The 86th Regular Session of the Texas Legislature began on January 8, 2019, and adjourned on May 27, 2019. A total of 7,420 House and Senate bills were filed during the session. Of the bills filed, 1,429 passed, and 56 were vetoed by the governor.

This *Legislative Summary for TASB Members 2019* contains summaries of bills affecting public education and public school districts that were passed during the Regular Session of the 86th Legislature. This document is intended to provide school officials with an understanding of the new laws and what they require of school districts, school employees, TEA, the SBOE, and other state agencies.

**Accessing Legislation**

To access the final version of a bill online, take the following steps:

1. Go to Texas Legislature Online, at [capitol.state.tx.us](http://capitol.state.tx.us).
2. In the middle of the homepage, there is a section entitled “Search Legislation.” Select “86(R)-2019,” key in the bill you are requesting, and click on “Go.”
3. In the menu at the top of the bill screen, click on “Text.” Then choose an icon under the “Bill” column next to the “Enrolled” version.

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*This document is provided for educational purposes only. The summaries contained in this publication are brief descriptions of lengthy and complex legislation. As such, they are inherently incomplete and should not be considered an exhaustive treatment of the law. Nor should these summaries be considered a substitute for the advice of an attorney. For more complete information about the bills described herein, the reader should refer to the actual legislation. School officials should consult with an attorney in understanding and applying legal changes.*

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**FINANCIAL MATTERS**

**HOUSE BILL 3—SCHOOL FINANCE, TAXES, EMPLOYEE COMPENSATION, MISCONDUCT, PREKINDERGARTEN, AND MORE**

**Effective date:** September 1, 2019, except as noted. Generally, provisions in Article 2 of the bill apply beginning with the 2019-20 school year.

**SCHOOL FINANCE**

**Changes to School Finance:** This bill transfers the Foundation School Program (FSP) to new Chapter 48 of the Texas Education Code and eliminates Chapter 42. The bill also eliminates Chapter 41 and creates new Chapter 49, *Options for Local Revenue Levels in Excess of Entitlement*. The commissioner, subject to prior approval from the Legislative Budget Board and the governor, may take steps to resolve unintended consequences from the formulas in the bill until the 2021-22 school year. The commissioner may also modify dates relating to the adoption of a district’s M&O tax rate and, if applicable, an election required for the district to adopt a tax rate.

**Basic Allotment:** The basic allotment is increased to $6,160 per student in ADA.

**District Adjustments:** The bill retains the sparsity adjustment but repeals the cost of education index. Small and mid-sized district adjustments are replaced by stand-alone allotments.

**Special Education:** The bill entitles a district to an allotment for each student in a special education program equal to the sum of the basic allotment and any small or mid-sized allotment multiplied by the applicable weight. The bill increases the weight for students in a mainstream instructional arrangement from 1.1 to 1.15 and leaves the remaining weights unchanged. At least 55 percent of these funds must be used in the special education program.

**Dyslexia or Related Disorder:** The bill creates an allotment for each student identified as having dyslexia or a related disorder equal to the basic allotment multiplied by 0.1. A district may receive both this allotment and a special education allotment for a student who qualifies for both.

**Compensatory Education Allotment:** This bill increases the compensatory education allotment from 0.2 to a range from 0.225 to 0.275. For each student who is educationally disadvantaged and resides in an economically disadvantaged census block group determined by the commissioner, a district is entitled to the basic allotment multiplied by the weight assigned to five tiers according to relative severity of disadvantage. At least 55 percent of these funds must be used to fund services designed to eliminate disparity in performance on assessment instruments or disparity in high school completion rates for students who are educationally disadvantaged or at risk of dropping out of school or to support a program eligible under Title 1.
Bilingual Education Allotment: For a student of limited English proficiency, a district is entitled to the basic allotment multiplied by 0.1, or 0.15 if the student is in a bilingual education program using a dual language immersion/one-way or two-way program model. The weight is 0.05 for a student who is not of limited English proficiency in a bilingual education program using a dual language immersion/two-way program model. The bill requires that at least 55 percent of these funds be used in providing bilingual education or special language programs.

Career and Technology Education (CTE) Allotment: This bill expands this allotment for students in an approved CTE program in grades 7 (rather than 9) through 12. In addition, a district is entitled to $50 for each student enrolled at a campus designated as a P-TECH school or a campus that is a member of the New Tech Network and that focuses on project-based learning and work-based education. The bill requires that at least 55 percent of these funds be used in providing CTE programs.

Early Education Allotment: The bill entitles a district to an allotment equal to the basic allotment multiplied by 0.1 for each student in kindergarten through third grade if the student is educationally disadvantaged or a student of limited English proficiency who is in a bilingual education or special language program. A district may receive funding for a student under this allotment and the compensatory education and bilingual education allotments if the student satisfies the requirements for each allotment.

College, Career, or Military Readiness (CCMR) Outcomes Bonus: The commissioner will determine for each district the minimum number of annual graduates in each cohort required to demonstrate CCMR for the district to achieve the threshold percentage for that cohort. For each graduate who demonstrates CCMR in excess of a district’s minimum, the district is entitled to a bonus:

- $5,000 if the graduate is educationally disadvantaged;
- $3,000 if the graduate is not educationally disadvantaged; and
- $2,000 if the graduate is enrolled in a special education program.

A district is entitled to each bonus for which a graduate qualifies. The bill requires that at least 55 percent of these funds be used in grades 8 through 12 to improve CCMR outcomes. The bill repeals the former high school allotment.

Fast Growth Allotment: A district in which student enrollment growth over the preceding three school years is in the top quartile for districts in the state, as determined by the commissioner, is entitled to an allotment equal to the basic allotment multiplied by 0.04 for each student in ADA.
Gifted and Talented (GT): The GT allotment is eliminated, and this bill requires each district to certify annually that the district has established a GT program consistent with the SBOE’s state plan. If the commissioner determines that a district has not complied with the requirements for a GT program, the commissioner must reduce the district’s total amount of funding under the FSP. Nothing in the certification and reporting requirements may be constructed as limiting the number of students a district may identify or serve in its GT program.

Transportation Allotment: The bill modifies the transportation allotment to be based on a rate per mile per eligible student, rather than the linear density of a district’s transportation system. In House Bill 1, the Legislature set the rate at $1.00 for this biennium.

New Instructional Facility Allotment (NIFA): The maximum appropriation for the NIFA is increased to $100 million in a school year.

Tier One Local Share: A district’s tier one local share is the product of its tier one M&O tax rate multiplied by the district’s taxable property value for the current tax year rather than the preceding tax year. A portion of the market value of property subject to a Chapter 313 agreement will be excluded from taxable value.

Tier Two Golden Pennies: For the first eight cents (up from six cents) by which a district’s M&O tax rate exceeds the district’s tier one tax rate, a district is guaranteed the greater of the amount of revenue per weighted student per cent of tax effort available to a district at the 96th percentile of wealth per weighted student or the amount that results from multiplying the basic allotment by .016 ($98.56). This is no longer tied to Austin ISD’s yield.

Tier Two Copper Pennies: A district is also guaranteed the amount that results from multiplying the basic allotment by 0.008 ($49.28) for a district’s M&O tax effort in excess of its golden pennies. The bill compresses a district’s copper pennies in a school year in which the dollar amount guaranteed yield for this tax effort exceeds the amount for the preceding school year.

Local Revenue in Excess of Entitlement (Recapture): If a district’s tier one local share exceeds the district’s entitlement (the basic allotment, student-based allotments, and additional funding) less the district’s distribution from the state available school fund (ASF), the district must reduce its tier one revenue level in accordance with new Chapter 49 to a level not to exceed the district’s entitlement (less its ASF distribution).

Transition Grants: The bill grants short-term transition grants for districts affected by changes to the finance formulas.
TAXATION

Tax Compression: Until September 1, 2020, the state compression percentage is the percentage of the rate of $1.00 at which a district must levy an M&O tax to receive the full amount of the district’s tier one allotment. The state compression percentage will be 93 percent or lower; HB 1 set it at 93 percent. As of September 1, 2020, a district’s maximum compressed rate (MCR) is the rate for the current tax year at which a district must levy an M&O tax to receive the full amount of the district’s tier one allotment. TEA will calculate and make available districts’ maximum compressed rates. If a district has an MCR that is less than 90 percent of another district’s MCR, the rate will be adjusted so that the difference is not more than 10 percent.

