requestor and the attorney general that it is impractical or impossible for the governmental body to produce the information within a reasonable period of time and in a single batch;
2. include in the notice the date and hour that the governmental body will disclose the first batch of information to the requestor, which may not be later than the 15<sup>th</sup> business day after the date the governmental body provides the notice;
3. provide a written certified notice to the requestor and the attorney general when each subsequent batch of information is disclosed to the requestor of the date and hour that the governmental body will disclose the next batch of information to the requestor, which may not be later than the 15<sup>th</sup> business day after the date the governmental body provides the notice; and
4. produce the requested information at each date and time included in a notice.

The governmental body may also:

- Produce the information if it is required to be produced;
- Notify the requestor in writing that the governmental body is withholding the information as authorized by the opinion; or
- Notify the requestor in writing that the governmental body has filed suit against the attorney general under Section 552.324 regarding the information.

**Searchable Database.** The OAG shall make available on its Internet website an easily accessible and searchable database consisting of:

1. information identifying each request for an attorney general decision; and
2. the AG’s opinion issued for the request.

The database at a minimum must allow a person to search for a request or opinion described by:

1. the name of the governmental body making the request; and
2. the exception under Subchapter C that a governmental body asserts in the request applies to its request to withhold information from public disclosure.

The database must allow a person to view the current status of a request and an estimated timeline indicating the date each stage of review of the request will be started and completed.

The new legal provisions apply to a request made on or after the effective date of the act. The OAG database must be available not later than Jan. 1, 2024.



**Effective Date:** September 1, 2023

**[HB 3130](#) (Guerra) relating to the protection of certain occupational licensing information regarding clients of family violence shelter centers, victims of trafficking shelter centers, and sexual assault programs and survivors of family violence, domestic violence, and sexual assault**

Adds certain information related to occupational licensing to PIA exceptions in current law providing for confidentiality of certain information related to shelter centers for family violence, trafficking, domestic violence, and sexual assault. In order for the exception to apply, the person must notify the governmental body, on a form provide by the OAG or the governmental body, that the person is a current or former client of shelter centers, or is a survivor of family violence, domestic violence, or sexual assault.

A governmental body may redact confidential information from a response to a request for a list of directory of license holder, former license holders, or license applicants without the necessity of requesting an OAG decision.

**Effective Date:** September 1, 2023

**[HB 4615](#) (Bumgarner) relating to the confidentiality of certain information concerning service members of the state military forces**

Adds a department of defense ID number to the term military personnel information that is confidential and not subject to disclosure under the PIA.

**Effective Date:** September 1, 2023

**[SB 1319](#) (Huffman) relating to the reporting of certain overdose information and the mapping of overdoses for public safety purposes**

The bill provides for the sharing of certain overdose information through a mapping report of overdose incidents within a geographic area. The bill requires a local health authority or law enforcement agency to enter into a participation agreement with an entity that maintains a computerized system for mapping overdoses of one or more controlled substances for public safety purposes. The mapping report is confidential and not subject to disclosure under the PIA.

**Effective Date:** September 1, 2023

**[SB 1720](#) (Kolkhorst) relating to the confidentiality of the identity of a public school employee who reports a potential threat to the school's threat assessment and safe and supportive school team**

Allows school employees who report a potential threat to the school's threat assessment team to keep their identity confidential.

**Effective Date:** September 1, 2023

## EQUITY/DISPARITY

### **HB 567(Bowers) relating to discrimination on the basis of hair texture or protective hairstyle associated with race**

Prohibits any student dress or grooming policy adopted by a school district, including a student dress or grooming policy for any extracurricular activity, from discriminating against a hair texture or protective hairstyle commonly or historically associated with race. The bill specifies that "protective hairstyle" would include braids, locks, and twists.

**Effective Date:** September 1, 2023

## SAFETY/LAW ENFORCEMENT

### Comprehensive School Safety

### **HB 3 (Burrows) relating to measures for ensuring public school safety, including the development of, implementation of purchases relating to and funding for public school safety and security requirements and the provision of safety-related resources**

#### **Board of Trustees**

Shall determine the appropriate number of armed security officers for each district campus. The board must ensure that *at least one armed security officer is present during regular school hours at each district campus*. The bill defines armed security officer as school district police officer, a school resource officer, or a commission peace officer employed as security personnel.

