

BILLS AFFECTING FIRST DAY OF SCHOOL
81st LEGISLATIVE SESSION

Bill Number	Provisions	Effective Date	Actions Needed	Sr. Staff Responsible
HB 3	<p>Relating to public school accountability, curriculum, and promotion requirements.</p> <p>[See detailed summary]</p>	Immediately	<ul style="list-style-type: none"> • Revise Board policies & procedures • Revise website information • Provide staff training 	Blaine
<p>HB 171</p> <p><i>TEC</i> §37.001</p>	<p>Relating to consideration of mitigating factors in determining appropriated disciplinary action to be taken against a public school student.</p> <p>Requires consideration of the following factors when making decisions concerning suspension, removal to a DAEP, or expulsion and placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action: self-defense, intent or lack of intent at the time the student engaged in the conduct, a student's disciplinary history, or a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.</p>	Immediately	<ul style="list-style-type: none"> • Review and revise Student Code of Conduct • Revise Board policies and procedures • Provide staff training 	Duffey
<p>HB 192</p> <p><i>TEC</i> §25.087</p>	<p>Relating to the purposes for which a student's absence from school must be excused.</p> <p>Adds appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship or taking part in a United States naturalization oath ceremony to list of excused absences. The bill also excuses absences for students diagnosed with autism spectrum disorder when they must attend health care appointments related to the disorder.</p>	Immediately	<ul style="list-style-type: none"> • Review & revise campus procedures • Review & revise Board policies 	Duffey
<p>HB 200</p> <p><i>TEC</i> §21.054</p>	<p>Relating to continuing education requirements for public school principals.</p> <p>Repeals the following language: "Continuing education for principals must be based on an individual assessment of the knowledge, skills, and proficiencies necessary to perform successfully as a principal, as identified in Section 21.046. An individualized professional growth plan shall be developed as a result of the assessment and shall be used exclusively for professional growth purposes. The assessment results and the growth plan may only be released with the approval of the principal assessed. Except as provided by Section 21.059, each certified principal shall participate in the assessment process and professional growth activities at least once every five years."</p>	9/1/09	Notify principals	Duffey

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HB 537	<p>Relating to the transportation of children in motor vehicles.</p> <p>Creates an offense of allowing a person at least 15 years old to ride in a passenger vehicle without securing the person individually by a safety belt if the person is occupying a seat that is equipped with a safety belt. Creates as an offense allowing a child younger than 17 to ride in a passenger van designed to transport 15 or fewer passengers, including the driver, without securing the child individually by a safety belt if the child is occupying a seat that is equipped with a safety belt. The provisions of the bill would apply to third-party transport service providers when transporting clients pursuant to a contract to provide nonemergency Medicaid transportation (previously, these providers were exempt).</p>	9/1/09	<ul style="list-style-type: none"> • Review with principals and any affected staff member • Inform third party providers • Review & revise all related Board policies and procedures 	Duffey & Reyes
HB 1020 <i>TEC</i> <i>§37.007</i>	<p>Relating to the use, exhibition, or possession of a firearm by public school students participating in certain school-sponsored programs and activities sponsored or supported by the Parks and Wildlife Department.</p> <p>Protects public school students from expulsion for the sole reason of the students' use, exhibition or possession of a firearm if it occurs: at an approved target range facility that is not located on a school campus; and while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department. A student is not authorized to bring a firearm on school property to participate in or prepare for a school-sponsored sports competition or a shooting sports educational activity.</p>	Immediately	<ul style="list-style-type: none"> • Notify principals • Review & revise Board policies & procedures • Review & revise Student Code of Conduct and campus practices, as needed 	Duffey
HB 1041 <i>TEC</i> <i>§38.0041</i>	<p>Relating to school district policies addressing sexual abuse of children and establishment of a state strategy to reduce child abuse and neglect and improve child welfare.</p> <p>Requires that public school districts implement policy to address the sexual abuse of children. The policy must address increasing teacher, student, and parent awareness regarding sexual abuse, the actions that a child victim should take to obtain assistance and available counseling options for students affected by sexual abuse.</p>	Immediately	<ul style="list-style-type: none"> • Review current staff and parent training & revise as needed • Review counseling options & revise as needed 	Blaine / Waldrop

