



2011
LEGISLATIVE SUMMARY
for the
82nd Session of the Texas Legislature



Preface

The **2011 Legislative Summary** contains summaries of bills affecting public school districts passed during the 82nd Regular and First Called sessions of the Texas Legislature. This document is intended to provide the reader with a basic understanding of what the new laws require of school districts, the Texas Education Agency, the State Board of Education, and other state agencies.

The **2011 Legislative Summary** is not intended as legal advice. Every effort has been made to ensure the accuracy and completeness of this document, but readers are advised to consult with their school attorney regarding specific facts, questions, and concerns.

Members of TASB's Policy Service will receive more detailed interpretations of many of the bills affecting school district policies.

The Full Bill

To access the final version of a bill on line:

1. Go to **www.capitol.state.tx.us**.
2. Click "Bill Lookup."
3. Type in the bill number, select "**82(R) - 2011**" for the regular session or "**82(1) - 2011**" for the special session, select "**Text**," and click "**Submit**."
4. Then choose the "**Enrolled**" bill text in PDF, HTML, or Word format.

Other Resources

For more technical summaries that may be of interest to school attorneys, the *2011 TASB Legislative Summary for School Attorneys* is available in the TASB Store.

To see the statutory sections amended by new legislation, visit **www.lrl.state.tx.us/isaf/**. This site allows several search sorts, including by code (such as the Education Code).



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First Edition, July 2011

This document is provided for educational purposes only and contains legal information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to be legal advice. Nothing herein should be relied upon as legal advice in general or in reference to any specific fact situation. As always, it is important for you to consult with your own attorneys to obtain a legal analysis and to apply these legal principles to specific fact situations.

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I. Elections

SB 100 – MOVE Act and Other Voting Procedures

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Educ. Code §§ 11.055(a), (c), .056(b), .059(e), 130.0825(b); Tex. Elec. Code Chapter 101, §§ 2.025(a), 3.005(c), 41.001(a), .0052, .007(b), 65.051, 86.004, .011(b), 87.041, .043(a), .0431, .044(a), 105.003, 142.010(b), 143.007(c), 144.005(d), .006(b), 145.037(e), .038(b), .092(f), .094(a), .096(a), 146.025(a)-(b), .029(c), .054(b), 161.008(b), 171.0231(d), 172.023(a), .028(b), .052(a), .054 (a)-(b), .057, .058, .059(a), .082(c), 192.033(b), 201.051(b), .054(f), 501.109; Tex. Health & Safety Code § 285.131(d); Tex. Water Code § 63.0945(d). Adds Tex. Elec. Code §§ 2.025(d), 41.001(d), 87.0223, .043(d), 101.004-.008, .051, .101-.109; Tex. Loc. Gov't Code § 21.004. Repeals Tex. Educ. Code §§ 11.056(e), 130.0825(e); Tex. Elec. Code § 41.0053; Tex. Health & Safety Code § 285.131(g); Tex. Water Code § 63.0945(f).

This bill creates new procedures and time frames for federal postcard application (FPCA) registrants, including noting their status on poll lists and early voting by mail rosters. The secretary of state will serve as the coordinator between military and overseas voters and county election officials and will implement an electronic free-access system that allows eligible voters to determine by phone, e-mail, or Internet the status of their application, registration, and ballot. The bill creates the federal Military and Overseas Empowerment Act (MOVE Act) which allows a person eligible to vote through the FPCA process to request from the early voting clerk e-mail transmission of balloting materials. County election officials and early voting clerks are required to cooperate with the secretary of state to ensure military and overseas voters timely receive balloting materials. The bill provides procedures and requirements for an FPCA applicant to accurately complete the FPCA and approval procedures for accepting and processing an FPCA.

E-mails included in any application to a county election official or early voting clerk are confidential. E-mail transmission of balloting materials is limited to elections in which a federal office appears on the ballot, statewide elections, an election to fill a vacancy in the Legislature, and any election held jointly with a federal or statewide election. The ballot, once received by the overseas voter, may be returned by mail, courier, or common carrier. The secretary of state will create a tracking system to allow an FPCA registrant to determine whether a voted ballot has been received.

Additionally, the bill changes a number of election dates and time lines, including the filing deadline for school district and junior college board of trustees candidates as follows: for an election held on the date of the November general election of state and county officers, the filing deadline is the 78th day before election day; and for a uniform election date held on a date other than the general election for state and county officers, the day of the filing deadline is the 71st day before election day. For write-in candidates, the filing deadline is not later than 5 p.m. of the 74th day before the general election for state and county officers and the 71st day before a uniform election day other than the election for state and county officers.

The date for the primary election date remains the same, but the primary run-off date has been moved to the fourth Tuesday in May. Local political subdivisions have the following options for their elections as a result of the primary run-off date moving: second Saturday in May of odd-numbered years; second Saturday in May of even-numbered years, except a county would not be required to conduct the election; and the November general election for state and county officers.

The bill includes a provision that allows trustees, by board resolution, to change the length of their terms to accommodate any change they wish to make in their election date by December 31, 2011. The transition period to adjust trustee terms to correspond with any new election date will begin with the first regular election occurring after January 1, 2012. The bill also allows general-law municipalities the opportunity to change terms and to stagger their terms, as well as conforming changes for municipal utility districts, water improvement districts, and hospital districts.

SB 729 – Joint Election Dates

Effective Date: May 10, 2011

Code Section Impacted: Amends Tex. Educ. Code § 11.0581.

This bill allows an election for school district trustees to be held on the same date as an election for board members of a junior college district in which the school district is wholly or partly located.

SB 1226 – Ballot Language for Junior College Annexation Elections

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Educ. Code § 130.065(g).

This bill revises the required language on a ballot for a junior college annexation proposition to include specific language regarding the imposition of an ad valorem tax and tax rate.

HB 1226 – Deferred Adjudication and Eligibility to Register and Vote

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Elec. Code §§ 11.002, 13.001.

Under current law, individuals who have been finally convicted of a felony are not able to register to vote or to vote. This bill amends the Texas Election Code to provide that the final felony prohibition does not apply to individuals on deferred adjudication.

HB 1545 – Election Date Change

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Elec. Code § 41.0052. Repeals Tex. Elec. Code § 41.0053.

The bill authorizes the governing body of a political subdivision, other than a county, that holds its general election for officers on a date other than the November uniform election date to change the election date to the November uniform election date not later than December 31, 2012. This bill repeals the requirement that elections of officers of a school district with a service area primarily the same as a city of 450,000 with at-large elections be held on the spring uniform election date.

HB 2477 – Bilingual Election Materials

Effective Date: September 1, 2011

Code Sections Impacted: Adds Tex. Elec. Code §§ 142.010(d), 161.008(d), 192.003(d), 272.011, 274.003(c).

This bill requires a political subdivision to provide appropriate ballot translation language for each language certified statewide or by the director of the census. If determined by the director of the census, election materials in a language other than English or Spanish must be provided in the same manner as Spanish materials, to the extent possible. The secretary of state is directed to prepare the translation for certain prescribed voter forms.

HB 2702 – Application of Laws to Political Subdivisions according to Population: Elections

Effective Date: September 1, 2011

This bill amends Texas Education Code Section 11.0581(a) on trustee elections to permit a school district to conduct a joint election with a hospital district only in a county with a population less than 40,000 (up from 30,000) adjacent to a county with more than 3 million.

This bill amends Texas Education Code Section 130.082(i) to provide that the election of the trustees of a countywide community college in a city with a population of more than 1.8 million in a county with a population of more than 2 million (previously in a city of more than 1.8 million) must be conducted on the first Saturday in April of even-numbered years.

HB 2817 – Election Practices and Procedures

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Elec. Code §§ 4.004(a), 13.031(d), 18.064, .065(a), 19.002(d), 31.006, .092, .093(a), 32.002(c), 33.006(b), .051(c), 66.058, 84.007(b), 85.004, .032, 87.021, .0221(a), .023(a), .027, 101.013, 112.002(a), 127.007, .201, 129.023(c), 141.040, 145.001, .005, .092, .094(a), 172.052(a), .057, 174.022, .023, 213.013(i), 216.002, 232.008(c), 253.167, 501.001, .023(a), .108(a). Adds Tex. Elec. Code §§ 18.068, 87.0211, .126. Repeals Tex. Elec. Code §§ 18.041, .042, 145.092(c).

After every election, a county voter registrar is required to electronically submit to the secretary of state the record of each voter participating in an election. Information contained in a complaint to the attorney general alleging criminal conduct in connection with an election will be considered confidential until an investigation is completed or an investigation is determined to not be warranted. The new law sets forth the manner for appointing a presiding judge when the gubernatorial candidates for two political parties receive the same number of votes in a precinct. Additionally, the bill provides that a poll watcher may not be accepted for service if the watcher has possession of a device capable of recording images or sound unless the owner of the device agrees to disable it.

The bill provides a retention schedule of 22 months for precinct election records involving a federal election and six months for an election not involving a federal office. Election orders and notices are required to state the main early voting polling place instead of all of them. An application for a ballot by mail may now be submitted to the early voting clerk, regardless of the location of the voter, by fax machine if such is available in the clerk's office. An early voting clerk is allowed to electronically record applications for a ballot by mail, jacket envelopes, carrier envelopes, and ballots. The clerk may deliver ballot materials and ballot applications electronically to the ballot board if that is how they are recorded. The secretary of state is designated as the state coordinator between military and overseas voters and county election officials.

The bill requires a political subdivision filing authority to post notice of the dates of the filing period no later than 30 days before the last day on which a candidate may file an application for placement on the ballot. Finally, the bill amends various deadlines and procedures regarding deceased, withdrawn, or ineligible candidates.

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II. Finance and Tax

SJR 14 – Constitutional Amendment Related to Property Tax Exemption

Effective Date: On the date approved by voters on November 8, 2011.

Code Section Impacted: Amends Tex. Const. art. VIII § 1-b.

This joint resolution proposes a constitutional amendment that would allow the surviving spouse of a totally disabled veteran to continue to receive the property tax exemption for a qualified residential homestead after the veteran's death. The ballot proposition shall read, "The constitutional amendment authorizing the Legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran."

SJR 16 – Constitutional Amendment Related to Property Appraisal

Effective Date: On the date approved by voters on November 8, 2011.

Code Section Impacted: Amends Tex. Const. art. VIII § 1-d-1(a).

This joint resolution proposes a constitutional amendment that would require the Legislature to provide for taxation of open-space land devoted to water-stewardship purposes on the basis of its productive capacity. The ballot proposition shall read, "The constitutional amendment providing for the appraisal for ad valorem tax purposes of open-space land devoted to water-stewardship purposes on the basis of its productive capacity."

SB 201 – Property Tax Exemptions for Disabled Veterans

Effective Date: January 1, 2012

Code Sections Impacted: Amends Tex. Tax Code §§ 11.42(e), 26.10(c), .1125.

Under current law, veterans who are designated as 100 percent or totally disabled may apply for a total exemption of property taxes. This bill provides that an individual who qualifies after January 1 of a tax year may receive the exemption for the portion of the year for which the exemption is claimed. Similarly, the bill provides that if an exemption is terminated during the course of the year, then the taxes owed on the property are for the portion of the year on which the exemption does not apply.

SB 422 – Contracts for Collections of Assessments

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Loc. Gov't Code § 372.0175.

The governing body of a municipality or county may contract with the governing body of another taxing unit, including a school district, or the board of directors of an appraisal district to collect special assessments levied in relation to a municipal or county improvement district.

SB 432 – Property Taxes, Penalties for Late Installments

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Tax Code § 31.032(c).

This bill reduces the penalty on a late property tax installment payment from 12 to 6 percent for property located in a disaster area.

SB 516 – Property Tax Exemptions, Surviving Spouse of Disabled Veteran

Effective Date: January 1, 2012, contingent on voter approval of a related constitutional amendment to be voted on November 8, 2011.

Code Sections Impacted: Amends Tex. Tax Code § 11.431(a). Adds Tex. Tax Code § 11.131(a)(3), (c)-(d).

This bill permits the surviving spouse of a veteran who had received 100 percent disability compensation due to a service-connected disability to receive an exemption from taxation of the total appraised value of the residence homestead, provided that (1) the surviving spouse has not remarried, (2) the property was the residence homestead of the surviving spouse when the disabled veteran died, and (3) the property remains the residence homestead of the surviving spouse.

If a surviving spouse subsequently qualifies a different property as the residence homestead, he or she would be entitled to an exemption from property taxes on the newly qualified homestead in an amount equal to the dollar amount of the exemption on the former homestead.

SB 551 – Interest on Property Taxes Owed

Effective Date: September 1, 2011

Code Sections Impacted: Adds Tex. Tax Code §§ 26.09(d-1), (d-2), 31.01(c-2). Amends Tex. Tax Code § 26.09(d).

This bill prohibits tax assessors from charging interest on unpaid property taxes related to

an improvement under certain conditions. To avoid interest penalties, the land on which the improvement is located must have been taxed in the year in which the improvement escaped taxation, the assessor must have had actual or constructive notice of the improvement, and the property owner must pay all back taxes on the improvement within 120 days of the date on which the tax bill for the back taxes on the improvement is sent.

SB 682 – Appraisal Review Boards, Criminal History Information

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Gov't Code § 411.1296(a). Adds Tex. Gov't Code § 411.1296(c).

This bill provides that an appraisal district may obtain criminal history information from the Department of Public Safety (DPS) on a person who is an applicant for appointment to the appraisal review board for that appraisal district. If members of the appraisal review board are appointed by a local administrative district judge, the DPS is permitted to provide the criminal history information to the judge or to the appraisal review board commissioners appointed by the judge.

SB 1120 – Property Tax Exemption of a Local Government Corporation

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Transp. Code § 431.102(b).

Current law provides an exemption from taxation on a transaction to acquire property held by a local government corporation. This bill provides that the property of a local government corporation created by a municipal power agency is not exempt from ad valorem taxation if the property is located outside the boundaries of each of the municipalities that created the agency.

SB 1130 – Exceptions to Public Disclosure of Appraisal District Records

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Gov't Code § 552.149(e).

Current law provides an exception from disclosure of information relating to property sales prices, descriptions, characteristics, and other related information received from a private entity by the comptroller or an appraisal district if the information relates to real property located in a county with a population of 20,000 or more. This bill changes this exception to information relating to real property located in a county with a population of 50,000 or more.

SB 1341 – Suit to Compel Changes to Appraisal Roll

Effective Date: May 20, 2011

Code Sections Impacted: Adds Tex. Tax Code § 25.25(g-1)-(g-2). Amends Tex. Tax Code § 25.25(g).

Current law allows a property owner to request a correction to an error in an appraisal roll that results in an incorrect appraised value for the owner's property. If, after the required process, the chief appraiser of the appraisal review board and the property owner do not agree on the correction, the property owner may file suit to compel a change in the appraisal roll.

This bill provides that a taxing unit may not be made a party to such a suit. If a suit is filed and a hearing is requested, the person or entity filing the suit must mail notice of the hearing to the collector for each taxing unit that imposes taxes on the property at least 45 days prior to the hearing. The taxing unit may intervene in the suit and is entitled to participate in hearings, process for witnesses and evidence, and be heard by the court.

SB 1404 – Deadlines for Filing Suit to Change Appraisal Roll

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Tax Code § 25.25(g).

This bill provides that a property owner or the chief appraiser may, within 60 days after receiving notice of the review board's determination of a motion to correct appraisal rolls, file suit to compel the appraisal board to order a change in the appraisal roll. The prior law provided a 45-day filing period.

SB 1441 – Appraisal Roll Corrections

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Tax Code § 25.25(c).

Current law allows an appraisal review board, on motion of the chief appraiser, to direct that certain "technical" corrections be made to the appraisal roll for any of the five preceding years. This bill adds the correction of an error in which property is shown as owned by a person who did not own the property on January 1 of that tax year to the list of allowable corrections.

SB 1505 – Property Tax Appraisal, Oil or Gas Property Interest

Effective Date: January 1, 2012

Code Section Impacted: Amends Tex. Tax Code § 23.175.

Current law requires that if a real property interest in oil or gas in place is appraised by a method that takes into account future income from the sale of oil or gas to be produced from the interest, that method must use the average price of the oil or gas interest for the preceding calendar year multiplied by a market factor adjustment computed by the state comptroller. This bill replaces the market factor adjustment with a price adjustment that is to be computed by the chief appraiser.

The bill provides the calculation method for the price adjustment factor. Once this price is determined, it is divided by the price of imported low-sulfur light crude oil in nominal dollars or the spot price of natural gas at the Henry Hub in nominal dollars, as applicable, for the preceding calendar year as stated in the same report.

This bill limits the escalation or de-escalation of oil or natural gas prices in the appraisal to the second through the sixth year of the appraisal and would prohibit the escalation or de-escalation from exceeding the average annual percentage change from 1982 through the most recent year in the producer price index for domestically produced petroleum or for natural gas, as applicable, as published by the Bureau of Labor Statistics of the United States (U.S.) Department of Labor. The state comptroller is required to distribute appraisal manuals that specify the formula to be used in computing the escalation or de-escalation rate to each appraisal office.

SB 1543 – School District Investments, Corporate Bonds

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Gov't Code § 2256.0204.

This bill permits an independent school district with certain characteristics the ability to invest in corporate bonds with certain restrictions. In order to invest in corporate bonds, school districts must have an average daily attendance (ADA) of at least 50,000 or meet a \$100 million threshold for outstanding or proposed long-term debt, with such debt rated, all or in part, in one of the four highest rating categories without regard to credit agreement or credit enhancement. Such school districts may invest in corporate bonds that are senior secured debt obligations issued by a domestic business entity that are not rated lower than "AA-" or the equivalent, at the time of purchase, by a nationally recognized investment rating firm. School districts are prohibited from investing in bonds that are unsecured, can be converted into equity, or have a stated maturity later than the third anniversary of the date the bond was purchased. A school district cannot invest more than 15 percent of its monthly average fund balance—excluding bond proceeds, reserves, and funds held for payment of debt service—in corporate bonds or invest more than 25 percent of funds in corporate bonds in any one business entity.

School districts that invest in corporate bonds must amend their investment policies to authorize such investments and must adopt certain procedures related to identifying funds eligible for such investments, monitoring the rating of the bonds, and liquidating the investments. School districts are required to liquidate their investments in corporate bonds within seven days if a nationally recognized investment rating firm places the bonds or the issuing entity on credit watch and the bond is rated at “AA-” or the equivalent. School districts must liquidate their investments in corporate bonds within seven days of a bond’s rating dropping below “AA-” or the equivalent.

SB 1546 – Appraisal Review Board Hearings

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Tax Code § 41.45(e-1).

Current law entitles a property owner who fails to appear at a protest hearing to a new hearing before an appraisal review board if the owner files a written statement within four days showing good cause for failure to appear and requesting a new hearing. This bill extends this entitlement to a property owner’s agent.

HJR 109 – Constitutional Amendment Related to the Permanent and Available School Funds

Effective Date: On passage of the constitutional amendment to be submitted to voters on November 8, 2011.

Code Sections Impacted: Amends Tex. Const. art. III § 49-b(h), art. VII §§ 2, 4, art. VII § 5(a). Adds Tex. Const. art. VII § 5(g), Temporary Provision (a).

The joint resolution proposes a constitutional amendment stating, “The constitutional amendment clarifying references to the permanent school fund, allowing the General Land Office to distribute revenue from the permanent school fund land or other properties to the available school fund to provide additional funding for public education, and providing for an increase in the market value of the permanent school fund for the purpose of allowing increased distributions from the available school fund.”

HB 1 – General Appropriations Act

Effective Date: September 1, 2011

Code Section Impacted: Not applicable.

This bill appropriates \$172.3 billion from all fund sources (state and federal) for the 2012–13 biennium. The budget appropriates approximately \$53.8 billion for public education.

That amount includes \$831 million from the federal Education Jobs Act that was released to Texas and distributed by the Texas Education Agency (TEA) to school districts in May 2011. For specific appropriations, see the *Conference Committee Report – HB 1* on the Legislative Budget Board’s Web Site at **lbb.state.tx.us**. Provisions related to public education are found in Article III.

For a summary of the major changes in funding, please view TASB’s analysis at **tasb.org/legislative/legislative/reports/2011/documents/hb1table.pdf**.

HB 4 – Supplemental Appropriations for 2010–11

Effective Date: June 16, 2011

Code Section Impacted: Not applicable.

House Bill 4, the supplemental appropriations bill, does two things:

- Reduces appropriations to agencies and programs in fiscal year 2011 that were either overfunded or were agency-identified cost reductions made in response to requests from state leadership
- Increases appropriations to agencies and programs that were underfunded by the 2010–11 General Appropriations Act (SB 1, 81st Legislature) for a period to last two years beginning on the effective date of this legislation

Reductions

In January 2010, Governor Rick Perry joined Lieutenant Governor David Dewhurst and Speaker of the House Joe Straus in asking all state agencies to reduce expenses by 5 percent. In December 2010, state leadership asked all agencies to reduce an additional 2.5 percent in fiscal year 2011. While the Foundation School Program (FSP) was exempted from these cuts, the TEA still had to make substantial cuts. HB 4 reduces appropriations to the TEA by \$151 million in state general revenue and general revenue-related funds. Some of these cuts were to undersubscribed grant programs; however, the majority were related to the statewide cost-cutting effort.

Increases

This bill contains an increase of \$550 million to fully fund the FSP. The 2010–11 budget underfunded this program as a result of underestimating student enrollment and overestimating property value increases. The bill also appropriates \$184 million to the TEA for instructional materials. Specifically, the bill appropriates money to pay for 2011–12 continuing contracts, supplemental science materials, and Proclamation 2011 Prekindergarten systems. These funds will now become part of the Instructional Materials Allotment (IMA) created by SB 6 (82nd Legislature, First Called Session). Additionally, the bill appropriates to the TEA \$18 million to manage and administer the Permanent School Fund (PSF). Finally, the bill appropriates \$8.8 million for programs that help students who do not perform satisfactorily on reading or math assessments or for programs targeted at the prevention of academic failure.

HB 252 – Eligibility for Residence Homestead Exemption

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Tax Code §§ 11.43, .432, 25.08.

The bill requires an application for a residence homestead exemption submitted on or after September 1, 2011, to state that the applicant does not claim another residence homestead exemption on a property in or outside of Texas.

The application must include a copy of the applicant's driver's license or state-issued personal identification certificate and either (1) a copy of the applicant's vehicle registration receipt (if the applicant owns a vehicle) or (2) a copy of a utility bill in the applicant's name accompanied by a signed affidavit that the applicant does not own a vehicle. If the addresses on the submitted documents provided with the application do not match the address of the property for which the exemption is claimed, the chief appraiser cannot allow the exemption. If an applicant for an exemption is not specifically identified on a deed or other recorded instrument in property records as the owner of the residence homestead, the person must provide an affidavit or other compelling evidence establishing the applicant's ownership of an interest in the homestead to the chief appraiser.

The bill also allows owners of manufactured homes who apply for an exemption to provide a payment receipt or an affidavit of ownership, in lieu of a purchase contract, to establish eligibility for the exemption. An owner of the land upon which a manufactured home is placed is entitled to the residence homestead exemption and any other benefit that is granted to the homeowner. The chief appraiser shall apportion the exemption for property consisting of land and a manufactured home listed separately on a pro rata basis beginning with the tax year that begins on January 1, 2012.

HB 275 – Appropriations from the Economic Stabilization Fund

Effective Date: June 1, 2011

Code Section Impacted: Not Applicable.

This bill appropriates \$3.2 billion from the state's economic stabilization fund ("Rainy Day Fund") to support previously authorized appropriations (HB 4, 82nd Legislature) during state fiscal year 2011.

HB 843 – Electronic Delivery of Property Tax Bills

Effective Date: January 1, 2012

Code Sections Impacted: Amends Tex. Tax Code §§ 1.07(a), 31.01(a), (g), (i-1), (j). Adds Tex. Tax Code § 31.01(k)-(l).

This bill authorizes the assessor for a taxing unit to deliver a tax bill electronically if, on or before September 15 of a given year, the individual or entity entitled to receive the tax bill enters into an agreement (in written or electronic form) with the assessor for delivery of the tax bill by electronic means. If a tax bill is delivered electronically, the assessor is not required to mail a physical version of the bill. The comptroller may prescribe a model form to be used for the agreement and also may prescribe acceptable media, formats, content, and methods for the delivery of tax bills via electronic means.

HB 896 – Authorization for Appraisal Review Board Auxiliary Members

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Tax Code § 6.412(f). Adds Tex. Tax Code § 6.414.

This bill states that on or after January 1, 2012, the board of directors of an appraisal district may provide for auxiliary appraisal review board members to hear taxpayer protests before the appraisal review board and to assist the board in performing its duties. Auxiliary board members are appointed in the same manner and for the same term and also are subject to the same requirements and restrictions which apply to appraisal review board members. Auxiliary board members are entitled to compensation as provided by the appraisal district, but they are not entitled to a per diem.

Auxiliary appraisal review board members may attend meetings and make recommendations to the appraisal review board regarding protests, but they may not vote on the determination of the protest. Additionally, auxiliary board members are not counted for purposes of determining a quorum nor are they eligible to serve as the chair or secretary of an appraisal review board.

HB 1090 – Interest on Property Tax Refunds

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Tax Code § 42.43(b).

Currently, if a property owner pays an amount in property taxes subsequently determined not to have been owed, the property owner is due a refund of the excess amount paid plus 8 percent interest on the excess amount. This bill sets the annual interest on refunds at the rate of 2 percent plus the most recent prime rate, but not to exceed a total of 8 percent, calculated from the delinquency date through the date the refund is made. This revised interest rate calculation applies to all refunds that result from an appeal filed on or after the effective date of this legislation.

HB 1118 – Resale of Property Purchased at Tax Sale

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Tax Code § 33.52(d). Adds Tex. Tax Code § 34.05(j)-(l).

A taxing unit that is a party to a judgment of foreclosure on a property due to delinquent taxes and that purchases that property at a tax sale is permitted to sell the property at a private sale for an amount equal to or greater than the property's market value as long as (1) the sum of the amount of the judgment plus taxes, penalties, and interest owing against the property exceeds its market value and (2) each taxing unit entitled to receive proceeds of the sale consents to the sale for that amount. If a taxing unit that is entitled to proceeds of the sale does not consent to the sale, then that taxing unit would be liable to the taxing unit that purchased the property for the shared costs incurred in maintaining it.

HB 1179 – Certification of Property Tax Professionals

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Occ. Code § 1151.160(a), (c). Adds Tex. Occ. Code §§ 1151.1605, 1551.160(d)-(i).

This bill requires persons registered as an appraiser to become certified as a registered professional appraiser by successfully completing certification requirements established by the Texas Commission of Licensing and Regulation or by passing the appropriate exam required by the commission.