**Note:** TEA will clarify if this means one physical campus, or two campuses that are co-located

#### **Good Cause Exception**

If the board is unable to comply with this section, the board by resolution may claim a good cause exception from the requirement to comply with this section if the district's noncompliance is due to the availability of:

- funding; or
- personnel who qualify to serve as a security officer

**Note:** TEA staff has indicated it has no jurisdiction and will take no action regarding the good cause exception.

#### **Alternative Standard**

If the board claims a good cause exception it must develop an alternative standard with which the district is able to comply, which may include providing a person to act as a security officer who is:

- a school marshal; or
- a school district employee or a person with whom the district contracts who:

- has completed school safety training provided by a qualified handgun instructor certified in school safety; and
- carries a handgun on school premises in accordance with written regulations or written authorization of the district

**Note:** TEA staff has indicated it has no authority on the alternative standard.

### **Documentation**

The board must develop and maintain documentation of the district's implementation of and compliance with this section, including documentation related to a good cause exception claimed and shall, if requested by the agency, provide that documentation to the agency in the manner prescribed by the agency.

Adopt a policy for providing notice regarding violent activity

Shall establish a threat assessment and safe and supportive school team to serve at each campus of the district and shall adopt policies and procedures for the team (already law). New requirements for policies and procedures:

- Each district campus to establish a clear procedure for a student to report concerning behavior exhibited by another student for assessment by the team or other appropriate school employee.

### **District**

#### **Mental Health Training**

Require each district employee who regularly interacts with students enrolled at the district to complete an evidence-based mental health training program designed to provide instruction to participants regarding the recognition and support of children and youth who experience a mental health or substance use issue that may pose a threat to school safety.

Not required for a district employee who has previously completed mental health training offered by a local mental health authority under Section 1001.203, Health and Safety Code, to complete the training required by this section.

School district must require the district's employees to complete the mental health training required under that section as follows:

- at least 25 percent of the applicable district employees before the beginning of the 2025-2026 school year;
- at least 50 percent of the applicable district employees before the beginning of the 2026-2027 school year;
- at least 75 percent of the applicable district employees before the beginning of the 2027-2028 school year; and
- 100 percent of the applicable district employees before the beginning of the 2028-2029 school year.

#### **Enrollment/Student Services**

Parent/guardian or school the child previously attended to provide a copy of child's disciplinary record and any threat assessment involving the child's behavior when enrolling the child.

In the case of a transfer, a child's school district of residents shall provide the receiving district a copy of child's disciplinary record and any threat assessment involving the child's behavior when enrolling the child.

### **Multihazard emergency operations plan**

Must provide for any other requirements established by the Texas School Safety Center in consultation with the agency and relevant local law enforcement agencies.

Certification that the district is in compliance with Section 37.117 (Emergency Response Map and Walk-Through)

May be required by TEA to submit information necessary for the agency to monitor the implementation and operation of school district safety and security requirements under Sec. 37.1083 (Agency Monitoring of School District Safety and Security Requirements), including:

- notice of an event requiring a district's emergency response including the discovery of a firearm on a campus; and
- information regarding the district's response and use of emergency operations procedures during an event described by Subdivision (1).

Must submit to the center not later than the 30<sup>th</sup> day after the date the center requests the submission. If district fails to submit, the center shall provide the district with written notice stating that the district must hold a public hearing.

Changes from 3 months to 1 month the time the center shall provide written notice to the district that the district has not complied with the requirements and must comply immediately; and from 6 months to 3 months that the district must hold a public hearing on its failure to comply.

District must confirm that a person included in registry of persons providing school safety or security consulting services established under TEC Sec. 37.2091 before the district may engage the person.

### **Student Threat Assessment**

Materials and information provided to or produced by threat assessment and safe and supportive school team during a threat assessment of a student must be maintained in the student's school record until the student's 24<sup>th</sup> birthday. *[SECTION 15, p. 23, lines 8-11]*

### **Emergency Response Map and Walk-Through**

District shall provide to the Department of Public Safety and all appropriate local law enforcement agencies and emergency first responders:

1. an accurate map of each district campus and school building that is developed and documented in accordance with the set standards related to developing site and floor plans, access control, and exterior door numbering; and

2. an opportunity to conduct a walk-through of each district campus and school building using the map described above.

### **Resources on Safe Firearm Storage**

Provide to parent/guardian of each student enrolled in the district or school, the information provided by TSSC on safe storage and offenses.

### **Safety and Security Requirements for Facilities**

Must develop and maintain documentation of the district's implementation of and compliance with school safety and security facilities standards for each district facility, including a good cause exception claimed, and shall, if requested by the agency, provide that documentation to the agency in the manner prescribed by the agency.

Comply with all applicable state laws and rules relating to procurement for district purchases relating to achieving compliance with the facilities standards

If district is unable to bring a district facility into compliance with a school facilities standard related to safety and security, the district may claim a good cause exception from the requirement to comply with that standard, including for a reason related to:

1. the age, physical design, or location of the noncompliant facility;
2. the projected remaining use or functional life of the noncompliant facility;
3. availability of funding; or
4. supply chain obstacles.