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	The bill also creates a task force to establish a statewide strategy for reducing child abuse & neglect and improving child welfare.			
HB 1297 <i>TEC</i> §29.0822	Relating to optional flexible school day program courses offered by school districts to enable students to earn course credit under certain circumstances. Extends the flexible school day definition to include students who are denied credits for a class due to attendance requirements. The bill permits districts to seek a waiver from the commissioner to provide an approved flexible school day program for students in any grade.	Immediately	<ul style="list-style-type: none"> • Review & revise current practices • Notify campus staff 	Blaine
HB 1322 <i>TEC</i> §21.463	Relating to the establishment of an on-line resource for teachers of students with special health needs. Adds a section to the education code that requires TEA, in coordination with HHS, to establish and maintain an Internet website to provide resources for teachers who teach students with special health needs; including food allergies. The agency shall include on the website information about the treatment and management of chronic illnesses and how such illnesses impact a student's well-being or ability to succeed in school.	Immediately	Inform staff of this new resource	Blaine & Duffey
HB 1332 <i>TEC</i> §31.1044	Relating to responsibility for public school textbooks and technological equipment and to failure by students to return textbooks or technological equipment. Adds electronic textbooks and technological equipment to the section of the Education Code that establishes responsibility requirements that students and parents have for textbooks. It also applies to students who return equipment but adds the language that it must be "in an acceptable condition." Districts may waive fees for low-income families.	Immediately	<ul style="list-style-type: none"> • Notify staff, parents & students of new provisions • Revise procedures, handbooks & practices as needed 	Blaine
HB 2480	Relating to agreements with public junior colleges for courses for joint high school and junior college credit. A public junior college may enter into an agreement with a school district, organization, or other person that operates a high school to offer a dual credit course regardless of whether the high school is	Immediately	Review with HCC whether or not requested courses are provided to the satisfaction of the school district or if additional agreements are needed	Blaine

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	located within the service area of the junior college district.			
HB 2542 <i>TEC</i> §25.087	Relating to excused absences in public schools for students visiting institutions of higher education. A school district may excuse a student from attending school to visit an institution of higher education during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education. The district may not excuse more than two days for this purpose.	Immediately	<ul style="list-style-type: none"> Review & revise practices, Board policies, handbook & website Create verification procedure Notify principals, students & parents if two visitation days will be allowed 	Duffey
HB 2703 <i>TEC</i> §29.081	Relating to classification of a prekindergarten or kindergarten student who is retained at the request of the student's parent. A student is not considered a student at risk of dropping out of school if the student did not advance from prekindergarten or kindergarten to the next grade level only as the result of the request of the student's parent.	Immediately	<ul style="list-style-type: none"> Review & revise Board policies, practices & related documents Inform parents as appropriate 	Blaine
HB 3076 <i>TEC</i> §28.002	Relating to a parenting and paternity awareness program used in the health curriculum for public schools. Requires the SBOE to develop parenting and paternity awareness programs for middle and junior high schools in addition to high schools. If a student completes this course in middle or junior high, the district shall provide high school health credit. A student under 14 years of age may not participate in this program without the permission of the student's parent or guardian.	9/1/09	<ul style="list-style-type: none"> Review & revise practices if course is to be made available to middle school students Inform staff, students & parents if middle school students are able to take course 	Blaine
HB 3643 <i>TEC</i> §29.153	Relating to public school prekindergarten classes. Clarifies that the term "child" includes a stepchild and "parent" includes a stepparent under Section 29.153 of the Education Code, which refers to free prekindergarten classes. This legislation effects military personnel and reservists	Immediately	<ul style="list-style-type: none"> Inform stepparents, as needed Update admissions documents 	Duffey
SB 43	SB 43 would extend the current exemption for students under conservatorship of the Department of Family and Protective Services to include students enrolled in dual credit classes while in high school and allow students to begin using the exemption as late as the day		Review & revise Board policies, practices and related documents	Duffey

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	before their 25 th birthday.			
SB 68	<p>Relating to licensing and inspection requirements of the Department of Family and Protective Services for certain facilities and homes providing child care.</p> <p>This bill provides additional criteria and specificity regarding the types of programs that do not fall under the definition of day-care (before and after school programs offered by educational facilities accredited by TEA, the Southern Association of Colleges and Schools, or an accrediting body that is a member of the Texas Private School Association are listed as entities that are not regulated under this section). This bill expands the exemption from child-care facility or child-placing agency licensing requirements for prekindergarten programs and before-school and after-school programs.</p>	Immediately	Review & recommend adjustments	Blaine & Cantrell
SB 283 <i>TEC</i> <i>§28.004</i>	<p>Relating to the membership and activities of local school health advisory councils and to parental involvement in human sexuality instruction in public schools.</p> <p>The board of trustees shall appoint at least five members to the local school health advisory council on which a majority of members must be persons who are parents of students enrolled in the district and are not employed by the district, one parent shall serve as chair or co-chair of the council.</p> <p>Additional appointments can be made from the following groups: public schools teachers, public school administrators, district students, health care professionals, the business community, law enforcement, senior citizens, the clergy, and nonprofit health organizations. Additionally, the advisory council shall meet at least four times annually and submit an annual written report to the board of trustees that includes recommendations for district health curriculum and an explanation of the council's activities. Reporting requirements must be fulfilled by April 1, 2010. The school district must notify parents if human sexuality will be offered and the notice must include a summary of the state's instructional requirements, information about the parent's right to review curriculum, and the parent's right to review the curriculum and remove the student from any part of the class without penalty.</p>	9/1/09	<p>Recommend potential members to the board</p> <p>Notify parents if human sexuality courses will be offered.</p> <p>Submit annual report to Board that includes recommendations and explanations by April, 2010.</p>	Blaine

