



87TH LEGISLATIVE SESSION WRAP UP

Presented by



2020

Gov. Abbott Declares State of Disaster & President Trump declares the COVID-19 outbreak in the U.S. constitutes a national emergency.

Governor begins issuing Executive Orders on March 19.

March 13-19

20 March

13 March

19 March

Mass of waivers issued the following week including allowing for postponement of May 2 local elections, STAAR testing halted, and expanding patient access to telemedicine care.

Additional changes that may have impacted session include but not limited to: 3/20 Postponing Primary Runoff election.

LEADING UP TO THE START OF SESSION
COVID -19

2022-2023 Biennium

BIENNIAL REVENUE ESTIMATE

87th Texas Legislature
January, 2021


GLENN HEGAR
Texas Comptroller of Public Accounts

LEADING UP TO THE START OF SESSION
HEGAR PROJECTS \$4.6 BILLION
SHORTFALL

- 2020: Texas Comptroller Glenn Hegar Projected a fiscal revenue ending shortfall of \$4.58 billion
- 2021: Updated the day before session in the BRE to \$1 billion shortfall

REDISTRICTING

- **Original Expectations:**
 - February 2021 – Census data delivery to Texas
 - Legislature has as little as 60 days to draw and adopt legislative boundaries before the end of the regular session
- **What Happened/New Expectations:**
 - Received apportionment data on April 26: Texas will gain 2 seats in the House of Representatives
 - States will begin to receive redistricting data on August 16, and all states should have received the complete redistricting toolkit by September 30

NOVEMBER ELECTIONS SET THE STAGE

1st election without single punch ballot (Straight ticket voting for a party)

Incumbents Defeated

- 4 House incumbents were defeated in the primaries
 - Lorraine Birabil (D-Dallas) lost to Jasmine Crockett (D-Dallas)
 - Anna Eastman (D-Houston) lost to Penny Morales Shaw (D-Houston)
 - Dan Flynn (R-Van) lost to Bryan Slaton (R-Royse City)
 - J.D. Sheffield (R- Gatesville) lost to Shelby Slawson (R-Stephenville)
- During the November General Election
 - SD 19 - Pete Flores (R-Pleasanton) lost to Roland Gutierrez (D-San Antonio)
 - HD 132 - Rep. Gina Calanni (D-Katy) lost to Mike Schofield (R-Katy)
 - HD 134 - Sarah Davis (R- Houston) lost to Ann Johnson (D-Houston)
- *All other Texas House and Senate races were either won by incumbents or the party previously holding the seat if it was open.*

87th Session New Faces

- 4 New Faces in the Senate (3 Democrats and 1 Republican)
- 16 New Faces in the House (10 Democrats and 6 Republicans)

Balance of Power in the 87th Legislature

Senate



House



87TH
SESSION





Jeff Leach @leachfortexas · 3h ...

Growing up as an inquisitive young kid, I was taught there is no such thing as a stupid question. The back mic in the Texas House has proven to me that is just simply not true. [#txlege](#)



87TH SESSION – 140 DAYS

- 87th Legislature Convened Tuesday, January 12
- First weekend session that included Saturday and Sunday was held 8 days before Sine Die
- Sine Die May 31, 2021
- Last day for Governor to sign or veto bill passed during the 87th Sunday, June 20st
- Bill become effective without specific effective dates – Monday, August 30th

FIRST WEEK OF LEGISLATIVE SESSION

- January 6th Joint Session of U.S. Congress to Certify Presidential Election
- Texas Capitol re-opened & Opening day protocols were released for both chambers
- Revenue shortfall updated to \$1 billion; BRE estimated that lawmakers would have \$112.5 billion in revenue available for general-purpose spending during the 2022-23 biennium.
- Rep. Dade Phelan (R-Beaumont) elected Texas House Speaker
- Governor Abbott extended the COVID-19 Disaster Declaration
- **Senate changed voting threshold to five-ninths – meaning if 31 Senators are present need 18 Senate votes**



LAST WEEK'ISH OF LEGISLATIVE SESSION

- On the 129th Day (Just 11 days before Sine Die)
– The House Adjourned that Thursday until Sunday at 1pm which delayed 2 calendars worth of bills; leaving only 3 legislative days to vote on Senate bills.
- The Conference Committee Report on SB 7 (voting/elections) surrounded by contention was brought to the House floor on May 30th resulting in many Texas Democrats walking out of session and breaking quorum
- Gov. Abbott issues statement on May 31st saying Special Session will include Election Integrity and Bail Reform "along with other priority items"



SPEAKER'S
PRIORITY
THEME ISSUES
IDENTIFIED IN
OPENING
SPEECH

Texas children & educators must continue to be at the forefront of the legislative agenda this session

To get Texans back to work we must protect health & safety

Pandemic has highlighted antiquated practices ...Need to work to eliminate burdensome regulations from statutes

Will make Texas the beacon of the nation, need to unite in common purpose to do what is right for the people of Texas

GOVERNOR'S PRIORITY ISSUES

1. Continue to fund education and HB 3
2. Expansion of Broadband access
3. Prevent cities from defunding police departments
4. Pass the Damon Allen Act (fix bail system)
5. Election Integrity
6. Civil Liability protections for businesses, individuals, and healthcare providers during COVID
7. Winterization of the ERCOT power grid

LT. GOVERNOR'S PRIORITY ISSUES

- Senate Bill 1 – The State Budget
- Senate Bill 2 – ERCOT Reform
- Senate Bill 3 – Power Grid Stability
- Senate Bill 4 – Star Spangled Banner Protection Act
- Senate Bill 5 – Statewide Broadband Access
- Senate Bill 6 – Pandemic Liability Protection Act
- Senate Bill 7 – Election & Ballot Security
- Senate Bill 8 – The Heartbeat Bill
- Senate Bill 9 – Abortion Ban Trigger
- Senate Bill 10 – Stop Taxpayer Funded Lobbying
- Senate Bill 11 – Appellate Court Reorganization
- Senate Bill 12 – Protect Free Speech on Social Media
- Senate Bill 13 – Oil & Gas Investment Protection
- Senate Bill 14 – Business Freedom and Uniformity Act
- Senate Bill 15 – Ban Sale of Personal Data
- Senate Bill 16 – Protect State-held Personal Data
- Senate Bill 17 – Protect Texas Trucking
- Senate Bill 18 – Protect Second Amendment Businesses
- Senate Bill 19 – Stop Corporate Gun Boycotts
- Senate Bill 20 – Second Amendment Protections for Travelers
- Senate Bill 21 – Bail Reform
- Senate Bill 22 – First Responders Pandemic Care Act
- Senate Bill 23 – Stop Local Police Defunding
- Senate Bill 24 – Law Enforcement Transparency Act
- Senate Bill 25 – Family Nursing Home Visitation Rights
- Senate Bill 26 – Protect Our Freedom to Worship
- Senate Bill 27 – Expanding Virtual Learning Options
- Senate Bill 28 – Charter School Equity Act
- Senate Bill 29 – Fair Sports for Women & Girls
- Senate Bill 30 – Remove Racist Restrictions from Real Estate Deeds
- Senate Bill 31 – Senate Redistricting Act