A school district that claims a good cause exception must develop an alternative performance standard with which the district is able to comply.

### **Entry on District Property**

District may require person's district employee or student ID card for entry onto district property.

May eject a person if the person refuses to provide ID upon request and it reasonably appears that the person has no legitimate reason to be on district property [*SECTION 21, p. 29, lines 9-24*]

### **Use of Bond Proceeds for School Safety Compliance**

The proceeds of bonds issued by a school district for the construction and equipment of school buildings in the district and the purchase of the necessary sites for school buildings may be used to pay the costs associated with complying with school safety and security requirements for school facilities.

A school district that has been determined by the agency, through the agency's monitoring of safety and security requirements to not be in compliance with those requirements must use the proceeds of bonds to achieve compliance with applicable safety and security requirements before the district may use those proceeds for any other authorized purpose.

Applies only to bonds authorized to be issued at an election held on or after the effective date of the Act.

## **Education Service Centers**

### **School Safety Support**

A regional education service center *shall* act as a school safety resource, using materials and resources developed by the Texas School Safety Center or the agency in accordance with Chapter 37, for school districts and open-enrollment charter schools in the region served by the center. The center *may* assist a school district or open-enrollment charter school directly or in collaboration with the Texas School Safety Center and local law enforcement agencies, as applicable:

1. in developing and implementing a multihazard emergency operations plan;
2. in establishing a school safety and security committee;
3. in conducting emergency school drills and exercises;
4. in addressing deficiencies in campus security identified by a school safety review team; and
5. by providing guidance on any other matter relating to school safety and security.

A regional education service center:

1. *shall* provide assistance as necessary to the region's school safety review team; and
2. *may* provide assistance as necessary to school districts and open-enrollment charter schools in the region served by the center through the direct provision of positive behavioral interventions and supports to a student enrolled in one of those districts or schools to mitigate or prevent future harmful, threatening, or violent behavior by the student.

## **Commissioner**

### **Conservator May be Assigned**

May assign a conservator if the school district fails to:

1. submit to any required monitoring, assessment, or audit;
2. comply with applicable safety and security requirements; or
3. address in a reasonable time period, as determined by commissioner rule, issues raised by the agency's monitoring, assessment, or audit of the district under Section 37.1083 or 37.1084.

A conservator assigned to a district under this section may exercise the powers and duties of a conservator only to correct a failure identified under Subsection (a).

This section does not apply to a school district's failure to comply with Section 37.0814 (*armed security officer required – See HB 3, pp. 10 – 12*) or a good cause exception claimed under that section.

### **Funding for Facilities Standards Compliance**

Commissioner may authorize a school district to use money provided to the district for the purpose of improving school safety and security, including the school safety allotment or any other funding or grant money available to the district for that purpose, to comply with the requirements.

Funds appropriated in S.B. 30, Acts of the 88th Legislature, Regular Session, 2023, or similar legislation, for the purpose of improving school safety and security, may be used. This subsection expires September 1, 2026.

## **TEA**

Shall monitor the implementation and operation of requirements related to school district safety and security, including school district:

1. multihazard emergency operations plans; and
2. safety and security audits.

Establish an office of school safety and security; director appointed by governor and confirmed by senate.

Provide technical assistance to school districts to support the implementation and operation of safety and security requirements, in coordination with TSSC and relevant local law enforcement.

As part of technical assistance, TEA shall conduct a detailed vulnerability assessment of each school district on a random basis determined by the agency once every four years. The assessment must:

1. assess facility access controls, emergency operations procedures, and other school safety requirements; and
2. to the greatest extent practicable, coincide with the safety and security audit.

Provide a report to the superintendent and school safety and security committee a report on the results of the assessment that includes recommendations and required corrective actions to address any deficiencies in campus security identified by the agency.

Office of School Safety and Security shall annually conduct on-site general intruder detection audits of campuses.

Rubric developed by office in consultation with TSSC;

Notify superintendent not later than 7<sup>th</sup> day before date of scheduled audit;

Provide superintendent and school safety and security committee with a report of the results of the audit, included recommendations and required corrective actions.

Establish guidelines for multihazard emergency operations plan provisions for students and district personnel with disabilities or impairments during a disaster or emergency situation.

Develop model standards for providing notice regarding violent activity that has occurred or is being investigated at a school district facility or at a district-sponsored activity to parents/guardians.

Standards must:

1. include electronic notification through text messaging and e-mail;
2. provide an option for real-time notification; and
3. protect student privacy.