Current law requires persons registered as assessors and assessor-collectors to become certified by the fifth anniversary of the date of original registration and appraisers to become certified on the third anniversary of the date of original registration. The bill permits an adjustment to the date on which a person must become certified based on a break of service, other than breaks that result from termination for cause. The bill also would permit a one-year extension in the event the person has registered as an appraiser, an assessor, an assessor-collector, or a collector but has not become certified within the time frame permitted. The one-year extension would be available only under certain conditions, such as military duty or family and medical leave. The bill also permits a person who has registered, but who subsequently did not become certified as required, to apply for reinstatement of registration as long as the person had been registered prior to December 31, 2010, pays a fee of \$250, and files a reinstatement application. Finally, the bill allows for the creation of an inactive registration status.

HB 1887 – Property Tax Protests and Appeals

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Tax Code §§ 1.111(j), 5.041(c), (e-1), (e-3), 6.411(a)-(b), (c-1), .412(a), .43, 25.25(c), (e), (g), 41.411(c), .45(e-1), 42.01, .21(b), .43(h). Adds Tex. Tax Code §§ 5.041(g)-(h), 25.26, 41.4115, .44(e), .47(c), 42.016, .226, .23(f)-(g), .30.

This bill authorizes certain individuals who are exempt from registration as a property tax consultant to receive certain communications from an appraisal district or appraisal review board. The bill also restricts certain communications between appraisal review board members and individuals who work at an appraisal district or a taxing entity within the district. A person is ineligible for appointment to an appraisal review board if they are related within the third degree by consanguinity or second degree of affinity to a member of the appraisal district's board of directors.

The bill makes changes to dates, time lines, and payment requirements that, if not complied with, trigger the forfeiture of the right to final determination of the protest motion. However, the bill also provides for certain exceptions, such as filing an oath of inability to pay. The bill clarifies and expands a property owner's right to appeal certain determinations of an appraisal review board. The bill also requires attorneys who accept an engagement or compensation from a third party to represent a person in an appeal to provide notice regarding the third party to the person represented. This notice must contain detailed information related to the engagement and the attorney's ethical obligations.

HB 2169 – Early Payment of Property Taxes Discount

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Tax Code § 31.05.

This bill permits the governing body of a taxing unit to rescind any previously adopted discounts for the early payment of property taxes. The rescission of a discount takes effect in the tax year following the year in which the discount is rescinded.

HB 2203 – Expansion of Pilot Program, Appeals of Property Appraisals

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Gov't Code §§ 2003.902, .906, .912(b), .916.

This pilot program authorizes a property owner to appeal to the State Office of Administrative Hearings certain appraisal review board decisions. The program established in Bexar, Cameron, El Paso, Harris, Tarrant, and Travis counties is for a four-year period that began with the January 1, 2010, ad valorem tax year. The program is for a two-year period

beginning with the January 1, 2012, ad valorem tax year for Collin, Denton, Fort Bend, Montgomery, and Nueces counties. A property owner filing under this provision must file a completed notice of appeal and a deposit of \$1,500. This bill sets out the timing requirements for these filings. This bill also provides that the administrative law judge's determination may include any remedy or relief a court may order under Texas Tax Code Chapter 42, including an award of attorney's fees under Section 42.29 (for an appeal filed on or after June 17, 2011). This bill extends the expiration date for the subchapter from January 1, 2013, to January 1, 2014.

HB 2220 – Inability to Pay Property Taxes pending Tax Protest

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Tax Code §§ 25.25(e), (g), 41.411(c), 42.01. Adds Tex. Tax Code §§ 25.26, 41.4115.

Property taxpayers may seek relief of valuation determinations through a motion to correct the appraisal roll under Texas Tax Code Chapter 25 or through litigation pursuant to Texas Tax Code Chapter 42. This bill provides parallel provisions to these chapters regarding the forfeiture of a remedy for nonpayment of taxes. Each provision states that the pendency of a motion or protest does not affect the delinquency date for the taxes on the property that is the subject of the motion. A property owner who filed the motion or protest must pay the taxes due on the taxable portion of the property that is not in dispute before the delinquency date or the owner forfeits the right to proceed to a final determination. An owner who pays taxes greater than that required does not forfeit his or her right to a final determination because of having made the payment. If an owner timely files a motion or protest, taxes paid are considered to be under protest, even if payment is made before the motion was filed. A property owner, after filing an oath of inability to pay, may be excused from the prepayment requirement if the appraisal review board determines prepayment would unreasonably restrain the owner's right of access to the board.

HB 2226 – Public Funds Investments and Policies

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Gov't Code §§ 2256.005(b), .007(d), .008(a)-(b), .009(a), .010(b), .011(a), .016(a), (c), (f), .023(b). Adds Tex. Gov't Code § 2256.016(i)-(k).

This bill requires that governmental entities adopt policies regarding procedures to monitor rating changes and the liquidation of certain investments if ratings fall. This bill provides that investment officers must attend training at least once every fiscal biennium and sets a minimum amount of hours for required training. It also defines new provisions related to the investment and custody of certificates of deposit. Finally, the bill creates new information requirements and modifies certain investment requirements for governmental investment pools.

HB 2338 – Online Posting of Tax Rates

Effective Date: September 1, 2011

Code Section Impacted: Adds Tex. Tax Code § 26.16.

This bill requires all taxing entities to submit to each county's assessor-collector, in which that taxing unit has territory, information regarding the entity's (1) adopted tax rate, (2) maintenance and operations rate, (3) debt rate, (4) effective tax rate, (5) effective maintenance and operations rate, and (6) rollback rate. A county assessor-collector that maintains a Web site must post this information for the most recent five tax years beginning with the 2012 tax year. The bill provides specific language defining the various tax rates that must be included in the online posting.

HB 2387 – Appraisal Districts' General Counsel

Effective Date: June 17, 2011

Code Sections Impacted: Adds Tex. Tax Code § 6.05(j). Amends Tex. Tax Code § 6.05(d).

This bill prohibits the chief appraiser from employing and compensating a general counsel for the appraisal district. The board of directors of an appraisal district may employ a general counsel that serves at the will of the board, reports to the board, and performs other duties as determined by the board.

HB 3216 – Appraisal District Electronic Communications

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Tax Code §§ 1.085(a)-(b), (d), (f)-(g), .111(b). Adds Tex. Tax Code §§ 1.085(i)-(l), .111(k)-(l).

This bill allows notices, renditions, applications, and other forms to be delivered in electronic format between a property owner, his or her designee, and an appraisal district or appraisal review board. Current law only allows electronic communications between the chief appraiser and the property owner. Agreements regarding electronic communications must be signed by the property owner and submitted either in written or electronic format. These agreements remain in effect until later rescinded by the property owner or designee. The bill allows the use of electronic format for notices at the discretion of the chief appraiser, except where the property owner has 25 or more accounts in the appraisal record and the appraisal district is located in a county with a population greater than 200,000. If the chief appraiser allows electronic format, notice must be given to property owners of this option either in a local newspaper or by delivering notice to each property owner.

HB 3275 – Representation on Board of Reinvestment Zone

Effective Date: September 1, 2011

Code Sections Impacted: Amends Special District Local Laws Code § 3815.051(a); Tex. Tax Code §§ 311.006, .009, .0091, .013(1), .016(a), 11.28. Adds Special District Local Laws Code § 3815.055; Tex. Tax Code Chapter 314, § 311.009(h), .0091(i), (j).

This bill permits a taxing unit that has approved the payment of all or part of the tax increment produced by the taxing unit into the tax increment fund for a reinvestment zone to appoint one member of the reinvestment zone’s board of directors. Municipalities that seek to enter into municipal tax abatement agreements must notify other local governments, including school districts, of the agreement and its terms at least seven days prior to entering the agreement. The bill provides that municipal tax abatements on a property also will apply to school district taxes, provided the school board affirms the decision by majority vote.

SB 1 (First Called Session) – State Fiscal Matters, including Public School Finance

Effective Date: September 28, 2011

Code Sections Impacted: Amends numerous provisions, including Tex. Educ. Code §§ 11.158, 12.106, 21.402, 28.053, 30A.002, .104-.105, .107, 37.011, 41.002, 42.101, .105, .152, .251, .2516, .25161, .253, .258-.260, .302, 44.004, 45.051-.052, .054-.056, .060-.062, 53.02, .351, 54.214; Tex. Elec. Code §§ 253.0351, .040; Tex. Gov’t Code §§ 466.355, 487.001, .003, .026, .051, .0541, .055, .351, .801-.806, 571.122, .1222, .1231; Tex. Loc. Gov’t Code § 159.003; Tex. Tax Code §§ 11.253, 23.51, 26.05, .08, 31.031, 311.013; Tex. Transp. Code § 521.007.

Adds Tex. Educ. Code §§ 12.135, 29.2535, 30A.007, .1021, .153, 42.1541, .2511, .2514, .2525, 45.0532, .0541, .0571; Tex. Gov’t Code §§ 571.1222, .1231.

Repeals Tex. Educ. Code §§ 21.402(c-2)-(c-3), (e), 42.008, .101(a-1)-(a-2), .159.

Expires September 1, 2012: Tex. Educ. Code §§ 41.002(a-1), 42.302(a-3).

Expires September 1, 2013: Tex. Educ. Code §§ 21.402(i), 42.2511; Tex. Gov’t Code §§ 61.001(a-1)-(a-2), .0015(a-1)-(a-2), (e-1), 481.078(m).

Expires September 1, 2015: Tex. Educ. Code §§ 12.106(a-3)-(a-4), 42.101(c)-(c-3); Tex. Tax Code §§ 162.113(a-1)-(a-4), .214(a-1)-(a-4), .503(b), .504(b), 151.401(c)-(e), .402(b), 183.023(c)-(e).

Expires September 1, 2017: Tex. Tax Code § 151.802.

Repeals September 1, 2017: Tex. Educ. Code §§ 41.0041, 42.2516(b), (b-1)-(b-2), (c)-(f), (f-1)-(f-3), (i), .25161, .2523(c), .2524(g), .253(c-1), .261; Tex. Tax Code § 26.08(i-1), (j).

This legislation makes statutory changes that have the effect of

- delaying state payment obligations into the next biennium,
- speeding up the receipts of certain nontax revenues into this biennium,
- increasing the amount received from certain other nontax revenues, and
- reducing statutorily-driven spending obligations to come within amounts appropriated.

The combined effect of SB 1 is to allow HB 1, the state budget, to comply with statutory and constitutional restrictions and provisions.

SB 1 is partitioned into a number of articles, each with its own subject. The articles that relate to education or ad valorem (property) taxation are summarized below. As SB 1 did not receive a two-thirds affirmative vote in each chamber, all references to a September 1, 2011, effective date are now reset to September 28, 2011.

ARTICLE 1. FSP Payments

SB 1 changes the date that school districts will receive the August FSP payment. Current law requires the August payment to occur on or before August 25 each year. SB 1 changes this requirement so that the August payment will now occur no earlier than September 5 but no later than September 10.

ARTICLE 36. Eligibility of Surviving Spouse of Disabled Veteran to Pay Ad Valorem Taxes on Residence Homesteads in Installments

Current law allows a disabled veteran who pays at least one-quarter of the property taxes owed before the taxes become delinquent to pay the remainder of the taxes in three equal installments without penalty or interest. This article extends the right to access this installment plan to the unmarried surviving spouse of a disabled veteran. This article takes effect January 1, 2012.

ARTICLE 46. Ad Valorem Taxation of Land Used to Raise or Keep Bees

The term “agricultural use,” for the purposes of qualifying agricultural land for a property tax appraisal as qualified open-space land on the basis of its agricultural use, is expanded to include the use of land to raise or keep bees for pollination or for the production of human food or other tangible products having a commercial value, provided the land use is not less than five or more than 20 acres. This article only applies to the appraisal of land for ad valorem purposes for a tax year that begins on or after the effective date of this act.

ARTICLE 48. Ad Valorem Taxation of Certain Stored Property

This article prohibits a taxing unit from taxing goods-in-transit in a tax year that begins on or after January 1, 2012, unless the governing body takes action on or after October 1, 2011, in the manner required for official action by the governing body. The action must

occur before January 1 of the first tax year in which the governing body proposes to tax goods-in-transit. Before acting to tax the property, the governing board must hold a hearing. If the governing body provides for taxing goods-in-transit, the tax shall remain in effect until official action is taken to rescind or repeal the tax.

Tax units that imposed a tax on goods-in-transit prior to October 1, 2011, and pledged the taxes from the goods-in-transit for a debt of the taxing unit are allowed to continue to impose the taxes until the debt is discharged if ceasing the imposition would impair the obligation of the contract by which the debt was created.

The term “goods-in-transit” is redefined to mean tangible personal property that is acquired or imported into this state to be forwarded to another location inside or outside of this state and is stored under a contract of bailment by a public warehouse operator at public warehouse facilities that are not owned or controlled by the owner of the personal property. The terms “bailee,” “warehouse,” and “public warehouse operator” also are defined by this article.

ARTICLE 49. Fiscal Matters concerning Advanced Placement

This bill redefines “eligible student” for the purpose of receiving state subsidies for the purpose of taking an Advanced Placement (AP) or International Baccalaureate (IB) examination. Current law defines an eligible student as a student who takes an AP or IB course or who has been recommended by the principal to take one of the aforementioned examinations. This article will require that eligible students also demonstrate financial need that is consistent with the definition adopted by the College Board or the IB Organization.

ARTICLE 50. Fiscal Matters concerning Tuition Exemptions

This section limits the higher education tuition exemption for educational aides to individuals enrolled in one or more of the subject areas determined by the TEA as an area experiencing a critical shortage of teachers in Texas public schools. However, an individual that previously qualified for a tuition exemption remains eligible without regard to whether the course is for an area of critical shortage so long as they are enrolled in an institution of higher education granting the exemption in courses required for the certification. This provision takes effect beginning with tuition and fees charged for the fall 2012 semester.

ARTICLE 52. Retention of Certain FSP Payments

This article applies to school districts that were provided state aid for the 2009–10 or the 2010–11 school year based on having adopted a maintenance and operations (M&O) tax rate that is below the rate equal to the 2005 compressed tax rate. Current law states that the commissioner shall reduce the district’s entitlement proportionately. This section states that such districts may retain the state aid provided under current law, notwithstanding any other law. This section expires September 1, 2013.

ARTICLE 53. The State Compression Percentage

This article provides that if a school district adopts an M&O tax rate below the 2005 compressed tax rate, the commissioner shall reduce the district's entitlement proportionate to the amount by which the adopted rate is less than the compressed tax rate. The reduction required by this article applies beginning with the M&O tax rate adopted for the 2009 tax year.

ARTICLE 56. FSP Financing, Certain Tax Increment Fund Reporting Matters

This article applies to school districts that, prior to May 1, 2011, received from the commissioner of education a notice of reduction in state funding for the 2004–05 through the 2008–09 school years based on the district's reporting of taxes into a tax increment fund.

This article specifies that the commissioner shall reduce by one-half the amounts of reduction of entitlement amounts for the purpose of computing entitlement amounts to account for taxes deposited into a tax increment fund for any of the aforementioned school years. This provision expires September 1, 2013.

ARTICLE 57. Fiscal Matters Relating to Public School Finance

Board Authority

The board of trustees of an independent school district may require payment of a reasonable fee for transportation of a student to and from the school the student attends if the district does not receive transportation allotment funds and does not participate in a county transportation system for which a transportation allotment is provided.

SB 1 provides that if the school district's interest and sinking (I&S) tax rate decreases after the publication of the required notice of the budget and tax rate meeting, the president of the board of trustees is not required to post another notice or call another meeting to discuss and adopt the budget and the proposed lower rate. Conforming changes are made to the Texas Tax Code.

Charter Schools

Open-enrollment charter schools are entitled to funding in an amount that is the greater of either the amount of funding per student the charter school would be entitled to under Chapter 42 were the charter school a school district without a tier 1 local share and without local revenue or the sum of the amount of funding per student in weighted average daily attendance (WADA), excluding enrichment funding that would have been received by the school for the 2009–10 school year and the amount of \$120/WADA. For the 2011–12 school year, this calculation is multiplied by 1. For the 2012–13 school year, this calculation is multiplied by 0.9235. For subsequent school years, the multiplying factor to be applied shall be determined by appropriation.

In determining funding for a charter school, the commissioner shall apply the regular program adjustment factor (RPAF) (see the Basic Allotment and Regular Program Allotments subsection) to calculate the regular program allotment to which a charter school is eligible. This provision takes effect September 28, 2011, and expires September 1, 2015.

Effective September 1, 2017, a charter school is entitled to receive the amount of funding per student in WADA, excluding enrichment funding to which a charter holder would be entitled to under Chapter 42 were the charter school a school district without a tier 1 local share.

Minimum Monthly Salary

This article revises the formula for computing the minimum monthly salary that a school district must pay each classroom teacher, full-time librarian, full-time counselor, and full-time school nurse. Under current law, the minimum monthly salary is determined by multiplying salary factors found in Chapter 21 by the amount of state and local funds available to a district eligible to receive state assistance with an M&O tax rate that is equal to the compressed tax rate, exclusive of certain funds related to an increase in the guaranteed wealth level that occurred in 2001. This provision multiplies the salary factors by the basic allotment for a school district with an M&O rate equal to the state maximum compressed tax rate. The state salary factors are changed in conformance. The commissioner is required to determine the basic allotment and resulting monthly salaries to be paid by school districts no later than June 1 of each year. Notwithstanding the changes to how the minimum state salary will be determined in the future, the minimum monthly salary is placed in statute in nominal dollar form. The commissioner is directed to provide a report that makes recommendations regarding the salary schedule no later than January 1, 2013. These provisions take effect September 1, 2011.

Effective September 1, 2017, the bill establishes that the minimum monthly salary is the minimum monthly salary of the preceding year if the formula-determined minimum monthly salary is less than the minimum monthly salary for that level of experience the preceding year.

Basic Allotment and Regular Program Allotments

Under current law, the basic allotment is set at \$4,765 or an amount equal to the product of .0165 and the average statewide property value per student.

SB 1 removes the driver that would increase the basic allotment automatically in relation to increases in the average statewide property value. Instead, increases in the basic allotment would occur as the result of appropriations.

SB 1 creates the regular program allotment (RPA). The regular program allotment is determined by the formula:

$$RPA = ADA \times AA \times RPAF$$

ADA is the number of students in average daily attendance, not including the time spent in special education programs in instructional arrangements other than mainstream or career and technical education (CTE) programs, for which an additional allotment is provided.

AA is a district's adjusted basic allotment (i.e., the basic allotment adjusted by the cost of education index and other adjustments related to district characteristics).

RPAF is the regular program adjustment factor. SB 1 sets this factor at 0.9239 for the 2011–12 school year and 0.98 for the 2012–13 school year. However, if a district will not receive additional state aid for tax reduction funding during the 2011–12 school year, the commissioner may set the RPAF for that district to 0.95195 for both the 2011–12 and 2012–13 school years if the district demonstrates that the funding reductions that will occur present a hardship for the district. The commissioner will ensure that the amount of state and local funds provided to a district using the option to have the same RPAF for the next two years does not differ from what the district would have received if it had opted to have a different RPAF over the next two years. The commissioner's decision is final and cannot be appealed.

For the 2013–14 and 2014–15 school years, the RPAF continues at 0.98, unless a greater amount not to exceed 1.0 occurs as a result of appropriations.

This bill makes conforming changes to the sparsity adjustment and to general rules regarding how the FSP is financed.

The RPAF is repealed on September 1, 2015, and current law related to determining a district's allotment and entitlements is restored.

Additional State Aid for Tax Reduction

Current law entitles a district to receive at least the amount of state revenue necessary to provide each district with the amount of revenue delivered to that district under past school finance legislation, including

- HB 1, 79th Legislature, 2006, which compressed local M&O tax rates but made up for the loss of local revenue with state revenue, and
- HB 3646, 81st Legislature, 2009, which restructured school finance to deliver to each school a minimum gain of \$120/WADA.

Together, these provisions provided a majority of Texas school districts a revenue target where revenue shortfalls were made up by Additional State Aid for Tax Reduction (ASATR).

SB 1 changes the law so that school districts are now entitled to only a percentage of this revenue target. Specifically, for the 2011–12 school year, that percentage is set at 100 percent, and for the 2012–13 school year, it drops to 92.35 percent. While the percentage is set at 100 percent of current law during the 2011–12 school year, school districts are still subject to revenue decreases through proration.

For the 2013–14 school year and each subsequent school year, the percentage of the ASATR to which a district is entitled is set by appropriation. However, SB 1 contains language specifying legislative intent that the ASATR entitlements continue to be reduced in future school years while the basic allotment be increased. SB 1 contains a provision that repeals the ASATR on September 1, 2017. SB 1 makes conforming changes to other provisions, including the provision relating to proration, in recognition of the repeal of the ASATR on that date.

Proration

Current law provides that if appropriations in the second year of a biennium are insufficient to pay for the amounts to which school districts are entitled, then the commissioner shall reduce the entitlement using a method under which the application of the same number of cents of increase in the tax rate in all districts applied to the taxable value of property results in a total levy equal to the total reduction. SB 1 states that proration shall occur through using the same percentage adjustment in state and local revenues so that the total adjustment in all districts is equal to the necessary reduction. The bill provides for increased recapture payments if necessary to achieve the funding reduction and includes the ASATR payments as funds available for proration. SB 1 specifies that if proration is to occur, open-enrollment charter schools also are subject to the adjustment.

Enrichment Tier

This article changes the guaranteed yield for pennies that exceed the first six pennies over the compressed tax rate for districts that levied the maximum tax rate of \$1.17 during tax year 2010 from \$31.95 to \$33.95 for the 2011–12 school year only. The equalized wealth level for those pennies is raised to \$339,500. This provision expires September 1, 2012.

Special Programs

The State Board of Education (SBOE) is directed to increase the indirect cost allotments related to special education, compensatory education (notwithstanding a statutory cap on the indirect cost allotment for this program), bilingual education, and CTE education in proportion to the average state reduction in total state and local M&O revenue resulting from changes in school finance and school funding. The SBOE shall take action so that the increased indirect cost allotments are in effect for the 2011–12 school year.

SB 1 grants specific authorization to school districts to use compensatory education funds to pay for the costs associated with placing students in a juvenile justice alternative education program (JJAEP). The bill repeals the 18 percent cap that restricted the amount of compensatory funds that could be used for disciplinary alternative education programs (DAEP) and the corresponding waiver process to exceed this cap.

Other Finance Provisions.

Current law entitles a school district to state aid in an amount equal to the amount the district is required to pay into the tax increment fund for a Texas Tax Code Chapter 311 Reinvestment Zone. Districts with property values adjusted by or property contained

within a reinvestment zone must pay, in addition to the amount otherwise required to be paid into the tax increment fund, an amount equal to the amount of taxes the district would have been required to pay into the fund in the current year if the district levied taxes at the rate the district levied in 2005 exceeds the amount the district is otherwise required to pay into the fund in the year of the reduction. SB 1 provides that this additional amount may not exceed the amount the school district receives in state aid for the current tax year for this purpose, and the school district can pay this additional amount only after it receives state aid specifically for this purpose.

SB 1 pegs state aid to the South Texas Independent School District to these percentages applied to the ASATR.

The commissioner is granted the authority to ensure that school districts receiving federal impact aid due to the presence of a military installation or significant quantities of military students do not receive more than an 8 percent reduction should the federal government reduce appropriations to those schools.

SB 1 specifies that the TEA can recover an over allocation of state funds by withholding state funds for the *current or subsequent* school year. However, if the over allocation is determined by the commissioner to have occurred as the result of exceptional circumstances related to statutory changes related to the equalized wealth level, the FSP, assistance with instructional facilities and payment of existing debt, or related reporting requirements, then the commissioner may take up to six years (the current year and five subsequent years) to recover the over allocation.

A joint legislative interim committee is established to conduct a comprehensive study of the public school finance system. The committee must provide recommendations to the Legislature by January 15, 2013, and the committee is dissolved September 1, 2013.

Repealed Provisions

Effective September 1, 2012, SB 1 repeals the limitation on revenue increases that prevents a district from realizing a gain in state and local M&O revenue that is greater than \$350/WADA. Additionally SB 1 repeals the driver that would increase the basic allotment as a factor of the increase in the average statewide property value per weighted student.

Effective September 1, 2017, SB 1 repeals all references and calculations made as the result of the ASATR.

Article 59. Guarantee of Open-enrollment Charter School Bonds by PSF

This article allows open-enrollment charter holders to apply to the commissioner to be designated a charter district and receive bond guarantees from the PSF.

The commissioner of education must adopt financial standards that charter schools seeking to become charter districts must meet. These standards shall include that the charter school must have the ability to issue bonds without a PSF guarantee that would be rated as

investment grade by a nationally recognized investment rating firm. Additionally, the commissioner must investigate the charter school's accreditation and the total amount of outstanding guaranteed bonds before endorsing charter school bonds for the PSF guarantee. Finally, the attorney general's office must approve the bonds.

Charter schools may issue bonds with a PSF guarantee only if the PSF has available capacity for charter school bonds. Capacity for charter school bond guarantees is determined by computing the percentage that charter school students represent of all Texas public school students and applying that percentage to the available guarantee capacity of the PSF.

The commissioner may not approve charter school bonds for guarantee if these bonds will result in lower bond ratings for school districts seeking a PSF guarantee. The commissioner may request a portion of the PSF be set aside in a segregated account to avoid any negative impacts on school district bond ratings.

Charter schools that receive the PSF guarantee are required to remit annually an amount equal to 10 percent of the savings that result from the lower interest rate due to the PSF guarantee. These funds are placed into a charter district bond guarantee reserve fund. The amount due is amortized and paid over the duration of the bond and is due on the anniversary of the bond's issuance. The commissioner is required to determine if a greater percentage of savings should be required and to make any recommendations in this regard to the Legislature.

Charter schools must notify the commissioner if they are expected to default on a bond. The commissioner can use the funds from the reserve fund to pay principal and interest. If the amount in the reserve fund is insufficient, funds from the PSF can be used to pay the balance. Upon payment of the bond, the comptroller holds the cancelled bond/coupon until the charter school fully reimburses the reserve fund or the PSF, including interest, at which point the comptroller forwards to the charter the cancelled bond/coupon. Reimbursement is made by withholding state payments to the charter school in the amounts necessary to repay first the PSF and then second the reserve fund. If a charter school misses more than two payments and the commissioner determines the school is acting in bad faith, the commissioner can request the attorney general take legal action.

Charter school bonds guaranteed by the PSF are exempted from statutory provisions preventing revenue bonds issued by the Texas Public Finance Authority for charter school facilities from becoming debts of the state or representing a pledge of faith and credit by the state.

Article 60. Award of Service Provider Contracts for Adult Education Programs

After September 1, 2012, the TEA must use a competitive procurement process to award a contract to a service provider of adult education programs. The commissioner must adopt rules related to the procurement process no later than August 31, 2012.

Article 61. State Virtual School Network

Eligibility

Current law restricts student eligibility to those who are younger than 21 on September 1 of a school year, have not graduated from high school, and are otherwise eligible to enroll in a public school. SB 1 extends eligibility to those who are younger than 26 on September 1 of a school year and have been admitted by a school district to complete the requirements for a high school diploma.