Status	86 th Regular Session	87 th Regular Session
Introduced HBs	4765	4671
Passed HBs	969	581
Introduced SBs	2559	2256
Passed SBs	460	486
Total Passed HBs & SBs	1429	1073

BILLS FILED FOR LEGISLATIVE SESSION VS PASSED

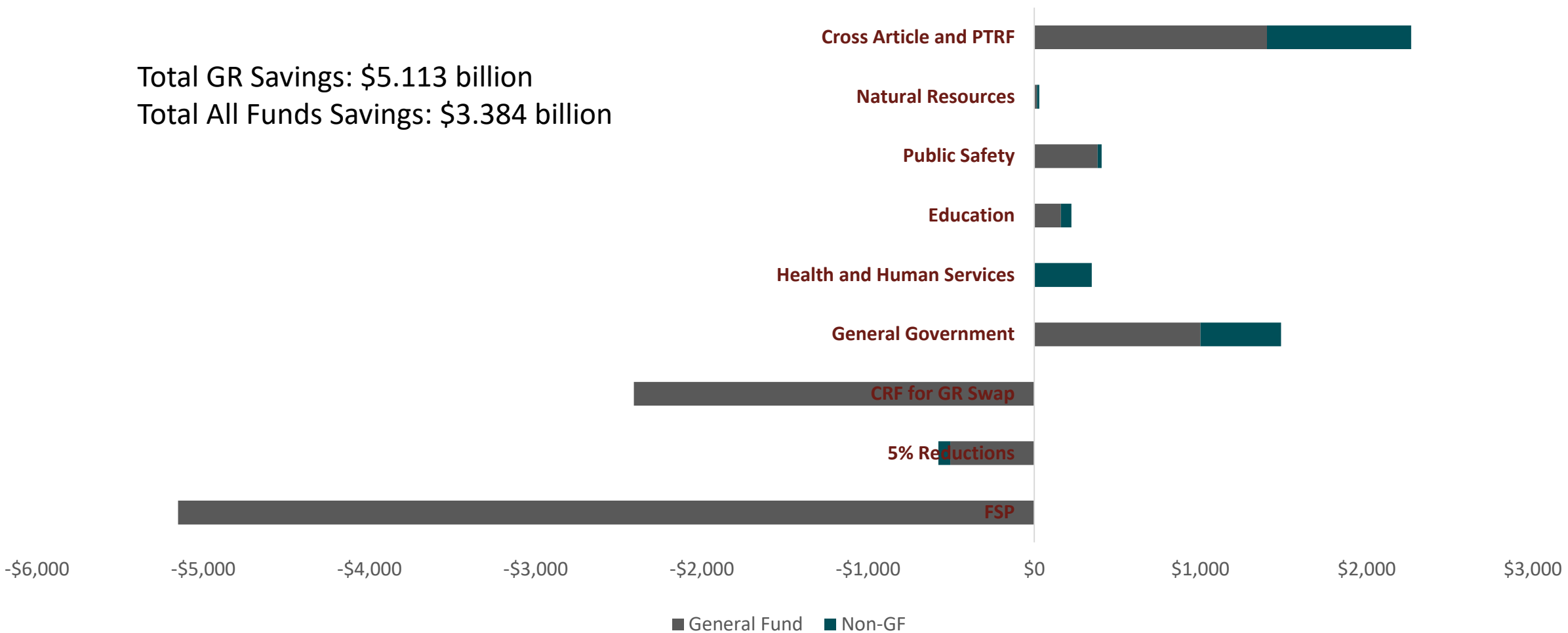
BUDGET, BUSINESS, & SCHOOL FINANCE

State Budget Overview



House Bill 2: Supplemental Appropriations for 20-21 Biennium

Total GR Savings: \$5.113 billion
Total All Funds Savings: \$3.384 billion



Senate Bill 1

MOF	2020-2021	2022-2023	Biennial Change	% Change
General Revenue	\$110,296.6	\$116,368.2	\$6,098	5.5%
GR – Dedicated	\$6,563.2	\$6,315.2	-\$248.0	-\$3.8%
Other Funds	\$44,990.3	\$41,100.0	-\$3,890.3	-\$8.6%
Total	\$161,823.1	\$163,783.4	\$1,690.3	1.2%
Federal Funds	\$100,281.4	\$84,767.1	-\$15,514.3	-15.5%
All Funds	\$262,104.5	\$248,550.5	-\$13,554.0	-5.2%

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Includes the federal funds / state GR swap in FSP as well as other areas of the state budget

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Does not include significant portions of federal stimulus dollars being reserved for a special session

TBD...

Funds received from the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) **for the Coronavirus State Fiscal Recovery Fund** except for funds appropriated through Section 603. Coronavirus Local Fiscal Recovery Fund of the same act, Coronavirus Capital Projects Fund, and any federal funds made available under the American Jobs Act or similar federal legislation enacted after the 87th Legislature, Regular Session, 2021, adjourns **are specifically excluded from the appropriations made by this Act.**

Contingency Rider for HB 1525

- Includes increases as well as reductions in GR
- Spends commissioner reserve portion of ESSER
- Includes an IMA reduction
- Appears to count on roughly \$1 billion in settle-up from the ADA Hold Harmless ESSER 2 supplant

	General Revenue	Instructional Materials Fund	Federal Funds
Appropriations for the FSP	-\$1,141,103 271		
IMA		-\$620,680,031	
Changes in Instructional Practice	\$406,000,000		\$944,000,000
Career-focused High Schools	\$118,000,000		
Tutoring Infrastructure			\$100,000,000
Broadband Support			\$8,000,000
Dyslexia and Autism Grants	\$100,000,000		
Minimum COVID Funding			\$46,000,000
Formula Funding for low ESSER Districts			\$161,000,000
Winter Storm Uri	\$35,000,000		
At-Risk and Transitional Child Care	\$5,000,000		
Agency Operations	\$4,685,180		
GT Allotment	\$200,000,000		
ESSER MOE	\$396,000,000		
Total	\$123,581,909	-\$620,680,031	\$1,259,000,000

IMA Reduction

Initial Appropriation	\$1,045,438,721
Contingency Rider Reduction	<u>- \$620,680,931</u>
Remaining	= \$424,757,790

This leaves roughly 40% of the amount originally appropriated. Adoptions this biennium include pre-k, PE, and health. However, hoped for funding for technology and other purchases may not materialize

HB 1525
School health advisory
council (SHAC)

New SHAC Meetings Requirements:

Post notice at least 72 hours before meeting on each campus and district website

Prepare and maintain minutes of subjects discussed and any action taken

Make audio or video recording of meeting

Submit minutes and recording to district within 10 days after meeting

Post minutes and recording on district website

Does NOT make SHAC subject to TOMA criminal penalties

HB 1525
School health advisory
council (SHAC, cont.)