No Election to Approve Tax Rate (formerly TREs) in 2019 with few exceptions: The rollback tax rate is now called the voter-approval rate. In 2019, a district’s voter-approval rate will be the sum of the district’s current debt rate plus $0.93 plus (the greater of the district’s golden pennies and compressed copper pennies or $0.04). The bill also includes specific calculations for future years. A district with a voter-approval rate, excluding the district’s current debt rate, for the 2019 tax year of at least $0.97 may not adopt an M&O rate over the voter-approval rate unless the district’s board adopted a strategic plan before January 1, 2019, that proposed a higher M&O rate.

No M&O to Generate Surplus: A district may not increase its M&O tax rate to create a surplus in M&O tax revenue to pay the district’s debt service. A taxpayer in a district is entitled to an injunction restraining the district’s collection of taxes if the district violates this restriction.

Uniform Election Dates: A board must conduct an election to approve the tax rate on the next uniform election date that occurs after the date of the election order and that allows sufficient time to comply with election laws. This bill also amends the ballot language required in an election to approve a tax rate to more clearly state the amount and percentage of increase in the M&O tax rate.

Efficiency Audits: Effective January 1, 2020, a board must conduct an efficiency audit before holding an election seeking voter approval to adopt an M&O tax rate. Efficiency audit means an investigation of district operations to examine fiscal management, efficiency, and utilization of resources, based on standards set by the Legislative Budget Board. A district must pay for the audit, and a board must select an auditor not later than four months before the date on which the district proposes to hold an election. Before an election, the board must hold an open meeting to discuss the results of the efficiency audit, and those results must be posted on the district’s website not later than 30 days before the election.

Bond Elections: A ballot proposition in a bond election must state: “THIS IS A PROPERTY TAX INCREASE.”
Tax Reduction and Excellence in Education Fund: Effective January 1, 2020, the bill adds Texas Education Code chapter 47 and establishes the Tax Reduction and Excellence in Education Fund to pay the cost of tier one allotments under new Chapter 48 or to reduce M&O tax rates. The fund consists of appropriations, gifts, and money directed by law to the fund, including deposits of state sales and use tax revenue collected, reported, and remitted by marketplace providers pursuant to HB 1525, effective October 1, 2019.

PERSONNEL

Salary Increase: During any school year for which the basic allotment is greater than the preceding school year, a district must use 30 percent of the difference in funding under Chapter 48 per student in ADA to increase compensation for full-time district employees other than administrators as follows:

- 75 percent must be used to increase compensation for classroom teachers and full-time librarians, counselors, and nurses, prioritizing differentiated compensation for classroom teachers with more than five years of experience; and
- 25 percent may be used as determined by the district to increase compensation paid to full-time district employees.

Teacher Incentive Allotment: For each classroom teacher designated under a local optional teacher designation system (LOTDS), a district is entitled to an allotment in the following base amount increased by an applicable high needs and rural factor:

- $12,000 (up to $32,000) for each master teacher;
- $6,000 (up to $18,000) for each exemplary teacher; and
- $3,000 (up to $9,000) for each recognized teacher.

The high needs and rural factor to be applied to the base amount is determined by multiplying an amount specified for each teacher designation by an average of point values assigned to students at a district campus based on the census block group in which a student resides. A student enrolled at a rural campus is assigned a point value two tiers higher than the student’s point value otherwise. Districts must certify that at least 90 percent of each allotment was used for teacher compensation at the campus at which the teacher for whom the district received the allotment is employed, that any other funds were used for costs associated with implementing the local teacher designation system, and that the district prioritized high-needs campuses in using funds received.
The commissioner will provide technical support and establish performance and validity standards for each LOTDS to ensure that each LOTDS meets statutory requirements and prioritizes high-needs campuses. In addition, the commissioner will enter an MOU with Texas Tech University to monitor each LOTDS in the state. A teacher has no vested property interest in a designation under a LOTDS.

**Mentor Program Allotment:** The bill adds an allotment for districts that have implemented a mentoring program for teachers with less than two years of experience. The funds may be used to provide mentor teacher stipends, scheduled release time for mentoring activities, and mentoring support. A district must assign a mentor for a new teacher for at least two school years. Commissioner rules will address training, mentoring skills, and the number of classroom teachers assigned to a mentor. Teacher mentors must meet with each mentee for at least 12 hours each semester. Districts must designate a time for meetings to occur during the regular school day and ensure that both the mentor and mentee teachers have time for mentorship activities by reducing their teaching loads or scheduling release time.

**Reporting Noncertified Employee Misconduct:** School districts, districts of innovation, open-enrollment charter schools (OECSs), other charter entities, ESCs, and shared services arrangements (SSAs) must report misconduct by noncertified employees to TEA in a manner similar to the way districts currently report certain misconduct by certified employees to SBEC. A person who fails to make a required report is subject to SBEC sanctions. Intentional failure to report within the deadlines is punishable as a state jail felony. A report must include the relevant student’s name but will be considered confidential under the Public Information Act (PIA).

**Do Not Hire Registry:** OECSs, home rule school districts, districts of innovation, other charter entities, and SSAs are required to terminate or refuse to hire applicants who are ineligible for employment in public school districts. Generally, a person is not eligible for employment if TEA determines the person: has an unacceptable criminal history, a conviction or placement on deferred adjudication community supervision because of an offense requiring sex offender registration; has a conviction of a Title 5 felony if the victim of the offense was a minor; or has been determined by SBEC or the commissioner to have abused or otherwise committed an unlawful act with a student or minor or was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor. If an entity fails to comply with these statutory mandates, the commissioner will revoke the entity’s charter or terminate a district’s designation as a district of innovation. SBEC must develop and maintain an internet portal for confidentially and securely filing reports of educator misconduct or new criminal history. In addition, TEA will create a registry of persons ineligible for hire by school districts, districts of innovation, OECSs, other charter entities, ESCs, and SSAs. TEA must give both public and private schools access to the registry.
INSTRUCTION

**Summer Instruction Incentive:** Effective September 1, 2020, HB 3 provides incentive aid for a district that offers an additional 30 days of half-day instruction for students in prekindergarten through fifth grade. The commissioner will increase the district’s ADA for a portion of the attendance on the additional days of instruction. This incentive funding may be used to pay costs associated with providing academic instruction in a voluntary summer program for students.

**Literacy Assessments:** Current law requires a district to administer a reading instrument in kindergarten through second grade to diagnose student reading development and comprehension. Beginning with the 2020-21 school year, a district must administer a commissioner-adopted reading instrument or the commissioner-approved alternative reading instrument to students at the kindergarten level. TEA must ensure that at least one reading instrument for each grade level is available to districts at no cost.

**Reading Standards for Kindergarten through Third Grade:** Districts and OECs must use a phonics curriculum in kindergarten through third grade. The curriculum must use systematic direct instruction to ensure all students obtain necessary early literacy skills. Starting 2020-21, districts must ensure that principals and classroom teachers in kindergarten through third grade attend a teacher literacy achievement academy. Districts must certify to TEA that they prioritize placement of highly effective teachers in grades K-3.

**Prekindergarten:** If a district operates a prekindergarten program for eligible children who are at least four years of age, the district must adopt full-day prekindergarten that meets high-quality prekindergarten program standards (absent an exemption). For children under four years of age, a district still has the option to operate prekindergarten on a half-day basis or offer full-day prekindergarten with local funding or on a tuition basis.

**Reading and Math Proficiency Plans:** Each school board must adopt early childhood literacy and mathematics proficiency plans and post them on the district’s website. The plans must set specific goals for student performance in reading and math at each campus for the next five years and must be reviewed annually at a public meeting. The bill specifies the elements that each plan must include, such as goals for students under the closing the gaps domain, goals for aggregate student growth on the third grade assessments, and naming a district-level administrator or ESC employee to coordinate implementation of the plan and submit an annual progress report to the board. The progress report must be posted on the district and campus websites and included in the district’s annual report on educational performance. The plan must also provide professional development for kindergarten through third grade teachers assigned to campuses not meeting the plans’ goals.
College, Career, or Military Readiness (CCMR) Plans: Each school board must adopt CCMR plans to set annual goals for the next five years. The plan must be reviewed annually at a public meeting and include annual goals for students under the closing the gaps domain; goals for aggregate student growth on CCMR indicators; and naming a district-level administrator or ESC employee to coordinate implementation of the plan and submit an annual progress report to the board. The progress report must be posted on the district and campus websites and included in the district’s annual report on educational progress.