Local Policies Required

School districts and open-enrollment charter schools must adopt a policy, consistent with Texas Education Code Section 26.0031, on parental rights that provides students with the opportunity to enroll in electronic courses through the state virtual school network. For purposes of this policy, the determination of whether an electronic course will meet the needs of students with disabilities shall be made by the student's admission, review, and dismissal committee in a manner consistent with federal law.

Public Access to Comments Regarding Electronic Courses

The administering authority of the virtual school network shall provide students who have completed or withdrawn from an electronic course a mechanism for providing comments. This mechanism must contain a quantitative rating system and a list of verbal descriptors for selection by the student or parent. Public access to these comments must be provided in a manner that allows a person to sort through comments by teacher, course, and course provider.

Approval of Electronic Courses

The administering authority shall publish the schedule for an annual submission and approval process that includes deadlines and applicable guidelines. In its evaluation, the administering authority must review each electronic course component, including offline material proposed for use with the course. The TEA shall publish a fee schedule related to the costs incurred to evaluate and approve an electronic course.

Virtual School Network Funding

School districts and open-enrollment charter schools are entitled to the FSP funding for students who are enrolled in the state's virtual school network in the same manner that the district or school is entitled for a student enrolled in a course in a traditional classroom setting, provided the student successfully completes the course.

Previously, a course provider was given a virtual school allotment of \$400 for each student that successfully completed a course required for graduation and gave the enrolling school district an allotment of \$80 per student. SB 1 repeals these allotments.

Other Provisions

SB 1 provides that electronic course providers are entitled to the same amount of time to modify an approved course as is allowed a course presented in a traditional classroom setting, if the essential knowledge and skills to which that course is aligned are modified.

The commissioner is directed to adopt a standard agreement governing the payment of funds and other matters related to a student's enrollment in an electronic course. The agreement may not require a school to pay a provider the full amount until the student has successfully completed the course. A school may request, and the commissioner may authorize, modification of the standard agreement.

Article 70. JJAEPs

This provision exempts Smith County from having to operate a JJAEP. School districts in Smith County are required to serve expelled students and are entitled to have such students count in the district's ADA for state funding purposes. An educational placement of an expelled student may include the district's DAEP or a contracted placement with another school district, an open-enrollment charter school, an institution of higher education, an adult literacy council, or a community organization that can provide an educational program that will allow that student to complete the credits required for graduation. An educational placement other than that in a DAEP is subject to the educational and certification requirements applicable to an open-enrollment charter school.

Article 72. Proof of Citizenship for Driver's License

The Department of Transportation is authorized to retain on file the citizenship status of every applicant for a driver's license or personal identification certificate. The department must request that every applicant present proof of citizenship or documentation of his or her right to reside in the U.S.

Article 76. Regulation of Political Contributions and Expenditures, Reporting of Personal Financial Information, and Complaints Filed with the Texas Ethics Commission

Personal Loans

Candidates or officeholders who deposit personal funds into an account that holds political contributions shall report the amount of deposited personal funds as a loan. Loans may be paid back from political contributions or unexpended personal funds deposited into the account. The reimbursement may not exceed the amount of the loan. The loan must be included in reports of the total amount of political contributions, and the funds are subject to legal restrictions on how contributions may be used.

Reporting Requirements

Current law requires the reporting of information related to the name and address of the persons to whom expenditures are made, as well as the dates and purposes of the

expenditures, if the amount of expenditures in aggregate exceeds \$50 during the reporting period. SB 1 lifts the reporting trigger from \$50 to \$100.

SB 1 requires reporting of specific information related to certain transactions exceeding \$100 that arise from the use of political contributions. These transactions are

- any credit, interest, rebate, refund, reimbursement, or return of a deposit fee;
- any proceeds of the sale of an asset purchased with a political contribution;
- any investment purchased with a political contribution; and
- any other gain from a political contribution.

Complaints Filed with the Texas Ethics Commission

It is not a valid complaint to allege that a filed report contains an improper name or address of a person who made a political contribution if it is the same name and address that appears on the check. The Texas Ethics Commission is ordered to dismiss these complaints.

Respondents to an ethics complaint who are candidates or officeholders are authorized to designate an agent with whom commission staff can communicate regarding the complaint.

Article 79. Ed Jobs Funds

For purposes of the Teacher Retirement System of Texas (TRS), the TRS cannot consider salary paid in whole or in part with Ed Jobs funds as being paid with federal funds.

SB 2 (First Called Session) – Addendum to HB 1 (General Appropriations Act)

Code Section Impacted: Not applicable.

Effective Date: July 19, 2011

SB 2 amends current law (HB 1, 82nd Legislature, Regular Session) relating to appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013. Additionally, SB 2 authorizes and prescribes conditions, limitations, rules, and procedures for allocating and expending the appropriated funds.

SB 2 restores \$37.2 billion in appropriations to the FSP–Operations and \$1.4 billion to the FSP–Facilities. Funding for these programs in HB 1 was contingent on the passage of school finance legislation considered during the Regular Session. As school finance legislation failed to pass during the legislative session, this provision in SB 2 was necessary to allocate funds for the FSP.

The bill directs the commissioner to make allocations to local districts using March 2011 estimates of students in average daily attendance and to use local district tax rates as determined by the Legislative Budget Board and final tax year 2010 property values.

Additionally, the FSP funds are to be distributed on the basis of a basic allotment and a golden penny yield projected to remain at \$4,765 and \$59.97, respectively, each of the next two school years.

SB 2 also states that property values and the estimates of local tax collections are to be decreased 0.97 percent for tax year 2011 and then increased 0.52 percent for tax year 2012.

This bill also contains contingency language to fund the IMA, per SB 6 (82nd Legislature, First Called Session).

Based on these new estimates for taxable values and revised estimates related to enrollment, appropriations to the FSP are further reduced by \$800 million. Appropriations to the FSP are further reduced by \$2.3 billion as a result of the payment delay in SB 1 (82nd Legislature, First Called Session). Finally, contingent upon the passage of HJR 109 (82nd Legislature, Regular Session), which would amend the constitution to allow a larger distribution to the Available School Fund (ASF), SB 2 reduces the FSP appropriations by \$300 million from the FSP (state general revenue) and offsets this reduction by an increase of \$300 million from the ASF.

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III. Governance

SB 18 – Limitations on Eminent Domain Authority

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Educ. Code § 11.155; Tex. Gov't Code § 2206.001; Tex. Loc. Gov't Code §§ 251.001, 261.001, 263.201, 273.002; Tex. Prop. Code §§ 21.0111, .012, .014-.016, .023, .042, .046-.047, .101-.103; Tex. Rev. Civ. Stat. § 3183b-1(1); Tex. Transp. Code § 202.021; Tex. Water Code § 54.209. Adds Tex. Gov't Code §§ 2206.002, .051-.053, .101; Tex. Prop. Code §§ 21.0113, .025, .1021-.1022. Repeals Tex. Gov't Code § 552.0037; Tex. Prop. Code § 21.024.

This bill permits an independent school district to use the right of eminent domain to acquire the fee simple title to real property for the purpose of constructing school buildings or for any other public use necessary for the district. The bill requires an entity (governmental or private) that is authorized by the state to exercise the power of eminent domain to submit a letter to the comptroller by December 31, 2012, identifying the provisions of the law that grant the entity that authority. Without that letter to the comptroller, the entity's authority to exercise eminent domain authority would expire September 1, 2013.

This law prohibits the taking of private property by a governmental or private entity through the use of eminent domain if the taking is not for a public use. Private property is still permitted to be taken through eminent domain for purposes specified in law, such as transportation projects, public buildings, and common carrier pipelines. If an entity acquires an easement through eminent domain for the purpose of a pipeline to be used for oil or gas exploration or production activities, the property owner is entitled to construct streets or roads so long as the street or road crosses the easement at or near 90 degrees, does not exceed 40 feet in width, does not interfere with the operation or maintenance of any pipeline, and does not cause a violation of any pipeline-related regulation.

Condemnation proceedings initiated by a governmental entity must be enacted by a record vote at a public meeting, and the notice of such meeting must include the consideration of the use of the eminent domain to condemn property, in addition to the notice requirements of the Texas Open Meetings Act. The motion authorizing the initiation of the condemnation proceedings must specify the public use for which the land is proposed to be taken. This law prohibits an entity seeking to acquire property from including a confidentiality provision in an offer or agreement to acquire property. Further, the entity must inform the owner of the property of the property owner's right to discuss any offer or agreement regarding the entity's acquisition of the property with others or to keep such information confidential.

An entity that wants to acquire property for public use through eminent domain first must make a bona fide offer to the property owner in an attempt to acquire the land voluntarily. Before making a final offer, an entity must obtain a written appraisal from a certified appraiser of the value of the property in question as well as any damages, if any, to the property owner's remaining property. The final offer must be equal to or greater than the amount of the

written appraisal obtained by the entity, and the entity must include the following along with the written final offer: a copy of the written appraisal; a copy of the deed, easement, or other instrument conveying the property sought; and the landowner's bill of rights statement. In the event a court hearing determines a bona fide offer was not made, the court is authorized to abate the suit, order the entity to make a bona fide offer, and order the entity to pay not only court costs but also any reasonable attorney's fees or other professional fees incurred by the property owner in relation to the hearing or suit.

Each party to a condemnation hearing will be permitted a reasonable period to strike one of the three commissioners appointed by the judge to hear the condemnation petition. If a person is struck by a party to the condemnation suit, the presiding judge must appoint a replacement. Any hearing in an eminent domain proceeding cannot be scheduled until 20 days after the date the special commissioners were appointed. Entities not subject to the Texas Public Information Act (PIA) but who are authorized to acquire property through eminent domain must produce certain information if requested by the person who owns the property that is proposed to be taken under eminent domain. This law specifies that the entity's response must be in accordance with the Texas Rules of Civil Procedure as if the request was made in a matter pending before a state district court.

An entity with eminent domain authority must disclose in writing that the property owner's heirs, successors, or assigns are entitled to repurchase the property at the price paid to the owner at the time of acquisition if (1) the intended public use is canceled before the property is used for that public use; (2) no actual progress is made toward the public use for which the property was acquired between the date of acquisition and the 10th anniversary of the acquisition date; or (3) the property becomes unnecessary for the public use for which the property was acquired, or for a substantially similar public use, before the 10th anniversary of the date of acquisition. The new law sets out conditions that help determine whether "actual progress" has been made on such a project and requires notification of the right of repurchase to a former property owner no later than 180 days after a determination that the former property owner is entitled to repurchase the property under these provisions. However, the right to repurchase ends on the first anniversary after the period during which the entity must provide notice of the right to repurchase as long as the entity makes a good faith effort to locate and provide notice to each person entitled to that notice and as long as the entity does not receive a response to any provided notice.

On or after the 10th anniversary of the date of acquisition of a property, a former property owner or the property owner's heirs, successors, or assigns may request the entity make a determination and provide a statement and information regarding what, if any, progress has been made on the use for which the land was taken or whether the public use for which the land was acquired has been canceled. The entity must provide such information to the requester within 90 days.

The law requires the commissioners charged with assessing damages to property owners whose land is taken through eminent domain consider any diminished access to or from the remaining property that affects the market value of the remaining property but prohibits the consideration of any injury or benefit that the property owner experiences in common with the general community, including the circulation of travel and diversion of traffic. The

entity exercising eminent domain must provide a relocation advisory service and must pay moving expenses and relocation payments for a displaced family. Current law permits these provisions but does not require them.

SB 331 – Adding Synthetic Cannabinoids to Texas Controlled Substances Act

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Health & Safety Code §§ 481.1031, .111, .113, .1161, .134; Code of Crim. Proc. art. 14.06, 42.12.

This bill creates a new penalty group, Penalty Group 2-A, for certain synthetic cannabinoids such as “K2.” Possession, delivery, and manufacture of a substance listed in Penalty Group 2-A can now be prosecuted as an offense under the Texas Controlled Substances Act.

SB 602 – Redacting Confidential Information

Effective Date: September 1, 2011

Code Sections Impacted: Adds Tex. Educ. Code § 51.217(g); Tex. Gov’t. Code §§ 552.263(e-1), .301(a-1). Amends Tex. Gov’t. Code §§ 552.022, .102, .109, .110, .113-.115, .117-.121, .123, .1235, .124, .126, .127-.129, .130(c)-(e), .131, .133-.135, .136(c)-(e), .138-.140, .142, .145, .148-.151.

This bill allows a governmental entity to redact certain excepted motor vehicle record and credit card information without requesting an attorney general’s decision. If the governmental body redacts or withholds such information, the requester may seek a decision and is entitled to a description of the redacted or withheld information; a citation to the bill’s provisions, if applicable; and instructions on how to request an attorney general’s decision on the matter. The attorney general must establish procedures and deadlines to address such requests and provide a prompt decision regarding disclosure. If a requester modifies a request in response to a requirement of a bond or deposit, the modified request is considered a separate request. If a governmental entity receives a written request but is unable to ascertain the actual date the request was received, the request is considered to have been received three business days after the postmark.

The bill further adds that that personal information at an institution’s emergency notification system is excepted.

This bill amends the headings of the following Texas Government Code sections to specify that these sections affect the *confidentiality* of the subject information: §§ 552.102, .109, .110, .113, .114, .115, .117, .118, .119, .120, .121, .123, .1235, .124, .126, .127, .128, .129, .131, .133, .134, .135, .138, .139, .140, .142, .145, .148, .149, .150, .151.

SB 652 – Regional Education Service Centers Sunset Bill

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Educ. Code § 8.010.

This bill subjects the regional education service centers (ESCs) to the legislative sunset process. The bill provides that the ESCs will be abolished September 1, 2015, unless continued by legislative action.

SB 736 – School Health Advisory Council Membership

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Educ. Code § 28.004.

This bill expands current law to allow a school district's board of trustees to appoint one or more persons who are representatives of a local domestic violence program to serve on the district's local school health advisory council.

SB 738 – Role of Parents/School Board in Determining Sanctions

Effective Date: June 17, 2011. Applies beginning with the 2011–12 school year.

Code Sections Impacted: Amends Tex. Educ. Code § 39.107(e). Adds Tex. Educ. Code § 39.107(e-2), (e-3).

This bill gives parents and the school board a voice in the decision about which sanction the commissioner of education must order for a chronically underperforming campus. Under current law, if a campus has been rated academically unacceptable for two consecutive years, the commissioner must order the reconstitution of the campus by having a campus intervention team assist the campus in developing an updated targeted improvement plan and deciding which staff to retain. If the campus maintains an academically unacceptable rating for three consecutive years *after* reconstitution, the commissioner of education must order one of three sanctions: repurposing, alternative management, or closure of the campus.

This bill permits the parents of a majority of the students enrolled in such a campus to petition the commissioner to have one of those sanctions implemented. The commissioner must concede to the parents' request unless the school board submits a counterpetition requesting that one of the other sanctions be implemented, along with a written justification for the board's request. In such a circumstance, the commissioner may order the action requested by the school board.

SB 764 – Prohibition against Using School District Resources for a Hotel

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Educ. Code § 11.178.

This bill prohibits a school district from imposing taxes; issuing bonds; using or authorizing the use of school district employees; using or authorizing the use of school district property, money, or other resources; or otherwise acquiring property for the design, construction, renovation, or operation of a hotel. In addition, a school district is prohibited from entering into any type of lease, contract, or other agreement to engage in any such activity.

SB 1179 – Eliminating Certain Required Reports by State Agencies and Institutions of Higher Education

Effective Date: June 17, 2011

Code Sections Impacted: Amends and deletes numerous codes.

This bill eliminates numerous required reports by various state agencies and institutions of higher education. The State Board for Educator Certification (SBEC), TEA, and Texas Higher Education Coordinating Board (THECB) are no longer required to file a report with the governor and lawmakers regarding all funds received and disbursed in the prior fiscal year. The commissioner of education is no longer required to report on a number of things, including the incentive grant program for educators, high school equivalency programs, and effectiveness of deregulation for districts receiving waivers or exemptions. Institutions of higher education are no longer required to prepare reports regarding certain crime statistics, course enrollment, short courses or programs for non-English-speaking faculty, state credit for tuition, matching scholarships and grants, critical needs for engineering, and the Texas partnership and scholarship program, among other things. The THECB is not required to prepare reports regarding doctoral programs and field of study curriculum, among others. Community colleges are no longer required to report on reduced tuition programs and programs for the disadvantaged.

SB 1269 – Transportation, Lodging, and Meals Accepted as Honoraria

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Penal Code §§ 36.07, .10.

In response to the recently withdrawn Ethics Advisory Commission Opinion No. 484, this bill amends the Texas Penal Code to clarify that transportation, lodging, and meals accepted as honoraria are not political contributions under Texas Election Code Title 15. This bill also clarifies that the prohibitions on gifts to public servants found in Texas Penal Code

Sections 36.08 and 36.09 do not apply to the acceptance of transportation and lodging expenses as honoraria.

SB 1484 – Designation Distinctions for Charter Schools

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Educ. Code §§ 12.104, 39.201. Adds Tex. Educ. Code § 39.2011.

Open-enrollment charter schools may be awarded distinction designations based on data reported to the Public Education Information Management System (PEIMS) just like school districts and traditional campuses. An open-enrollment charter school may not be awarded a distinction designation if the school is evaluated under alternative education accountability procedures as adopted by the commissioner of education.

SB 1557 – Texas High Performance Schools Consortium

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Educ. Code § 7.0561.

The Texas High Performance Schools Consortium is established to inform the governor, Legislature, and commissioner of education concerning methods for transforming public schools by improving student learning through the development of innovative learning standards and assessment and accountability systems.

The commissioner of education may select not more than 20 districts as participants for the consortium. The commissioner must select applicants representing a range of district types and sizes and diverse student populations, as determined by commissioner rule.

The number of students enrolled in consortium participants may not be greater than a number equal to 5 percent of the total number of students enrolled in Texas public schools based on recent TEA data. An open-enrollment charter school must be awarded an exemplary distinction in order to participate.

To apply, a school district or open-enrollment charter school must submit a detailed plan designed to both support improved instruction of and learning by students and provide evidence of accurate assessment of the quality of learning on campuses. The plan submitted by a school district may designate the entire district or one or more campuses as proposed consortium applicants. It also must detail a clear description of each curricular goal included in the learning standards; a plan for acquiring resources to support teachers; a description of any waiver of an applicable prohibition, requirement, or restriction the district or charter school would want to apply for; and any other provisions required by the commissioner.

The commissioner shall adopt rules applicable to the next generation of higher performing public schools with input from interested school districts and open-enrollment charter schools. The rules must consider engagement of students in digital learning, including electronic textbooks and instructional materials and the virtual school network; emphasis on learning standards that focus on high-priority standards; use of multiple assessments; and reliance on local control that enables communities and parents to make decisions regarding the education of their children.

The commissioner, a participating school district, or open-enrollment charter school may accept gifts, grants, or donations from any source to participate in the consortium. The commissioner also may charge a fee to school districts or open-enrollment charter schools participating in the consortium.

The commissioner shall submit reports concerning the performance and progress of the consortium to the Legislature no later than December 1, 2012. The report must include any recommendation by the commissioner concerning legislative authorization for the commissioner to waive a prohibition, requirement, or restriction that applies to a consortium participant. The report also must detail a plan for an effective and efficient accountability system. The commissioner must seek a federal waiver, to any extent necessary, to prepare for implementation of the plan if enacted by the Legislature.

The commissioner must adopt rules no later than January 1, 2012. The commissioner must make applications available to interested school districts and open-enrollment charter schools no later than March 1, 2012. Applications must be submitted by interested parties to the TEA no later than June 1, 2012. No later than July 1, 2012, the commissioner shall formally select participants. The consortium must begin operating no later than the beginning of the 2012-13 school year.

HB 336 – Online Posting of Financial Disclosures for Board Members and Candidates

Effective Date: September 1, 2011

Code Section Impacted: Adds Tex. Elec. Code § 254.04011.

The bill applies to school districts with a student population greater than 15,000 located in a municipality with a population greater than 500,000. The bill requires school districts to post, on the district's Web site, financial disclosure reports that trustees, candidates for the board, and candidates for specific-purpose committees are required to file with the district. The reports must be posted on the district's Web site within five business days after receipt by the district. District personnel may redact the street addresses, other than the city, state, and zip code, of financial contributors listed in the reports before posting on line. However, the complete address information must be maintained by the district. Posting on the Web site does not exempt the district from complying with requests for the same reports made by other electronic or printed means per the PIA.

HB 592 – Juvenile Justice Alternative Education Programs

Effective Date: June 17, 2011. Applies beginning with the 2011–12 school year.

Code Section Impacted: Amends Tex. Educ. Code § 37.011.

This bill exempts certain counties with populations greater than 125,000 from the requirement to establish a JJAEP. The parameters stipulated in the bill appear to describe Ellis County, which currently does not operate a JJAEP.

Under existing law, counties with populations of 125,000 or greater must operate a JJAEP for the placement of expelled students and students meeting other mandatory placement requirements.

HB 600 – State Board of Education Redistricting

Effective Date: August 29, 2011

Code Section Impacted: Amends Tex. Educ. Code § 7.101.

The Texas Legislature is required to redistrict state Senate and House districts in the first regular session following publication of the U.S. decennial census. Though no Texas constitutional or statutory provisions govern congressional and SBOE redistricting, as a practical matter the Legislature also must draw districts for the congressional seats apportioned to Texas and for the SBOE before the candidates' filing period opens for the primary elections held in 2012.

Based on the 2010 federal census, the total population of Texas is 25,145,561, and the ideal population of an SBOE district is 1,676,371. To establish districts that satisfy the requirement to be substantially equal in population and other state interests, this bill defines new districts for the election of members of the SBOE.

HB 734 – Truancy

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Educ. Code §§ 25.093-.094; Tex. Fam. Code § 54.021; Tex. Gov't Code §§ 26.045, 54.1171.

This bill reduces the population threshold from 2 million to 1.75 million for purposes of the jurisdiction of a constitutional county court over truancy cases. If the county has a population of 1.75 million or more, an offense may be prosecuted in the constitutional county court of the county in which the individual resides or in which the school is located.

The juvenile court may waive its exclusive original jurisdiction and transfer a child to the constitutional county court in a county with a population of 1.75 million or more or to an appropriate justice or municipal court, with the permission of the county, justice, or municipal court, for disposition if the child is alleged to have engaged a violation of Texas Family Code Section 51.03(b)(2) (absence of a child constituting conduct in need of supervision).

This bill also reduces the population threshold for the purposes of a county court's authority to appoint a magistrate to hear a truancy case.

HB 942 – School District Exemption from Security for Court Costs

Effective Date: September 1, 2011. Applies to a suit or appeal filed on or after September 1, 2011.

Code Section Impacted: Adds Tex. Civ. Prac. & Rem. Code § 6.004.

This bill exempts school districts from having to file bonds for court costs in civil court cases. The bill also exempts school districts from having to provide bonds for court costs or from having to provide supersedeas bonds (bonds relating to suspending lower court rulings during appeals) when filing appeals.

HB 984 – Concurrent Jurisdiction in Municipal Courts

Effective Date: May 19, 2011

Code Sections Impacted: Amends Tex. Code Crim. Proc. art. 4.14; Tex. Gov't Code § 29.003.

This bill allows a municipality to enter into an agreement with a neighboring municipality, or a municipality whose boundaries are within one-half mile of the municipality, to hear truancy school cases that occurred in the neighboring municipality.

HB 1147 – Notices Regarding Geospatial Data Products

Effective Date: September 1, 2011. Applies to a document printed on or after September 1, 2011.

Code Sections Impacted: Adds Tex. Gov't Code §§ 2051.101-.103.

As finally passed, this bill requires that a governmental entity (including a school district) provide a disclaimer notice on any geospatial data product (e.g., geospatial data, maps, information about a service involving maps or geospatial data) created or hosted by the governmental entity and which appears to represent property boundaries but was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or a land surveyor authorized to

perform surveys under laws in effect when the survey was conducted. The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries." The bill excepts a governmental entity from this requirement to provide such notice on a geospatial data product (1) that does not contain a legal description, a boundary monument, or the distance and bearing of a property line; (2) that is prepared only for use as evidence in a legal proceeding; (3) that is filed with the clerk of any court; or (4) that is filed with the county clerk. The notice may include language further defining the limits of liability of the producer of the geospatial data product, may apply to a product that contains more than one map, and may, for a notice that applies to a product which is or is on a Web site, be included on a separate page that requires the person accessing the Web site to agree to the terms of the notice before accessing the product.

HB 1215 – Unauthorized Acquisition of Financial Information

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Code Crim. Pro. art. 2.295. Adds Tex. Code Crim. Pro. art. 13.295; Tex. Penal Code § 31.17.

Under this bill, a person commits an offense if the person, knowing that the person is not entitled to obtain or possess the financial information, obtains the financial sight order or payment card information of another by use of an electronic, photographic, visual imaging, recording, or other device capable of capturing, reproducing, or storing in any manner the financial sight order or payment card information (a Class B misdemeanor) or transfers to a third party information obtained as described (a Class A misdemeanor).

"Financial sight order or payment card information" means financial information on or encoded in a check or other sight order, check card, debit card, or credit card.

A peace officer to whom an alleged violation of Texas Penal Code Section 31.17 is reported must make a written report to his employing law enforcement agency that includes the name of the victim; the name of the suspect, if known; the type of financial sight order or payment card information obtained or transferred; and the results of any investigation. The report must be made available to the victim on request, and the agency may redact any otherwise confidential information.

HB 1286 – Adoption of Rules by the University Interscholastic League

Effective Date: September 1, 2011

Code Section Impacted: Adds Tex. Educ. Code § 33.0831.

The legislative council of the University Interscholastic League may not take final action on a new or amended rule that would result in additional costs for a member school unless a fiscal impact statement regarding the rule has been completed. A fiscal impact statement regarding a rule must include (1) a projection of the costs to member schools of complying with the rule during the five-year period following the effective date of the rule and (2) an explanation of the methodology used to analyze the fiscal impact of the rule and determine the costs.

HB 1555 – First Day of Instruction

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Educ. Code § 25.0811(a).

Current law prohibits districts from starting classes before the *fourth* Monday in August, unless a district operates on a year-round basis. This bill allows a campus or up to 20 percent of the district's campuses to begin instruction on or after the *first* Monday in August if (1) the district enrolls at least 190,000 students (currently applies only to Houston ISD), (2) the district uses local revenue to fund the instructional days exceeding the statutory minimum number of days of instruction (180 days), (3) the campus is undergoing comprehensive reform as determined by the school board, and (4) and a majority of the students at the campus are educationally disadvantaged.

HB 1622 – Gang Activity

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Civ. Prac. & Rem. Code §§ 125.061(3), .067.

This bill removes the requirement that graffiti cause a pecuniary loss of a certain amount or occur at a school, institute of higher education, place of worship, cemetery, public monument, or community center in order to be prosecuted as gang activity.

HB 1891 – Execution of Search Warrants for Data on Certain Devices

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Code Crim. Pro. art. 18.07.

This bill amends provisions regarding the time allowed for the execution of a search warrant. This bill provides that, like other non-DNA evidence, a warrant issued to search for and seize data or information contained in or on a computer, disk drive, flash drive, cellular telephone, or other electronic, communication, or data storage device must be seized within three days, exclusive of the day of issuance and day of execution. However,

the data or information contained in or on the device may be recovered and analyzed after the warrant expires.