May designate certain technologies that a district, in using funds allocated under law, may purchase only from a vendor approved by the agency.

If the agency, in coordination with the Texas School Safety Center, determines that entering into a statewide contract with a vendor for the provision of a technology would result in cost savings to school

districts, the agency may, after receiving approval from the Legislative Budget Board and office of the governor, enter into a contract with a vendor to provide the technology to each district that uses funds allocated under this section to purchase that technology.

The agency, or if designated by the agency, the Texas School Safety Center, shall establish and publish a directory of approved vendors of school safety technology and equipment a school district may select from when using funds allocated under this section. If a school district uses funds allocated under this section to purchase technology or equipment from a vendor that is not included in the directory, the district must solicit bids from at least three vendors before completing the purchase.

## **Texas School Safety Center (“Center”)**

### **Facilities Standards Review**

At least once every five years, the center shall review the facilities standards for instructional facilities adopted under Section 7.061 and make recommendations to the commissioner regarding any changes necessary to ensure that the facilities standards:

1. reflect best practices for improving school safety through the design and construction of school facilities; and
2. are consistent with standards adopted regarding the elimination of architectural barriers.

### **Resources on Safe Firearm Storage**

In collaboration with the Department of Public Safety, shall provide to each school district information and other resources regarding the safe storage of firearms for distribution by the district or school including information on:

1. the offense under Section 46.13, Penal Code; and
2. ways in which parents and guardians can effectively prevent children from accessing firearms.

## **Commissioner Rules**

### **Facilities Standards**

Adopt or amend rules as necessary to ensure that facilities standards for new and existing instructional facilities and other school district and open-enrollment charter school facilities, including construction quality, performance, operational, and other standards related to the safety and security of school facilities.

### **Mental Health Training**

Rules to implement the allotment for mental health training, including rules specifying the training fees and travel expenses subject to reimbursement. *[SECTION 5, p. 7, lines 18-20]*

### **Agency Monitoring of School District Safety and Security Requirements**

Facilities Standards Compliance - The commissioner may adopt rules regarding safety and security requirements with which a school district must comply to receive funding or grant money available for the purpose of improving school safety and security.



## **SBEC Rules**

The State Board for Educator Certification shall propose rules allowing an educator to receive credit toward the educator's continuing education requirements under Section 21.054(g) for the educator's participation in mental health training under this section.

## **Funding**

Annual allotment equal to the sum of the following amounts or a greater amount provided by appropriation:

1. \$10 for each student in average daily attendance, plus \$1 for each student in average daily attendance per every \$50 by which the district's maximum basic allotment under Section 48.051 exceeds \$6,160, prorated as necessary; and
2. \$15,000 per campus.

## **Allowable Use of Funds**

If the agency, in coordination with the Texas School Safety Center, determines that entering into a statewide contract with a vendor for the provision of a technology designated under Subsection (b-1) would result in cost savings to school districts, the agency may, after receiving approval from the Legislative Budget Board and office of the governor, enter into a contract with a vendor to provide the technology to each district that uses funds allocated under this section to purchase that technology.

The agency, or if designated by the agency, the Texas School Safety Center, shall establish and publish a directory of approved vendors of school safety technology and equipment a school district may select from when using funds allocated under this section. If a school district uses funds allocated under this section to purchase technology or equipment from a vendor that is not included in the directory, the district must solicit bids from at least three vendors before completing the purchase.

District may use funds allocated to provide training to a person authorized by the district to carry a firearm on a district campus.

## **Confidentiality**

Audit report by the Office of School Safety and Security is confidential and not subject to disclosure.

Any document or information collected, identified, developed, or produced relating to the monitoring of school district safety and security requirements under this section is confidential.

All suspicious activity reports and school safety reports included in the iWatchTexas community reporting system operated by the department are confidential and not subject to disclosure.

**Effective Date:** September 1, 2023

## Threat Assessment of Student/Parental Rights

### **HB 473 (Hull) relating to parental rights regarding a threat assessment of a student conducted by a public school's threat assessment and safe and supportive school team**

Requires a school's threat assessment and safe and supportive school team to notify the parent or guardian of a student before a team may conduct a threat assessment of the student. In conducting the assessment, the team shall provide an opportunity for the parent or guardian to:

1. participate in the assessment, either in person or remotely; and
2. submit to the team information regarding the student.

After completing a threat assessment, the team must provide to the parent or guardian the team's findings and conclusions regarding the student.