FAFSA Graduation Requirement: Beginning with students enrolled in the 12th grade in the 2021-22 school year, a student may not receive a high school diploma or graduate high school until the student has completed and submitted a free application for federal student aid (FAFSA) or a Texas application for state aid (TAFSA). The commissioner will also adopt rules requiring the district to provide certain information to students about the application and the option to decline, as well as rules requiring reports to TEA on the number of students who submitted a financial aid application and the number of students who received an exemption.

Senate Bill 2—Texas Property Tax Reform and Transparency Act
Effective date: January 1, 2020, except as noted otherwise.

This bill is known as the Texas Property Tax Reform and Transparency Act. It makes numerous changes to the ad valorem taxation process in Texas. Many of the changes are not applicable to school districts and are not discussed in this summary.

New vocabulary: A taxing unit’s effective M&O rate is now called its no-new-revenue M&O rate; a taxing unit’s effective tax rate is now its no-new-revenue tax rate; and a taxing unit’s rollback tax rate is now its voter-approval tax rate.

Comptroller Forms for Taxing Units: The comptroller will prescribe electronic forms to be used by school districts to calculate and submit the no-new-revenue tax rate and the voter-approval tax rate for the district and to submit the rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year. School districts are no longer excluded from the comptroller’s annual list of total tax rates imposed. The rates will be reported by each appraisal district and listed alphabetically by county or counties in which the taxing unit is located and the name of each taxing unit.

Employment by Appraisal District: An officer or employee of a taxing unit that participates in an appraisal district may not be employed by the appraisal district.

Deadline to Adopt Tax Rate: The governing body of a taxing unit must adopt a tax rate before the later of September 30 or the 60th day after the date the taxing unit received the certified appraisal roll, except that a governing body must adopt a tax rate that exceeds the voter-approval rate not later than the 71st day before the next November uniform election date.
Database of Property-Tax-Related Information: Each appraisal district must create and maintain a property tax database that:

- contains information provided by the taxing units in the district;
- is continuously updated, accessible to the public, and searchable by property address and owner, unless otherwise confidential; and
- includes the following statement: “The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.”

Among other things, the database must include the following for each property on the appraisal roll:

- identification number, market value, taxable value, and name of each taxing unit in which the property is located;
- for each school district in which the property is located, the tax rate that would maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year, and the voter-approval tax rate;
- the tax rate proposed by each taxing unit;
- for each school district in which the property is located, the taxes that would be imposed on the property if the district adopted a tax rate equal to the proposed tax rate and the tax rate that would maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year, and the difference between the amounts;
- date, time, and location of the public hearing, if applicable, on the proposed tax rate to be held by each taxing unit’s governing body;
- date, time, and location of the public meeting, if applicable, at which the proposed tax rate will be adopted by each taxing unit’s governing body;
- the email address at which each taxing unit can receive written comments regarding the proposed tax rate; and
- a link to the website used by each taxing unit to post required information.

The database must allow a property owner to electronically complete and submit to a taxing unit a form with the owner’s opinion as to whether a proposed tax rate should be adopted until the date the governing body adopts the rate. The form must require the owner’s name, contact information, and address of property in the taxing unit.
Website Posting of Tax Rate and Budget Information by Taxing Unit: Each taxing unit must maintain a website or have access to a generally accessible website to post the following in a format prescribed by the comptroller:

- the name and official contact information for every member of the taxing unit’s governing body;
- the mailing address, email address, and telephone number of the taxing unit;
- the taxing unit’s budget for the preceding two years;
- the taxing unit’s proposed or adopted budget for the current year;
- the change, by dollar amount and percentage, in the budget from the preceding year to the current year;
- the M&O tax rate adopted by the taxing unit for the preceding two years;
- for a school district, the interest and sinking fund rate adopted for the preceding two years;
- the M&O tax rate proposed by the taxing unit for the current year;
- for a school district, the interest and sinking fund rate proposed for the current year; and
- the taxing unit’s most recent financial audit.

Effective January 1, 2021, the governing body of a taxing unit must include as an appendix to the taxing unit’s budget for a fiscal year the tax rate calculation forms used to calculate the no-new-revenue tax rate and the voter-approval tax rate of the taxing unit.

Bonds

House Bill 440—Use of Bond Proceeds

Effective date: September 1, 2019.

Unspent Bond Proceeds: A school district may use unspent bond proceeds only for the specific purposes for which the bonds were authorized or to retire the bonds, unless the specific purposes are accomplished or abandoned and at a public meeting held for the purpose of considering the use of the unspent bond proceeds, the board approves in separate votes:

- using the proceeds for a purpose other than to retire the bonds; and
- using the proceeds for a new specified purpose.
Notice of the public meeting must include a statement that the board will consider the use of unspent bond proceeds for a purpose other than the specific purposes for which the bonds were authorized. The meeting must provide the public an opportunity to address the board on the question of using the unspent proceeds for other purposes.

**Bond Election Sample Ballot:** A sample ballot for a bond election must be posted on the political subdivision’s website for 21 days before the election.

**Limitations on Bond Issues:** A political subdivision, including a school district or community college district, is prohibited from issuing general obligation bonds to purchase, improve, or construct improvements to real property, to purchase items of personal property, or to do both, if the weighted average maturity of the bonds exceeds 120 percent of the reasonably expected weighted average economic life of the improvements and personal property financed with the bonds.

**House Bill 477—Voter Information about Proposed Bond Issuance**  
**Effective date:** September 1, 2019.

A political subdivision with at least 250 registered voters on the date the bond election is ordered must prepare a voter information document for each proposition to be voted on in the election. The political subdivision must post the information document in the same manner as the bond election order is required to be posted and may include the voter information document in the election order. The voter information document must contain the ballot language, a table with specific financial information regarding principal and interest on the proposed bonds and the political subdivision’s outstanding debt obligations, specific information regarding the increase in taxes, and any other information the political subdivision considers relevant or necessary to explain the required information. A political subdivision must post this information on its website, if any, not later than the 21st day before election day and leave it until the day after the election.

**Senate Bill 30—Bond Proposition Contents**  
**Effective date:** September 1, 2019.

The ballot for a measure seeking voter approval of the issuance of debt obligations must specifically state a plain language description of the single specific purposes for which the bonds are being authorized, the total principal amount, and that taxes sufficient to pay the principal and interest will be imposed. The question of whether to approve the issuance of bonds for the construction, acquisition, and equipment of school buildings, the purchase of new school buses, and the purchase of sites for school buildings may be submitted to voters in a single ballot proposition; however, bonds for the following purposes must be stated in a separate proposition showing the principal amount of the bonds attributable to:
• construction, acquisition, or equipment of a stadium with seating capacity for more than 1,000 spectators; a natatorium; performing arts facility; or recreational facility other than a gymnasium, playground, or play area; or teacher housing determined by the district to be necessary to have sufficient teachers for the district; or

• acquisition and update of technology equipment other than equipment used for school security purposes or technology infrastructure integral to the construction of a facility.

Note that HB 3 adds a requirement for a statement in the bond ballot proposition, and SB 11 allows the use of bond proceeds to retrofit buses.

ELECTIONS

The Legislature passed two bills that will affect eligibility for service on a school board.

**HOUSE BILL 831—RESIDENCY REQUIREMENTS TO HOLD PUBLIC OFFICE**

**Effective date:** January 1, 2020.

The Texas Election Code defines *residence* as one’s home and fixed place of habitation to which one *intends to return after any temporary absence*. Under this bill, a person may establish an intent to return to a residence after a temporary absence only if the person has made a reasonable and substantive attempt to effectuate that intent or has a legal right and practical ability to return to the residence. These requirements do not apply to a person displaced from the person’s residence by a declared disaster.