HB 1899 – Posting Cell Phone Ban in School Zones

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Transp. Code § 545.425(b-1), (f). Adds Tex. Transp. Code § 545.425(b-2), (b-3), (b-4), (d-1).

Current law prohibits the use of a cell phone without a hands-free device while driving in a school crossing zone. A city, county, or other political subdivision that seeks to enforce that law must post a cell phone ban sign at the entrance to each school crossing zone.

This bill provides that if the political subdivision has an ordinance banning the use of cell phones while driving *throughout* the political subdivision, it is not necessary to post a cell phone ban sign at each school crossing zone, as long as (1) a sign is posted at each point where a state, U.S., or interstate highway enters the political subdivision *and* (2) a message is posted on any dynamic message board operated by the political subdivision that is located on a highway within the political subdivision. The sign must be readable to a driver traveling at the posted speed limit.

HB 2118 – Adding Synthetic Compounds to the Texas Controlled Substances Act

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Health & Safety Code § 481.103.

This bill adds the street drug known as “bath salts” to Penalty Group 2. Possession, delivery, and manufacture of any form of this compound can now be prosecuted under Penalty Group 2 of the Texas Controlled Substances Act as state jail offense, a first- or second-degree felony, or punishable with life imprisonment, depending on the aggregate weight of the illegal substance.

HB 2366 – Open-enrollment Charter School Admission

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Educ. Code § 12.117.

An open-enrollment charter school authorized by a charter granted to a municipality is considered a work-site open-enrollment charter school for purposes of federal regulations regarding admissions policies that apply to open-enrollment charter schools receiving federal funds and may admit children of employees of the municipality to the school before

conducting a lottery to fill the remaining available positions. The number of students admitted under these circumstances may only be a small percentage of the school's total enrollment as may be further specified by federal regulations.

HB 2690 – Conveyance of Property Interests

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Loc. Gov't Code § 272.001(a). Adds Tex. Loc. Gov't Code § 272.001(l).

This bill permits a political subdivision (including a school district) to donate or sell for less than fair market value a designated parcel of land or an interest in real property to another political subdivision (including a school district) if (1) the land or interest will be used by the receiving/purchasing political subdivision in a way that benefits the public interest, (2) the donation or sale of land is made under terms that maintain the public purpose for which the donation or sale was made, and (3) the title and right to possession or interest revert to the donating or selling political subdivision if the acquiring political subdivision ceases to use the land in carrying out the public purpose. Notice and bidding requirements that are typically required in the conveyance of a property interest do not apply to these transactions between local governmental entities.

HB 2702 – Application of Laws to Political Subdivisions according to Population: Countywide School Districts, Bond Issuance for Private Institutions of Higher Education, and Diabetes Intervention Pilot Program

Effective Date: September 1, 2011

This bill amends Vernon's Texas Civil Statutes Article 2676a regarding county school districts to provide that the management of the public schools in each county with a population 312,000–330,000 would be vested in five county school trustees. Article 2676b is amended to say that the school board in a countywide school district in a county with a population 5,250–5,350 may order that the trustees run at-large in the county.

This bill amends Texas Education Code Section 53A.49(a) to allow a nonprofit corporation under Section 53A.35 (private institutions of higher education) to issue bonds like a public institution of higher education to finance and refinance education buildings in an enterprise zone that serve at least 1,000 K–12 students in a county with a population of more than 2 million (up from 1.8 million).

This bill amends Texas Health and Safety Code Section 168.010(a), establishing a pilot program for diabetes intervention to apply only in school districts in border counties with a population of less than 800,000 (changed from 600,000).

This bill also prohibits the TRS from excluding from its network a hospital in a county that borders Louisiana and has a population between 100,000 and 210,000 (up from 175,000).

HB 3278 – Limiting Commissioner of Education’s Membership Obligations

Effective Date: June 17, 2011

Code Sections Impacted: Adds Tex. Educ. Code § 7.030. Amends Tex. Gov’t Code §§ 535.051(b), 772.011(b); Tex. Health & Safety Code §§ 81.010(c), 93.002(a), 103.002(a), .017(a), (c), 614.002(a), (e); Tex. Hum. Res. Code § 121.0015(b); Tex. Occ. Code § 1802.102(a).

Current law requires the commissioner of education and/or representatives from the TEA to serve on numerous advisory committees, task forces, and commissions. This bill eliminates many of those membership requirements, including the following: the advisory committee on reducing drug demand; a TEA liaison to faith- and community-based organizations; the interagency work group on border issues; the interagency coordination council for HIV and hepatitis; the council on cardiovascular disease and stroke; the Texas Diabetes Council; Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments; and the Auctioneer Education Advisory Board. Additionally, the TEA no longer has to work with the Texas Diabetes Council to develop, produce, or implement public awareness strategies focusing on diabetes or a statewide, regional training plan.

HB 3307 – Confidentiality of U.S. Attorney’s Home Address

Effective Date: June 17, 2011.

Code Section Impacted: Amends Tex. Tax Code § 25.025(a).

This bill provides that the home address information of a current or former U. S. attorney or assistant attorney and the spouse and child of the attorney in the ad valorem tax appraisal records is confidential.

SB 8 (First Called Session) – Managerial Flexibilities

Effective Date: September 28, 2011, except as provided below.

Code Sections Impacted: Amends Tex. Educ. Code §§ 21.103-.104, .1041, .156-.157, .159, .206-.207, .212, .251, .257, .259, .402, 38.101. Adds Tex. Educ. Code §§ 21.4021-4022, .4032, 42.009, 44.011; Tex. Gov’t Code § 552.2661. Repeals Tex. Educ. Code §§ 12.1331, 21.402(d), 33.902(b)-(c).

Salary Reductions and Furloughs

Salary Reductions

This bill eliminates the law that prohibited districts from reducing the salaries of teachers, counselors, nurses, librarians, and speech pathologists below 2010–11 levels. The bill requires that when a district implements a widespread reduction in teacher salaries based primarily on district financial conditions, rather than teacher performance, administrator salaries must be reduced by the same percentage as teacher salaries. Salary reduction plans must be developed using the process described in the furlough section below.

Furloughs

This bill allows districts to furlough employees for up to six noninstructional days and reduce salaries proportionately during each year that the commissioner of education certifies that district's state and local funding per WADA will be below 2010–11 levels.

- By July 1 of each year, the commissioner of education must determine whether, for the next school year, a district's state and local funding will be reduced on a per WADA basis below the 2010–11 funding level. The bill specifies how the commissioner must determine that calculation.
- All contract personnel must be furloughed for the same number of days.
- A salary reduction based on a furlough must be equally distributed over the course of the employee's current contract with the school district.
- An educator may not be furloughed on a day that is included in the statutorily-required 180 days of instruction.
- The number of teacher workdays may not increase as a result of a furlough.
- An educator may not use paid leave while on a furlough.
- Furlough days do not constitute a break in service or a day of service for the purpose of calculating TRS service days.
- If a board adopts a furlough plan after the penalty-free resignation date, a teacher who subsequently resigns is not subject to the SBEC sanctions for contract abandonment.
- A board's decision to implement a furlough is final, cannot be appealed, and does not create a cause of action or require collective bargaining.
- A district may not implement a salary reduction or furlough plan until the district has complied with the following process requirements:
 - The district's professional staff must be included in the development of the plan
 - The district's employees and the public must be allowed to comment on the proposed plan during a public meeting
 - The district must hold a public meeting during which the board and administration shall:
 - (a) Present the options that were considered for managing the district's resources, including a tax rate increase and use of fund balance)
 - (b) Provide an explanation of how the furlough or salary reduction will help save district jobs, including the number of furlough days proposed
 - (c) Provide information about the local option residence homestead exemption.

Other Flexibilities Permitted during Financial Exigency

Financial Exigency

This bill requires the commissioner of education to adopt minimum standards defining the conditions that must exist for a declaration of financial exigency. The bill states that a financial exigency declaration expires at the end of the fiscal year during which the declaration was made, unless the board adopts a resolution declaring a continuation of the financial exigency for the following fiscal year. A school board is not limited in the number of times it may declare a financial exigency, and a board may terminate a financial exigency declaration at any time. Finally, school boards are required to notify the commissioner of education whenever a financial exigency is declared.

Hearings for Midyear Terminations Based on Financial Exigency

Under current law, an employee is entitled to request a hearing before a TEA-appointed independent hearing examiner to protest a proposed midyear termination. When a midyear termination is proposed *as a result of a financial exigency*, this bill gives school boards authority to decide whether the board itself will hear the case (like a nonrenewal hearing) or whether the case will be heard by an independent hearing examiner.

Amending Superintendent's Contract Based on Financial Exigency

When a school board declares a financial exigency and implements a reduction in personnel, this bill allows the board to amend terms of the superintendent's contract. The superintendent may resign without penalty by providing reasonable notice to the board and may remain employed in the district during the notice period.

Termination of Continuing Contracts during a Reduction in Personnel

Under current law, continuing contract employees must be terminated in reverse order of seniority during a reduction of personnel. This bill removes that requirement thus allowing districts to retain the best teachers, regardless of how recently the teacher was hired.

Changes to Midcontract Terminations and Suspension Without Pay

Suspension Without Pay Pending Discharge

Under current law, instead of discharging a contract employee midyear, a district may suspend the employee without pay for good cause for a period not to extend beyond the end of the school year. This bill gives districts the additional option of suspending an employee without pay for good cause pending the employee's discharge.

Determination of Conclusion of Law

Under current law, an independent hearing examiner's determination of whether good cause exists to support a suspension without pay or a termination is considered a finding of

fact, which the board cannot change unless the board provides that the hearing officer's finding is *not* supported by *substantial evidence*. This bill provides that a hearing examiner's determination of whether good cause exists to support a suspension without pay or a termination is a conclusion of law, rather than a fact, and a school board may adopt, reject, or change a hearing officer's determination.

Changes Affecting Contract Nonrenewals

Deadline for Notice of Nonrenewal

This bill changes the deadline for providing notice of nonrenewal from the current 45 days before the last day of school to 10 days before the last day of instruction. The bill also provides that the notice must be hand delivered to the employee on the employee's campus. If the employee is not present when hand delivery is attempted, the notice must be mailed by prepaid certified or express mail, in which case the postmark must be at least 10 days before the last day of instruction.

Term Contract Nonrenewal Hearings

Under current law, if a teacher requests a hearing to protest a proposed contract nonrenewal, the hearing is conducted either by the school board or by an independent hearing examiner appointed by the TEA. If there are many hearing requests, the board may be overwhelmed, and the independent hearing examiner process is a costly alternative. Therefore, SB 8 provides school boards in mid-to-large school districts an additional option for handling nonrenewal hearings.

In school districts of 5,000 or more, this bill allows the board to designate an independent attorney (as defined in the bill) to conduct the initial nonrenewal hearing, create the record of the hearing, and make a recommendation to the board within 15 days after the hearing. The school board must consider the record and recommendation at the next regular board meeting or at a mutually agreeable date. At the board meeting, each party must be allowed to present oral arguments within any established time limits set forth in local board policy. The board may accept, reject, or modify the attorney's recommendation and must notify the employee of the board's decision within 15 days after the board meeting.

Changes Affecting Teacher Certification Provisions

Employment Contract Void for Lack of Certification

This bill expands the circumstances under which a district may declare an employee's probationary, term, or continuing contract void. However, the bill gives an employee a 10-day grace period after the employee's certificate or permit is void to take the measures necessary to renew, extend, or otherwise validate the certificate or permit before the district may suspend or terminate the employee.

Under current law, a district can opt to retain an employee whose contract is void on an at-will basis in a certified position other than as a classroom teacher. This bill provides that a

district may not continue to employ an individual whose certificate is void in any position that requires a Chapter 21 contract.

Field-based Experience Requirement

Beginning September 1, 2012, this bill requires candidates for an initial teaching certificate to complete 15 hours of student teaching before they can be hired by a district as a teacher of record.

Changes to Other Laws that Provide Flexibility

FitnessGram

This bill limits the administration of the FitnessGram health assessment to only students who are enrolled in a course for physical education credit.

PIA Relief Based on Nonpayment of Estimated Charges

This bill allows a district to require a person who has outstanding charges for a public information request made within the last six months to pay the estimated charges *before* the district responds to a new request from that requester. This provision applies to a request for inspection, as well as for copies of public information.

Hearing over Public School Child Care

This bill eliminates the current requirement that districts with more than 5,000 students, which do not provide child care services for district employees before/after school or during vacations, hold two public hearings before school starts to consider the need for and accessibility of child care services

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IV. Higher Education

SB 32 – Consolidating Various Tuition and Fee Exemptions and Waivers

Effective Date: January 1, 2012

Code Section Impacted: Tex. Educ. Code Chapter 54.

This bill consolidates the various tuition and fee waiver and exemption programs currently contained in the Texas Education Code into one subchapter. It would continue to allow individuals employed by an entity with which The University of Texas (UT) System has entered an agreement for technology development, management, and transfer to pay resident tuition and fees at a UT System institution. The benefit would extend to the employees' spouses and children. Nonresident students participating in the Academic Common Market would still be eligible to pay resident tuition. Governing boards could waive all or part of designated tuition or any compulsory fee if payment would cause a student undue financial hardship; however, not more than 10 percent of the total enrollment could receive such a waiver. If a fee waiver is granted, the institution could limit the student's participation in the activities financed by the fee. Subject to certain conditions, firefighters enrolled in fire science courses and peace officers enrolled in criminal justice/law enforcement courses would continue to be exempt from tuition and laboratory fees.

SB 36 – Methods for Degree Completion

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Educ. Code § 61.077.

This bill requires the THECB to establish a method for assessing the quality and effectiveness of academic advising services available to students at institutions of higher education. The THECB would consult with representatives from the institutions and academic advisors. In establishing the methods, the THECB would consider the use of student surveys and quantifiable measures for determining successful advising.

SB 149 – School District College Credit Program

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Educ. Code § 28.009.

This bill allows the commissioner of education to adopt rules concerning a school district's responsibilities for college credit programs. The commissioner of higher education may adopt rules as necessary concerning the duties of a public institution of higher education.

Each school district shall annually report to the TEA the number of district students, including CTE students, who have participated in the college credit program and the courses in which participating district students have earned high school credit. The commissioner of education and the THECB shall share the data to enable school districts to comply with the reporting requirements. As part of this process, the THECB shall collect student course credit data from public institutions of higher education.

SB 162 – Developmental Education Plans for Certain Students

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Educ. Code § 61.07611.

This bill requires the THECB to develop a statewide developmental education plan for students who require it. The plan would assign primary duties to community colleges and technical institutes by utilizing technology to provide developmental education to students. The THECB would research relevant issues and study and develop best practices for successful developmental education programs. The plan would assess various methods of providing developmental education to students, especially those provided on a statewide basis. The plan would include technological delivery of developmental education courses, diagnostic assessments, modular developmental education course materials, the use of tutors, and an internal monitoring mechanism to identify a student’s area of difficulty, and provide periodic updates and assessments after completion. The plan would provide for ongoing training for faculty members and research and improvement of appropriate developmental education programs. By December 1, 2012, the THECB would submit to lawmakers a report concerning the initial development of the plan and recommendations.

SB 386 – Renaming the North Harris Montgomery Community College Service Area

Effective Date: April 29, 2011

Code Section Impacted: Amends Tex. Educ. Code § 130.191.

This bill renames the North Harris Montgomery Community College District the Lone Star College System District.

SB 419 – Excluding Dual PE Courses from Junior College Funding

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Educ. Code § 130.008(c).

This bill excludes physical education (PE) courses for which a student is getting dual college and high school credit from being included in the contact hours used to determine a junior college’s share of state money.

SB 898 – Energy Efficiency Programs at Institutions of Higher Education

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Health & Safety Code §§ 388.005-.006.

This bill extends the requirement that institutions of higher education establish goals to reduce electric consumption by at least 5 percent each fiscal year for 10 years beginning September 1, 2011. Current law requires the goal to be set for six years beginning in 2007. This bill also changes the reporting requirements attendant to those goals, including requiring the State Energy Conservation Office to provide a standardized form for reporting. Energy savings and estimated pollution reduction will be shared with the Environmental Protection Agency and the Electric Reliability Council of Texas.

SB 975 – Dropout Recovery Programs Offered by Junior Colleges

Effective Date: June 17, 2011

Code Sections Impacted: Adds Tex. Educ. Code §§ 29.401-.404

Under this new law, certain community colleges are allowed to partner with one or more school districts that have a dropout rate higher than 15 percent in order to offer a dropout recovery program. An eligible community college must be located in a county of 750,000 or more and have less than 65 percent of its students 25 years or older be high school graduates. The programs will be offered on the community college campuses and will be open to students younger than 26 who need to complete no more than three course credits to receive a high school diploma or who have completed course credits but failed an end-of-course assessment. In designing the program, the community college must include CTE courses, college-readiness strategies, and advanced academic opportunities, such as dual-credit and AP courses. Partnering school districts retain accountability for student attendance, completion, and performance on required assessments. Community colleges must negotiate with each school district regarding the funding the college will receive, not to exceed the prior year total average per student amount for maintenance and operations, including state and local funding but excluding money from the ASF. Students are included in the ADA of the school districts the students would otherwise attend. Community colleges are eligible to receive dropout prevention and intervention funds, as well as gifts, grants, and donations.

SB 988 – Cybersecurity, Education, and Economic Development Council

Effective Date: September 1, 2011

Code Section Impacted: Adds Tex. Gov't Code Chapter 2054, Subchapter N.

This bill creates the Cybersecurity, Education, and Economic Development Council, a nine-member council that will include representatives from institutions of higher education

and a public junior college, among others. The council will conduct a study and make recommendations regarding improving the infrastructure of cybersecurity operations and accelerating the growth of that industry in this state.

SB 1009 – Nonattendance Notification of Foreign Students

Effective Date: September 1, 2011

Code Section Impacted: Adds Tex. Educ. Code § 51.9091.

This bill requires institutions of higher education to immediately notify the federal Student Exchange and Visitor Information System if a F or M visa student withdraws or is disciplined or dismissed for nonattendance.

SB 1107 – Requiring Bacterial Meningitis Vaccines for Certain College Students

Effective Date: May 27, 2011

Code Section Impacted: Amends Tex. Educ. Code § 51.9192.

Current law requires a first-time student, including a transfer student, at an institution of higher education to provide proof that he has been vaccinated against bacterial meningitis if the student is or will be residing in on-campus housing. This bill removes the language regarding housing and would apply the vaccine requirement to all entering students at an institution, including new students and students who have had a break in enrollment of at least one semester. It would not apply to students who are 30 or older or who are enrolled only in online or distance education courses. The vaccination would be required no later than the 10th day before the first day of the term in which the student initially enrolls. Students could be granted an extension not to exceed 10 days after the first day of the semester. Institutions of higher education must provide, with the registration materials, written notice of the right to claim an exemption and the importance of consulting a physician about the need for an immunization to protect against the disease.

SB 1327 – Confidentiality of Compliance Program Information

Effective Date: May 28, 2011

Code Section Impacted: Amends Tex. Educ. Code § 51.971.

Currently, information collected in a compliance program investigation by an institution of higher education is protected from disclosure under the PIA if releasing the information would interfere with the investigation. This bill provides that information collected or produced by a systemwide compliance office to review compliance processes at a component institution also is protected. Both types of information could be made available to a governmental

agency responsible for investigating the matter, such as the Texas Workforce Commission, or to an officer or employee of the institution of higher education who is responsible for a compliance program investigation or its review. A disclosure under these circumstances is not considered voluntary for the purposes of the PIA.

SB 1726 – Measurable Learning Outcomes for Undergraduate Courses

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Educ. Code § 51.96851.

This bill requires each institution of higher education to identify measurable learning outcomes for each undergraduate course offered other than those with a highly variable subject content tailored to a specific student or a laboratory, practicum, or discussion section that is a required component of a lecture course. The outcomes must be made available for public inspection.

HB 399 – Personal Finance Literacy Training

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Educ. Code § 51.305.

This bill states that the THECB must require general academic teaching institutions to offer training in personal finance literacy, including budgeting, credit cards, spending, saving, loan repayment and consolidation, taxes, retirement planning, and health care financing. The training may be offered as an online course. The THECB must require general academic teaching institutions to offer the training as soon as the coordinating board considers practical but no later than the fall 2013 semester.

HB 650 – Junior College Abandoned Property

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Prop. Code § 76.001.

This bill allows a junior college to handle abandoned property valued at \$100 or less according to the abandoned property provisions of the Texas Property Code set forth in Chapter 76 (requiring annual property reports, notice, delivery to the treasurer, etc.). A junior college must take formal action to opt into the Chapter 76 provisions. Currently, that chapter applies only to school districts, municipalities, and counties.

HB 1206 – Junior College Board Member Training

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Educ. Code § 61.084.

This bill requires board training for all members of a governing board of an institution of higher education, including community college board members. Training for community college board members will include information about best practices in campus financial management, financial ratio analysis training, and case studies using financial indicators. Board members are required to attend at least one training session during the first two years of their terms. The board's regular meeting minutes must reflect whether each member of the board has completed the required training. Equivalent training must be provided by electronic means for members unable to attend the program. Completion of an electronic session will satisfy the training requirements.

HB 1244 – Developmental Education Courses

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Educ. Code § 51.3062. Adds Tex. Educ. Code § 54.225. Repeals Tex. Educ. Code § 51.3062(e).

This bill requires an institution of higher education to offer a student required to enroll in developmental coursework a range of coursework or instructional support including the integration of technology. Developmental coursework is based upon research-based best practices including assessment, differentiated placement and instruction, support services, faculty development, non-course-based developmental education interventions, course pairing of developmental courses with credit courses, and evaluation. Faculty members providing developmental coursework are provided professional development programs. Institutions of higher education can exempt a student from paying tuition for an approved non-semester-length developmental education intervention. This bill repeals the current requirement that the THECB adopt assessment instruments for purposes of the Student Success Initiative. The THECB is required to prescribe a single standard or set of standards to effectively measure student readiness for each assessment instrument.

HB 1341 – Payment of Tuition and Fees

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Educ. Code §§ 54.007, .0071.

Current law requires that tuition and fees be paid either in advance of the semester or, if paid in installments, in advance of the first and last days of the semester. This bill allows an institution of higher education to establish the date(s) by which payment of tuition and

mandatory fees would be required. The dates could not be later than the date established by the THECB for certifying student enrollment for formula funding. An institution could, however, collect unpaid balances due to adjustments to enrollment status or balances amounting to less than 5 percent of the total amount of tuition and mandatory fees.

HB 1495 – Applying the Information Resources Management Act to Community Colleges

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Gov't Code § 2054.0075.

This bill clarifies that the Information Resources Management Act applies to a public community college only if necessary to participate in the electronic government project.

HB 2538 – Confidentiality of Certain Student Information

Effective Date: September 1, 2011

Code Section Impacted: Adds Tex. Educ. Code § 132.024.

This bill makes confidential student information regarding a prospective, current, or former student of a career school, college, or other educational institution over which the THECB has jurisdiction. Student information would include name, address, telephone number, Social Security number, e-mail address, or other identifying information. Disclosure of the information would be a Class A misdemeanor.

HB 2702 – Application of Laws to Political Subdivisions according to Population

Effective Date: September 1, 2011

This bill amends Texas Education Code Section 45.105(e) to permit a school board that governs a community college district in a county with a population of more than 2 million (up from 1.5 million) to dedicate a percentage of its tax revenue to the college.

This bill amends Texas Education Code Section 51.214(a) to allow a medical corporation providing security to an institution of higher education located within the medical corporation's complex to employ and commission police or security personnel in a city with a population of more than 1.8 million located in a county with a population of more than 2 million (previously just in a city of more than 1.8 million).

HB 2758 – University Emergency Alert System

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Educ. Code § 51.218.

This bill requires private, public, and independent institutions of higher education to establish an emergency alert system that uses e-mail, telephone, and any other notification method appropriate to provide timely notification to students and staff. The institution must obtain personal telephone numbers and e-mail addresses of all students upon enrollment and staff upon employment in order to register them in the alert system. A student or staff member may elect in writing to not participate. The information collected will be confidential. The alert system must be in place by the spring 2012 semester.

HB 2910 – Agreements and Grants to Increase Degree Completion Rates

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Educ. Code § 61.0905.

This bill allows the THECB to enter into agreements with nonprofit organizations to increase degree completion rates at partnering institutions of higher education by promoting innovative models, providing data and evaluation support, and coordinating existing initiatives. The THECB can establish a grant program to fund projects related to the improvement of degree completion. In addition, the THECB is required to report to lawmakers regarding grants awarded and a survey of partnerships in other states to increase degree completion rates.

HB 2937 – Access to Criminal History Information

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Gov't Code § 411.094.

This bill expands the definition of “security-sensitive position” to include individuals who have access to the personal or identifying information of another or have access to the financial information of the employer or another person. The THECB would be entitled to obtain criminal history information on an applicant for a security-sensitive position. All criminal history information obtained by an institution of higher education or the THECB would be destroyed as soon as applicable after the applicant becomes employed and has completed any probationary period or after the information has been used for its purpose if the person is not hired for a security-sensitive position.

HB 2999 – Fixed-rate Tuition Plan for Transfer Students

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Educ. Code § 54.016.

This bill allows general academic teaching institutions to develop fixed-rate tuition programs for students who agree to transfer to a four-year college after earning an associate degree at a lower-division institution of higher education. A student in the program would be guaranteed admission upon earning an associate degree, as well as tuition for at least two years at the rate that would have been charged either the fall semester of the student's freshman year had the student entered the four-year college as a freshman or the fall semester of the second year preceding the year the student enrolled. Institutions that develop a fixed-rate tuition program must prescribe eligibility requirements and must notify applicants for transfer of the program.

HB 3025 – Filing a Degree Plan

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Educ. Code § 51.9685.

This bill would require all undergraduate students enrolled in an associate or bachelor degree program at an institution of higher education to file a degree plan no later than the end of the second semester following the semester in which the student earned 45 or more semester hours, including hours earned through AP classes, transfer courses, and dual-credit courses. At each registration, students required to have a degree plan on file would be required to verify that the plan has been filed and that the courses for which the student is registering are consistent with the plan. A student who fails to timely file a plan would be required to consult with an academic advisor and would not be able to obtain an official transcript until the plan was filed.

HB 3468 – College-readiness Assessment

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Educ. Code §§ 51.3062, 61.059. Adds Tex. Educ. Code §§ 28.0141, 29.2531.

This bill requires the TEA, in coordination with the THECB, to conduct a study of best practices and existing programs related to college readiness and submit a related report to the Legislature and the governor. This bill also requires the TEA and THECB to review the standardized adult basic education assessment and recommend changes.

HB 3578 – Authorized Uses for Higher Education Emergency Loans

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Educ. Code § 56.053(a).

This bill amends the higher education emergency loan provisions so that the maximum available loan amount includes the cost of textbooks in addition to tuition and fees.