**Effective Date:** immediately

## Child Abuse Investigation

### **HB 730 (Frank) relating to policies and procedures regarding certain suits affecting the parent-child relationship, investigations by the Department of Family and Protective Services, and parental child safety placement**

Amends the procedures related to child abuse investigations and suits affecting the parent-child relationship.

Prior law allowed court to order a parent, caregiver, or person in charge of the place where the child may be (e.g., school) to allow a DFPS investigator to enter the place if "good cause is shown".

Under HB 730, the court may order entrance if "good cause to believe the child is in imminent danger" or has "probable cause" to believe the child is in imminent danger of being subjected to aggravated circumstances as described by Texas Family Code sec. 262.2015(b) or it is necessary to protect the child from abuse or neglect not described by aggravated circumstances.

Probable cause is also required for a court order to release medical records without parental consent.

**Effective Date:** September 1, 2023

## Volunteer Security Services

### **HB 1133 (Spiller) relating to an exemption from the application of the Private Security Act for volunteer security services provided at certain places or events**

**Peace Officer Volunteers.** While providing volunteer security services, peace officers may wear their uniforms with the consent of the head of their employing or appointing law enforcement agency. Reimbursement for insurance for a peace officer for civil liability in the course of providing volunteer security services is not considered remuneration.

**All Security Volunteers.** The bill excepts a person providing volunteer security services (services normally governed by the Texas Occupations Code as private security without remuneration) at premises where an event sponsored or sanctioned by a public school is taking place from the entire Occupations Code chapter on private security.

**Effective Date:** September 1, 2023

## Places Weapons Prohibited

### **HB 1760 (Hefner) relating to the prosecution of the offense of possessing a weapon in certain prohibited places associated with schools or postsecondary educational institutions**

Revises the list of locations where (absent an exception) a person cannot go with a firearm, location-restricted knife, club, or prohibited weapon as defined by law. The restricted locations are:

- The premises of a school or post-secondary institution;
- The grounds or building owned by and under control of school or post-secondary institution where school activity is being conducted; and
- Passenger vehicle of school or post-secondary institution

A person does not commit an offense if the weapon is carried pursuant to written regulations or authorization of the school or institution.

“Premises” means a building or portion of a building; the term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

**Note:** Education institution has been interpreted to include central office in 30.06 AG Ruling Complaint No. 23 (2016).

**Effective Date:** September 1, 2023

## Safety Training for Private Child Care Facility

### **HB 1905 (Talarico) relating to requiring school districts to make available certain school safety training courses to employees of child-care facilities and certain organizations providing out-of-school-time care**

Allows a school district to provide school safety training courses, including certain active shooter training courses, available at no cost to employees of accredited private schools located in the district, child-care facilities, or other organizations providing out-of-school-time care to children younger than 18 years old who resided in the district.

"Accredited private school" is defined as a private school accredited by an organization recognized by the Texas Private School Accreditation Commission or the Texas Education Agency (TEA).

"Organization providing out-of-school-time care" would include faith-based organizations, before-school or after-school programs, summer camps, Texas 4-H or other agricultural programs, and youth sports organizations.

TEA would be allowed to solicit and accept gifts, grants, and donations from any public or private source to pay for these school safety training courses.

**Effective Date:** September 1, 2023

## Missing Persons – Procedures & Training

### **HB 2660 (Oliverson) relating to duties and procedures and to training programs for law enforcement agencies regarding missing children and missing persons**

Sets out the procedures and timeline a law enforcement agency must follow when they receive a missing child or missing person report. The bill also contains additional requirements for notifying neighboring jurisdictions regarding reports of missing children or missing persons. Additional training requirements related to missing children and missing persons for law enforcement officers is also required.

**Effective Date:** September 1, 2023

## Peace Officers – Wellness Programs

### **HB 3858 (Frazier) relating to peace officer wellness programs within certain law enforcement agencies**

The bill authorizes (not requires) a law enforcement agency to establish and maintain a wellness program for the agency's peace officers, and provides minimum requirements.

**Effective Date:** September 1, 2023

## Tasers Prohibited

### **SB 133 (West) relating to prohibiting the physical restraint of or use of chemical irritants or Tasers on certain public school students by peace officers and school security personnel under certain circumstances**

A peace officer or school security personnel performing security-related duties on school property or at a school-sponsored or school-related activity may not restrain or use a chemical irritant spray or Taser on a student enrolled in fifth grade or below unless the student poses a serious risk of harm to the student or another person.

The bill defines "Taser" as a device manufactured, sold, or distributed by Taser International, Incorporated, that is intended, designed, made, or adapted to incapacitate a person by inflicting an electrical charge through the emission of a projectile or conductive stream. The term includes a similar device manufactured, sold, or distributed by another person.