**SENATE BILL 2283—SCHOOL BOARD TRUSTEE ELIGIBILITY**

**Effective date:** September 1, 2019.

A person is ineligible to serve as a school board trustee if the person has been convicted of a felony. A member of the board elected or appointed before the effective date of this bill continues to serve for the term to which the member was elected or appointed unless otherwise removed.
ACCOUNTABILITY

**House Bill 3906—Development and Administration of Assessment Instruments**

**Effective date:** June 14, 2019. Applies beginning the 2019-20 school year, except as noted.

This bill declares that it is the state’s policy that the statewide assessment program be designed to provide assessment instruments that are as short as practicable and that minimize the disruption to the education program. This bill prohibits TEA from using more than $35 million annually to implement a provision of this bill.

**Testing Subjects and Grades:** Effective September 1, 2021, this bill eliminates the separate writing assessment in grades 4 and 7. Effective immediately, SBOE may designate which sections of a mathematics assessment may or must be completed with the aid of technology. In addition, the bill modifies a law that required the Algebra 1 EOC to be administered with technology; now, one or more parts of the EOC may prohibit the use of technology.

**Assessment Scheduling and Time Restrictions:** This bill limits each K-8 state assessment instrument to three parts and creates time limits for each part based on grade level. As under prior law, the time allowed for administration of an assessment instrument may not exceed eight hours, but now state assessments may be administered in multiple parts over more than one day. With the exception of a classroom portfolio assessment, assessments may not be administered on the first instructional day of a week.

**Assessment Format:** Effective with the 2022-23 school year, assessment instruments for grades 3-8 and EOC assessment instruments may not consist of more than 75 percent multiple choice questions. TEA, in consultation with the SBOE, must develop a transition plan to administer all state assessments electronically by the 2022-23 school year.

**Prekindergarten and Kindergarten Prohibitions:** This bill prohibits the administration of a state accountability assessment to a kindergarten student unless the purpose is to determine an underage student’s eligibility for enrollment. A prekindergarten student’s performance on an assessment instrument may not be considered for purposes of accountability.

**Calculator Application:** This bill also requires a district to permit a student enrolled in a course that requires use of a graphing calculator to use a calculator application on a computing device (including a personal laptop or tablet computer) unless they make a free graphing calculator available to students.
**House Bill 4205—ACE Turnaround Plans and Other Turnaround Measures**

**Effective date**: June 10, 2019.

**ACE Turnaround Plans**: Beginning with the 2020-21 school year, a campus required to submit a turnaround plan may submit an accelerated campus excellence (ACE) turnaround plan, which must include:

- assignment of a principal with a demonstrated history of improving student academic growth;
- final authority for the principal over personnel decisions on campus;
- at least 60 percent of the classroom teachers assigned to the campus having demonstrated instructional effectiveness during the previous school year;
- compensation structures for the principal and classroom teachers that include significant incentives for high-performing principals or teachers to remain at the campus;
- policies and procedures for implementing best practices, including data-driven instruction, a system for teacher observation and feedback, positive student culture, family and community engagement, extended learning opportunities, and student services before or after the instructional day; and
- assistance by a commissioner-approved third-party provider in the development and implementation of the district’s plan.

The commissioner is required to approve an ACE turnaround plan if the commissioner determines that the plan meets the requirements described above and cited in the law. The commissioner may select one eligible campus to do an ACE turnaround plan in 2019-20, and may adjust timelines established in the accountability interventions and sanctions laws for this specific turnaround plan.

**Repurposing a Campus**: Under the prior law, when the commissioner ordered closure of a campus, the campus could be repurposed to serve students only if the commissioner found that the repurposed campus offered a distinctly different academic program and served a majority of different grade levels and students from the original campus. Now a repurposed campus may be repurposed by operating under a contract with a nonprofit organization that meets certain criteria. Unlike other repurposed campuses, a campus repurposed under these provisions must provide that a student residing in the attendance zone of the campus immediately before the repurposing will be admitted to the repurposed campus.
HOUSE BILL 1495—DISCLOSURE OF INTERESTED PARTIES AND BUDGET ITEMIZATION

Effective date: June 14, 2019.

Disclosure of Interested Parties Lobbyist Contract: Existing law provides that a district may not enter into a contract with a business entity that requires an action or vote of the board before the contract may be signed, or has a value of at least $1 million, unless the business entity submits a Texas Ethics Commission Form 1295 to the district disclosing interested parties. This bill adds to the disclosure requirement a contract for services that would require a person to register as a lobbyist under Texas Government Code chapter 305. See also identical changes made by SB 65.

Budget Itemization for Expenditures Influencing Legislation or Administrative Action: This bill adds a requirement that the proposed budget of a political subdivision must include, in a manner allowing for as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year, a line item indicating expenditures for directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action.

WEBSITE DISCLOSURES

In addition to the postings required by SB 2, the 86th Legislature passed more bills that will require website disclosures by public school districts.

HOUSE BILL 963—TRUSTEE INFORMATION POSTED ON WEBSITE

Effective date: June 14, 2019.

A school district must post and maintain on its website the name, email address, and term of office, including the date the term began and the date the term expires, of each member of the district’s board of trustees.

HOUSE BILL 305—WEBSITE POSTINGS BY TAXING POLITICAL SUBDIVISIONS

Effective date: September 1, 2019.

Taxing entities, including school districts, must post the following information online:

- the political subdivision’s contact information, including a mailing address, telephone number, and email address;
- each elected officer of the political subdivision;
• the date and location of the next election for officers of the political subdivision;
• the requirements and deadline for candidacy filing for each elected office of the political subdivision, which must be continuously posted for at least one year before the election day for the office;
• subject to an exception for school districts with a population under 5,000 in a county with a population under 25,000, each notice of an open meeting; and
• subject to an exception for school districts with a population under 5,000 in a county with a population under 25,000, the minutes or recording of each open meeting.

OPEN MEETINGS ACT

HOUSE BILL 2840—PUBLIC TESTIMONY AT OPEN MEETINGS
Effective date: September 1, 2019.

Public Participation Must Be Allowed: A governmental body, including a school board, must allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting to address the body regarding the item at the meeting before or during the body’s consideration of the item.

Reasonable Rules: A governmental body may adopt reasonable rules regarding the public’s right to address the body, including rules that limit the total amount of time that a member of the public may address the body on a given agenda item.

Additional Time for Live Translation: If a governmental body does not use simultaneous translation equipment in a manner that allows the body to hear the translated public testimony simultaneously, and adopts reasonable rules concerning the public’s right to address the body, then any rule limiting the amount of time for a member of the public to address the governmental body must provide at least twice the amount of time for non-English speakers who need a translator to ensure the same opportunities to speak.

May Not Prohibit Public Criticism: A governmental body may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This prohibition does not apply to public criticism that is otherwise prohibited by law.

SENATE BILL 494—OPEN GOVERNMENT DURING EMERGENCIES AND CATASTROPHES
Effective date: September 1, 2019.

Emergency Meeting Notices: Under existing law, the notice of an emergency meeting or supplemental notice of an emergency addition to the agenda of a previously posted notice is sufficient if it is posted for at least
two hours before the meeting is convened. This bill reduces the two-hour requirement to one hour. At the emergency meeting, the governmental body may not deliberate or act on a matter unrelated to responding to the emergency or urgent public necessity unless the agenda item was previously listed on a proper 72-hour meeting notice before the supplemental notice was posted.

**Conditions for Emergency or Urgent Public Necessity:** The bill adds examples of conditions for which an emergency meeting or emergency agenda item addition may exist if immediate action is required by a governmental body, including: fire, flood, earthquake, hurricane, tornado, wind, rain, or snow storm; power failure, transportation failure, or interruption of communication facilities; epidemic; or riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence. These examples match the existing OMA definition of a *catastrophe* permitting a posted meeting to be delayed.

**Suspension of the PIA during Catastrophes:** During a catastrophe, a governmental body may elect up to two time periods during which compliance with the PIA is suspended. The governmental body may elect an initial suspension period of no more than seven consecutive days and, if the governing body determines that the governing body is still impacted by the catastrophe, may extend for up to seven additional consecutive days.