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V. Instruction

SB 290 – Inclusion of Personal Financial Literacy in Mathematics Instruction

Effective Date: June 17, 2011. Applies beginning with the 2011–12 school year.

Code Sections Impacted: Amends Tex. Educ. Code §§ 28.0021, .025, 31.0231. Amends Tex. Educ. Code §§ 28.0021, 31.0231.

This bill requires the SBOE to expand and adopt the Texas Essential Knowledge and Skills (TEKS) for personal financial literacy to grades K–8. Students in these grades will receive the instruction in mathematics. The commissioner of education shall adopt a list of instructional materials to meet the TEKS.

SB 391 – Electronic Samples of Textbooks

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Educ. Code §§ 31.022, .027.

This bill requires the SBOE to publish a notice that a publisher of an adopted textbook for a grade level other than prekindergarten must submit an electronic sample of the textbook and may not submit a print sample copy.

Sections 2 and 3 of this bill, amending Texas Education Code Section 31.027, were rendered ineffective by SB 6 from the 82nd Legislature, First Called Session.

SB 966 – High School Diplomas for Certain Military Veterans

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Educ. Code § 28.0251.

Each school district may issue a high school diploma to an honorably discharged member of the U.S. Armed Forces who was scheduled to graduate from high school after 1940 and before 1975 or after 1989 and left school after completing sixth grade to serve in World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, the war in Afghanistan, any other war formally declared by the U.S., military engagement authorized by the U.S. Congress, military engagement authorized by a United Nations Security Council resolution and funded by the U.S. Congress, or conflict authorized by the U.S. president under the War Powers Resolution of 1973 (50 U.S.C. Section 1541 et seq.).

SB 1094 – Online Testing for High School Equivalency Exams

Effective Date: June 17, 2011. Applies beginning with the 2011–12 school year.

Code Section Impacted: Adds Tex. Educ. Code § 7.111.

The SBOE, by rule, must develop and deliver high school equivalency exams for the administration of the examinations on line. The rules must provide a procedure for verifying the identity of the person taking the examination and prohibit a person under 18 years of age from taking the examination on line.

SB 1330 – Driver Safety Courses for Individuals Younger than 25

Effective Date: September 11, 2011

Code Sections Impacted: Amends Tex. Code Crim. Proc. art. 45.051. Adds Tex. Educ. Code § 1001.111.

This bill requires the commissioner of education to adopt rules establishing minimum standards for curriculum and educational materials to be used in a driving safety course designed for drivers younger than 25 years of age. A judge may require an eligible defendant to complete such a course. Under this bill, any course approved for driver safety before January 12, 2012, must comply with the goals of this bill and be approved by the commissioner.

SB 1410 – Student Enrollment in Tech-prep Programs

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Educ. Code §§ 29.185, 61.858.

The TEA shall establish procedures for each school district and open-enrollment charter school to accurately identify students who are enrolled in tech-prep and report the number of tech-prep students to the TEA and THECB.

The THECB shall develop and implement a statewide system to evaluate each tech-prep consortium. The evaluation must include the following: an assessment of the consortium's performance during the past year in comparison to the goals and objectives stated in the five-year plan contained in the consortium's grant application to the board, an identification of any concerns the board has regarding the consortium's performance, and recommendations for improvement by the consortium in the next year.

The THECB shall evaluate each tech-prep consortium annually. At least once every four years, or more frequently as provided by board rule, the annual evaluation shall be conducted on site.

No later than November 1 of each year, the THECB shall provide a written report to each tech-prep consortium with the results of the evaluation. The report must contain the findings, concerns, and recommendations resulting from the evaluation; communicate to the consortium the results of the board's evaluation; identify areas in which the consortium has made improvement or should take steps to improve its performance; and identify best practices of tech-prep consortia.

SB 1620 – Substitution of Certain CTE Courses for Math and Science Credit

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Educ. Code §§ 21.044, 28.025. Adds Tex. Educ. Code §§ 28.027, 61.0517.

The SBOE must establish a review and approval process that allows certain CTE courses to be eligible for mathematics and science credit under the recommended high school program. These courses are applied Science, Technology, Engineering, and Mathematics (STEM) courses that could be substituted for a specific mathematics or science course otherwise required under the recommended high school program and completed during the student's fourth year of mathematics or science coursework. The SBOE may only approve a course to substitute for a science course after the successful completion of biology and chemistry and after successful completion of or concurrently with physics. The SBOE may only approve a substitute mathematics course after the successful completion of Algebra I and geometry and after successful completion of or concurrently with Algebra II.

Teachers of applied STEM courses are required to pass a certification test administered by the organization that created the curriculum on which the STEM course is based and have at least an associate degree as well as three years of work experience in the occupation for which the STEM course is intended to prepare students.

The commissioner of education would be required to implement the new process by September 1, 2012.

HB 34 – Inclusion of Financial Literacy in High School Curriculum

Effective Date: May 23, 2011

Code Section Impacted: Amends Tex. Educ. Code § 28.0021.

This bill requires revision of the economics TEKS to include instruction on methods of paying for postsecondary education and training. Each school district and open-enrollment charter school that offers a high school program must provide a student instruction in personal financial literacy in a course offered for economics credit that includes instruction in completing a federal student aid application.

HB 399 – Personal Finance Literacy Training

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Educ. Code § 51.305.

This bill states that the THECB must require general academic teaching institutions to offer training in personal finance literacy, including budgeting, credit cards, spending, saving, loan repayment and consolidation, taxes, retirement planning, and health care financing. The training may be offered as an online course. The THECB must require general academic teaching institutions to offer the training as soon as the coordinating board considers practical but no later than the fall 2013 semester.

HB 692 – High School Graduation Requirements for Students with Disabilities

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Educ. Code § 28.025.

This bill requires the SBOE to adopt rules applying to the recommended and advanced high school graduation programs that allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies or one academic elective credit for the PE credit required under the board adopted graduation programs. This bill prohibits the student from using the selected course to satisfy another graduation requirement in addition to PE.

The rules must provide that the determination regarding the student's ability to participate in physical activity will be made by the student's admission, review, and dismissal committee if the student qualifies for special education services or the committee established under the Rehabilitation Act of 1973 if the student does not receive special education services but is covered by Section 504 of the Act. If each of the committees described is inapplicable, then a district committee with knowledge of the student shall decide.

HB 2702 – Application of Laws to Political Subdivisions according to Population: Fine Arts Pilot Program

Effective Date: September 1, 2011

Code Section Impacted: Tex. Educ. Code § 28.025(b-9).

This bill permits a pilot program in which students receive a fine arts credit for attending a program outside of the school district in a county with a population of more than 1 million in which more than 75 (down from 80) percent reside in a single community.

HB 2909 – Increasing Awareness of Higher Education

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Educ. Code §§ 29.911, 61.076(c), .9701(b), .9703.

This bill renames “Education: Go Get It Week,” the week designated by school districts to raise awareness of the importance of higher education, as “Generation Texas Week.” During the week, schools must share information about college readiness standards and expectations with students. The THECB is required to coordinate with the TEA, the P-16 Council, and other appropriate entities to implement the awareness campaign. This bill increases from three to six the number of educational professionals, agency representatives, business representatives, and community members the commissioner of education and commissioner of higher education may appoint to the P-16 Council in addition to the required membership.

HB 3708 – Early High School Graduation Scholarship Program

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Educ. Code §§ 54.213, 56.204, .207. Adds Tex. Educ. Code §§ 29.401-.404, 54.801-.809, 56.007; Tex. Health & Safety Code § 62.1012; Tex. Hum. Res. Code §§ 31.0039, 32.02611. Repeals Tex. Educ. Code §§ 54.7521, 56.202(b), .208.

Current law states that an eligible person under the Early High School Graduation Scholarship Program is entitled to a state credit. This bill removes the entitlement language and instead states that the commissioner of education would award a state credit to eligible individuals out of funds appropriated for that purpose (the total amount awarded not to exceed the funds appropriated). This bill also repeals the current funding provisions that provide for the program to be paid out of the FSP, as well as the provisions that require any savings to the FSP resulting from the Early High School Graduation Scholarship Program to be used for tuition exemptions. This bill requires the commissioner to transfer appropriated funds to the THECB for distribution among the institutions of higher education that provide exemptions.

SB 6 (First Called Session) – Instructional Materials

Effective Date: July 19, 2011

Code Sections Impacted: Amends Tex. Educ. Code Chapter 31, Subchapter B-1, §§ 5.002, 7.055, .056, .102, .108, .112, 11.158, .164, 19.007, 26.006, 28.002, .003, .011, 31.001, .002, .003, .004, .021, .022, .0221, .023, .0231, .024, .0241, .026, .0261, .027-.029, .030, .035, .071, .073-.077, .101-.106, .152-.153, 39.303, 41.124. Adds Tex. Educ. Code Chapter 32, Subchapter E, §§ 31.005, .0211-.0214, .0242, 43.001(d)-(g). Reenacts Tex. Educ. Code § 43.001. Repeals Tex. Educ. Code Chapter 31, Subchapter E, Chapter 32, Subchapter H, §§

31.002(3), .021(b), (e), (f), .0222, .025, .035(e), (g), .072(c), .073(a), (b), .101(b), (b-1), (c), (c-1), .1011, .103(a), (e), .1031, 32.005, .251-.257, .259-.263; Tex. Gov't Code § 2175.128(a-1), (b-1).

Instructional Materials Defined

“Instructional materials” are now defined as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or combination of media for relaying information to a student. The term includes books, supplemental materials, software, DVD and CD-ROM, online services, open source materials, and other means of conveying information electronically.

“Technological equipment” means hardware or other equipment necessary to access or enhance the use of instructional materials. The bill alters wording in several sections of law so that textbooks are considered (for review, adoption, and purchasing purposes) under instructional materials. School districts are no longer required to maintain a classroom set of books.

Instructional Materials Fees

Any instructional materials (rather than just textbooks) selected for use in the public schools must be furnished at no cost to the students attending those schools.

A school district may not charge a student for an instructional material purchased with the district’s IMA unless the material is returned to the district in an unacceptable condition.

A school district may charge a student the cost necessary to replace any damaged or lost instructional material or technological device purchased with the IMA. The district may waive this fee for students who receive free or reduced-price meals or students the district deems as coming from a low-income family.

Curriculum

Social studies courses, under the foundation curriculum, must include “economics, with an emphasis on the free enterprise system and its benefits.” Economics has been removed from the enrichment curriculum.

SBOE Review Cycle

The SBOE is not required to adopt a review and adoption cycle for instructional materials for all grade levels in a single year and must give priority to instructional materials for foundation curriculum subjects for which the TEKS have been substantially revised and for which state assessment instruments are required (including CTE courses that satisfy foundation curriculum requirements). The next priority would be foundation curriculum subjects for

which the TEKS have been substantially revised (including CTE courses) and for which no assessment instruments are required. The SBOE may not review more than one-fourth of the subjects in the foundation curriculum per biennium but must adopt a schedule so that there is a complete investigation of instructional materials for each subject in the foundation curriculum every eight years (rather than every six years).

The SBOE must determine the percentage of elements of the TEKS that must be covered by each instructional material submitted.

Commissioner's List

If the commissioner places electronic instructional material on a list, the SBOE may require the commissioner to remove the material before the 90th day.

Review of Open-source Material

No later than the 90th day after the date open-source instructional material is submitted, the SBOE must post the adopted list with comments from the board and distribute to school districts.

Certification of Material

Annually, a school district or open-enrollment charter school must certify to the SBOE and the commissioner that the district provides each student with instructional materials for each subject in the required curriculum that cover all elements of the TEKS. To determine whether all elements have been covered a district may consider the following: (1) instructional materials adopted by the SBOE, (2) materials adopted by the commissioner, (3) open-source materials submitted by eligible institutions and adopted by the SBOE, (4) open-source instructional materials made available to other public schools, and (5) instructional materials developed and purchased by the school district.

Instructional Materials Fund

Money in the state instructional materials fund must be used to fund the IMA, purchase special instructional materials for the education of blind and visually impaired students in public schools and the Texas Youth Commission, pay expenses associated with the instructional materials adoption and review process, pay expenses associated with the purchase or licensing of open-source instructional material, pay expenses associated with the purchase of instructional material (including shipping and insurance on shipping), and provide for the Technology Lending Program.

IMA

Each school district is entitled to an annual allotment from the instructional materials fund for each student enrolled in the district on a date during the preceding school year (the date would be specified by the commissioner). The commissioner must determine the amount of the allotment per student each year on the basis of the amount of money available in the instructional materials fund to fund the allotment. Each year the commissioner must adjust the IMA of school districts experiencing high growth.

Districts would use these funds to purchase materials on the adopted list, instructional materials on the conforming or nonconforming lists, consumable instructional materials, materials for bilingual classes, supplemental instructional materials, state-developed open-source instructional materials, instructional materials and technological equipment under any continuing contracts of the district, technological equipment needed to support the use of instructional materials, or training of educational personnel directly involved in student learning in the appropriate use of the materials. The bill does stipulate that for the state fiscal biennium beginning September 1, 2011, a school district must use this allotment to purchase instructional materials that will assist the district in satisfying performance standards with regard to state assessments [State of Texas Assessments of Academic Readiness (STAAR) and end-of-course examinations].

Unused funds would carry over from year to year in the district's account.

An open-enrollment charter school would be entitled to receive the IMA as if the school were a school district.

The current system of issuing textbook credits was eliminated.

State Allocation of Funding

For the biennium beginning September 1, 2011, the bill would require the SBOE to set aside 40 percent of the annual distribution for that year from the PSF to the ASF to be placed in the state instructional materials fund established by this bill. For a biennium beginning on or after September 1, 2013, the bill would require the SBOE each year to set aside 50 percent of the annual distribution for that year from the PSF to the ASF to be placed (subject to the General Appropriations Act) in the state instructional materials fund.

District's Ownership of Instructional Materials

The board of trustees may sell the district's printed instructional materials after the SBOE or commissioner determines they should be discontinued. The board of trustees also may sell electronic instructional materials and technological equipment owned by the district. Any funds received by a district or school from the sale of instructional materials must be used to purchase instructional materials and technological equipment.

A school board or governing body of an open-enrollment charter school must notify the commissioner if the district seeks to dispose of printed instructional materials before the material is deemed discontinued by the SBOE or commissioner.

The bill eliminates the requirement that textbooks be properly covered.

Assessment

Previously, when a student failed a mandatory state assessment test, the district had to notify the student's parents of access to online educational resources. Now "online" is deleted and the notice is of "educational resources."

Recapture

A district that receives tuition credits from a district subject to recapture may not claim attendance for the student for purposes of the IMA.

Technology Lending Program Grants

The commissioner may establish a grant program under which districts may be awarded grants to implement a technology lending program to loan students equipment necessary to access and use electronic materials. The commissioner may not use more than \$10 million from the state instructional materials fund each state fiscal biennium or a different amount determined by appropriation to administer a grant program. The program is subject to review by the Legislature and would expire September 1, 2015.

Elimination of the Technology Allotment

The technology allotment under previous law has been eliminated.

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VI. Personnel

SB 54 – Certification to Teach Students with Visual Impairments

Effective Date: September 1, 2011. Applies to certification or renewal applications submitted after September 1, 2011.

Code Section Impacted: Adds Tex. Educ. Code § 21.0485.

This bill requires that educators who wish to be certified to teach students with visual impairments must complete all course work required for that certification in an approved educator preparation or alternative certification program. They also must perform satisfactorily on each certification exam and any other requirements for teaching students with visual impairments as prescribed by the SBEC.

SB 155 – Group Health Benefit Program Eligibility

Effective Date: September 1, 2011. Applies beginning with the 2012–13 school year.

Code Section Impacted: Amends Tex. Educ. Code § 22.004(k).

Current law allows district employees who resign after the last day of instruction to continue participating in the district’s group health plan through the first anniversary of the date coverage was made available to district employees. This bill provides that eligibility to participate in a district’s group health plan does not extend past the last calendar day before the first day of the instructional year immediately following the last instructional year in which the employee was employed by the district.

SB 423 – Peace Officer Survivor Health Insurance Benefits

Effective Date: May 12, 2012

Code Sections Impacted: Adds Tex. Gov’t Code §§ 615.046, .072(b-1), .082. Amends Tex. Gov’t Code §§ 615.041, .071, .073-.074, .075(a), (c), .076-.077.

This bill extends the eligibility of surviving family members of certain public employees killed in the line of duty to purchase health insurance benefits through September 1, 2012. The survivor is entitled to purchase health insurance from the political subdivision that employed the deceased individual. The survivors may purchase this insurance even if they were not enrolled in the plan so long as they were eligible to be enrolled. For purposes of school districts, eligible employees are commissioned peace officers and officer trainees.

SB 439 – Unemployment Compensation, Exclusion from Chargebacks

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Lab. Code § 204.022(a).

This bill adds an exemption to the current list of exemptions from unemployment chargebacks. Specifically, the bill creates an exemption when an employee's separation was caused by the employer's reinstatement of a veteran in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). This new exemption does not apply to reimbursing employers.

SB 778 – Makeup of Planning and Decision-making Committees

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Educ. Code § 11.251(b), (e).

This bill requires each district and campus-level planning and decision-making committee to include, if practicable, at least one representative whose primary professional responsibility is educating students with disabilities.

SB 1042 – Employment Eligibility

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Educ. Code § 22.0834(o).

This bill aligns the standards for acceptable criminal history of a contractor employee with that for a noncertified school district employee rather than a certified educator. Specifically, the bill prohibits an employee of a contractor or subcontractor from providing services at a school if the employee has been convicted of certain offenses where the victim was under 18 years of age or enrolled in a public school. The applicable offenses are a Title V felony offense, an offense that upon conviction requires registration as a sex offender, or any equivalent offense under the laws of another state or federal law. This bill is identical to HB 398.

SB 1383 – Appraisal and Professional Development System for Principals

Effective Date: June 17, 2011. Applies when the TEA implements the appraisal and professional development system described in the bill.

Code Sections Impacted: Amends Tex. Educ. Code §§ 21.354 (heading), .451(a)-(d). Adds Tex. Educ. Code §§ 21.3541, .451(a-1), .534(a-1). Repeals Tex. Educ. Code § 21.354(e).

This bill removes principals from the general requirements regarding appraisal of administrators and instead requires the commissioner of education to establish and implement a comprehensive appraisal and professional development system for principals. The commissioner may establish a consortium of nationally recognized experts on educational leadership and policy to assist in this effort; evaluate relevant research and practices; and make recommendations regarding the training, appraisal, professional development, and compensation of principals. Additionally, the bill requires the commissioner to establish school leadership standards and a set of indicators of successful school leadership to align with the training, appraisal, and professional development system. Once the new system is established, a school district must appraise principals annually using either the appraisal system and school leadership standards developed by the commissioner or a locally-developed appraisal process and performance criteria.

SB 1414 – Sexual Abuse and Molestation Training

Effective Date: September 1, 2011

Code Section Impacted: Adds Tex. Educ. Code § 51.976.

This bill requires sexual abuse and molestation training for employees of a campus program for minors. The bill defines “camper” to include minors who are attending a campus program operated by or on the campus of an institution of higher education which offers recreational, religious, athletic, or educational activities for at least 20 minors who do not attend school there and are attending the camp for at least four days. The definition of campus program does not include a day camp, youth camp, or a facility or program licensed by the Department of Family and Protective Services (DFPS). The operator of a campus program for minors is prohibited from employing someone unless the person successfully completes sexual abuse and molestation training and examination within the first five days of employment. The training requirement does not apply to students who are enrolled at the institution and will have limited contact with the campers. The program operator is required to submit verification of such completion and a fee to the DFPS and retain such records. DFPS shall establish criteria for the training and examination program and could assess a fee to cover the costs of administration.

SB 1545 – Immunity for Volunteer Health Care Official Screening a Student Athlete

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Civ. Prac. & Rem. Code § 91.002.

A health care practitioner who, without compensation or expectation of compensation, conducts a physical examination or medical screening of a patient for determining the physical health and fitness of the patient to participate in a school-sponsored extracurricular or sporting activity is immune from civil liability for any act or omission resulting in the death of or injury to the patient if the healthcare professional was acting in good faith and

within the scope of the health care practitioner's duties; the health care practitioner commits the act or omission in the course of conducting the physical exam or medical screening of the patient; the services provided to the patient are within the scope of the license of the health care practitioner; and before the healthcare practitioner conducts the physical examination or medical screening, the patient or, if the patient is a minor or is otherwise legally incompetent, the patient's parent or guardian signs a written statement. The written statement is an affirmation that the health care practitioner conducted the physical exam or medical screening without the expectation of compensation and acknowledges the limitations on the recovery of damages from the health care practitioner in connection with the physical examination or medical screening being performed. This applies only to the death of or injury to a student athlete after September 1, 2011.

SB 1638 – Exception of Personal Information

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Gov't Code §§ 552.024(a), .117(a), .1175(b), .130(a), .139(b).

This bill allows a current or former employee of a governmental body to choose whether to allow public access to confidential personal information in the custody of the governmental body, including emergency contact information. The bill also excepts from disclosure (1) information relating to motor vehicle record or personal identification information from another state or country and (2) a photocopy or other copy of an identification badge issued to an official or employee of a governmental body.

SB 1667 – TRS Administration and Benefits

Effective Date: September 1, 2011

Code Sections Impacted: Adds Tex. Gov't Code §§ 411.0971, 551.130, 552.153, 804.003(p), 823.002, 824.008, .1013(c-1), .105(f). Amends Tex. Gov't Code §§ 411.081(i), 804.003(f)-(g), 821.008, 824.103(a), .105(a), (c), (d), .202(a-1)-(b-1), .405, 825.206(c), .215, .315, .408, .507(b), .515(a); Tex. Ins. Code §§ 1575.003(1), .206, .207, 1579.004.

Criminal Histories

The bill allows the TRS access to criminal history record information, including information that is subject to an order of nondisclosure. The TRS is entitled to this information on persons that are (1) employees or applicants for employment; (2) contractors, consultants, interns, and volunteers or applicants for such positions; (3) potential providers of goods and services through a proposed contract; and (4) employees, subcontractors, or applicants to be employees or subcontracts to a contractor that provides services to the TRS. This bill states that the failure or refusal of an employee or applicant to provide fingerprints, a true and complete name, and any other information necessary to obtain criminal history record information

constitutes good cause for dismissal or refusal to hire. Criminal history obtained by the TRS must be destroyed after its authorized use, and the TRS is prohibited from disclosing such information except on a court order, as required by federal law or executive order, or on the consent of the subject of the criminal history record.

Administration

The bill permits the TRS board of trustees to hold an open or closed meeting by telephone conference call as long as a quorum of the board is physically present at a single location that is open to the public during any open portion of the meeting. Notice requirements applicable to other meetings must be met and must specify the location where the quorum will be meeting. Any open portion of the meeting must be tape-recorded and made available to the public. A board member joining the meeting remotely may listen but not participate in the meeting.

The bill exempts the name of an applicant for the position of executive director, chief investment officer, or chief audit executive of the TRS from disclosure under the PIA, but the board must release the names of the three finalists being considered for any of those positions at least 21 days prior to the date of the meeting at which final action or vote is taken on choosing a finalist for the position.

The bill also

- provides that the board of trustees redesignate its actuary after advertising for and reviewing proposals at least once every four (rather than three) years;
- clarifies that current prohibitions against advocacy or influencing legislative action does not prohibit TRS employees from commenting on actual or proposed federal laws, regulations, or other official action in accordance with TRS policies;
- requires the TRS board to send notice to each member of the retirement system on how to vote for TRS board nominees and designates the process by which the governor makes appointments to the TRS board;
- authorizes the TRS to release records of a participant to a person or entity who is determined to be acting in the interest of the deceased person's estate, if an executor or administrator of the deceased participant's estate has not been named; and
- requires the TRS to acquire and maintain records identifying members who are peace officers and specifying whether a member is an employee of a public school or an institution of higher education, as is currently authorized for other categories of education employees.

Benefits

The bill requires that a domestic relations order (used to assign benefits to an alternate payee) clearly specify a Social Security number or an express authorization for the parties to use an alternate method acceptable to the public retirement system to verify the Social Security number of the member or retiree and each alternate payee covered by the order. The TRS may assess an administrative fee. This provision is in effect for domestic relations orders entered on or after the effective date of this act.

A TRS member must notify the TRS in writing of membership service that has not been credited properly. This notice must be provided on or before the last day of the fifth school year after the end of the school year in which the service was rendered for the service to be credited, and the member is responsible for providing verification and making any necessary deposits before the service is credited.

The bill allows the TRS to deduct the amount of a person's indebtedness to the retirement system from an amount payable by the retirement system to the person or the person's estate.

A person who is the sole beneficiary of a trust that was designated as a retiree's beneficiary is entitled to receive on the retiree's death monthly payments of the survivor's portion of the retiree's optional retirement annuity for the remainder of the beneficiary's life. Current law renders individuals ineligible for death benefits because the beneficiary was convicted of causing the member's death. This bill extends ineligibility to individuals found not guilty by reason of insanity and to individuals who are subject to indictment, complaints, or other charging instruments alleging that the person caused the death of a member. This provision applies only to conduct that occurs on or after the effective date of this act.

SB 1668 - Purchase of Service Credit in the TRS

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Gov't Code §§ 823.304, (a), (c)-(d), .401, .402(c)-(e), .501. Repeals Tex. Gov't Code §§ 823.401(i), .402(g)-(h), .501; Section 57, Chapter 1359 (SB 1691), Acts of the 79th Legislature, Regular Session, 2005.

The bill modifies the way certain members of the TRS may purchase additional service credit for time spent on active duty with the U.S. Armed Forces, for service in public schools outside of Texas, or for service that was previously unreported to the TRS.

The bill changes the name of the current "Reemployed Veteran's Credit" to the USERRA Credit, which exists for those individuals who qualify under the Uniformed Services Employment and Reemployment Rights Act of 1994 (U.S.C. Section 4301) for the benefits of reemployment in a position included within the membership of the TRS. An individual could establish service credit with the TRS by depositing an amount, as determined by the retirement system, that would cover what the person would have contributed had they continued employment in the person's former position with the retirement system for each year of active military duty claimed. The bill eliminates the current requirement that a fee of 5 percent, compounded annually, accompany this deposit.

The bill allows a member who has served in public schools outside of Texas to purchase additional service credit, provided the member has at least five years of service credit for actual service in public schools, including at least one year completed after the relevant out-of-state service.

The bill allows a member to purchase service credit for time spent on developmental leave

as long as the member has at least five years of service credited in the TRS before the developmental leave occurs and has, since the time the required deposits for the credit are paid, at least one year of membership service credit in the TRS following the developmental leave. To take advantage of this, the bill requires the member to file with the TRS a notice of intent to take developmental leave, with certification of the employer, on or before the date the member takes developmental leave.

The bill prohibits the retirement system from providing benefits unless required deposits have been fully paid. If service goes unreported, the person's employer must verify the service or compensation, and the person must submit verification of service within five years after the end of a school year in which the service was rendered or compensation was paid. To establish credit, this bill requires the person to then deposit with the TRS the actuarial present value of the additional benefits that would be attributable to the purchase of service or compensation credit.