New SHAC Curriculum Requirements:

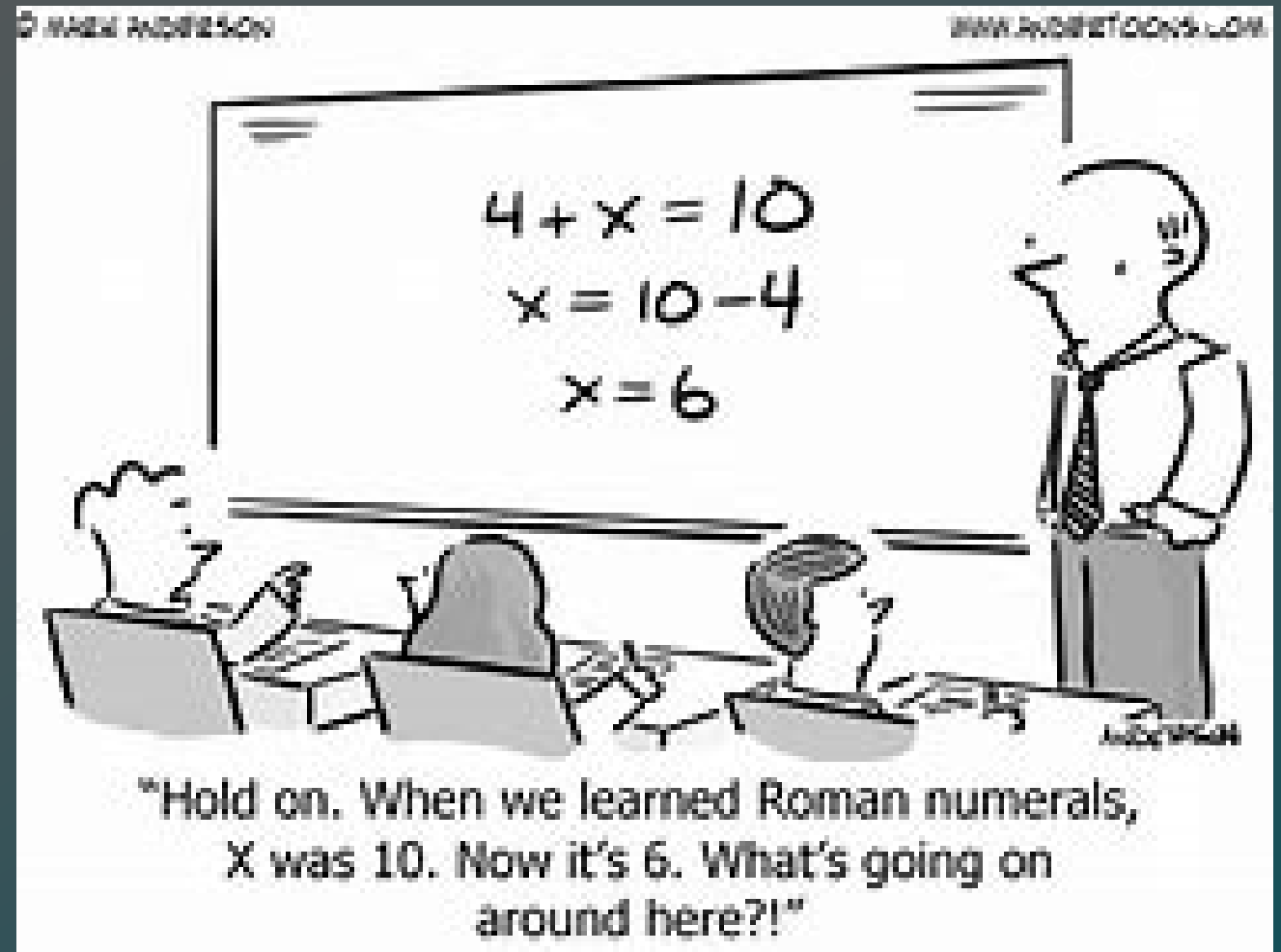
District Board shall adopt policy setting procedure for curriculum about human sexuality

SHAC must hold at least two public meetings and make recommendations to Board for adoption

Curriculum materials must be based on SHAC recommendations, suitable for subject and grade level, and expert advice, and must be made publicly available

District must obtain consent of parent in separate notice of at least 14 days before instruction

Funding Formula Changes



Fast Growth Allotment

- Based on enrollment growth over a six-year time-frame, ending with the prior year.
 - For FY 22, 2016 enrollment is compared to 2021 enrollment
 - 250 is subtracted from the difference
 - Districts are sorted from most to least growth
 - Variable weight based on size of enrollment growth relative to other districts in Texas
 - Appropriations limit (starts at \$270 million, increases to \$320 million over time)
 - Hold-harmless for 2021-22 for districts that earned the allotment in FY 2020, limited to \$40 million statewide

Fast Growth Weight by Enrollment Growth Category

2021-2022

Category	Weight
Top 40%	.45
Middle 30%	.30
Bottom 30%	.15

2022-2023 and beyond

Category	Weight
Top 40%	.48
Middle 30%	.33
Bottom 30%	.18

Return of the Gifted & Talented Allotment

- GT Weight of .07
- GT ADA limited to 5% of total ADA
- Total GT allotment limited to \$100 million

Career and Technology

- For small and mid-sized districts, base for funding =
Sum of basic allotment + per student small or midsized allotment
- Weights vary based on courses:
 - No approved program of study: 1.1
 - Levels 1 and 2 courses: 1.28
 - Levels 3 and 4 courses: 1.47
- \$50 allotment for advanced CTE repealed. \$50 per student for P-Tech and New Tech codified

Cap on Formula Transition Grant

- \$400 million annual cap on formula transition grant. Current estimates are right at \$400 million. But
 - 2019-2020 FTG: \$445 million
 - 2020-2021 FTG (estimated): \$533 million
- Factors that could influence FTG:
 - Formula changes that increase formulas and thus reduce the need for FTG
 - GT weight, CTE change, fast growth (some increases and some decreases)
 - Increases in school district tax effort (some VATREs, some 5th pennies)
 - Second year of biennium (FY 23) cost likely to remain higher than first year (FY 22)
- Won't have final answer until settle-up