**Notice of Temporary Suspension:** A governmental body must notify the AG’s office about its election of an initial suspension period and the subsequent suspension period. An initial suspension period may occur as early as two days prior to notification to the AG and end no later than seven consecutive days after. The one-time, subsequent extension must begin the day after the original suspension period ends.

This bill also requires a governmental body to provide public notice of the suspension in a place readily accessible to the public and in each other location meeting notice is required. Governmental bodies must maintain the public notice during the suspension period.

**Effect of Suspension on PIA Timelines:** This bill allows a governmental body to consider a public information request received during a suspension period to be received the first business day after the date the suspension period ends. PIA requirements related to a PIA request received prior to an initial suspension period may be tolled until the first business day after the date the suspension period ends.

**Senate Bill 1640—Prohibited Series of Communications by Governmental Body Members**

**Effective date:** June 10, 2019.

In response to a ruling by the Texas Court of Criminal Appeals that a portion of the OMA making it a crime to conspire to avoid the requirements of the OMA was unconstitutionally vague, the Legislature passed this bill to clarify the offense. It is now a crime for a member of a governmental body to knowingly engage in at least one communication among a series of communications that each occur outside of a meeting authorized by the OMA and that concern an issue within the jurisdiction of the governmental body in which the members...
engaging in the individual communications constitute fewer than a quorum but the members engaging in the series of communications constitute a quorum of members, if the member knew at the time of communicating that the series of communications involved or would involve a quorum and would constitute a deliberation once a quorum of members engaged in the series of communications. In other words, board members still need to avoid “walking quorums” by limiting their conversations and written exchanges about school business with fellow board members outside of public meetings.

This bill also amends the definition of deliberation. The new definition of a deliberation subject to the OMA includes both verbal and written exchanges and may occur outside of a meeting but excludes exchanges concerning public business not within the governmental body’s jurisdiction.

PUBLIC INFORMATION

SENATE BILL 943—CERTAIN CONTRACTING INFORMATION UNDER THE PIA
Effective date: January 1, 2020.

Information Related to Competition or Bidding: Under the PIA, existing law allows “a party” to assert a discretionary exception from public disclosure any information that, if released, would give advantage to a competitor or bidder. This bill adds language specifying that only “a governmental body” may assert this exception and only if it can demonstrate that release of the information would harm its interests by providing an advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive situation where the governmental body establishes the situation at issue is set to reoccur or there is a specific and demonstrable intent to enter into the competitive situation again in the future.

Contracting Information Subject to Disclosure: The bill creates a new category called contracting information that is required to be released unless excepted from disclosure by the PIA if it is maintained by a governmental body or sent between a governmental body and a vendor, contractor, potential vendor, or potential contractor. The term includes:

- information in a voucher or contract relating to the receipt or expenditure of public funds by a governmental body;
- solicitation or bid documents relating to a contract with a governmental body;
- communications sent between a governmental body and a vendor, contractor, potential vendor, or potential contractor during the solicitation, evaluation, or negotiation of a contract;
- documents, including bid tabulations, showing the criteria by which a governmental body evaluates each vendor, contractor, potential vendor, or potential contractor;
• responses to a solicitation and, if applicable, an explanation of why the vendor or contractor was selected; and

• communications and other information sent between a governmental body and a vendor or contractor related to the performance of a final contract with the governmental body or work performed on behalf of the governmental body.

The exceptions provided by the PIA for disclosure for proprietary information, for commercial or financial information that would cause substantial competitive harm, or for trade secrets may not be asserted for certain types of contracting information, including basic contract terms like total price, service dates and deadlines, the identity of parties and subcontractors, effective dates, and options to extend, as well as information indicating whether a vendor, contractor, potential vendor, or potential contractor performed or failed to perform its duties under a contract.

Trade Secrets and Commercial or Financial Information: Existing law excepts from disclosure under the PIA any trade secret obtained from a person and privileged or confidential by statute or judicial decision. This bill raises the standard of proof by requiring an asserting party to demonstrate specific factual evidence that information is a trade secret as defined by the bill.

Proprietary Information: This bill creates a new exception from disclosure under the PIA that may be asserted only by a vendor, contractor, potential vendor, or potential contractor, for the purpose of protecting its own interests, for information that was submitted to a governmental body in response to a request for a bid, proposal, or qualification. The asserting party must submit written comments to the AG and demonstrate, based on specific factual evidence, that disclosure of information would both: (1) reveal an individual approach to work, organizational structure, staffing, internal operations, processes, or pricing information (including discounts, pricing methodology, pricing per kilowatt hour, cost data) that will be used in future solicitation or bid document; and (2) give advantage to a competitor. This exception does not apply to certain contracting information as provided by this bill.

Contract Provisions in Contracts $1M or More: A contract valued at $1 million or more in a fiscal year for the purchase of goods or services by a governmental body must require the contracting entity to: (1) preserve all contracting information for the duration of the contract and pursuant to the governmental body’s records retention requirements; (2) provide requested contracting information; and (3) upon completion of the contract, either return or continue to preserve contracting information for the governmental body. If there is a PIA request for information held by the vendor, the timelines for response are slightly longer.

Notice of Noncompliance and Termination of Contract: If a contracted entity fails to provide a governmental body requested information, a governmental body must notify the entity in writing and allow 10 business days to cure the violation. Then, absent an exception, if the entity fails to remedy the failure, the
governmental body determines the failure was knowing and intentional, and steps have not been taken to ensure future compliance, the governmental body may terminate the contract.

**SENATE BILL 944—TEMPORARY CUSTODIANS OF PUBLIC INFORMATION**

**Effective date:** September 1, 2019.

**Temporary Custodians:** This bill adds a new definition in the PIA for a *temporary custodian* to mean a former or current employee or officer of a governmental body who, in the transaction of official business, creates or receives public information that has not been provided to the governmental body’s public information officer (PIO). In a school district, the superintendent is the PIO. Information held by a temporary custodian is subject to records preservation, retention, and disposition requirements under Texas Government Code. A temporary custodian must surrender or return information in his or her possession within 10 days of a request from the PIO or PIO’s agent. Failure to comply is grounds for disciplinary action, if employed by the governmental body, and subject to any applicable penalties under the PIA or other law.

**Information on Personal Devices:** This bill provides that a current or former employee or officer of a governmental body has no personal or property right to public information created or received while acting in an official capacity. The bill requires all current and former officers and employees of a governmental body who maintain public information on a privately owned device to either: (1) forward or transfer the public information to the governmental body or the body’s server to be preserved for the legally requisite retention periods; or (2) preserve the information in its original form in a backup or archive on the privately owned device for the legally requisite retention periods.

**TRAINING**

**HOUSE BILL 403—TRAINING ON CHILD ABUSE**

**Effective date:** September 1, 2019, except as noted.

**Board of Trustees:** This bill adds a training requirement for school board trustees. Every two years, a trustee must complete at least one hour of training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children. A candidate for trustee may complete the training up to one year before the candidate is elected. A new trustee must complete the training within 120 days after the date of the trustee’s election or appointment.

**Superintendent:** This bill adds a continuing education requirement for superintendents. A superintendent’s continuing education must include at least 2-1/2 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children. A superintendent subject to continuing education requirements immediately before the effective date is not required to comply with this new requirement for any continuing education period that ends before January 1, 2021.
CYBERSECURITY AND TECHNOLOGY

**House Bill 3834—Required Cybersecurity Training for State and Local Employees**

**Effective date:** June 14, 2019.

**Required Cybersecurity Training:** Annually, local governments (including school districts) must identify employees who have access to local government computer systems or databases and require those employees and the local government’s elected officials to complete a cybersecurity training program certified by the Department of Information Resources (DIR).

**DIR-Certified Training Programs:** DIR will certify at least five cybersecurity training programs and publish the approved cybersecurity training programs on its website. To be certified, a cybersecurity training program must be focused on forming information security habits and procedures that protect information resources, and teach best practices for detecting, assessing, reporting, and addressing information security threats. A local government that employs a dedicated information resource cybersecurity officer may offer its employees a cybersecurity training program if the program meets the stated requirements.

In addition to the training requirement, the Legislature passed additional laws addressing cybersecurity that will affect school districts.