SB 1669 – Resumption of Service by Retirees of the TRS

Effective Date: June 17, 2011.

Code Sections Impacted: Amends Tex. Gov't Code §§ 824.601(b), .602(a), (g), .603. Adds Tex. Gov't Code § 824.601(b-1). Repeals Tex. Gov't Code § 824.602(c), (d), (m), (p)-(q).

The bill exempts a service retiree of the TRS whose effective date of retirement is on or before January 1, 2011, from statutory provisions disqualifying a retiree from retirement benefits for any month in which the retiree is employed by a Texas public educational institution.

The bill prohibits the retirement system from withholding a monthly benefit if the retiree is employed in a Texas public educational institution in one or more positions (up to a full-time basis) as long as the retiree has been separated from service with all Texas public educational institutions for at least 12 full consecutive months after the effective date of retirement. The bill repeals the specific exceptions for six-month employment, classroom teachers in acute shortage areas, principals, and bus drivers.

The bill prohibits the retirement system from withholding a monthly benefit if a disability retiree is employed in a Texas public educational institution (other than as a substitute) for a period not to exceed three consecutive months during any part of the calendar year, rather than just during a school year.

HB 14 – Eligibility for Unemployment Benefits

Effective Date: September 1, 2011. Applies to a claim for unemployment benefits filed on or after September 1, 2011.

Code Section Impacted: Amends Tex. Lab. Code § 207.049.

This bill disqualifies an individual from receiving unemployment compensation benefits at the same time that the individual is receiving severance pay. "Severance pay" is defined as income paid on termination of employment in addition to the employee's usual earnings from the employer at the time of termination.

Remuneration from a settlement or release of claims based on an alleged violation of the Civil Rights Act of 1991 or another claim connected to the employment relationship and remuneration received under a written contract negotiated with the employer before the date of separation from employment are specifically exempted from the definition of severance pay.

HB 345 – Interest Awarded in Breach of Contract Claims

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Loc. Gov't Code § 271.153.

Under current law, school districts are not immune from breach of contract claims. This bill resolves inconsistent interpretations of the existing statute governing damages in such cases. The bill allows a court to award the prevailing party in a breach of contract claim against a local governmental entity (which includes a school district) interest on the unpaid balance of the invoice beginning on the date the payment was overdue.

HB 398 – Employment Eligibility

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Educ. Code § 22.0834(o).

This bill aligns the standards for acceptable criminal history of a contractor employee with that for a noncertified school district employee rather than a certified educator. Specifically, the bill prohibits an employee of a contractor or subcontractor from providing services at a school if the employee has been convicted of certain offenses where the victim was under 18 years of age or enrolled in a public school. The applicable offenses are a Title V felony offense, an offense that upon conviction requires registration as a sex offender, or any equivalent offense under the laws of another state or federal law. This bill is identical to SB 1042.

HB 1061 – TRS Investment Authority

Effective Date: September 1, 2011

Code Sections Impacted: Adds Tex. Gov't Code § 825.3012(b-1). Amends Tex. Gov't Code § 825.301(a-1), (a-2).

This bill continues the authority of the TRS board of trustees to buy and sell certain investments, primarily derivatives for the purpose of efficiently managing and reducing risk of the overall investment risk. This bill also continues the authority of the board to hire private investment managers. These authorizations, which were set to expire September 1, 2012, have been extended until September 1, 2019. Finally, this bill increases the allowable percentage of the total investment portfolio that may be invested in hedge funds from 5 percent to 10 percent.

HB 1178 – Employment Protection, State Military Forces

Effective Date: June 17, 2011. Applies to violations that occur on or after June 17, 2011.

Code Sections Impacted: Amends Tex. Gov't Code § 431.006. Adds Tex. Gov't Code Chapter 431, Subchapter K, § 431.001(5)-(7).

The bill prohibits any employer, including political subdivisions, from terminating employment or subjecting an employee to loss of time, efficiency rating, or any other benefit of employment because the employee was called to training or active duty by a state military force. Current law only applies these prohibitions to private employers.

The bill would make a violation of these prohibitions an unlawful employment practice and would permit persons injured by such violations to file a complaint with the Texas Workforce Commission (TWC). The bill would establish complaint requirements, procedures, and time lines that are substantially similar to those for the Texas Commission on Human Rights Act, Texas Labor Code Chapter 21. The bill gives the TWC the authority to investigate, dismiss, or move on complaints of a violation. The bill permits both compensatory and punitive damages against private employers and compensatory damages against political subdivisions in the event a claim of unlawful employment practice is substantiated in court. Finally, a court may award attorney's and expert fees to a prevailing complainant.

HB 1254 – Consolidation of El Paso School District Peace Officers

Effective Date: May 28, 2011

Code Section Impacted: Adds Tex. Educ. Code § 37.0815.

This bill requires school districts in El Paso County to meet and discuss countywide consolidation of school district employment of peace officers and security personnel no later than January 1, 2012. The districts must collect and review information related to the employment of peace officers and security personnel by each school district and discuss the feasibility and advisability of consolidating that employment. The school districts must provide a joint report to the commissioner of education by May 1, 2012, that summarizes the information collected and reviewed and provides a recommendation on the feasibility and advisability of countywide consolidation of district peace officers and security personnel.

HB 1334 – Educator Certification

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Educ. Code § 21.0031(f).

This bill stipulates that a certificate or permit is not considered to have expired for the purposes of voiding a probationary, continuing, or term contract if the educator has submitted a renewal request to the SBEC before the date the permit or certificate would have expired.

HB 1335 – Educator’s Request for Review of IEP

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Educ. Code § 29.001.

This bill gives educators the ability to request a review of a student’s individualized education program (IEP). The statewide plan for the delivery of special education services must require every school district to adopt a procedure that (1) allows a teacher of a student with disabilities in a regular classroom setting to request a review of the student’s IEP and (2) requires the district to timely respond to the teacher’s request to notify the student’s parent or legal guardian of the district’s response.

HB 1610 – Consequences of Educator Misconduct

Effective Date: June 17, 2011. Applies beginning with the 2011–12 school year.

Code Sections Impacted: Amends Tex. Educ. Code § 21.058(a), (c); Tex. Penal Code § 21.12(a), (b-1). Adds Tex. Educ. Code §§ 21.006 (b-1), .058(c-1), (c-2), (e).

Current law requires a school district to terminate the employment of an educator as soon as practicable if the district receives notice from the SBEC that the educator’s certification was revoked because the educator was convicted of a Title V offense or an offense requiring sex offender registration and the victim was a minor or a student. This bill requires a school district in this circumstance to also suspend the educator without pay and to provide notice that the contract is void. If a school district becomes aware that a certified employee has been convicted of or received deferred adjudication for any other felony, the district may suspend the person without pay, provide notice that the person’s contract is void, and terminate the person’s employment as soon as practicable. A separate provision of the bill provides that an educator’s contract is void if a district provides written notice under either provision.

This bill also requires a superintendent to complete an investigation of an educator if there is reasonable cause to believe the educator abused or otherwise committed an unlawful act with a student or minor, notwithstanding that educator’s resignation. This provision applies to investigations that begin on or after the effective date of the act.

Additionally, this bill expands the conditions under which an employee of a public or private primary or secondary school commits an offense. Current law provides that an employee commits an offense if the person engages in sexual contact or intercourse with a person who is enrolled in the school at which the employee works. This bill provides that the employee commits an offense if the employee engages in the same behaviors with a person who is (1) enrolled in the same school district in which the employee works or (2) is a student participant in an educational activity sponsored by a school district or a public or private primary or secondary school where the primary participants are students and the employee provides education services to those participants. The individual also commits an offense if the person engages in online solicitation with such persons. The expanded provisions apply to an offense if all elements of the offense occur after the effective date of the act.

Finally, the bill provides an affirmative defense to prosecution for these offenses if (1) the actor is the spouse of the enrolled person at the time of the offense or (2) the actor was not more than three years older than the enrolled person and, at the time of the offense, the actor and the enrolled student were in a relationship that began before the actor's employment at a public or private primary or secondary school.

HB 1682 - Charitable Contributions

Effective Date: June 17, 2011.

Code Section Impacted: Adds Tex. Educ. Code § 22.011.

This bill prevents school boards and employees from directly or indirectly requiring or coercing school employees to contribute to charitable organizations or fund raisers or to attend meetings called to solicit contributions. Similarly, school boards and employees cannot force employees to refrain from making charitable contributions or attending meetings called to solicit contributions.

HB 2120 - TRS Board of Trustees

Effective Date: September 1, 2011

Code Sections Impacted: Adds Tex. Gov't Code § 825.002(e-1). Amends Tex. Gov't Code §§ 825.002(e), .010(a), (c).

Currently, the governor appoints one member to the TRS board of trustees from a slate of three members of the retirement system who are currently employed by an institution of higher education and who have been nominated by members of the retirement system whose most recent credited service was performed for an institution of higher education. This bill requires the governor to appoint this member from a slate of three persons who have been nominated collectively by (1) members of the retirement system whose most recent credited service was performed for a public school district, (2) members of the retirement system whose most recent credited service was performed for an institution of higher education,

and (3) persons who have retired and are receiving benefits from the retirement system. A person is eligible for nomination for this appointment if the person is (1) a member of the retirement system who is currently employed by an institution of higher education, (2) a member of the retirement system who is currently employed by a public school district, or (3) a former member of the retirement system who has retired and is receiving benefits.

HB 2380 – Probationary Contracts

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Educ. Code § 21.102(a-1).

This bill allows a district to employ a person under a probationary contract if the person voluntarily accepts an assignment in a professional capacity that requires a different class of certificate than the individual's previous assignment. If the person is returned by the district to the person's former professional capacity, the person is entitled to be employed under his or her previous contractual status.

HB 2460 – Confidentiality of Information Held by a Public Retirement System

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Gov't Code § 552.0038.

This bill makes the records of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from a retirement system, including the TRS, exempt from disclosure. This bill allows for disclosure under certain exceptions, including but not limited to, individuals accessing their own records, subpoenas, and administering firms acting on behalf of the retirement system. A retirement system has sole discretion in determining whether a record is subject to the bill's provisions.

HB 2463 – Confidentiality of Employment Discrimination Claim Records

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Lab. Code §§ 21.304-.305.

The TWC investigates complaints of employment discrimination. Current law requires the TWC to release the full files of an investigation, but federal rules require sensitive and identifying information to be redacted. This bill aligns state law to federal rules by designating identifying, sensitive, and medical information as information that is not public and, therefore, not subject to disclosure.

HB 2561 – Defines “School Year” for Purpose of the TRS

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Gov’t Code § 821.001(15).

This bill defines “school year” for the purposes of the TRS as a 12-month period beginning September 1 and ending August 31 of the next calendar year. This bill eliminates certain current law provisions that allow for an alternate definition of “school year” as a period of approximately 12 months from the time that a contract or work agreement begins if the work agreement begins after June 30 and continues past August 31 of the same calendar year.

HB 2579 – Relief from Unintentional Employee Misclassification Penalties

Effective Date: September 1, 2011

Code Section Impacted: Adds Tex. Lab. Code § 213.011.

This bill provides that contributing employers, who reasonably relied on a judicial ruling or a TWC decision, are relieved from penalties, interest, and sanctions related to misclassifying an employee as an independent contractor for purposes of unemployment insurance taxes. This bill does not apply to reimbursing employers.

HB 2971 – Confidentiality of Teacher and Administrator Evaluations

Effective Date: June 17, 2011. Applies regardless of when the evaluative document was created.

Code Section Impacted: Amends Tex. Educ. Code § 21.355.

Current law makes the evaluations of certified teachers and administrators confidential. This bill extends the confidentiality provisions to a teacher or administrator employed at an open-enrollment charter school, regardless of whether the individual is certified. An open-enrollment charter school may provide an evaluation to a school district if the individual has applied for employment at the requesting district.

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VII. School District Operations

SB 260 – Minimum Training for Child Care Facility and Registered Family Home Employees and Operators

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Hum. Res. Code §§ 42.0421, .0426.

This bill expands the training requirements for certain child care providers and requires the development of training requirements for before- and after-school programs. Some school districts may offer services that are addressed in the regulations that apply to child care providers.

First, this bill extends training requirements for certain employees of day-care centers and group day-care homes to registered family homes. These requirements apply to a director and operator of a listed facility, not just to an employee. This bill also increases from eight to 24 the hours of initial training required. The training must be completed no later than the 90th day after the employee's first day of employment. The initial training requirement now applies to an employee who has no previous training or less than two years of employment experience in a regulated child care facility. An employee must complete eight hours of the initial training before being given responsibility for a group of children. These provisions apply to an employee who is initially employed on or after the effective date of the bill.

This bill also increases from 15 to 24 the hours of annual training required for each employee of a day-care center or group day-care home, excluding the director, and increases from 20 to 30 the hours of required annual training for each director of a day-care center or group day-care home. These changes apply regardless of the date the person began employment with or service as director of the child care facility.

Second, this bill requires the DFPS to set minimum training standards for before- or after-school and school-age programs. The DFPS may not require more initial or annual training hours than the number of hours required for the employees listed above immediately before September 1, 2011.

Third, this bill requires an employee of a child care facility to complete an orientation to the facility no later than the seventh day after beginning employment.

SB 265 – Training for Child Care Facility Employees and Operators

Effective Date: January 1, 2012

Code Section Impacted: Amends Tex. Hum. Res. Code § 42.0421.

Under current law there are no restrictions on who may provide training to operators or

employees of facilities that provide child care. This bill requires child care employees and operators to receive the required training only from knowledgeable individuals with relevant expertise. The bill lists acceptable providers of such training.

SB 321 – Employee Transportation and Storage of Firearms and Ammunition

Effective Date: September 1, 2011

Code Sections Impacted: Adds Tex. Labor Code §§ 52.061-.063. Amends Tex. Gov’t Code § 411.203.

This bill states that a public or private employer may not prohibit an employee who has a license to carry a concealed handgun from transporting or storing a firearm or ammunition in a locked, privately owned motor vehicle in an employee parking area. A concealed handgun licensee is not permitted to possess a firearm or ammunition on any property where possession is prohibited by state or federal law. The bill specifically states that it does not apply to a school district or open-enrollment charter schools. This bill appears to apply to community colleges and ESCs, however.

SB 493 – Clean Idle Exception for Motor Vehicles

Effective Date: June 17, 2011

Code Sections Impacted: Adds Tex. Health & Safety Code § 382.0191; Tex. Transp. Code § 622.955.

This bill identifies “clean idle” engines as an exception to the rules relating to the idling of motor vehicles by stating that the Texas Commission on Environmental Quality (TCEQ) may not prohibit or limit the idling of any motor vehicle with a gross vehicle weight rating greater than 8,500 pounds that is equipped with a 2008 or subsequent model year heavy-duty diesel engine or liquefied compressed natural gas engine certified by the Environmental Protection Agency. “Idling” is defined as allowing an engine to run while the motor vehicle is not engaged in forward or reverse motion.

SB 760 – Interlocal Contracts

Effective Date: On the date approved by voters on November 8, 2011.

Code Section Impacted: Amends Tex. Gov’t Code § 791.011.

This bill permits interlocal contracts between governmental entities to be for a specified number of years rather than renewing annually.

SB 773 – Extending Telecommunications Discounts for Educational Institutions

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Util. Code §§ 58.255(b), .258-.261, .268, 59.077, .083.

This bill requires a company electing to provide private network services subject to incentive regulations to educational institutions and other governmental entities to do so at a tariff rate of no more than 110 percent of the service’s statewide average long-run incremental cost for certain point-to-point intraLATA and broadband digital special access service. Current law sets the rate at 105 percent. This bill also prohibits an electing company from raising prices and binds them to their obligation until January 1, 2016. The telecommunications service discounts are currently scheduled to end January 1, 2012, but this bill extends the discount to 2016. School districts that participate in the program estimate to save close to more than two-thirds of the market value of a T1 Internet/voice line and ethernet connections.

SB 1048 – Creation of Public and Private Facilities and Infrastructure

Effective Date: September 1, 2011

Code Sections Impacted: Adds Tex. Gov’t Code Chapters 2267-2268, § 552.153.

This bill authorizes certain public-private partnerships in providing for public facilities and infrastructure in Texas (including schools). School districts are considered potential “responsible government entities” that can enter into such partnerships. The bill states that there is a public need for timely acquisition and development of education facilities, technology infrastructure, and other public infrastructure and government facilities throughout Texas. Because of this, the bill promotes and supports public-private partnerships to address these needs.

The bill establishes the Partnership Advisory Commission to advise governmental entities on proposals received. This commission includes the chair of the House Appropriations Committee (or designee), three representatives appointed by the speaker of the House of Representatives, the chair of the Senate Finance Committee (or designee), three senators appointed by the chair of the Senate Rules Committee, the lieutenant governor (or designee), and two representatives of the executive branch who are employees of the governor’s office and appointed by the governor. To gain approval for a qualifying project, a person may submit a proposal to the responsible governmental entity requesting approval or a governmental entity can request proposals or invite bids. A governmental entity must adopt guidelines for project proposals. These guidelines must ensure that a representative of the entity is available to meet with persons considering a proposal submission, provide reasonable criteria for choosing among competing proposals, contain suggested time lines for suggesting proposals, allow the governmental entity to accelerate the time lines for projects considered a priority, and include financial review and analysis procedures. Guidelines also must include a requirement that a governmental entity must engage the services of qualified

professionals (e.g., architect, professional engineer, certified public accountant) to provide independent analyses regarding any proposal requesting approval of a project.

The bill establishes criteria for documents a private entity or other person submitting a proposal for a project must include along with the proposal (e.g., topographic maps, description of the project, statement of the method the proposer intends to use to secure necessary property, a list of permits and approvals required for the project, statement of general financing plans). The bill requires any person or entity submitting a proposal to notify each affected jurisdiction by providing a copy of the proposal to the affected jurisdiction(s) for comment. Any comments received have to be considered by the governmental entity prior to entering into an agreement on or approving a proposal.

Prior to entering into negotiations on an interim or comprehensive agreement, each responsible governmental entity must provide copies of the detailed proposal to the Partnership Advisory Commission for review, unless the qualifying project has a total cost of less than \$5 million (in which case it is exempt from review) or unless the qualifying project has a total cost of \$5 million to \$50 million for which money has been specifically appropriated as a public-private partnership in the General Appropriations Act.

The bill permits a governmental entity to dedicate property (including land, improvements, or tangible personal property) for public use in a qualifying project if the governmental entity finds that the dedication will serve the public purposes of this legislation by minimizing the cost of a qualifying project to the governmental entity or reducing the delivery time of a qualifying project. The governmental entity can, at the request of the contracting person, exercise the power of eminent domain to acquire land or property interest for the project. Also, if the contracting person defaults on a project, the governmental entity can use eminent domain authority to acquire the qualifying project. However, the bill does not extend eminent domain authority to an entity that is not already authorized to exercise eminent domain.

Prior to developing or operating the qualifying project, the contracting person and the governmental entity must enter into a comprehensive agreement that formalizes delivery methods, review of plans and specifications, inspection, maintenance, and monitoring of a project; policies and procedures governing the rights of the governmental entity and contracting person if the agreement is terminated; and any user fees, lease payments, or service payment established by agreement of the parties. The agreement can include a provision that allows the governmental entity to make grants or loans to the contracting person from money received from the federal, state, or local government.

Prior to final acceptance of a submitted proposal, the governmental entity must provide notice of the proposal and must make a copy of the proposal available for public inspection. Some information (e.g., trade secrets, proprietary information, financial records) may be excluded from this disclosure. The governmental entity must hold a public hearing on the proposal and take public comment.

SB 1271 – Countywide Alternative Dispute Resolution Systems

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Civ. Prac. & Rem. Code §§ 152.001-.002.

Under existing law, a county commissioners court may establish a system of alternative dispute resolution (ADR), which means various types of informal processes for resolving disputes outside of the court system, including mediation, conciliation, or arbitration. If a system of ADR is established, a judge may refer a case to ADR before holding a hearing on the case. Under prior law, ADR could be used to resolve cases involving individuals. This bill allows a judge to refer to ADR disputes involving entities and units of government, which includes school districts, as well.

SB 1393 – Electricity as Personal Property

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Loc. Gov't Code § 271.003(8).

This bill amends the Texas Local Government Code to include electricity as personal property and authorizes a local governmental entity to use the Public Property Finance Act to purchase electricity.

SB 1610 – Seat Belt Requirements on Buses

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Transp. Code § 547.701(f).

This bill stipulates that a school district is not required to comply with the mandate to equip each school bus purchased on or after September 1, 2010, with a three-point seat belt for each passenger unless the Legislature, rather than the TEA, has appropriated money to reimburse school districts for the expenses incurred in complying with that mandate.

SB 1618 – Electronic Reports to the TEA

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Educ. Code § 7.060; Tex. Gov't Code §§ 325.007, .011-.012, 2052.0021.

This bill requires that school districts submit electronically any reports required by the TEA. The TEA is required to prescribe the electronic format to be used.

HB 51 – Energy Efficiency Standards for Public Buildings

Effective Date: September 1, 2011

Code Sections Impacted: Adds Tex. Educ. Code § 55.115. Amends Tex. Gov’t Code § 447.004; Tex. Health & Safety Code §§ 388.003(c), (e), .007.

The bill requires the State Energy Conservation Office (SECO) to adopt a method of construction or renovation that a state building achieves certification under a high performance building standard that provides minimum requirements for energy use, natural resources use, and indoor air quality. The building must be reviewed by a third-party, post construction organization that can verify certification that is determined by the SECO. Through an advisory committee under the SECO, the committee must determine which high performance building standards to approve and for these standards to be reviewed at least every two years. The committee must have at least seven members representing the design, construction, and energy efficiency industries.

HB 628 – Purchase, Construction, and Use of District Resources

Effective Date: September 1, 2011

Code Sections Impacted: Adds Tex. Educ. Code Chapter 2267, §§ 44.0351, .0352, .0411, .901(j), 46.0111, 51.927(k); Tex. Gov’t Code §§ 2166.406(k), 2253.021(h); Tex. Loc. Gov’t Code §§ 252.048(c-1), 271.060(c), 302.007, 335.077; Tex. Transp. Code §§ 223.049, 451.8025, 452.1095; Tex. Water Code § 60.401(d). Amends Tex. Educ. Code §§ 11.168, 44.031(a)-(b), (f); Tex. Gov’t Code §§ 2155.502(c), 2166.2525; Tex. Loc. Gov’t Code §§ 252.021(a), .022(d), .043(d-1), (e), 262.023(a), (b-1), 271.054, .060(b); Tex. Water Code § 60.452(c). Repeals Tex. Educ. Code §§ 44.0315, .035-.041.

This bill makes several changes to procedures used by governmental entities (including school districts) to contract and pay for goods and services, including construction, renovation, or improvement of property and facilities. The bill prohibits the use of a reverse auction procedure to obtain services related to any public work contract if a payment or performance bond is required for such work. The bill provides an exception to the general prohibition against using school district resources for the design, construction, or renovation of improvements to property not owned or leased by the district if the improvements benefit any real property owned or leased by the district. The bill specifies that such improvements can include highways, roads, streets, sidewalks, crosswalks, utilities, and drainage improvements that benefit district-owned or district-leased property.

The bill adds a criterion for a district to consider when contracting for goods and services (other than telecommunications, information services, or building construction and maintenance)—whether the vendor or the vendor’s parent company or majority owner has its principal place of business in Texas or employs at least 500 persons in Texas. This bill also provides specific procedures for using competitive bidding and competitive sealed proposals for procuring goods and services other than construction services. Previously,

the purchasing laws in the Texas Education Code did not set out procedures for using these methods.

The bill limits change orders on contracts of \$1 million or more (or contracts that become \$1 million or more due to change orders) to 25 percent or less of the original contract price. The bill requires that in the event of legal action brought by a district for recovery of damages for defective design, construction, or renovation, any proceeds be used for repairs to the facility in question and that the state's share of any proceeds be sent to the comptroller.

This bill creates a new Texas Government Code Chapter 2267 (Contracting and Delivery Procedures for Construction Projects), which contains provisions related to construction delivery methods that apply to any governmental entity (including school districts) engaged in a public works contract. The bill establishes procedures and requirements for the use of the construction manager-agent, construction manager-at-risk, and design-build methods of construction and outlines requirements for the use of architects or engineers within those processes. The bill also delineates requirements and limitations for the use of job order contracting. The bill assures the "right to work" by requiring that when awarding a contract or procuring goods or services, a governmental entity may not consider whether a person is a member of or has a relationship with any organization. Further, the governmental entity must ensure that bid specifications and subsequent contracts do not deny the right of any person to work because of the person's membership or non-membership with any organization. The bill stipulates that the requirements of Texas Government Code Chapter 2267 do not apply to Energy Savings Performance Contracts.

HB 675 – Football Helmet Safety Requirements

Effective Date: September 1, 2011. Applies beginning with the 2012–13 school year.

Code Section Impacted: Adds Tex. Educ. Code § 33.094.

School district may not use a football helmet that is 16 years or older in the district's football program. A school district must ensure that each football helmet that is 10 years or older is refurbished at least every two years. A school district also is required to maintain records detailing the age of each football helmet and provide the information to parents upon request. The University Interscholastic League may adopt rules to implement this law.

HB 679 – Change Order Approvals

Effective Date: June 17, 2011

Code Section Impacted: Tex. Loc. Gov't Code § 271.060.

This bill authorizes governing bodies of various entities to grant authority to an official or employee responsible for purchasing or for administering a contract to approve a change order that involves an increase or decrease of \$50,000 or less.

HB 826 – Enrollment or Transfer of a Child in Conservatorship of the State

Effective Date: September 1, 2011

Code Section Impacted: Adds Tex. Educ. Code § 33.904.

This bill requires that each school district shall appoint at least one employee to act as a liaison officer to facilitate the enrollment or transfer of a child in the district in the conservatorship of the state. Each school district must appoint a liaison officer no later than December 1, 2011.

HB 1064 – Actual Utility Demand and Utility Usage Charges

Effective Date: May 28, 2011

Code Section Impacted: Adds Tex. Util. Code § 36.009.

This bill implements a tiered pricing structure for a nonresidential secondary service customer by requiring the Public Utility Commission of Texas (PUC) to adopt a rule requiring transmission and distribution utilities to waive the application of demand ratchets for a customer with a maximum load factor equal to or below a factor specified by PUC, which exempts such a customer from being billed on a ratcheted demand and instead allows the customer to be billed according to actual demand and utility usage.

HB 1113 – Adjudication or Sentencing Hearings at Secondary Schools

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Code Crim. Proc. art. 42.12 § 16. Adds Tex. Code Crim. Proc. art. 42.025.

This bill allows a judge to order the sentencing hearing or adjudication of a defendant convicted or charged with an offense involving the possession, manufacture, or delivery of a controlled substance to be held at a secondary school if the judge determines that the hearing will add educational value for the students, the defendant agrees, the school administration agrees, and appropriate measures are taken to ensure the safety of the students and that the defendant receives a fair hearing.