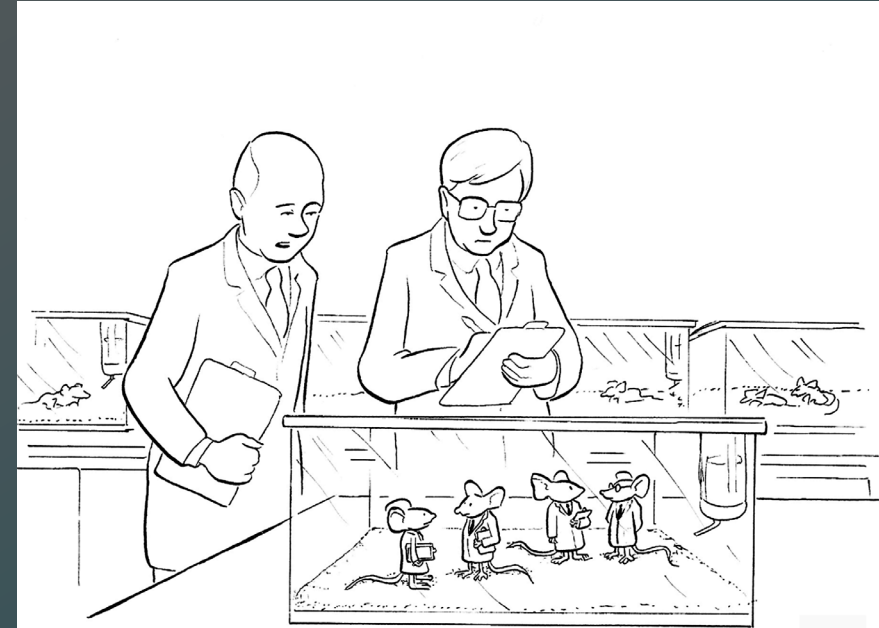
Addition to CCMR

- Students who earn an associate's degree
- Students who enlist in the Texas National Guard (HB 1147)

Recapture Catch-Up

- Under old law, districts that do not get a recapture notification do not have to pay recapture, even if settle-up shows they should have paid. Under HB1525, districts missed at notification will owe a catch-up payment.

Other Funding Provisions



"O.K., let's slowly lower in the grant money."

Funding for Low-Funded LEAs under ESSER

- Allotment equal to:
 - \$208.35 per enrolled student in 2022 and 2023, plus
 - \$1290 per estimated student in need of additional supports in 2022 and 2023, minus
 - ESSER II and III Allocations
- Students in need of additional supports are estimated by taking the percent of 2019 students who failed a state assessment, increasing that by 40% in FY 22 and 20% in FY 23 and applying that percentage to 2021 enrollment

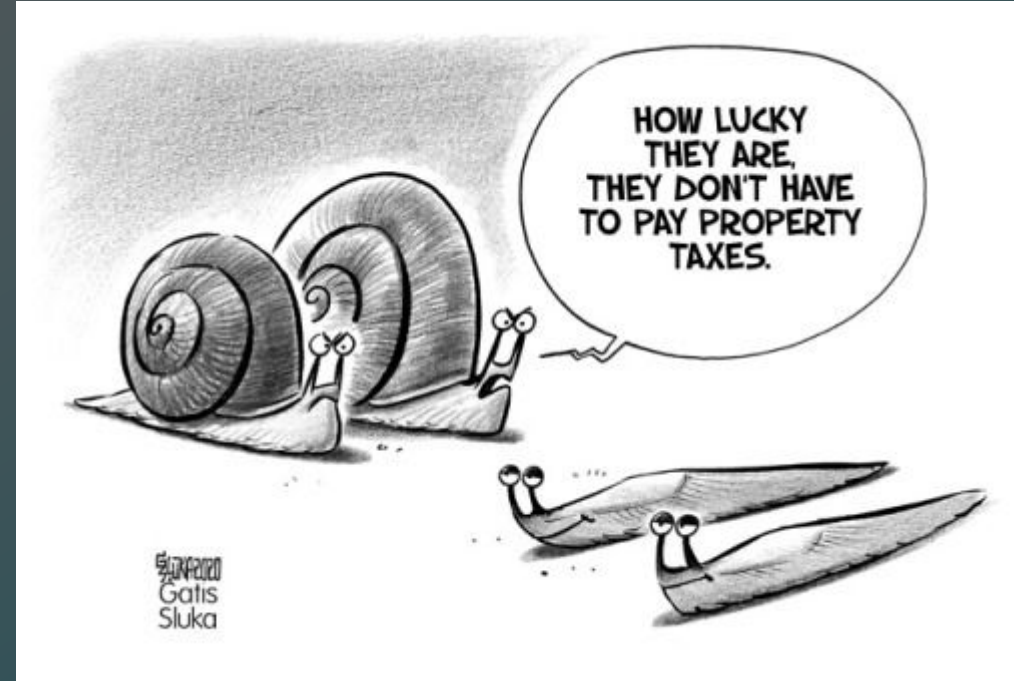
Other Grants Related to ESSER

- Commissioner to provide grants for:
 - P-Tech, regional pathways and JET: \$118 million
 - Supplemental educational supports: \$100 million
 - COVID-19 learning acceleration supports: \$1.35 billion.
 - Technical support for broadband
 - Funding for technology purchases made before February 28, 2021

Winter Storm Uri

- TEA to provide reimbursements for costs incurred as a result of winter storm Uri. Capped at \$35 million.

Tax Rates



Tax Rate Adoption Reminders

MCR calculation:

- There's a template for that:
<https://tea.texas.gov/sites/default/files/tax-rate-and-mcr-template.xlsx>
- TEA says to begin property value survey with data entered last year for an apples-to-apples comparison
- You can access data from last year in TEAL or the MCR template
- If you think last year's data is not appropriate, reach out to TEA

Enter CDN=>	256901	LONGHORN ISD	
TY 2020 Value Lost to the Local Optional Homestead Exemption		\$2,997,257,986	
TY 2020 Comptroller Certified School District Taxable Value for M&O Purposes (T2)		\$18,136,820,021	
TY 2020 Chief Appraiser's July 25th Certified Taxable Property Values from the Certified Appraisal Roll		\$16,215,431,557	<=from last years LPVS District Entry
TY 2021 Chief Appraiser's July 25th Certified Taxable Property Values from the Certified Appraisal Roll		\$17,188,357,450	<=District Entry
CAD Value Growth (calculated)		6.00%	
TY 2021 Property Value No Longer Subject to a Limitation on Appraised Value under Chapter 313, Tax Code		\$0	
TY 2021 Property Value No Longer Subject to a Limitation on Appraised Value under Chapter 311, Tax Code		\$0	
Total Exemption expiry (E) (per TEC §48.2551 (a))		\$0	
Growth Net of Expiring Chapter 313 or 311 Agreements (calculated)		6.00%	
TY 2021 Local Optional Homestead Exemption Value Loss		\$3,192,079,755	<=District Entry
Local Optional Homestead Exemption Value Change (calculated)		\$194,821,769	
Estimated TY 2021 Comptroller Certified School District Value for M&O purposes (T2)		\$19,240,015,512	
Prior Year (TY 2020) Maximum Compressed Tax Rate (MCR)		0.9164	
Local Preliminary MCR = (1.025((TY 2020 DPV+E) * PYMCR)) / TY 2021 T2		0.8854	
TY 2021 State Compression Percentage (0.9164 * (1.025/1.0184))		0.9164	
TEC §48.2552 TY 2021 Limitation on Maximum Compressed Tax Rate (0.9164 * 0.9)		0.8247	
MCR (lesser of state or local compression) (greater of local compression limitation under TEC §48.2552)		0.8854	