**Senate Bill 820—School District Cybersecurity Policy**

**Effective date:** September 1, 2019.

Every school district must adopt a cybersecurity policy to secure district cyberinfrastructure against cyberattacks and other cybersecurity incidents, determine cybersecurity risk, and implement mitigation planning. The district’s cybersecurity policy may not conflict with the DIR-adopted information security standards for institutions of higher education. Each superintendent must designate a cybersecurity coordinator to serve as a liaison between the district and TEA. The coordinator must report any cyberattack or other cybersecurity incident as soon as practicable after discovery and notify parents if the incident involved the parents’ student information.

**House Bill 4390—Data Breach Notification**

**Effective date:** January 1, 2020.

A person who conducts business in Texas and owns or licenses computerized data with sensitive personally identifiable information must disclose a breach of system security “without unreasonable delay” and within 60 days after the data breach was determined to have occurred. The person must notify the AG of the breach within 60 days if the breach involves at least 250 residents of this state.
Building contractors who had performed work on school buildings and then were sued for construction defects sought to limit their legal exposure this session. Two bills passed as a result.

**House Bill 1734—Use of Proceeds from Construction Defect Litigation**

**Effective date:** September 1, 2019.

The bill requires a school district to provide the commissioner with written notice of an action for recovery of damages for defects in any district facility financed by bonds; such notice used to be required only if an instructional facility had been financed in part with IFA funds. Notice of an action must include a copy of the court petition and an itemized list of the defects for which the district seeks damages. If the action involves an instructional facility financed with IFA funds, the commissioner may join in the action to protect the state’s share of any damages.

Subject to enforcement by the AG, a school district that brings an action to recover damages for construction defects must use the net proceeds from the action for: (1) the repair of the defect on which the action is brought, including the repair of any ancillary damage to furniture and fixtures; (2) the replacement of the facility; (3) the reimbursement of the district for a repair or replacement; or (4) any other purpose with written approval from the commissioner. The district must provide the commissioner an itemized accounting of any repairs that were made.

**House Bill 1999—Construction Defect Claims for Public Buildings or Public Works**

**Effective date:** June 14, 2019.

This bill adds a new Chapter 2272 to the Texas Government Code, imposing requirements on governmental entities, including school districts, before they can bring an action alleging damages for construction defects against contractors or design professionals. The new chapter applies to a claim arising from damage to or loss of real or personal property caused by an alleged construction defect in an improvement to real property that is a public building or public work asserted by a governmental entity against a contractor, subcontractor, supplier, or design professional as those terms are defined in the bill. Before bringing an action asserting a claim for a construction defect, a governmental entity must provide a written report to each party with whom the governmental entity has a contract for the design or construction of an affected structure. The report must: (1) identify the specific construction defect on which the claim is based; (2) describe the present physical condition of the affected structure; and (3) describe any modification, maintenance, or repairs to the affected structure made by the governmental entity or others since the affected structure was initially occupied or used. The contractor must provide a copy of the report to each subcontractor whose work is subject to the claim not later...
than five days after receiving the report. With limited exceptions, the governmental entity must allow a party who is subject to the claim and with whom it has a contract, including any known subcontractor or supplier: (1) a reasonable opportunity to inspect a defect identified in the report for a period of 30 days after sending the report; and (2) at least 120 days after the inspection to correct or enter into a separate agreement to correct a defect. A governmental entity may, however, make emergency repairs as necessary to protect the health, safety, and welfare of the public or a building occupant.

**CONTRACTING**

**House Bill 793—Prohibition on Contracts with Companies that Boycott Israel**

**Effective date:** May 7, 2019.

In 2017, the Legislature added a requirement that a company verify that it does not and will not boycott Israel in order to enter into a contract with a governmental entity, including a school district. A federal judge blocked enforcement of the law in *Amawi v. Pflugerville Independent School District*, a consolidated action brought by five sole proprietors who alleged the law violated their First and Fourteenth Amendment rights. The bill revises the law to state that a company subject to the law does not include a sole proprietorship, and the verification requirement applies only to a contract that: (1) is between a governmental entity and a company with 10 or more full-time employees, and (2) has a value of $100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

**Senate Bill 22—Prohibition on Contracting with an Abortion Provider or Affiliate**

**Effective date:** September 1, 2019.

This bill prohibits a governmental entity, including a school district, from entering into a *taxpayer resource transaction* with an *abortion provider* or an *affiliate* of an abortion provider. *Abortion provider* means a facility licensed under the Texas Health and Safety Code that is used to perform more than 50 abortions in a 12-month period. *Affiliate* means a person or entity who enters into a legal relationship governed by at least one written instrument, including a license or other agreement authorizing the affiliate to use the other person’s or entity’s brand name or trademark. *Taxpayer resource transaction* means a sale, purchase, lease, donation of money, goods, services, or real property, or any other transaction between a governmental entity and a private entity that provides to the private entity something of value derived from state or local tax revenue, regardless of whether the governmental entity receives something of value in return. Providing basic public services, including fire and police protection and utilities, to an abortion provider or affiliate in the same manner as the services are provided to the general public is not a *taxpayer resource transaction*. 
**CURRICULUM, INSTRUCTION, AND GRADUATION**

**House Bill 391—Access to School Instructional Materials and Technology**

**Effective date:** June 14, 2019. Applies beginning with the 2019-20 school year.

If a student does not have reliable access to technology at home, the district must provide instructional materials in a printed format so the student may take them home. According to the bill, if the district was not planning to purchase printed materials, the district may comply by providing printouts of relevant electronic instructional materials. (Be sure to check the terms of the district’s license for the electronic materials first.)

**House Bill 1244—U.S. History End-of-Course Assessment and Reporting**

**Effective date:** June 14, 2019. Applies to students who enter ninth grade during the 2019-20 school year.

TEA must adopt an assessment instrument for the U.S. history EOC assessment that includes 10 questions randomly selected from the naturalization civics test administered by the U.S. Citizenship and Immigration Services. The questions must align with the U.S. history TEKS. Annually, TEA must report on the civics questions and provide disaggregated data on student performance.

**Senate Bill 213—Individual Graduation Committees**

**Effective date:** May 7, 2019, except as noted.

This bill extends the use of individual graduation committees (IGCs) for students who failed to meet the EOC or other assessment performance requirements for graduation until September 1, 2023. The bill also extends the sunset date of a provision that allows a student who did not perform satisfactorily on an Algebra I or English II assessment but performed satisfactorily on the TSI diagnostic assessment for the corresponding subject.

**Admissions, Attendance, and Truancy**

**House Bill 1597—Establishment of Residency for School Admission**

**Effective date:** May 28, 2019. Applies beginning with the 2019-20 school year.

A person whose parent or guardian is an active duty member of the U.S. armed forces, including state forces or a reserve component of the armed forces, may establish residency for admission by providing the district a copy of the military order requiring the parent or guardian’s transfer to a military installation in or adjacent to the district’s attendance zone. The proof of residency must be provided to the district not later than the 10th day after the arrival date specified in the order.
**House Bill 2526—Admission of Certain Resident Homestead Students**

**Effective date:** June 10, 2019.

This bill requires a district to admit an eligible student if the student and either parent reside in a residence homestead, as defined by the Texas Tax Code, that is located on a parcel of property any part of which is located in the district.

**House Bill 3145—Parent Conservator’s Right to Attend School Activities**

**Effective date:** June 14, 2019.

This bill clarifies that, unless limited by a court order, a parent appointed as a conservator of a child always has the right to attend school activities, including school lunches, performances, and field trips.

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**Student Health**

**House Bill 3703—Texas Compassionate Use Act**

**Effective date:** June 14, 2019.

This bill amends the Texas Compassionate Use Act (TCUA) to allow qualified physicians to prescribe low-THC cannabis to patients diagnosed with epilepsy, seizure disorder, multiple sclerosis, spasticity, amyotrophic lateral sclerosis (ALS), autism, terminal cancer, or an incurable neurodegenerative disease. A prescribing physician must be board certified in a relevant medical specialty and must dedicate a significant portion of clinical practice to the evaluation and treatment of the patient’s particular medical condition.