This bill allows a defendant placed on community supervision for an offense involving possession, manufacture, or delivery of a controlled substance to perform community outreach, namely working with a secondary school to educate the students on the dangers and consequences of the offense. The judge must authorize the defendant to perform community outreach but may not authorize a defendant who is physically or mentally incapable or subject to registration as a sex offender to perform community outreach. A defendant performing community service through community outreach may perform not

more than 30 hours under this type of service. This bill gives the school the discretion to allow a defendant to perform community outreach at the school.

HB 1550 – Open-enrollment Charter Schools’ Participation in State Travel Services

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Gov’t Code § 2171.055.

This bill allows an officer or employee of an open-enrollment charter school to participate in state travel service contracts.

HB 1728 – Energy Savings Performance Contracts

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Educ. Code §§ 44.901(a), (f-1), .902(b-1), (d), 51.927(a), (g-1). Amends Tex. Gov’t Code § 2166.406(a), (g), (f-1). Amends Tex. Local Gov’t Code § 302.001(4), .004(a-1).

The bill would allow school districts, institutions of higher education, state agencies, and local governments to use any available money, except money borrowed from the state, to pay for an energy performance contract to reduce energy or water consumption or operating costs of new or existing facilities. These entities would no longer be required to pay for energy savings performance services solely out of the financial savings realized from execution of the contracts.

HB 1812 – Required Publication of Notices in Newspapers

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Gov’t Code § 2051.0441(a)-(b).

Currently, notices published by a county, governmental entity (including a school district), or representative are required to be published in a newspaper that devotes at least 25 percent of total column lineage to general interest items, is published at least once a week, is entered as second-class postal matter in the county where published, and has been regularly and continuously published for at least 12 months before the governmental entity or representative publishes notice. One exception to this current requirement is Fannin County, which may publish notices in a newspaper that (1) devotes at least 20 percent of its total column lineage to general interest items, (2) is published at least weekly, (3) is entered as periodical postal matter in the county where published or has a mailed or delivered circulation of at least 51 percent of the residences in the county where published, and (4) has been published regularly and continuously for at least 12 months before the county

first publishes notice. This bill allows any county (and any governmental entity or representative in that county) that does not publish a newspaper that meets the stricter (e.g., 25 percent of column lineage, second-class postage) guidelines to use this option for the publication of notices.

HB 1906 – Criminal Penalty for Idling of Motor Vehicles

Effective Date: September 1, 2011

Code Section Impacted: Adds Tex. Water Code § 7.1831.

This bill makes it a Class C misdemeanor to violate a TCEQ rule concerning locally enforced motor vehicle idling limitations, found at 30 Texas Administrative Code Section 114.512. The TCEQ first established rules in December 2004, placing idling limits on gasoline and diesel-powered engines of heavy-duty motor vehicles in any local jurisdiction that has signed a Memorandum of Agreement with the TCEQ. This rule prohibits any person in the affected local jurisdiction from permitting the primary propulsion engine of a heavy-duty motor vehicle to idle for more than five consecutive minutes when the vehicle is not in motion. This rule is effective from April 1 through October 31. This bill establishes a penalty for locally enforced heavy-duty vehicle idling violations in unincorporated areas to foster more efficient enforcement, thereby reducing ozone-forming emission and improving air quality.

HB 1981 – Measuring, Monitoring, and Reporting Emissions

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Health & Safety Code § 282.0215. Adds Tex. Health & Safety Code §§ 382.0161, 505.017.

This bill establishes statutory guidelines and requirements for the TCEQ in certain matters relating to measuring, monitoring, and reporting emissions. If notice of a release by a facility is required by federal law, the TCEQ must make a determination as to whether the release will substantially endanger human health or the environment. If that determination is made, if requested, the TCEQ must within four hours notify the state senator or representative of the area affected.

HB 2866 – Electronic Submission of Certain Documents to and by the Attorney General

Effective date: June 17, 2011

Code Sections Impacted: Amends Tex. Gov't Code § 402.006. Adds Tex. Gov't Code § 552.309.

This bill addresses electronic transmission of documents to and from the attorney general's office. This bill allows the attorney general temporarily to charge a fee for the electronic submission of a document in addition to any other fee assessed. This bill also addresses the timeliness of electronic transmissions under the PIA. If the PIA requires a request, notice, or other document to be submitted or otherwise given to the attorney general within a specified period, the submission will be considered timely if it is submitted through the attorney general's designated electronic filing system within that period. Similarly, the attorney general may electronically transmit a notice, decision, or other document under the PIA. The transmission will be considered timely if the document is electronically transmitted by the attorney general within the period specified by statute. A person may continue to submit information to the attorney general by mail, interagency mail, or contract carrier.

HB 3506 – Transportation Allotment Funds

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Educ. Code § 42.155(l).

This bill permits a school district to use transportation allotment funds to provide a bus pass or card for another transportation system to each student who is eligible to use the regular transportation system of the district but for whom the regular transportation system of the district is not a feasible method of providing transportation.

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VIII. Student Issues

SB 27 – Students with a Diagnosed Food Allergy at Risk for Anaphylaxis

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Educ. Code § 38.0151.

This bill requires school boards and the governing bodies of open-enrollment charter schools to adopt and administer a policy for the care of students with a diagnosed food allergy at risk for anaphylaxis based on guidelines established by the commissioner of state health services and an ad hoc committee appointed by the commissioner.

The commissioner shall appoint a committee composed of representatives of the following organizations: the Department of State Health Services; the Food Allergy and Anaphylaxis Network; the Texas School Nurses Organization; one principal of a public elementary school campus in which one or more students with a diagnosed food allergy at risk for anaphylaxis are enrolled; one member of the governing board of a school district and open-enrollment charter school; one superintendent of an independent school district; not more than one physician of the Texas chapter of the American Academy of Allergy, Asthma, and Immunology; and at least two parents of public school students with a diagnosed food allergy at risk for anaphylaxis.

The guidelines established by this committee cannot require a district to purchase anaphylaxis medication, require district personnel to administer anaphylaxis medication to a student not diagnosed with a life-threatening food allergy, or require any expenditure that would have a negative fiscal impact on a school district.

The guidelines must be established by May 1, 2012, after which they will be posted on the TEA Web Site.

Each school board and the governing body or appropriate officer of an open-enrollment charter school must adopt a policy by August 1, 2012. A school district or open-enrollment charter school that implemented a policy before the release of the guidelines must review its policy and ensure the policy is consistent with the guidelines.

SB 49 – Parental Notification in Connection with DAEP Placement

Effective Date: June 17, 2011. Applies beginning with the 2011–12 school year.

Code Section Impacted: Amends Tex. Educ. Code § 37.008.

This bill requires school districts to provide the parents of a student removed to a DAEP with written notice regarding a school district's obligation to provide the student with an opportunity to complete coursework required for graduation. The notice must include all

methods available for completing the coursework and state the methods available at no cost to the student.

SB 89 – Summer Nutrition Programs

Effective Date: September 1, 2011

Code Sections Impacted: Adds Tex. Agric. Code § 12.0029. Repeals Tex. Hum. Res. Code § 33.024.

This bill requires school districts in which 50 percent or more of the students are eligible to participate in the national free or reduced-price lunch program to arrange for a summer nutrition program for at least 30 days during the period in which the district schools are recessed for summer regardless of whether districts receive state or federal funding.

No later than October 31 of each year, the Texas Department of Agriculture will notify those districts required to participate in the summer nutrition program.

No later than November 30 of each year, a board of trustees intending to request a waiver must first send written notice to the district's local school health advisory council. The notice must include an explanation as to why the district is seeking a waiver.

No later than January 31 of each year, each school district that receives notice must inform the department in writing that the district intends to provide or arrange summer meals or request in writing that the district be granted a waiver

The Texas Department of Agriculture may grant a school district a waiver if (1) there are fewer than 100 children in the district eligible for free or reduced-price lunch, (2) student transportation is an insurmountable obstacle, (3) the district is unable to provide service due to construction, or (4) the district is unable to operate a summer nutrition program due to other extenuating circumstances and an alternative site is not available or the cost to the district would be prohibitive. Waivers granted are for a one-year period.

If a school district has requested a waiver and has been unable to provide a list of possible providers, the Texas Department of Agriculture will attempt to identify alternative providers.

The Texas Department of Agriculture will provide an e-mailed report to lawmakers every other year regarding the number of schools required to offer a summer meal program, the number of schools that complied and the number that did not, the funds used, and whether any profit was made. The Texas Department of Agriculture shall post and maintain the report on the department's Web site.

SB 116 – Dating Violence Protective Orders

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Fam. Code §§ 71.0021, 82.002.

Under current law, dating violence referred to an act, other than acts committed in self-defense, committed against a person that the actor is/was dating. This bill expands the Texas Family Code definition of dating violence to include acts committed against a victim (1) that the actor was dating or (2) because of the victim’s marriage or dating relationship with an individual that the actor is/was married to or dating. As a result of that expansion, this bill now permits the adult member of a current or former marriage to apply for a dating violence protective order.

SB 198 – Exempting Certain Persons from Registering as Sex Offenders

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Code Crim. Proc. art. 42.017, .12 § 5, 62.301, .402.

This bill modifies the exception to the statutory rape law. Previously, the law required the court to make a finding if the defendant was younger than 19 years of age and the victim was at least 13. Now, the court must make the finding, in a trial or placement on community supervision, if the judge determines that at the time of the offense the defendant was not more than four years older than the victim or intended victim and the victim or intended victim was at least 15 years of age.

SB 226 – Fitness Assessment

Effective Date: June 17, 2011. Applies beginning with the 2011–12 school year.

Code Section Impacted: Amends Tex. Educ. Code § 38.103.

This bill requires school districts to provide a student’s individual performance on the physical fitness assessment to the TEA. The results may not contain the names of individual students or teachers or a student’s Social Security number or date of birth.

SB 264 – Quality Child Care Indicators

Effective Date: September 1, 2011

Code Section Impacted: Adds Tex. Gov’t Code § 2308.3171.

This bill requires local workforce development boards to provide information on quality child care indicators for each licensed or registered child care provider in the area.

SB 407 – Sexting

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Code Crim. Proc. art. 38.45, 39.15, 42.12, 45.0215-.0216; Tex. Fam. Code §§ 51.03, .08, .13, 58.003, 59.004, 61.002; Tex. Penal Code §§ 37.09, 43.26. Adds Tex. Code Crim. Proc. art. 6.09, 45.061; Tex. Educ. Code § 37.218; Tex. Fam. Code § 54.0404; Tex. Penal Code § 43.261.

Previously, a person who sexted could only be prosecuted under adult pornography laws, which can lead to felony convictions. This bill would allow minors to be prosecuted under a misdemeanor charge for electronically promoting to another minor visual material depicting a minor engaged in sexual conduct. It also would be an offense for a minor to possess pictures in an electronic format of a minor engaged in sexual conduct if the minor took the picture or knows that another minor produced it. It would be an affirmative defense to the offense of possessing visual material depicting a minor if the minor possessing the material did not produce it, possessed it only after receiving it from another minor, and reported the receipt within 48 hours to a law enforcement agency or destroyed it. It would be a defense to prosecution for the offense of possession or promotion of child pornography if the person possessing the material was a law enforcement officer or school administrator who possessed the material in conjunction with an alleged violation and took reasonable steps to destroy it within an appropriate period.

This bill provides that the offense category increases each time a minor is convicted. If a minor was found guilty, the court could order the minor to attend and complete an educational program that addresses the psychological and social consequences of the conduct, as well as the legal consequences and penalties.

A person convicted of sending or possessing such visual material could petition to have the conviction expunged on or after the person's 17th birthday if there was not more than one offense on the record. A juvenile court could seal a minor's records if the child has completed an educational program addressing sexting.

The Texas School Safety Center in conjunction with the attorney general's office must develop programs for school districts that address the consequences, legal and otherwise, of sharing prohibited visual materials and the prevention, identification of, responses to, and reporting of bullying and cyberbullying. School districts would be required to annually provide or make available information on the program to parents and students in a grade level the district considers appropriate by any means the district deems appropriate.

SB 471 – Sexual Abuse and Maltreatment of Children

Effective Date: June 17, 2011. Applies beginning with the 2011–12 school year.

Code Sections Impacted: Amends Tex. Educ. Code §§ 11.252, 38.0041; Tex. Hum. Res. Code § 42.002. Adds Tex. Hum. Res. Code §§ 42.04261, .0428.

This bill requires the policy addressing sexual abuse of children adopted and implemented by each school district and included in a district improvement plan and in any related informational handbook provided to district students and parents to also address other maltreatment of children, in addition to sexual abuse, and to require each open-enrollment charter school to adopt and implement such a policy. The bill specifies that the methods required to be addressed by the policy include methods for increasing staff awareness, rather than teacher awareness, of issues regarding such abuse and maltreatment and prevention techniques, in addition to knowledge of likely warning signs indicating that a child may be a victim. The bill requires that the methods include training, as provided by the bill, concerning prevention techniques for and recognition of sexual abuse and all other maltreatment of children.

The training must be provided as part of a new employee orientation to new school district and charter school educators, including counselors and coaches, and other district and charter school professional staff members. The training may be provided annually to any district or charter school staff member.

The training must include the following: (1) factors indicating a child is at risk for sexual abuse or other maltreatment; (2) likely warning signs indicating a child may be a victim of sexual abuse or maltreatment; (3) internal procedures for seeking assistance for a child who is at risk for sexual abuse or maltreatment; (4) techniques for reducing that risk; and (5) community organizations that have relevant existing research-based programs that are able to provide training or other education for school district or charter school staff members, students, and parents.

Each school district and charter school must maintain records that include the name of each staff member who participated. If the district or charter school determines that it does not have sufficient resources to provide the training, it must work in conjunction with a community organization to provide the training at no cost to the district or school. The bill authorizes the training to be included in district staff development.

The bill prohibits a district or charter school employee from being subject to any disciplinary proceeding resulting from an action taken in compliance with the policy addressing sexual abuse and other child maltreatment and establishes that the bill's requirements for that policy are considered to involve an employee's judgment and discretion and are not considered ministerial acts for purposes of immunity from liability.

The bill imposes similar mandates on child-placing agencies and day-care centers.

SB 482 – Authorization Agreements between Parent and Nonparent Relatives

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Fam. Code §§ 34.0015, .002-.003, .005, .008.

This bill modifies the provisions relating to an authorization agreement assigning certain rights to a nonparent relative.

Prior Agreements

This bill provides that only one authorization agreement may be in effect for a child at any time. An authorization agreement is void if executed while a prior authorization agreement is currently in effect. This bill also requires that the authorization agreement state that to the best of a parent or relative's knowledge, there is no current, valid authorization agreement in place. This bill adds the following to the list of required warnings and disclosures: the agreement does not supersede, invalidate, or terminate a prior authorization; the agreement is void if a prior authorization is in effect and has not expired or been terminated; and the agreement is void if the parties do not comply with the required notice to the nonsigning parent.

Notice to Nonsigning Parent

This bill amends the requirement that a copy of the agreement be mailed to the nonsigning parent to require that 1) the agreement be mailed by certified mail, return receipt requested, and 2) if the parties do not receive a response from the nonsigning parent within 20 days after mailing, the parties must mail a second copy by first-class mail within 45 days of the date the agreement was signed. Exceptions are recognized where the nonsigning parent does not have legal rights to the child or has committed an act of family violence or assault against the other parent or the child under specified circumstances.

SB 501 – Establishing the Interagency Council for Addressing Disproportionality

Effective Date: May 21, 2011

Code Sections Impacted: Amends Tex. Health & Safety Code §§ 107A.001-.003. Adds Tex. Hum. Res. Code §§ 2.001-.008. Repeals Tex. Health & Safety Code §§ 170.001-.009.

This bill creates the Interagency Council for Addressing Disproportionality. This council will examine the level of disproportionate involvement of minority children at each stage in the juvenile justice, child welfare, and mental health systems, as well as issues regarding the disproportionate delivery of educational services to minority children. The council will make recommendations to reduce the number of minority children in the juvenile justice, child welfare, and mental health systems and to improve success in the education system. The council will consist of representatives from various state agencies, including the TEA. No later than December 1, 2012, the council will prepare and submit a report to certain

lawmakers regarding its findings and recommendations for addressing disproportionality. Senate Bill 501 eliminates the Health Disparities Task Force.

SB 866 – Education of Students with Dyslexia

Effective Date: June 17, 2011. Applies beginning with the 2011–12 school year.

Code Sections Impacted: Adds Tex. Educ. Code §§ 21.044(b)-(c), .054(b)-(c), 38.003(b-1), .0031, 51.9701.

This bill requires that new and existing educators receive training regarding dyslexia, establishes requirements for retesting, and requires the TEA to develop a classroom technology plan for students with dyslexia.

Teacher Preparation

Under current law, the SBEC rules establish the training requirements and minimum academic qualifications that a person must fulfill in order to obtain a teaching certificate. This bill provides that to the extent the minimum academic requirements for a teaching certificate require a bachelor's degree, they must require instruction in the detection and education of students with dyslexia. This requirement does not apply to a person obtaining certification through an alternative certification program, though. The instruction must be developed by dyslexia experts employed by a university and approved by the SBEC and must include information on the characteristics and identification of dyslexia and effective, multisensory strategies for teaching students with dyslexia.

Continuing Education

The bill further requires that continuing education requirements for teachers of students with dyslexia must include training on new research and practices for dyslexia education, and this training may be offered on line.

Retesting

Beginning with the 2011–12 school year, school districts and universities may not reassess a student with dyslexia to determine whether the student continues to need accommodations until the district or university has reevaluated the information from previous testing.

Classroom Technology Plan

Finally, the TEA must convene a committee to develop a plan for integrating technology into the classroom to accommodate students with dyslexia. The plan must be provided to school districts, along with information about the availability and benefits of the identified classroom technologies.

SB 1106 – Disclosure of Student Information to Juvenile Service Providers

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Educ. Code § 37.084; Tex. Fam. Code §§ 58.0051, .106, 264.408; Tex. Health & Safety Code § 181.002. Adds Tex. Fam. Code § 58.0052.

A school district superintendent or the superintendent's designee must disclose information contained in a student's educational records to juvenile service providers as required.

"Educational records" are defined as records in the possession of a primary or secondary educational institution that contain information relating to a student, including information relating to the student's identity, special needs, assessment or diagnostic test results, attendance records, disciplinary records, medical records, and psychological diagnoses.

"Juvenile service providers" are defined as governmental entities that provide juvenile justice or prevention, medical, educational, or other support services to a juvenile. Juvenile service providers can be a state or local juvenile justice agency, health and human services agencies, the DPS, the TEA, an independent school district, a JJAEP, a charter school, a local mental health or mental retardation authority, a court with jurisdiction over juveniles, a district attorney's office, a county attorney's office, or a children's advocacy center.

A "student" is defined as a person registered or in attendance at a primary or secondary educational institution who is younger than 18 years of age.

At the request of a juvenile service provider, an independent school district or charter school must disclose a student's educational records if the student has been taken into custody or referred to a juvenile court for allegedly engaging in delinquent conduct or conduct indicating a need for supervision. An independent school district or charter school may not destroy a record of the disclosed information before the seventh anniversary date of the information's disclosure. An independent school district or charter school must comply with this provision regardless of whether other state law makes that information confidential.

A juvenile service provider that receives confidential information shall certify in writing that the juvenile service provider receiving the confidential information has agreed not to disclose it to a third party, other than another juvenile service provider, and has agreed to use the confidential information only to verify the identity of a student involved in the juvenile justice system and provide delinquency prevention or treatment to the student.

A juvenile service provider may establish an internal protocol for sharing information with other juvenile service providers as necessary to efficiently and promptly disclose information.

This bill eliminates a provision allowing a school district superintendent and the juvenile probation department within each county to enter into a written interagency agreement to share information about juvenile offenders.

SB 1178 – Regulation of Before- and After-school Programs

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Gov't Code §§ 411.087, .114; Tex. Health & Safety Code § 81.042; Tex. Hum. Res. Code §§ 42.002, .041, .044, .052, .054, .056, .062, .072, .078, 43.010. Adds Tex. Hum. Res. Code §§ 42.201-.210. Repeals Tex. Health & Safety Code §§ 49.001-.012; Tex. Hum. Res. Code § 42.042(g-2).

This bill requires the director, owner, or operator of a before- or after-school program or school-age program, in addition to the director, owner, or operator of a day-care center and in accordance with rules adopted by the executive commissioner of the Health and Human Services Commission, to submit a complete set of fingerprints for appropriate background checks, except under certain circumstances. This requirement is not applicable to a program that is exempt from the licensing requirements of a child care facility or child-placing agency.

SB 1416 – Definition of Tire Deflation Device for Prohibited Weapons Offense

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Penal Code §§ 38.04, 46.01, .05.

A student must be expelled from school if the student possesses a prohibited weapon, as defined in Section 46.05 of the Texas Penal Code, on school property or while attending a school-sponsored or school-related activity on or off school property. This bill adds tire deflation device to the list of prohibited weapons in Section 46.05. A tire deflation device is defined as a device that when driven over, impedes or stops the movement of a wheeled vehicles by puncturing one or more of the vehicle's tires.

SB 1489 – Educational, Juvenile Justice, and Criminal Justice Responses to Truancy

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Code Crim. Proc. art. 45.054-.055, 102.0174; Tex. Educ. Code §§ 25.091, .094; Tex. Fam. Code §§ 51.03, 54.021, .05, 58.106; Tex. Gov't Code §§ 102.061, .081, .101, .121. Adds Tex. Educ. Code § 25.0915; Tex. Fam. Code § 54.0402. Repeals Tex. Code Crim. Proc. art. 45.056(e).

This bill changes the laws regarding truancy. Only children ages 12–18 can commit the offense of failure to attend school under the Texas Education Code. In addition, delinquent conduct and conduct indicating a need for supervision can only be committed by children ages 10–18 who are required to attend school.

This bill allows a juvenile court to waive its exclusive original jurisdiction and transfer a child to the constitutional county court, if the county has a population of two million or more, or to an appropriate justice or municipal court, with the permission of the county, justice, or municipal court, for disposition if the child is 12 years of age or older and is alleged to have engaged in conduct needing supervision due to excessive absences.

A county, justice, or municipal court may exercise jurisdiction over a person alleged to engaged in delinquent conduct needing supervision due to excessive absences in a case where the person is 12 years of age or older.

Dispositional orders by a court regarding failure to attend school cannot extend beyond 180 days or the end of the school year, whichever period is longer. Dispositional orders can be modified by a juvenile court. Complaints for failure to attend school can be dismissed if the child has complied with the conditions imposed by the court or graduated from high school or obtained an equivalency certificate. A county, justice, or municipal court may waive or reduce a fee or court cost imposed if the court determines it is a hardship.

A conviction for failure to attend school would be expunged if the child complied with the conditions imposed by the court or obtained a diploma or equivalency certificate before his or her 21st birthday.

Fees for certain juvenile cases can only be collected if the court employs a juvenile case manager. Juvenile case managers will no longer be limited to primarily working on school attendance offenses.

A peace officer serving as an attendance officer must apply truancy prevention measures before referring the student to juvenile, county, municipal, or justice court.

A school district must adopt truancy prevention measures to address and minimize such conduct. Referrals to the court alleging truancy must be accompanied by a statement from the student's school certifying that the school applied prevention measures and those measures failed to remedy the conduct. The certification also must specify whether the student is eligible for special education services.

SB 1619 – Average Daily Attendance for College Credit Program

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Educ. Code §§ 28.009, 42.005.

A school district is not required to pay a student's tuition or other associated costs for taking a course under the college credit program. This provision was extended from September 1, 2011, to September 1, 2013.

If a student receives course credit toward the student's high school academic requirements and toward the student's higher education requirements for a single course, the time during

which the student attends the course shall be counted as a part of the minimum number of instructional hours required for a student to be considered a full-time student in average daily attendance.

SB 1788 – Model Form for Individualized Education Plans

Effective Date: June 17, 2011

Code Sections Impacted: Adds Tex. Educ. Code §§ 29.005(f), .0051, .0111.

An IEP is the legally required statement of the services and programs a student enrolled in a special education program will receive. Currently, Texas school districts create their own IEP forms, which vary significantly in length, style, and content. The federal government has a four-page model IEP form that contains all of the federally required elements of an IEP. Other states have adopted the federal IEP form and have adapted it to address their additional IEP requirements.

This bill seeks to do the same in Texas. The bill provides that the written statement of a student's IEP is only required to include the information included on a model IEP form created developed by the TEA. The TEA must develop and post on the agency's Web site a clear, concise, and well-organized IEP model form that is understandable to parents and educators and includes only the federally required elements and additional state requirement(s) that are relevant to the student's IEP. A district may use the TEA's model form to comply with the requirement of an IEP.

The bill also changes the age by which school districts must begin transition planning for students receiving special education services. Under current law, school districts must begin transition planning by the time a student is 16 years of age. This bill requires districts to begin transition planning for students receiving special education services by the time the student turns 14 years old.

HB 253 – Bigamy

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Code Crim. Proc. art. 12.01; Tex. Fam. Code § 262.1015; Tex. Health & Safety Code § 195.004; Tex. Penal Code § 25.01.

This bill makes bigamy a felony with a 10-year limit on when an indictment could be presented. If the person other than the legal spouse that the defendant marries or purports to marry is less than 18 years old at the time the offense is committed, an indictment may be issued 10 years from the 18th birthday of the victim of the offense. Bigamy is a third-degree felony, but under this bill, if the purported spouse is 17 years old, the offense is a second-degree felony. If the purported spouse is 16 or younger, the offense is a first-degree felony.

A court may issue a temporary restraining order to remove a perpetrator from the home if the parent or other adult with whom the child resides would make reasonable efforts to monitor the home and report any attempted return by the perpetrator. In an emergency removal situation, a court is required to consider whether the child's household has a person who caused serious injury to, caused the death of, or sexually abused another child. A person who is required by law to file a birth certificate would commit a Class A misdemeanor by failing to do so.

HB 350 – Tutoring to Discharge Class C Misdemeanors

Effective Date: September 1, 2011

Code Sections Impacted: Tex. Code Crim. Proc. art. 45.0492, .051(a-1).

Under current law, school districts may issue Class C misdemeanor citations to enrolled students for misbehavior on school grounds. If the student is younger than 17 years old, the student's parent must appear in court to resolve the Class C misdemeanor by paying fines and costs. Judges have discretion to allow students to do certain types of community service instead of paying the fine and costs.

HB 350 authorizes judges also to allow a juvenile defendant to attend a tutoring program that is satisfactory to the court instead of paying all or part of the fine or costs associated with a Class C misdemeanor offense. A community service or tutoring program that accepts the student must agree to supervise the student's attendance and report the student's work to the judge. A local juvenile probation department may provide administrative services or supervision of a juvenile defendant required to perform community service.

The judge must specify in the court order the number of community service hours the student must work or tutoring hours the student must attend. A judge may not generally require more than 16 hours of community service or tutoring per week, unless the judge determines that additional hours would not impose hardship on the student or the student's family. The bill provides that eight hours of community service or tutoring is equivalent to at least \$50 in fines or court costs.