Tier 1 Tax Rate Compression

- The legislature reduced the state ceiling for Tier 1 tax rates to 0.9134. This results in a lower floor as well, of \$0.8220.
- The TEA template has been updated
- You should wait to adopt the rate until you have completed the local property value survey with the July certified value

No Pandemic Pennies

- Senate Bill 1438 (Bettencourt, Meyer) removed pandemics from the disasters that can trigger the availability of additional taxing authority within the VATRE
- The board of trustees must specify the disaster that is triggering the additional pennies
- The same disaster may not be used for two years

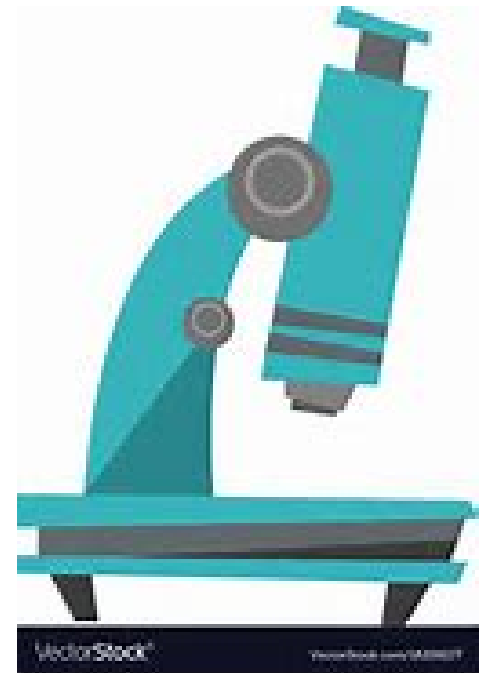
New Language in Notice

- House Bill 2723 by Meyer, Shine, Button, Bettencourt
 - A school district notice of public meeting to discuss budget and proposed tax rate must include statement directing readers to a state website that provides links to local property tax databases.
 - The state's Department of Information Resources will be required to establish and maintain a website that contains links to the property tax databases of each Central Appraisal District.

“Visit [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes) to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.”

Increased Tax Rate Scrutiny

- Prohibition on levying an M&O tax rate to pay debt (from increase)
- TEA lookback at districts who may have adopted a tax rate in violation of prohibition
- Applies to tax rates adopted after the effective rate of the Act
- Corrective action plan and reduced state aid for those who do not comply
- List of districts who violated posted to TEA website
- TEA authority to reduce state aid for districts that adopt a rate in excess of VATR without election



Spending Requirements



New Flexibility for Compensatory Education

- SCE funds can be used for:
 - Instructional coaches
 - Attendance officers to support educationally disadvantaged students; and
 - Programs to teach managing emotions, establishing positive relationships and teaching responsible decision-making

School Safety Allotment

- School safety allotment can be used for counselors, social workers and restorative discipline.
- New TEA reporting on use of funds (is a school safety PIC code in our future?)

Instructional Materials Allotment

- Can be used to facilitate distance learning
- Potential reduction to IMA due to contingency rider for HB 1525 that reduced the total appropriation by \$620 million

PTA Donations

- Districts must accept and spend PTA donations that would fund supplemental staff positions at a school or campus
- Expires September 1, 2025

Teacher Retirement System



Teacher Retirement System Changes

- House Bill 1585 by Lambert, Lucio
 - Creates ombudsman to assist members and retirees
 - Requires outreach plan for members and employers
 - Moves retire / rehire prohibition date to January 1, 2021
 - Requires notice, opportunity to solve problem before denial of benefits for those who retire and return to work
- Senate Bill 202 by Schwertner, Anchia
 - Prohibits employers from directly or indirectly passing on employer contributions to TRS



ESSER Status



ESSER II Funding Swap

- ESSER II Allocations Announced
 - **[More information here](#)**
- Note that ESSER 2 is a method of finance for ADA hold harmless
- ADA reductions at Near Final settle-up will mean the need to effectively use a portion of ESSER II to make up for GR reduction in FY 21

May 26, 2021 – Letter from Dept. of Educ. to Mike Morath

- Legislative proposal to have LEAs supplant ARP funds = inconsistent with the purpose of ARP, namely to “expand resources for K-12, not to replace existing state commitments.”
- HB 1525 tried to require LEA to reserve 40% of state and local funds through 2023 and to use those funds starting 2024. Doing so would violate Maintenance of Effort and Maintenance of Equity
- HB1525 was modified!

Important Documents – see TSA’s Capitol Connections LiveBinder

- May 2021: Frequently Asked Questions on Elementary and Secondary School Emergency Relief Programs and Governor’s Emergency Education Relief Programs
- USDE Fact Sheet (on ARP/ESSER III)
- April 2021 – Guidance on MOE Requirements and Waiver Requests under ESSER and GEER Funds
- TEA Q&A document (210, so far)
- 2020-2023 ARP ESSER III Federal Grant Application – Thompson & Horton
Notes from Tuesday May 11, 2021 TEA Workshop

Key Provisions – Q&A May 2021, USDE

- See the link for Interim Final Regulations, A-4, page 12
- Maintenance of Equity, page 13
- LEA Plan, page 14
- ESSER III funds must be awarded to LEAs 60 days following SEA receipt (May 24, 2021) (2/3 only) (\$8 billion)
- ESSER III funds must be spent by September 2024
- Grant applications for ESSER III funds are being used
- TEA must submit its plan by June 21, 2021

Key Provisions

- LEAs must submit its plan by July 27, 2021
- TEA has now answered 210 questions on ESSER Funding issues
- What can ESSER Funding be used for?
 - Extremely broad and flexible:
 - See A-3, pages 10-12
 - In addition, note the following:
 - Uniform Guidance applies! A-16, page 18
 - MOE for Title I and IDEA continue to apply

Key Provisions

- Premium pay
- Construction
- Trailers
- Renovation
- 504 students, page 35
- Pre-K, page 42
- Distance Learning

Note: Federal procurement requirements permit non-competitive procurements, page 45

Key Provisions

- Generally, the May 2021 Q&A controls.
- If you see a discrepancy between it and TEA Q&A, please notify TSA!