**Effective Date:** September 1, 2023

## Peace Officers – Victims of Sexual Assault

### **SB 806 (Paxton) relating to the duties of peace officers regarding interactions with victims of sexual assault**

The bill requires a peace officer investigating potential sexual assault to provide detailed written notice about certain rights of crime victims, including referral to the nearest sexual assault program and a statewide electronic case tracking system.

Local law enforcement agencies must consult with local sexual assault programs or response teams to update information in the written notice at least one per biennium. Model written notice of victims' rights must be in English and Spanish.

**Effective Date:** September 1, 2023

## Silent Panic Buttons

### **SB 838 (Creighton) relating to school districts and open-enrollment charter schools providing silent panic alert technology in classrooms**

Each public school district is required to provide each classroom with silent panic alert technology that allows for immediate contact with district emergency services and emergency services agencies, law enforcement agencies, health departments, and fire departments.

The bill establishes that a district's provision of such technology does not satisfy the requirement under statutory provisions relating to multi-hazard emergency operations plans for a district or charter school to ensure employees have classroom access to a telephone or another electronic communication device.

The bill authorizes a district to use funds provided through the school safety allotment used for the improvement of safety and security or other available funds and use the district's customary procurement process.

**Effective Date:** immediately. Applies beginning with the 2025-2026 school year

## Active Shooter Training

### **SB 999 (West) relating to the requirement that providers of active shooter training at public schools and institutions of higher education obtain a certificate issued by the Texas Commission on Law Enforcement**

After December 1, 2024, school districts may not contract for active shooter response training unless the provider is certified. By September 1, 2024, TCOLE must establish a certification program for individuals and entities that provide active shooter response training in public schools and institution higher education.

**Effective Date:** September 1, 2023

### **SB 1852 (Flores) relating to active shooter training for peace officers**

Requires that a peace officer beginning to satisfy training requirement on or after January 1, 2024, to complete not less than 16 hours of training on responding to an active shooter as developed by the Advanced Law Enforcement Rapid Response Training (ALERRT) Center at Texas State University. Similarly 16 hours of ALERRT training is required for officers' continuing education for any 24-month training cycle starting after September 1, 2023. TCOLE to implement rules.

**Effective Date:** September 1, 2023

## **SCHOOL OPERATIONS**

### **Residency**

#### **SB 1008 (Flores) relating to establishing residency for purposes of admission into public schools**

Amends the Education Code to extend the deadline by which a person whose parent or guardian is an active-duty member of the U.S. armed forces and transferred to a military installation in or adjacent to a public school district's attendance zone by which the parent must provide proof of residence for purposes of public school admission to the district from the 10th day after the arrival date specified in the military transfer order to the 90th day after that arrival date.

**Effective Date:** immediately. Begins with 2023-2024 school year

### **Excused Absences**

#### **HB 1212 (Jetton) relating to verification of excused absences from public school for the purpose of observing religious holy days**

Prohibits a school district from requiring a note from a clergy member or other religious leader to excuse a student absence related to the observance of a religious holy day. The school district would be required to accept a note from the student's parent or person standing in parental relation verifying the student's absence was related to observance of a religious holy day.

**Effective Date:** immediately

#### **SB 68 (Zaffirini) relating to excused absences from public school for certain students to visit a professional's workplace for a career investigation day**

Authorizes a school district to excuse a student from attending a school for a career investigation day to visit a professional at the professional's workplace during the student's junior and senior years of high school for the purpose of determining the student's interest in pursuing a career in the professional's field, provided that:

1. the district is prohibited from excusing for this purpose more than two days during the student's junior year and two days during the student's senior year; and
2. the district adopts:
  - a policy to determine when an absence is authorized to be excused for this purpose; and

- a procedure to verify the student's visit at the professional's workplace.

Provides that a student whose absence is excused under certain subsections, including Subsection (b-8), is prohibited from being penalized for that absence and is required to be counted as if the student attended school for the purposes of calculating the average daily attendance of students in the school district.

**Effective Date:** immediately

## Transfers

### **HB 1959 (Noble) relating to the transfer of certain public school students who are children of peace officers**

On request of a peace officer who is a parent of or person standing in parental relation to a student, the board of trustees of a school district or the board's designee shall transfer the student to another district campus or to another school district under an agreement under Section 25.035 (Transfers Between Districts or Counties).

***Note that Section 25.035 states that the boards of two or more adjoining school districts may agree to arrange for the transfer and assignment of any student from the jurisdiction of one board to that of another.***

A transfer under this section must be to the campus or school district, as applicable, selected by the peace officer making the request.

A school district is not required to provide transportation.