**House Bill 76—Cardiac Assessment of Extracurricular Athletic Participants**

**Effective date:** September 1, 2019. Applies beginning with the 2019-20 school year.

Subject to UIL rules, districts must provide students who participate in certain UIL activities with information about sudden cardiac arrest and electrocardiogram testing, including the option of the student to request the administration of an electrocardiogram in addition to a physical examination.

**House Bill 496—Traumatic Injury Response Protocol and Bleeding Stations**

**Effective date:** September 1, 2019.

Districts must develop a traumatic injury response protocol no later than January 1, 2020. The protocol must provide bleeding control stations in accessible locations for use in the event of a traumatic injury involving blood loss, require TEA-approved training for peace officers and all other district personnel who may be
reasonably expected to use a bleeding control station, and offer similar training to students enrolled at the campus in grade 7 or higher. A bleeding control station must contain specified supplies in quantities determined appropriate by the superintendent.

**House Bill 961—School Nurse’s Role in Concussion Oversight Team**  
**Effective date:** June 2, 2019.

This bill adds a school nurse as a person who has authority to determine when a student shall be removed from an interscholastic athletics practice or competition if the nurse determines that the student might have sustained a concussion during the practice or competition. At the nurse’s request, a school nurse may be a member of the district’s concussion oversight team.

**House Bill 2243—Unassigned Prescription Asthma Medication on a School Campus**  
**Effective date:** May 24, 2019.

Subject to rules by the Health and Human Services Commission (HHSC), a school board may adopt a policy authorizing the school nurse to maintain and administer unassigned prescription asthma medicine under a standing order to a student whose parent has provided notice that the student has been diagnosed with asthma and has given written permission for the nurse to administer the asthma medicine.

**Senate Bill 1827—Emergency Administration of Epinephrine by Law Enforcement**  
**Effective date:** September 1, 2019.

This bill adds a new subchapter to the Texas Occupations Code authorizing the possession and emergency administration of epinephrine by trained peace officers. A physician or other authorized person may prescribe a standing order for the administration of an epinephrine auto-injector to a person reasonably believed to be experiencing anaphylaxis. If a law enforcement agency acquired epinephrine under this new subchapter, the agency must adopt a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors.

**Special Education**

**Senate Bill 139—Notice of Educational Rights**  
**Effective date:** June 14, 2019.

This bill requires TEA to develop a notice for distribution by school districts to explain the change from 2016 to 2017 in the 8.5 percent monitoring index that TEA previously used for special education representation in the Performance-Based Monitoring Analysis System Manual (PBMAS). The notice must explain, in plain
language, the rights of a child under state and federal law, and the general process available, to initiate a full individual and initial evaluation to determine the child’s eligibility for special education services.

**EMERGENCY MANAGEMENT AND DISASTER RESPONSE**

**HOUSE BILL 2794—TDEM RELOCATED**

**Effective date:** September 1, 2019.

The Texas Division of Emergency Management (TDEM), once a division of DPS, is being moved to be a component of Texas A&M University. Under a host of new laws, TDEM is charged with future coordination among state governmental agencies, political subdivisions, and the federal government to heighten preparedness and ease communications and response times in future events. Examples of the projects TDEM will undertake include:

- Planning for debris removal *House Bill 5*
- Advance execution of disaster preparedness contracts *House Bill 7*
- Creating a portal for online case management *House Bill 1307*
- Preparing for telecommunications during an event *House Bill 2320*
- Creating guidelines for disaster communications, including use of social media *House Bill 2325*
- Exploring the possibility of a single automated intake process *House Bill 2330*
- Intergovernmental coordination and use of drones *House Bill 2340*
- Disaster Supplemental Nutrition Assistance *House Bill 2335 and Senate Bill 981*
- Improving medical care and sheltering opportunities for special populations *Senate Bill 982*

**SENATE BILL 6—RECOVERY RESOURCES**

**Effective date:** September 1, 2019.

TDEM is required to provide a model guide with comprehensive disaster response and recovery information and related training for local officials. Topics include federal funding for recovery, debris removal, short- and long-term housing solutions, and obtaining assistance from volunteer organizations. TDEM must establish a program to provide short-term loans for disaster recovery projects to eligible political subdivisions, including school districts. Before applying to TDEM for a loan, the eligible political subdivision must submit: (1) within 15 days of its adoption, its operating budget for the most recent fiscal year; (2) an application to FEMA’s
community disaster loan program; and (3) an assessment of the disaster damages. In consultation with FEMA, TDEM must determine that the estimated cost to rebuild is more than half of the political subdivision’s total revenue for the current year.

**SCHOOL SAFETY**

*House Bill 1387—Number of School Marshals at Public and Private Schools*

**Effective date:** September 1, 2019. Applies beginning with the 2019-20 school year.

This bill lifts a cap on the number of school marshals a school district or private school may appoint. Under prior law, public and private schools were limited to one marshal per campus or per 200 students.

*House Bill 2195—Active Shooter Response Plan and Training*

**Effective date:** June 14, 2019.

This bill requires each district to include in its multi-hazard EOP a policy for responding to an active shooter emergency. The Texas Commission on Law Enforcement (TCOLE) must offer an active shooter training course, and currently employed peace officers and school resource officers (SROs) must complete the training no later than August 31, 2020.

*Senate Bill 11—School Safety and Mental Health Promotion*

**Effective date:** June 6, 2019.

This bill addresses elements of Governor Abbott’s school safety action plan, as well as recommendations from both houses of the Legislature following interim hearings on school safety. The bill provides for a school safety allotment, which the Legislature funded at $9.72 per student in ADA. The bill calls for extensive agency rulemaking and guidance from the Texas School Safety Center (TxSSC).

**Facilities Standards:** This bill requires the commissioner to adopt standards for new construction and renovation of existing instructional facilities to provide a secure and safe environment.

**Bond Proceeds:** In addition to existing reasons for issuing debt, school districts are authorized to issue bonds for retrofitting school buses with emergency, safety, or security equipment and purchasing or retrofitting vehicles for safety purposes.

**Waiver of Operational Minutes for Training:** The commissioner may adopt rules to offer a waiver of up to 420 minutes of operation if a district requires all district educators to attend a school safety training course approved by the TxSSC.
Curriculum Changes: Health curriculum is expanded to include both physical and mental health. Beginning with the 2019-20 school year, the SBOE must pass rules to require each district to incorporate instruction in digital citizenship into the district's curriculum.

School Health Advisory Council (SHAC) and Suicide Prevention: Beginning with the 2019-20 school year, suicide is added to the mental health curriculum about which the SHAC is supposed to advise. The SHAC is charged with recommending strategies and policies to increase parental awareness regarding risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders, as well as available community programs and services to address these concerns.

Training for School-Commissioned Peace Officers: All school-commissioned peace officers will have up to 180 days to complete training on matters related to working with a student population, including child development, de-escalation skills, restorative practices, and more.

Multi-Hazard EOPs and Audits: The TxSSC is now the lead entity defining the scope of EOPs, in conjunction with the governor’s office of homeland security and the commissioners of education and higher education. School districts must submit their EOPs to the TxSSC on request or in accordance with a schedule set by the TxSSC. The bill greatly expands the required elements of an EOP. For example, plans must address training for employees, including substitute teachers, and must ensure that employees, including substitutes, have classroom access to communications devices in order to reach emergency services. Plans must provide for mandatory drills, to be determined by the commissioner, and measures to ensure that communications technology and infrastructure are adequate during emergencies. Plans must also include a chain of command for decision making during emergencies, including a backup if the final decisionmaker is not available. Plans must provide for physical and psychological safety in dangerous situations, ensure safety for students in portables per future TxSSC guidance, and offer equal access for students and staff with disabilities.

Consequences for Noncompliance: If a district receives notice from the TxSSC that it is not in compliance with the law (either because it did not submit an EOP or a report about its audit or because it did not correct deficiencies), the board must conduct a public hearing with detailed notice to the public and written notice to attendees about the deficiencies. If a district fails to submit an EOP to the TxSSC, the commissioner may appoint a conservator to order the district to adopt an EOP. If the district does not comply with the conservator’s order, the commissioner may appoint a board of managers for the district.