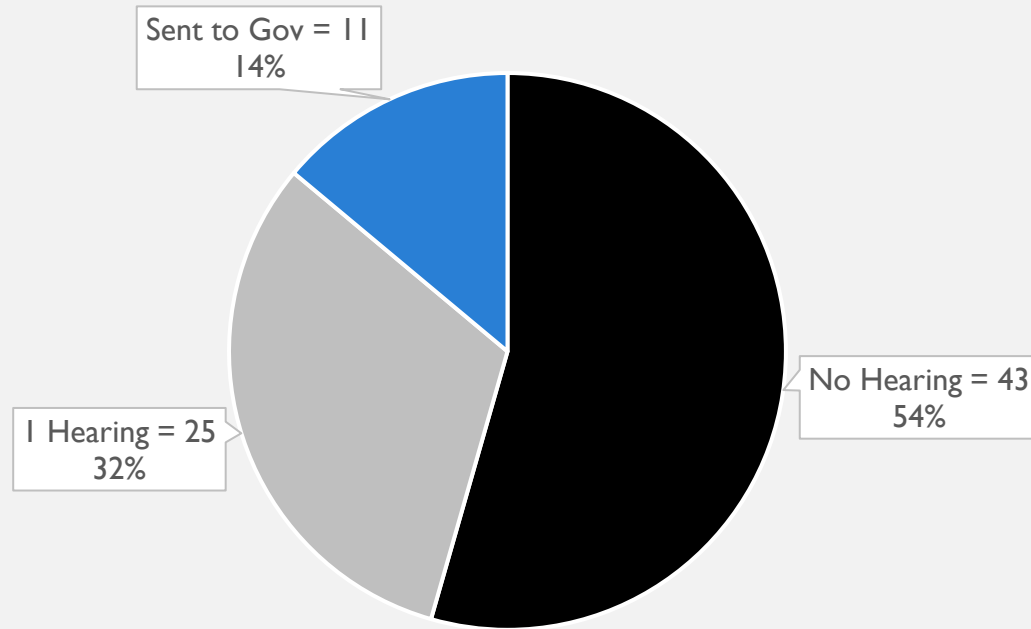
E-rate and Broadband

- \$3.2 billion subsidy for low-income families
- Targets 6.5 million Pell grant recipients and millions more

Childhood Nutrition

- Free school meals extended until June 2022
- Waivers re rates and location also extended
- Pandemic Electronic Benefit Transfer Program extended to cover summer 2021 - \$375 per eligible student
- Also, FEMA will reimburse school cleaning supplies and PPE

What Happened to the 79 Assessment & Accountability Related Bills That Were Filed?



Bob Garrett ✓ @Robert... · 10h ...

The House comes in 41 minutes late, only to have an invocation by [@TerryCanales40](#) that stirs the members.

Canales asks God to protect school children from 'testing profiteers,' inspire [#txlege](#) to honor teachers and 'keep their pensions out of greedy hands.'

Maybe Pub Ed chair?

ASSESSMENT & ACCOUNTABILITY
BILLS FILED VS PASSED

ACCOUNTABILITY LEGISLATION SPOTLIGHT

HB 999 / Bernal – IGCs for current 12th graders. TEA issued guidance 6/3/2021. *Effective immediately.*

HB 1603 / Huberty – Removes expiration date for IGCs **and** allows TEA to investigate when 10% or more students graduate from a HS with an IGC. *Effective 9/1/2021.*

HB 773 / VanDeaver – Adds students who successfully complete a CTE program of study to the list of CCMR indicators. *Effective immediately.*

HB 1147 / Huberty – Adds enlisting in the Texas National Guard to the list of military readiness indicators eligible for the CCMR outcomes bonus **and** includes it in the CCMR indicators for A-F accountability ratings. *Effective 9/1/2021.*

SB 1697 / Paxton – Permits a parent or guardian to elect for a student to repeat a grade or course from the 2021-2022 SY. Applies to PK, K, 1st – 8th gr. and HS. *Sent to Gov. on 5/27/2021.*

SB 1365 TEA TAKEOVER

ACCOUNTABILITY RATINGS:

D ratings will be publicly reported as “*Needs Improvement*”

A 3rd D rating (if the campus does not have a previous F rating) will trigger F year 1 sanctions

2020-2021 Alternative Methods and Standards for Evaluating Performance for D and F campuses that meet 95% participation requirements are **both** Opt-In and Hold Harmless; will evaluate Domains 1 & 2.

2021-2022 COVID Recovery Accountability ratings for all campuses will be A-B-C or Not Rated. [**NOTE:** TEA shall assign a BOM or order closure if a campus is not assigned a C or higher AND has been rated unacceptable for five or more school years prior to 2021-2022.]

SB 1365
TEA TAKEOVER,
CONTD.

DUE PROCESS PROTECTIONS FOR SPECIAL INVESTIGATIONS:

Preliminary investigation report shall identify all evidence and witnesses TEA relied on

District may respond to preliminary report before TEA issues final report

For board of managers, alternative management, or closure of district or campus, district may request full evidentiary hearing before SOAH

Commissioner's decision may be appealed to court

Sent to the Gov. on 6/1/2021

SB 215 / Bettencourt – TEA Office of Inspector General

Created an Office of Inspector at TEA appointed by and reporting to COE

Authorized OIG to:

- Investigate allegations of fraud, waste, and abuse
 - Initiate reviews of an ISD, a charter school, a regional ESC, or other LEA
 - Receive and investigate complaints from any source, including legislators
 - Access records and meetings
 - Use subpoena power
-

This bill passed 31-0 in the Senate. It was NOT heard in House Public Education.

SB 215
TEA OIG



TECHNOLOGY, ONLINE, & VIRTUAL BILLS

VIRTUAL LEARNING LEGISLATION SPOTLIGHT

HB 3643 / K. KING – TEXAS COMMISSION ON VIRTUAL EDUCATION

- Creates the Texas Commission on Virtual Education to “develop and make recommendations regarding the delivery of virtual education in the public school system and state funding for virtual education under the Foundation School Program.”
- 13 members
- Governor appoints four members
 - Current or retired classroom teacher 10 years of teaching experience
 - Member of the business community
 - Member of the civic community
- Lt. Governor and Speaker
 - Three members of their respective chambers
 - One school administrator or school board member each.
- SBOE Chair designates one member of the SBOE
- Recommendations due to the governor and not later than Dec. 31, 2022



Sent to the Gov. on 6/1/2021

HB 1468 / K. BELL VIRTUAL LEARNING PROGRAM

- Would have allowed public school districts to provide remote instruction to students within their attendance zones
- *While poised to pass, this bill died when the House Democrats broke quorum on Sunday, May 30th.*

BROADBAND, ONLINE TESTING, & ACCELERATED INSTRUCTION LEGISLATION SPOTLIGHT

HB 5/Ashby

Expansion of broadband services

- Expands the Governor's Broadband Development Council to 21 voting members each appointed by the Gov.
- Establishes the Broadband Development Office within the Comptroller's office to prepare a state broadband plan, create a map of areas with limited access to broadband (incl. each school campus), and award financial incentives in eligible areas to expand access to and adoption of service.