"Peace officer" has the meaning assigned by Section 1701.001, Occupations Code. The following are "peace officers":

- (1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (4) rangers, officers, and members of the reserve officer corps commissioned by the Public Safety Commission and the Director of the Department of Public Safety;
- (5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;
- (6) law enforcement agents of the Texas Alcoholic Beverage Commission;
- (7) each member of an arson investigating unit commissioned by a city, a county, or the state;

- (8) officers commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;
- (9) officers commissioned by the General Services Commission;
- (10) law enforcement officers commissioned by the Parks and Wildlife Commission;
- (11) officers commissioned under Chapter 23, Transportation Code;
- (12) municipal park and recreational patrolmen and security officers;
- (13) security officers and investigators commissioned as peace officers by the comptroller;
- (14) officers commissioned by a water control and improvement district under Section 49.216, Water Code;
- (15) officers commissioned by a board of trustees under Chapter 54, Transportation Code;
- (16) investigators commissioned by the Texas Medical Board;
- (17) officers commissioned by:
  - (A) the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, the Bexar County Hospital District, or the El Paso County Hospital District under Section 281.057, Health and Safety Code;
  - (B) the board of directors of the Ector County Hospital District under Section 1024.117, Special District Local Laws Code;
  - (C) the board of directors of the Midland County Hospital District of Midland County, Texas, under Section 1061.121, Special District Local Laws Code; and
  - (D) the board of hospital managers of the Lubbock County Hospital District of Lubbock County, Texas, under Section 1053.113, Special District Local Laws Code;
- (18) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;
- 19) investigators employed by the Texas Racing Commission;
- (20) officers commissioned under Chapter 554, Occupations Code;
- (21) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 451.108, Transportation Code, or by a regional transportation authority under Section 452.110, Transportation Code;
- (22) investigators commissioned by the attorney general under Section 402.009, Government Code;



- (23) security officers and investigators commissioned as peace officers under Chapter 466, Government Code;
- (24) officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;
- (25) officers commissioned by the state fire marshal under Chapter 417, Government Code;
- (26) an investigator commissioned by the commissioner of insurance under Section 701.104, Insurance Code;
- (27) apprehension specialists and inspectors general commissioned by the Texas Juvenile Justice Department as officers under Sections 242.102 and 243.052, Human Resources Code;
- (28) officers appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;
- (29) investigators commissioned by the Texas Commission on Law Enforcement under Section 1701.160, Occupations Code;
- (30) commission investigators commissioned by the Texas Private Security Board under Section 1702.061, Occupations Code;
- (31) the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code;
- (32) officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section;
- (33) investigators commissioned by the Texas Juvenile Justice Department as officers under Section 221.011, Human Resources Code; and
- (34) the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code.

**Effective Date:** immediately

**[HB 2892 \(Buckley\)](#) relating to the transfer of certain public school students who are children of certain military service members**

Requires the board of trustees of a school district or the board's designee, on request of a servicemember who is a parent of or person standing in parental relation to a student, to transfer the student to another district campus or to another school district under an agreement under Section 25.035 (Transfers Between Districts or Counties).

Requires that a transfer under this section be to the campus or school district requested.

A school district is not required to provide transportation.

"Servicemember" means an active duty member of the armed forces of the United States, a reserve component of the armed forces of the United States, or the Texas National Guard.

**Effective Date:** immediately

## SPECIAL EDUCATION

### SSES Program

#### **HB 1926 (Hull) relating to the expiration date and funding of the supplemental special education services program**

The Supplemental Special Education Services (SSES) program was set to expire September 1, 2024. This bill would repeal the expiration date of the SSES program.

**Effective Date:** September 1, 2023

### Dyslexia Evaluations

#### **HB 3928 (Toth) relating to dyslexia evaluations and services for public school students, the provision of services for students with dyslexia and related disorders, and certain parental notice regarding the rights of parents of public school students with disabilities**

Requires school districts to adopt a program for testing students for dyslexia and related disorders consistent with the Texas Dyslexia Handbook. Parents must be informed of rights under IDEA and 504 and receive updates on evaluations, as well as student progress at least once each grading period.

The evaluation team convened to determine a student's eligibility for special education and related services must include at least one member with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction. The member must:

- (1) hold a licensed dyslexia therapist license under Chapter 403, Occupations Code;
- (2) hold the most advanced dyslexia-related certification issued by an association recognized by the State Board of Education, and identified in, or substantially similar to an association identified in, the program and rules adopted under Sections 7.102 and 38.003; or
- (3) if a person qualified under Subdivision (1) or (2) is not available, meet the applicable training requirements adopted by the State Board of Education pursuant to Sections 7.102 and 38.003.