A sheriff or employee of a sheriff's department, judge or justice of the peace, county commissioner or county employee, officer or employee of a political subdivision other than a county (e.g., a school district), nonprofit organization, or tutoring program is not liable for damages arising from an act or failure to act in connection with an activity performed by a juvenile defendant under this law if the act or omission was performed pursuant to a court order and was not intentional, grossly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

HB 359 – Corporal Punishment

Effective Date: September 1, 2011. Applies beginning with the 2011–12 school year.

Code Sections Impacted: Amends Tex. Educ. Code §§ 37.0021, .124, .126; Tex. Penal Code § 42.01. Adds Tex. Educ. Code § 37.0011.

This bill defines corporal punishment as the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other force used as a means of discipline. This definition does not include physical pain caused by reasonable physical activities associated with athletic training. Another exception is recognized for the use of restraint.

If the board of trustees adopts a policy under which corporal punishment may be administered, an educator may use corporal punishment unless the parent or legal guardian of a student provides the district with a written, signed statement prohibiting the punishment from being administered. A student's parent or legal guardian may revoke the statement at any time during the school year by submitting a written, signed revocation to the board in the manner established by the board.

This bill creates a definition for law enforcement duties for Texas Education Code Section 37.0021 (use of confinement, restraint, seclusion, and time-out). Any rules and procedures adopted regarding the use of confinement, restraint, seclusion, and time-out apply only to peace officers who are employed or commissioned by the district or school resource officers providing services under a memorandum of understanding.

In addition, a school district shall report annually, in accordance with commissioner's rule, information relating to the use of restraint by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. The report is required to conform to the existing requirements for reporting the use of restraint of students with disabilities. This bill requires the commissioner to adopt rules for the submission of such reports.

A student enrolled in grade 6 or lower may no longer be cited for disruption of class, which is punishable as a Class C misdemeanor.

A student enrolled in grade 6 or lower may no longer be cited for disruption of transportation if the act happens on the way to or from school. However, a student in grade 6 or lower may be cited for disruption of transportation if the act occurs while going to or from a school-sponsored activity.

A student in grade 6 or lower may no longer be charged with specific types of disorderly conduct under Texas Penal Code Section 42.01 for prohibited conduct that occurred on school grounds during regular school hours. The specified types of disorderly conduct are abusive, indecent, profane, or vulgar language; offensive gestures or displays; noxious and unreasonable chemical odors; unreasonable noises; and fighting.

HB 742 – Food Allergy Information and Student Enrollment

Effective Date: June 17, 2011. Applies beginning with the 2011–12 school year.

Code Section Impacted: Adds Tex. Educ. Code § 25.0022.

This bill requires a school district on enrollment of a child in a public school to request, by providing a form or otherwise, that a parent or other person with legal control of the child under a court order (1) disclose whether the child has a food allergy or a severe food allergy that, in the judgment of the parent or other person with legal control, should be disclosed to the district to enable the district to take any necessary precautions regarding the child's safety and (2) specify the food to which the child is allergic and the nature of the allergic reaction.

A school district must maintain the confidentiality of information provided and is authorized to disclose the information to teachers, school counselors, school nurses, and other appropriate school personnel only to the extent consistent with district policy and permissible under the Family Educational Rights and Privacy Act (FERPA).

Information regarding a child's food allergy, regardless of how it is received by the school or school district, is required to be retained in the child's student records but is prohibited from being placed in the health record maintained for the child by the school district.

If the school receives documentation of a food allergy from a physician, it must be placed in the health record maintained for the child by the school district.

A registered nurse may enter appropriate notes about a child's possible food allergy in the health record maintained for the child by the school district, including a notation that the child's student records indicate that a parent has notified the school district of the child's possible food allergy.

HB 826 – School District Liaison for Students in Foster Care

Effective Date: September 1, 2011

Code Section Impacted: Adds Tex. Educ. Code § 33.904.

This bill requires every school district to appoint at least one employee to act as the liaison to facilitate the enrollment in or transfer to a public school for students in the foster care system. The liaison must be appointed by December 1, 2011.

HB 861 – State Special Education Advisory Committee

Effective Date: May 12, 2011

Code Section Impacted: Amends Tex. Educ. Code § 29.006.

Current law requires the governor to appoint a 17-member statewide advisory committee for special education services. The statute provides no guidance about the composition of

the committee. This bill requires that at least one member of the committee must be a director of special education programs for a school district or a shared services arrangement among multiple school districts. That member must be appointed by February 1, 2013.

HB 961 – Restricting Access to Juvenile Records

Effective Date: June 17, 2011

Code Sections Impacted: Amends Tex. Fam. Code §§ 58.003, .203, .208-209; Tex. Gov’t Code §§ 411.0851, 552.142, .1425. Adds Tex. Code Crim. Proc. art. 44.2811, 45.0217; Tex. Fam. Code § 58.00711. Repeals Tex. Gov’t Code § 411.081(f-1), (j).

This bill provides that records and files related to a child who is convicted of and has satisfied judgment for a fine-only misdemeanor offense, other than a traffic offense, are confidential and cannot be disclosed to the public. Currently, Texas law allows a court to order the sealing of records for a person who is at least 21 years old and has not been convicted of a felony after reaching 17 years of age, among other requirements.

HB 968 – Expulsion from School or Placement in a DAEP

Effective Date: June 17, 2011. Provisions apply either beginning with 2011–12 school year or the 2012–13 school year.

Code Sections Impacted: Amends Tex. Educ. Code §§ 37.006-.007, .0081, .011.

This bill requires that a student shall be removed from class and placed in a DAEP if the student receives deferred prosecution for the felony offense of aggravated robbery, a court or jury determines a student has engaged in the felony offense of aggravated robbery, or the superintendent or superintendent’s designee has a reasonable belief that a student engaged in the felony offense of aggravated robbery. Previously, these removals were limited to felonies in Title 5 of the Texas Penal Code.

A student may be expelled from DAEP for documented serious misbehavior while in DAEP despite documented behavioral interventions. Serious misbehavior is defined as follows: deliberate violent behavior that poses a threat to the health and safety of others; extortion, meaning the gaining of money or other property by force or threat; coercion; public lewdness; indecent exposure; criminal mischief; personal hazing; or harassment. Language permitting removal for persistent misbehavior has been removed.

The board of trustees or the board’s designee after an opportunity for a hearing may expel a student and elect to place a student in an alternative setting if the student (1) has received deferred prosecution for aggravated robbery, (2) has been found by a court or a jury as having committed the act, (3) has been charged with engaging in, (4) has been referred to a juvenile court for engaging in, (5) has received probation or deferred adjudication for aggravated robbery, (6) has been convicted of a felony offense of aggravated robbery, or (7) has been

arrested for or charged with aggravated robbery. In addition, the board or the board's designee must determine whether the student's presence threatens the safety of other students, will be detrimental to the educational environment, or is not in the best interest of the district's students.

This bill removes the school district's ability to define conduct constituting serious or persistent misbehavior in a memorandum of understanding with the county juvenile board for purposes of removal to JJAEP. This bill requires the conduct to be serious misbehavior as newly defined in Texas Education Code Section 37.007(c). In addition, this bill removes the requirement that a district provide an educational program to a student who engages in serious misbehavior but who is not eligible for JJAEP placement.

HB 1130 – Elimination of “125 Percent Rule” for Special Education

Effective Date: September 1, 2011

Code Section Impacted: Repeals Tex. Educ. Code § 42.151(j).

This bill eliminates the “125 percent rule” in state special education law. This law required the TEA to create annually a statewide average ratio of students served in more restrictive environments versus those served in less restrictive settings. If a district's ratio exceeded the statewide ratio by 25 percent for two years, the district was placed on a list that was distributed to all districts. Newer state and federal data collection and reporting requirements cover this same data, thus eliminating the need for this state law.

HB 1205 – Reducing or Terminating Community Supervision

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Code Crim. Proc. art. 42.12.

This bill allows a judge to reduce or terminate a defendant's community supervision term if the defendant earns an associate's degree or high school diploma, pays court costs, or completes treatment or rehabilitation programs. This bill allows for time credits to be counted toward the term of community supervision for a defendant with a state jail felony or a third-degree felony. This bill provides time credits for earning an associate's degree, high school diploma, payment of court costs, and completion of treatment or rehabilitation programs. These provisions apply to a defendant who is granted community supervision for an offense committed on or after September 1, 2011.

HB 1224 – Expulsion for Criminal Acts Involving a Computer or Computer Network

Effective Date: June 17, 2011

Code Section Impacted: Amends Tex. Educ. Code § 37.007.

This bill expands the list of what constitutes an expellable offense. Students who engage in conduct that contains elements of the offense of breach of security may be expelled if the conduct involves accessing a computer, computer network, or computer system owned and operated on behalf of the district and the student knowingly damages or deletes school district property or information or commits a breach of any other district computer, computer network, or computer system.

HB 1386 – Suicide Prevention and Marriage and Family Therapists

Effective Date: June 17, 2011. Applies beginning with the 2012–13 school year.

Code Sections Impacted: Amends Tex. Educ. Code §§ 11.252, 21.003; Tex. Occ. Code § 502.004. Adds Tex. Health & Safety Code § 161.325.

The Texas Department of Health in conjunction with the TEA shall provide an annual list recommending best practice-based early mental health intervention and suicide prevention programs for implementation in public elementary, junior high, middle, and high schools within a general education setting. Each school district may select from the list a program or programs appropriate for implementation in the district.

The programs must include components that provide training for counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students.

If a district provides training, the training must (1) recognize students at risk of committing suicide, including students who are or may be the victims of or who engage in bullying; (2) recognize students displaying early warning signs and a possible need for early mental health intervention, which warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others; and (3) intervene effectively with students by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health services, may be taken by a parent or guardian.

In developing the list of programs the department and TEA must consider (1) any existing suicide prevention method developed by a school district and (2) any Internet or online course or program developed in this state or another state that is based on best practices recognized by the U.S. Substance Abuse and Mental Health Services Administration or the Suicide Prevention Resource Center.

The board of trustees of each school district may adopt a policy concerning early mental health intervention and suicide prevention that (1) establishes a procedure for providing notice of a recommendation for early mental health intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs; (2) establishes a procedure for providing notice of a student identified as at risk of committing suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs; (3) establishes that the district may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district for the purposes of identifying students in need of early mental health intervention or suicide prevention; and (4) sets out the available counseling alternatives for a parent or guardian to consider when their child is identified as possibly being in need of early mental health intervention or suicide prevention.

The board's policy must prohibit the medical screening of a student for the purposes of identifying whether a student is possibly in need of early mental health intervention or suicide prevention, unless the parent consents.

The policy and any necessary procedures must be included in the annual student handbook and the district improvement plan.

The Texas Department of Health may accept donations from sources without a conflict of interest.

No later than January 1, 2013, the department must submit a report to the Legislature detailing the development of the list of programs and those chosen to be implemented in school districts.

Nothing in this bill may interfere with the rights of parents and guardians with respect to making decisions in the best interest of their children.

School districts may not prescribe medication. Any and all medical decisions are made by the parent.

District improvement plans must include certain provisions, including provisions for strategies for improvement of student performance that include methods for addressing the needs of students for special programs, including suicide prevention programs which includes a parental or guardian notification procedure, conflict resolution programs, violence prevention programs, and dyslexia treatment programs.

This bill prohibits a school district from employing a person as a marriage and family therapist unless the person is licensed by the state agency that licenses that profession, and that person may perform specific services within those professions for a school district only if the person holds the appropriate credential from the appropriate state agency. A person employed by a school district prior to September 1, 2011, to perform marriage and family therapy is not required to hold the license as long as that person remains employed by the same district.

HB 1481 – Use of Respectful Language in Reference to Persons with Disabilities

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Health & Safety Code § 591.003(13), (16). Adds Tex. Gov't Code Chapter 392, Subtitle Z, Title 3, §§ 325.0123, 531.0227; Tex. Educ. Code § 7.063; Tex. Health & Safety Code § 591.003(7-a), (15-1).

Known as the Person First Respectful Language Initiative, this bill requires the revision of laws and regulations that refer to persons with disabilities to reference the person before the disability.

The bill requires the Legislature, Texas Legislative Council, and the commissioner of education, among other state agency heads, to replace the following phrases currently used in laws, agency rules, reference materials, publications, and electronic media: disabled, developmentally disabled, mentally disabled, mentally ill, mentally retarded, handicapped, cripple, and crippled. These preferred person first terms should be used instead: persons with disabilities, persons with developmental disorders, and persons with mental illness. A law or rule does not become invalid, however, if it fails to use the preferred terms.

The bill requires the Texas Sunset Advisory Commission, as part of the sunset review of the Texas Department of Health and Human Services, to consider statutory revisions to replace the terms “mental retardation” and “person with mental retardation” with “intellectual disability” and “person with intellectual disability,” respectively.

HB 1615 – Administering Medication to Children in Certain Facilities

Effective Date: September 1, 2011

Code Section Impacted: Adds Tex. Hum. Res. Code § 42.065.

This bill limits the ability of certain child care facilities, including before- and after-school programs and school-age programs, to administer medication to children in their care regardless of whether the facility or program is licensed, registered, or listed. Defined in Section 42.002(21) of the Texas Human Resources Code, “school-age program” means a child care facility that provides supervision, along with recreation or skills instruction or training, and may provide transportation, before or after the customary school day, for at least two hours a day, three days a week to children attending PreK–6. A school-age program also may operate during school holidays, the summer period, or any other time when school is not in session.

This bill prohibits a director, owner, operator, caretaker, employee, or volunteer of a covered facility from administering a medication to a child unless (1) the child’s parent or guardian has submitted a signed and dated document that authorizes the facility to administer the medication for up to one year, (2) the medication is administered as stated on the label directions or as amended in writing by a physician, and (3) the medication has not expired.

A facility may administer medication without a signed authorization if the child's parent or guardian (1) submits authorization in an electronic format that is capable of being viewed and saved or (2) authorizes the facility by telephone to administer a single dose of medication. An electronic authorization expires on the first anniversary of the date it is provided to the facility. This bill creates an exception where a person administers medication to a child in a medical emergency to prevent death or serious bodily injury, if the medication is administered as prescribed, directed, or intended.

Administration of medication in violation of this section is a Class A misdemeanor.

HB 1666 – Online Impersonation

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Penal Code § 33.07(a).

Under current law, it is a third-degree felony (online harassment) to use another person's name or identity to create a Web page or post a message on a commercial networking site without obtaining the other person's consent and with the intent to harm, defraud, intimidate, or threaten any person. However, the law did not reach non-social networking Web sites, such as Craig's List.

This bill applies the crime of online impersonation to all Web sites, not just social networking sites, and prohibits not just posting but also *sending* messages through any Web site, other than through electronic mail or message board programs.

HB 1907 – Notification Requirements Regarding the Placement of Certain Students

Effective Date: September 1, 2011

Code Section Impacted: Amends Tex. Crim. Proc. Code art. 15.27.

This bill requires the head of a law enforcement agency or a person designated by the head of the agency to orally notify the superintendent or a person designated by the superintendent in the school district in which the student is believed to be enrolled of an arrest or referral within 24 hours after the arrest or referral is made or before, rather than on, the next school day, whichever is earlier.

If the student is enrolled, the superintendent or the superintendent's designee is required to immediately, rather than promptly, notify all instructional and support personnel who have responsibility for supervision of the student.

Within seven days after the date the oral notice is given, the head of the law enforcement agency or the person designated by the head of the agency is required to mail written notification, marked "PERSONAL and CONFIDENTIAL" on the mailing envelope, to the

superintendent or the person designated by the superintendent. It also requires that the written notification include the facts contained in the oral notification, the name of the person who was orally notified, and the date and time of the oral notification. The bill requires, rather than authorizes, that the information contained in the notice be considered by the superintendent or the superintendent's designee in making such a determination.

The superintendent or superintendent's designee must send to a school district employee having direct supervisory responsibility over the student the information contained in the confidential notice.

Upon conviction, deferred prosecution, or deferred adjudication or an adjudication of delinquent conduct of a student enrolled in public school, the office of the prosecuting attorney must orally notify the superintendent in the school district for which the student is enrolled of the conviction or adjudication and whether the student is required to register as a sex offender. Oral notification must be given within 24 hours of the time of the order or before the next school day, whichever is earlier. The superintendent shall within 24 hours of receiving notification from the office of the prosecuting attorney or before the next school day, whichever is earlier, notify all instructional and support personnel who have contact with the student.

Oral or written notice must include all pertinent details of the offense, including details of any (1) assaultive behavior or other violence, (2) weapons used in the commission of the offense, or (3) weapons possessed during the commission of the offense.

If the board of trustees learns of a failure by the superintendent of the district or a district principal to provide a required notice, the board is required to report the failure to the SBEC.

If the superintendent of a school district in which the student is enrolled learns of a failure by the head of a law enforcement agency or a person designated by the head of the agency to provide a notification, the superintendent is required to report the failure to notify to the Commission on Law Enforcement Officer Standards and Education.

If a juvenile court judge or an official designated by the juvenile board learns of a failure by the office of the prosecuting attorney to provide a notification, then the judge or designee is required to report the failure to notify to the elected prosecuting attorney responsible for the operation of the office.

The supervisor of a parole, probation, or community supervision department officer is required to report the failure of the officer to notify to the director of the entity that employs the officer.

HB 1942 – Bullying

Effective Date: June 17, 2011. Applies beginning with the 2012–13 school year.

Code Sections Impacted: Amends Tex. Educ. Code §§ 21.451, 25.0342, 28.002, 37.001, .083. Adds Tex. Educ. Code § 37.0832.

This bill defines bullying as engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that (1) has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property or (2) is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

Conduct is considered bullying if it (1) exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct and (2) interferes with a student's education or substantially disrupts the operation of a school.

School districts may include in staff development training in preventing, indentifying, responding to, and reporting incidents of bullying.

A board of trustees may transfer a student who engaged in bullying to another classroom at the campus to which the victim was assigned at the time the bullying occurred or a campus in the district other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.

A school board must adopt a policy, including any necessary procedures, concerning bullying that prohibits bullying; prohibits retaliation against any person, witness, or another person who in good faith provides information regarding bullying; establishes a procedure for providing notice of an incident of bullying to a parent; establishes the actions a student should take to obtain assistance and intervention in response to bullying; sets out available counseling options; establishes reporting procedures; prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying and was responding in self-defense; and requires that discipline for bullying of a student with disabilities comply with federal law, including the Individuals with Disabilities Education Act (IDEA).

The policy and necessary procedures must be included in the student and employee district handbook and the district improvement plan, and the procedure for reporting bullying must be posted on the district's Web site, to the extent practicable.

The SBOE is required to adopt TEKS for the health curriculum in consultation with the Texas Safety Center. The TEKS must include evidence-based practices that will effectively address awareness, prevention, identification, self-defense in response to, and resolution of and intervention in bullying and harassment.

HB 2038 – Student Athlete Safety

Effective Date: June 17, 2011. Applies beginning with the 2011–12 school year.

Code Sections Impacted: Adds Tex. Educ. Code §§ 38.151-.160.

A student and the student’s parent or guardian must sign an acknowledgment that they have received and read written information regarding concussion prevention, symptoms, treatment, and management before the student may participate in an interscholastic athletic activity, including practice.

The governing board of each district and open-enrollment charter school that participates in interscholastic athletic activities is required to form a concussion oversight team that would be responsible for establishing a return-to-play protocol. The team would include at least one physician. If it is practicable based on the population of the metropolitan statistical area in which the school district or open-enrollment charter school is located, the team also should include one or more of the following: an athletic trainer, an advanced practice nurse, a neuropsychologist, or a physician assistant. If the district has an athletic trainer, the trainer must be a member of the oversight team.

A student must be removed from practice or competition immediately if a coach, physician, licensed health care professional, or the child’s parent or guardian believes the student has sustained a concussion.

A student removed from practice or competition may not return to play until a number of conditions are met. Those measures include: the student must be evaluated by a treating physician, the student has completed each requirement of the return-to-play protocol, the treating physician has provided written notice verifying that the student may return to play, and the student’s parent or guardian provides written consent.

The superintendent or designee would supervise the person responsible for compliance with the return-to-play protocol. A coach could not authorize a student’s return to play.

The University Interscholastic League is responsible for approving training courses on concussions. Members of the concussion oversight team, coaches, and athletic trainers are required to take training courses regarding concussions by September 1, 2012. The Department of State Health Services Advisory Board of Athletic Trainers must approve appropriate courses for athletic trainers

This new requirement does not waive any immunity from liability of school districts and open-enrollment charter schools or their employees nor would it create any liability.

The commissioner of education may adopt rules as necessary to implement this provision.

HB 2135 – Exemption from Certain State-mandated Testing

Effective Date: June 17, 2011. Applies beginning with the 2011–12 school year.

Code Sections Impacted: Amends Tex. Educ. Code §§ 28.021, .0211, 39.023, .025, .053, .203.

This bill stipulates that a student in grades 5 or 8 who is enrolled in a course intended for students above the student's grade level or for high school credit for which the student will be assessed through an assessment instrument aligned to the curriculum of the course or an end-of-course assessment is *not required* to be assessed using the grade 5 or 8 state assessment for the same subject.

A student may not be denied promotion on the basis of failure to perform satisfactorily on an assessment not required to be administered to the student.

The performance of students in grades 5 or 8 who are enrolled in a course intended for students above their grade level or a course for high school credit on a state assessment for that course would be included in the aggregated performance on state assessments of other students in *their* grade levels for purposes of the accountability system.

The commissioner of education may award a distinction designation to a campus with a significant number of students below grade 9 who perform satisfactorily on an end-of-course assessment.

HB 2170 – Bill of Rights and Credit Reports for Foster Children

Effective Date: September 1, 2011

Code Sections Impacted: Adds Tex. Fam. Code §§ 263.007, 264.016.

Named the Foster Children's Bill of Rights, this bill requires the DFPS to inform each child in foster care of the child's rights under state or federal law that relate to various topics, including school-related extracurricular activities, interactions with teachers, privacy and searches, student records, and disability information. This bill also ensures that children who will soon be discharged from foster care receive assistance in obtaining, reading, and understanding the free credit reports to which they are entitled under federal law.

HB 2247 – Texas Challenge Academy

Effective Date: June 17, 2011

Code Section Impacted: Adds Tex. Gov't Code § 431.0401.

The adjutant general's department is entitled to allotments from the FSP, under Chapter 42 of the Texas Education Code, for each student enrolled in the Texas Challenge Academy as if the academy were a school district without a tier one local share. The department must contract with an appropriate school district for the provision of educational services for students enrolled in the academy. The school district serving these students is responsible for ensuring compliance with the regulatory requirements imposed under the Texas Education Code and enforced by the commissioner of education and TEA.

HB 2466 – Licensing and Operation of Motor Vehicles by Minors

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Transp. Code §§ 521.204, .295, .424. Repeals Tex. Transp. Code § 521.271(a-1).

Current law requires an applicant for a Class C driver's license to submit written permission for the DPS to access the applicant's school enrollment records maintained by the TEA. This bill requires an applicant also to submit written permission for a school administrator or law enforcement officer to notify the DPS in the event that the applicant has been absent from school for at least 20 consecutive days.

This bill maintains the current law prohibiting the use of a wireless communication device by a person under the age of 18 operating a motor vehicle and a person under the age of 17 operating a motorcycle or moped. An exception is recognized for cases of emergency.

HB 2496 – Dating Violence Court Program

Effective Date: September 1, 2011

Code Sections Impacted: Adds Tex. Fam. Code § 54.0325; Tex. Gov't Code § 103.0210.

This bill creates a 12-week teen dating violence court program designed to educate children who engage in dating violence and encourage them to refrain from that conduct. The program provides counseling and referrals and explains the juvenile justice system to teen dating violence victims. Before implementation, the program must be approved by the juvenile court and county commissioners' court.

On the recommendation of the prosecuting attorney, the juvenile court may defer adjudication proceedings for not more than 180 days for a first-time offender who violated the Texas Penal Code and engaged in dating violence. A child for who adjudication proceedings are deferred must complete the teen dating violence court program no later than the last day of the deferral period and appear in court once a month for monitoring purposes.

The court shall dismiss the case with prejudice if the child presents satisfactory evidence that the child has successfully complete the teen dating violence program.

The court may charge a child participating in a teen dating violence court program a fee up to \$10 for administrative costs. The court also must track the number of children required to participate in the teen dating violence court program.

HB 3474 – Possession and Consumption of Alcohol by a Minor and Providing Alcohol to a Minor

Effective Date: September 1, 2011

Code Sections Impacted: Amends Tex. Alco. Bev. Code §§ 106.04-.06.

This bill exempts certain minors from the offenses of consumption or possession of alcohol by a minor. Neither offense applies to a minor who is the first person to request emergency medical assistance for a possible alcohol overdose by that minor or another person. If the request targets another person, the minor must remain on the scene until medical assistance arrives and cooperate with medical assistance and law enforcement.

This bill provides that a person who is charged with the offense of purchasing alcohol for or furnishing alcohol to a minor stemming from a gathering where participants abused alcohol and who is placed under community supervision must perform community service and attend an alcohol awareness program. The court also must order the DPS to suspend the person's license or permit for 180 days.

HB 3616 – Designation of Persons with Disabilities Month

Effective Date: September 1, 2011

Code Section Impacted: Adds Tex. Gov't Code § 662.109.

This bill designates the month of October as Persons with Disabilities History and Awareness Month. The designation is to increase public awareness of the achievements of people with disabilities, encourage understanding of the disability rights movement, and to reaffirm commitment to providing equality and inclusion for such persons. Public schools may, but are not required to, observe Persons with Disabilities History and Awareness Month with appropriate activities as determined by the school.

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X. Appendix

AA: adjusted basic allotment
ADA: average daily attendance
ADR: alternative dispute resolution
AP: Advanced Placement
ASATR: Additional State Aid for Tax Reduction
ASF: Available School Fund
CTE: career and technical education
DAEP: disciplinary alternative education program
DFPS: Department of Family and Protective Services
DPS: Department of Public Safety
ESC: education service center
FERPA: Family Educational Rights and Privacy Act
FPCA: federal postcard application
FSP: Foundation School Program
I&S tax rate: interest and sinking tax rate
IB: International Baccalaureate
IDEA: Individuals with Disabilities Education Act
IEP: individualized education program
IMA: instructional materials allotment
JJAEP: juvenile justice alternative education program
M&O tax rate: maintenance and operations tax rate
MOVE Act: Military and Overseas Empowerment Act
PE: physical education
PEIMS: Public Education Information Management System
PIA: Texas Public Information Act
PSF: Permanent School Fund
PUC: Public Utility Commission of Texas
RPA: regular program allotment
RPAF: regular program adjustment factor
SBEC: State Board for Educator Certification
SBOE: State Board of Education
SECO: State Energy Conservation Office
STEM: Science, Technology, Engineering, and Mathematics
TCEQ: Texas Commission on Environmental Quality
TEA: Texas Education Agency
TEKS: Texas Essential Knowledge and Skills
THECB: Texas Higher Education Coordinating Board
TRS: Teacher Retirement System of Texas
TWC: Texas Workforce Commission
USERRA: Uniformed Services Employment and Reemployment Rights Act
WADA: weighted average daily attendance

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