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SB 891 <i>TEC</i> §28.002; 25.114	<p>Relating to the public school physical education curriculum.</p> <p>Requires physical education curriculum to be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life. Each school district shall establish objectives and goals to accomplish through the physical education curriculum. The bill lists a variety of measures that must be incorporated into SBOE developed physical education curriculum.</p> <p>To the extent practicable, a district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten.</p> <p>A section is also added regarding student/teacher ratios in physical education classes. It stipulates that if a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the district shall specifically identify the manner in which the safety of the students will be maintained.</p>	Immediately	<ul style="list-style-type: none"> • Review & revise practices and Board policies, as needed • Inform principals of changes needed <p>Notify staff about new requirements</p>	Blaine
SB 892 <i>TEC</i> §11.253	<p>Relating to inclusion in a public school campus improvement plans of goal and objectives for the campus coordinated health programs.</p> <p>The bill expands the required components of campus improvement plans to include setting goals and objectives for the coordinated health program using fitness assessment data, academic performance data, attendance, economic status, and use/success of methods to ensure student participation in moderate to vigorous physical activity each week, and any other indicator recommended by the school's health advisory council.</p>	Immediately	Review & notify principals of any revisions needed in their Campus Improvement Plans	Blaine
SB 1134 <i>TEC</i> §32.051; 32.0511; 25.087; 33.092	<p>Relating to the authority for certain high school students to serve as election clerks.</p> <p>Adds a new section to the election code that lays out special eligibility requirements for student election clerks. A student is eligible to serve as a clerk of an election precinct if the student at the time of appointment is a student at a public or private secondary school or</p>	9/1/09	Notify principals	Blaine, Wilson & Duffey

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	<p>attends home school and has the consent of the principal or the home-school adult who is responsible of the student's education. The student must also be 16 or older, be a US citizen and have completed the required training course. A student election clerk is entitled to compensation and may communicate in another language if necessary. No more than two student election clerks may serve at a polling place unless it is a countywide polling place.</p> <p>The bill also amends the education code to allow for a student to be excused from school for serving as an election clerk. A student appointed to serve as an election clerk may use the time served in this position toward a requirement for a school project or a service requirement.</p>			
SB 1219 <i>TEC</i> §28.002	<p>Relating to a parenting and paternity awareness component of the health curriculum used in public high schools.</p> <p>This bill allows a teacher to modify the suggested sequence and pace of the SBOE's parenting and paternity awareness program at the discretion of the district.</p>	9/1/09	Notify affected staff	Blaine
SB 1290 <i>TEC</i> §21.458(a)	<p>Relating to authorization for school districts to provide mentors for teachers assigned to a new subject or grade level.</p> <p>Adds that a mentor teacher can be assigned to a classroom teacher with less than two years experience in the subject or grade level to which the mentor teacher is assigned.</p>	Immediately	Notify Principals	Duffey & Blaine
SB 1344 <i>TEC</i> §28.002	<p>Relating to an alcohol awareness component of the health curriculum used in public schools.</p> <p>The SBOE shall adopt essential knowledge and skills that address the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning. The agency shall compile a list of alcohol awareness evidence-based programs from which a school district shall choose for use in the district's health curriculum.</p>	Immediately	Notify staff when list of related programs is available	Blaine
SB 2033 <i>TEC</i>	<p>Relating to adoption of a school district grading policy.</p> <p>A school district shall adopt a grading policy, including provisions for</p>	Immediately	<ul style="list-style-type: none"> • Review & revise local Board policy, procedures and guidelines, as needed • Notify staff, students, parents 	Blaine

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§28.0216	the assignment of grades on class assignments and examinations, before each school year. A district grading policy must require a classroom teacher to assign a grade that reflects the student's relative mastery of an assignment, may not require a classroom teacher to assign a minimum grade for an assignment without regard to the student's quality of work, and may allow a student a reasonable opportunity to make up or redo a class assignment or examination for which the student received a failing grade.			
SB 2248 TEC §25.07; 30A.002	<p>Relating to public school students placed in foster care.</p> <p>TEA shall assist the transition of substitute care students from one school to another by: 1. Ensuring that school records for a student in substitute care are transferred to the student's new school not later than the 14th day after the date the student begins enrollment at the school; 2. Developing systems to ease transition of a student in substitute care during the first two weeks of enrollment at a new school; 3. Developing procedures for awarding credit for course work, including electives, completed by a student in foster care while enrolled at another school; 4. Promoting practices that facilitate access by a student in substitute care to extracurricular programs, summer programs, credit transfer services, electronic courses, and after-school tutoring programs at minimum or no cost; 5. Establishing procedures to lessen the adverse impact of the movement of a student in substitute care; 6. Establishing a memorandum of understanding with the Department of Family and Protective Services to exchange information as appropriate to facilitate student transition; 7. Encouraging school districts and open-enrollment charter schools to provide services for a student in substitute care in transition when applying for admission to postsecondary study and when seeking sources of funding for postsecondary study; 8. Requiring school districts, campuses, and open-enrollment charter schools to accept a referral for special education services made for a student in foster care by a school previously attended by the student; and 9. Providing other assistance as identified by the agency.</p> <p>A student in substitute care is eligible to enroll full-time in the state virtual school network.</p>	Immediately	<ul style="list-style-type: none"> • Review & revise procedures, as needed • Notify staff as needed 	Duffey & Blaine