A team member must sign a document describing the member's participation in the evaluation of a student and any resulting individualized education program developed for the student.

At least once each grading period, and more often if provided for in a student's individualized education program, a school district shall provide the parent or guardian of a student receiving dyslexia instruction with information regarding the student's progress as a result of the student receiving that instruction.

A provider of dyslexia instruction to students with dyslexia and related disorders must be fully trained in the district's adopted instructional materials for students with dyslexia and is not required to hold a

certificate or permit in special education unless the provider is employed in a special education position that requires the certification.

On the placement of a student in a disciplinary alternative education program, the school district shall provide information to the student's parent or guardian regarding the process for requesting a full individual and initial evaluation of the student under Section 29.004.

The board of trustees shall:

- (1) provide for the treatment of any student determined to have dyslexia or a related disorder; and
- (2) adopt and implement a policy requiring the district to comply with all rules and standards adopted by the State Board of Education to implement the program, including:
  - (A) the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, as adopted by the State Board of Education, and its subsequent amendments; and
  - (B) guidance published by the commissioner to assist the district in implementing the program.

The SBOE shall revise the Dyslexia Handbook no later than June 30, 2024.

**Effective Date:** immediately. The bill would apply beginning with the 2023-24 school year

## TEACHER CERTIFICATION

### **HB 621 (Shaheen) relating to creating a temporary certification to teach career and technology education for certain military service members and first responders**

Requires SBEC to propose rules for the issuance of a temporary certificate to a person who served in the U.S. armed forces and was honorably discharged, retired, or released from active duty and met all other eligibility requirements for standard certification. Rules proposed by the board would provide that the certificate was valid for no more than three years, limited to a one-time issuance, and not subject to renewal.

**Effective Date:** September 1, 2023

### **SB 544 (Blanco) relating to the issuance of a temporary teaching certificate to and requirements regarding educator certification for certain persons with experience as instructors for the Community College of the Air Force**

Allows experience as an instructor for the Community College of the Air Force to count toward requirements for teacher certification and for a temporary certificate to be granted.

**Effective Date:** September 1, 2023

## TECHNOLOGY

### **HB 18 (Slawson) relating to the protection of minors from harmful, deceptive, or unfair trade practices in connection with the use of certain digital services and electronic devices, including the use and transfer of electronic devices to students by a public school**

The bill, called the Securing Children Online through Parental Empowerment (SCOPE) Act, relates to the use of digital services by minors. It imposes duties and prohibitions on digital service providers intended to protect minors from exposure to harmful materials and to involve parents in supervising the minor's use of digital services. This provision is enforced by the Consumer Protection Division of the OAG and does not apply to a political subdivision of the state, including a school district.

The bill amends the Education Code, adding requirements relating to the use by and transfer of electronic devices to students. It adds a new definition of electronic device which means a device that is capable of connecting to a cellular network or the internet, including a computer, smartphone or tablet. TEA must adopt standards for permissible electronic devices and software applications used by a school district.

A school district, before transferring an electronic device to a student, to adopt rules establishing programs to promote parents as partners in cybersecurity and online safety and to install an internet filter that blocks and prohibits pornographic or obscene materials or applications, including from unsolicited pop-ups, installations, and downloads.

**Effective Date:** immediately. Applies beginning with the 2023-24 school year

### **SB 271 (Johnson) relating to state agency and local government security incident procedure**

Currently, the Government Code requires state agencies to report cybersecurity attacks to the Department of Information Resources (DIR), which oversees cybersecurity for the State of Texas. SB 271 amends the Government Code to apply the law to local governments that own, license, or maintain computerized data that includes sensitive personal information, confidential information, or information the disclosure of which is regulated by law; which includes school districts, and requires the local government to notify DIR of security breaches.

The bill expands the incidents that require notification to include all security incidents, defined as a breach or suspected breach of system security and the introduction of ransomware into a computer, computer network, or computer system.

The bill requires a state agency or local government subject to the notification procedures to comply with all Department of Information Resources rules relating to reporting security incidents in the event of such an incident.

**Effective Date:** September 1, 2023

### **SB 1893 (Birdwell) relating to prohibiting the use of certain social media applications and services on devices owned or leased by governmental entities**

Prohibits the use of social media applications and services that are deemed to pose a risk to the state on government devices. The applications covered by the bill include TikTok (or any successor application or service developed or provided by the ByteDance Limited) or any other social media application or service determined by the governor to pose a risk to the state.

DIR and DPS will work together to identify applications that pose a risk to the state and must submit the list annually to the governor.

**Effective Date:** June 14, 2023