Sent to the Gov. on 5/31/2021

HB 3261/ Huberty

Online testing

- Requires each assessment instrument to be administered electronically, beginning no later than the 2022-23 SY; establishes a matching grant program for infrastructure costs; and expands the use of the instructional materials and technology allotment to ensure Internet connectivity, adequate bandwidth & personnel training in the administration of online assessments.
- *Sent to the Gov. on 6/1/2021*
- **TEA announced Feb 2022 Stand-Alone Field Test**

HB 4545 / Dutton

Accelerated Instruction

- Relating to the assessment of public school students, the establishment of a strong foundations grant program, and providing accelerated instruction for students who fail to achieve satisfactory performance on certain assessment instruments. (ENR)
- **Repeals:**
 - Sections 28.0211 (b), (d), (e), (i-1), (i-2), (m), & (m-1) which incl. retests for SSI gr. 5 & 8 and SSI funding.
- *Sent to the Gov. on 6/1/2021*

CURRICULUM & INSTRUCTION

CURRICULUM & INSTRUCTION LEGISLATION SPOTLIGHT

HB 3979/TOTH - CIVICS INSTRUCTION IN PUBLIC SCHOOLS

- Directs the SBOE to revise the social studies essential knowledge and skills
- Adds language about what a teacher
 - may not be compelled to discuss
 - if discussed, do so to the best of the teacher's ability explore the topic from diverse and contending perspectives
- Adds restrictions about credit for a student's:
 - "political activism, lobbying..." at any level of government
 - participate in internships or practicums that involve social advocacy
- Directs that teachers and administrators may not be required to:
 - engage in certain specified training
 - make any part of a course certain identified content
 - include the NYT 1619 Project in a course

Sent to Gov. on 6/1/2021

SB 1716/TAYLOR - SUPPLEMENTAL SPECIAL EDUCATION SERVICES PROGRAM

- Requires TEA to establish a supplemental special ed services program.
- Authorizes TEA to:
 - Develop and maintain a system of online accounts for eligible students.
 - Establish a maximum credit of \$1500 per student, with annual budget if \$30M.
 - Establish criteria for vendors and service providers.
 - Designate one or more ESCs to administer the program.

Sent to Gov. on 6/1/2021



CHARTER SCHOOL BILLS

CHARTER SCHOOLS LEGISLATION SPOTLIGHT

HB 3610 / Gervin-Hawkins - Leased Facilities Tax Exemption. *Sent to Gov. on 5/25/2021.*

- Property owner receives a proportionate tax exemption for percentage of property that is leased for use as school facility
- Applies to school district, charter school and community college leased facilities
- Must be used exclusively for educational purpose.

HB 572 / Dutton - Reauthorizes the Drop Out Recovery School Legislation. *Sent to Gov. on 6/1/2021.*

- A school district or charter school may offer a dropout recovery competency-based educational program to eligible students.
- Campus must enroll students in grades 9 through 12 and have an enrollment of which at least 50 percent of the students were 16 years of age or older and be under alternative accountability
- Clarifies that every student enrolled at a dropout recovery campus may participate in competency-based education
- Requires TEA to conduct a study of competency-based education programs

SB 1615 / Bettencourt - Adult High School Charter Schools. *Effective 5/31/2021.*

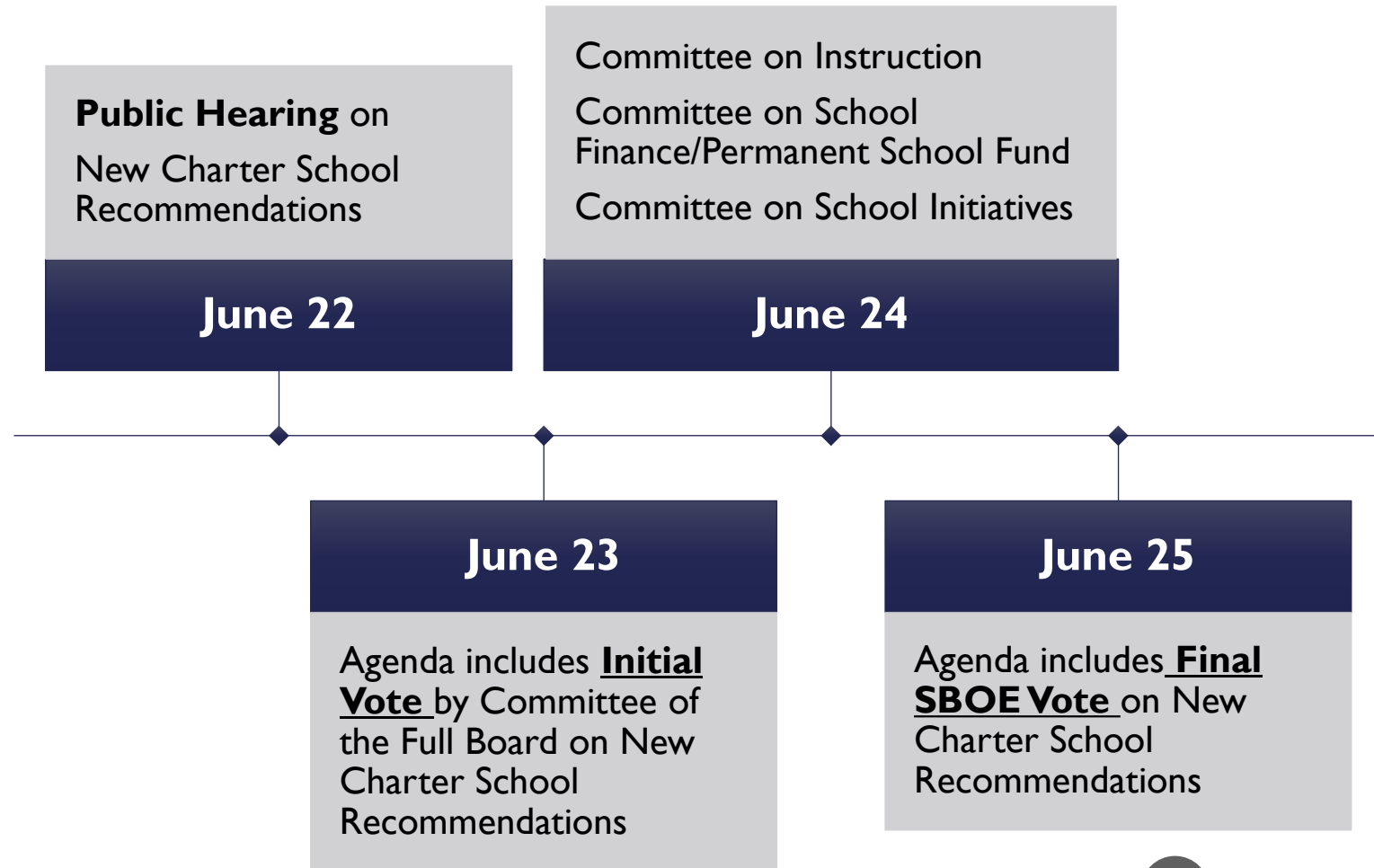
- Limits the expansion of adult high school charter schools
- Existing charters may not establish an adult high school charter without commissioner approval
- Commissioner is limited to authorizing no more than two additional adult charter schools through 2024 and no more than four through 2026.
- May enroll no more than 350 students per charter.
- Establishes an Adult Charter School Advisory Committee that will cooperate with TEA to establish score criteria on state required assessments for adult charter school students.

SB 346 / Paxton - Charter School JET Grant Eligibility. *Effective 5/24/2021*

- Authorizes charter schools to participate in the JET Grant program administered by the Texas Workforce Commission
- Grant provides CTE equipment and supplies for programs aligned to local workforce development board priorities.

On June 1, 2021 Commissioner Morath announced that he has awarded seven charter schools in this cycle. Twelve applicants were interviewed in May.

SBOE JUNE MEETING



REQUIRED TRAINING & OTHER BILLS

REQUIRED TRAINING & OTHER LEGISLATION SPOTLIGHT

HB 690 / Metcalf - The State Board of Education must require that independent school district trustees complete training on school safety and develop the curriculum and materials for that training in coordination with the Texas School Safety Center. Training materials must be developed by January 1, 2022 and the bill is effective September 1, 2021. *Sent to Gov. on 5/22/2021.*

SB 168 / Blanco – relating to emergency school drills and exercises conducted by public schools. (ENR) *Sent to Gov. on 5/29/2021.*

SB 179 / Lucio - Requires board of trustees to adopt a policy that requires 80% of counselors time to be spent on activities as defined in TEC 33.005. This provision excludes time spent administering assessment instruments. *Sent to Gov. on 5/26/2021.*

HB 189 / Canales – HB 189 applies the same severance limitations that currently exist for public school superintendents to charter school superintendents or administrator serving as educational leader and chief executive officer. Any charter school that pays an existing superintendent or chief administrator more than a years salary plus benefits as severance will have that amount deducted from their funding the next year. *Effective 6/4/2021.*

OTHER LEGISLATION SPOTLIGHT

SB 1444 / Taylor TRS Active Care

- Creates more flexibility for ISDs to participate in TRS Active Care
- Eliminates DOI as option for an ISD to offer alternative health coverage
- Authorizes a study conducted by each ESC to assess health care needs and options for that region
- *Effective 9/1/2021*

SB 1356 / Hughes Tutoring Program in Public Schools

- Creates a statewide program for certified current or retired teachers to serve as supplemental tutors in public school districts. To participate in the program, a person would apply with a nonprofit organization and indicate if they will provide tutoring:
 - for compensation, on a volunteer basis, or both; and
 - in-person, online, or both.
- A participating tutor may not be utilized if they are identified in the “Do Not Hire” registry.
- Each school district superintendent will oversee the tutoring program within the district.
- The bill requires a report to the trustees each semester.
- A modification to the bill in conference that changed a “shall” to “may” makes the program permissive, not required.
- *Sent to the Gov. on 6/1/2021*

HB 547 / Frank Home School Participation in UIL Activities

- Allows home school participation in UIL activities if the ISD allows such participation
- To participate, the child is subject to certain local relevant policies
- The bill includes specific protections consistent with TEA v. Leeper (1994) ruling
- The provisions are effective for the 2021-22 school year
- *Sent to the Gov. on 5/31/2021*

BILLS THAT DID NOT PASS LEGISLATION SPOTLIGHT

SB 29 / Perry Gender Participation in UIL Activities

- Prohibited a student from competing in a UIL athletic competition that is designated for the sex opposite to the student's sex "as correctly stated" on the student's official birth certificate or, if unobtainable, another government record.
- Authorized a female student to compete in a UIL athletic competition that is designated for male students if a corresponding competition designated for females is not offered or available.
- Required a UIL study and report on the impact of and restrictions on transgender participation.
- *SB 29 - Dead caught on the wrong side of May 25 House deadline for passing bills*

SB 10 / Bettencourt Taxpayer Lobbying

- Relating to certain requirements applicable to political subdivisions and other entities that engage in lobbying and to the applicability of lobbyist registration requirements to a person who provides legal services to a political subdivision. (HCS)
- *SB 10 - Dead caught on the wrong side of May 25 House deadline for passing Senate bills*

HB 3 / Burrows Pandemic Disaster Response

- Relating to the authority of the legislature, governor, and certain political subdivisions with respect to disasters, including pandemic disasters, and emergencies. (SCS)
- *HB 3 – Conference committee appointed*

SB 7 / Hughes Elections

- Relating to elections, including election integrity and security.
- *SB 7 - Discussion of the conference committee report on SB 7 was terminated with the loss of a quorum at 10:40 p.m., Sunday, May 30, 2021.*

ADDITIONAL EVENTS LEADING UP TO SPECIAL SESSION

- On the 129th Day (Just 11 days before Sine Die) – The House Adjourned that Thursday until Sunday at 1pm which delayed 2 calendars worth of bills; leaving only 3 legislative days to vote on Senate bills.
- The Conference Committee Report on SB 7 (voting/elections) surrounded by contention was brought to the House floor on May 30th resulting in many Texas Democrats walking out of session and breaking quorum
- Gov. Abbott issues statement on May 31st saying Special Session will include Election Integrity and Bail Reform "along with other priority items"

TEXAS LEGISLATURE 2021

Texas Democrats abandon House floor, blocking passage of voting bill before final deadline

Midnight was the deadline for the House to approve the legislation that would alter nearly the entire voting process, create new limitations to early voting hours, ratchet up voting-by-mail restrictions and curb local voting options.

BY ALEXA URA MAY 30, 2021 UPDATED: MAY 31, 2021



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Patrick Svitek  @Patr... · 12m ...
.[@GregAbbott_TX](#) tells
[@ChadHastyRadio](#) there will be 2
special sessions. There'll be one
in Sept. or Oct. on redistricting
and federal COVID-19 relief
funds. "Before that 2nd special
session, we will have a 1st special
session" on [#SB7](#) and bail bill,
plus other TBA issues. [#txlege](#)



SPECIAL SESSIONS



END OF SESSION NEXT STEPS

Rulemaking
Redistricting
Special Session/s
Sunset Process
begins for 2022
Interim Charges