School Safety and Security Committee: The bill adds numerous positions to the local school safety and security committee. In addition to existing duties, the committee will periodically recommend updates to the EOP and consult with local law enforcement about how to increase law enforcement presence near campuses. Committees must meet at least three times per year (fall, spring, and summer), and are subject to the OMA (including relevant exceptions to the Act).
**Notice of Threats:** If a district receives a bomb threat or terroristic threat involving a facility where students are present, it must provide notice “as soon as possible” to parents whose students are assigned to or regularly use the facility. In addition, a district’s EOP must provide for immediate notification to parents in circumstances involving a significant threat to the health or safety of students.

**Threat Assessment Teams:** The board of trustees must establish a threat assessment and safe and supportive school team to serve at each campus. A team may serve more than one campus, but every campus must have a team. Each school board’s policy must be consistent with model policies and procedures from the TxSSC; require each team to receive training from the TxSSC or ESC; and require each team to complete mandatory reports. The superintendent must ensure that team members have the requisite expertise in areas such as mental health, safety, law enforcement, special education, and classroom management. Each team will conduct threat assessments for individuals who make threats of violence or exhibit harmful, threatening, or violent behavior. Teams must: gather and analyze data to determine the level of risk and appropriate intervention for each student, including referring a student for mental health assessment and implementing an escalation procedure, if appropriate, in accordance with district policy; provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and support the district in implementing the district’s multi-hazard EOP.

**Consent to Treatment:** Before a student under 18 may receive mental health services, parental consent is required on a form that complies with state and federal law and is provided by the district.

**TxSSC Registry of Service Providers:** Under prior law the TxSSC kept a list of safety service providers for informational purposes. Now the TxSSC is charged with vetting the qualifications of the service providers before adding them to the registry.

**Trauma-Informed Care Training and Practices:** Each district must adopt a policy on trauma-informed care that addresses methods for increasing staff and parent awareness of trauma-informed care; implementation of trauma-informed practices and care by district and campus staff using resources and training provided by TEA; and available counseling options for students affected by trauma or grief. In accordance with rules to be adopted by the commissioner, all new and existing employees must receive training through a program approved by the commissioner.

**Availability of Mental Health Resources:** Through a rubric designed for this purpose, ESCs must identify and report to the state promising programs and best practices that create school environments that support the social, emotional, and academic development of students and provide early, effective interventions to students in need of additional support. TEA must produce a statewide plan for mental health services, including any changes to the rubric, the results of the regional and statewide inventories, and the agency’s goals for student mental health access across the state, including goals relating to: methods to objectively measure positive school climate; increasing the availability of early, effective school-based or school-
connected mental health interventions and resources for students in need of additional support; and increasing the availability of referrals for students and families to specialized services for students in need of additional support outside the school. Finally, this bill establishes the Texas Child Mental Health Care Consortium to leverage the expertise and capacity of universities to enhance the state’s ability to address mental health care needs of children and adolescents. The consortium will establish a network of comprehensive child psychiatry access centers housed at 13 named universities to provide consultation services and training opportunities for pediatricians and primary care providers operating in the center’s geographic region to better care for children and youth with behavioral health needs. Focused on the needs of at-risk children and youth, the consortium will establish or expand telemedicine or telehealth programs for identifying and assessing behavioral health needs and providing access to mental health care services. To accomplish these purposes, members of the consortium may enter MOUs with community mental health service providers or certain private hospitals.

**Mental Health**

**House Bill 18—Mental Health of Public School Students**

**Effective date:** December 1, 2019. Any new obligation on a public school district imposed by the bill applies with the 2020-21 school year.

**Teacher Education:** This bill adds extensive training on mental health and related issues to teacher preparation programs and alters the existing requirement that “up to” 25 percent of teacher continuing education address specified topics to be a requirement that “at least” 25 percent of teacher training focus on topics including classroom effectiveness, digital learning, and identifying students at-risk of dropping out or with special needs. The bill expands the topics that must be covered to include suicide prevention, recognizing mental health conditions and substance abuse, strategies for positive relationships, and grief and trauma-informed care.

**SHAC Duties:** The bill calls for the integration of physical and mental health in the health curriculum and expands awareness about e-cigarettes to all substance abuse. SHACs must issue several new statements, including a statement of the policies and procedures adopted to promote the physical health and mental health of students, the physical health and mental health resources available at each campus, contact information for the nearest providers of essential public health services, and the contact information for the nearest local mental health authority. In addition, for each campus, the SHAC must post a statement of whether the campus has a full-time nurse or full-time school counselor.

**Nonphysician Mental Health Professionals:** A school district can employ or contract with one or more nonphysician mental health professionals, such as a psychologist, registered nurse with a psychiatric background, professional counselor, licensed clinical social worker, or family therapist.
**House Bill 19—Nonphysician Professional Assistance for Substance Abuse**

**Effective date:** September 1, 2019.

This bill creates an opportunity for local mental health authorities to hire and supervise non-physician mental health professionals to serve as mental health and substance abuse resources based at the regional ESCs. The local mental health authorities will hire and supervise the work of the nonphysician mental health professionals, and the professionals will assist the ESCs by serving as a resource regarding mental health disorders, substance abuse, and initiatives to improve mental health.

**Law Enforcement**

**Senate Bill 1707—Duties of School District Peace Officers**

**Effective date:** June 2, 2019.

This bill requires the board of trustees, in coordination with district campus behavior coordinators and other district employees, to establish the law enforcement duties of peace officers, SROs, and security personnel. The duties must be included in the district improvement plan, the SCOC, any MOU for an SRO, and any other campus or district document describing the role of peace officers, SROs, or security personnel in the district.

School district peace officers, SROs, and security personnel (officers) must perform law enforcement duties, and districts may not assign officers routine student discipline, school administrative tasks, or contact with students unrelated to the officers’ law enforcement duties.

**Senate Bill 2135—Required Information Sharing by Law Enforcement Agency**

**Effective date:** September 1, 2019.

This bill expands the information a school district will receive from law enforcement when a student is arrested. The report must contain sufficient details of the arrest to enable the superintendent or superintendent’s designee to determine whether it is necessary to conduct a threat assessment or prepare a safety plan related to the student. A school board may enter into an MOU with a law enforcement agency regarding the exchange of information relevant to conducting a threat assessment or preparing a safety plan. Information requested by the school district for this purpose may not be considered in making disciplinary placements.
FIREARMS

**House Bill 1143—Parking in School Parking Lot with Firearm**

*Effective date:* September 1, 2019.

This bill adds to the statute that provides that a school district and OECS may not prohibit a person, including an employee, who holds a license to carry a handgun from parking in a school parking lot while transporting a firearm, handgun, or ammunition as long as the car is locked and the item is not in plain view. Beginning with the 2019-20 school year, this bill adds that the district or OECS may not regulate the manner in which the handgun, firearm, or ammunition is stored in the vehicle.

**House Bill 1791—Carrying Handgun on Government Property**

*Effective date:* September 1, 2019.

This bill expands the current law that prohibits a political subdivision, including a school district, from posting notice of trespass by a license holder for the concealed or open carry of a handgun in any location where a license holder would not be prohibited from carrying a handgun by law. After September 1, 2019, a political subdivision will be subject to a complaint and investigation by the AG if the political subdivision takes “any action” (including improper notice) that “states or implies” that a license holder is not permitted to enter or remain while carrying a handgun, unless the license holder is prohibited to carry the handgun in that location by Texas Penal Code sections 46.03, 46.035, “or other law.”

**Criminal Offenses**

**House Bill 446—Criminal Consequences of Engaging in Conduct with Club or Knuckles**

*Effective date:* September 1, 2019.

Although this bill removes clubs from Texas Penal Code section 46.02, making the offense of unlawfully carrying a weapon outside of one’s premises, vehicle, or watercraft applicable only to handguns, the bill did not remove clubs from Texas Penal Code section 46.03, which is the law prohibiting weapons in certain places. Therefore, unless an exception applies, it is still a felony offense to intentionally, knowingly, or recklessly possess or go with a club on the premises of a school or educational institution, any grounds or building on which an activity sponsored by the school or institution is being conducted, or a passenger transportation vehicle of the school or institution. The bill also removes knuckles from the list of prohibited weapons in Texas Penal Code section 46.05, leaving the prohibition of knuckles up to local student codes of conduct.
**SENATE BILL 21—CIGARETTES, E-CIGARETTES, AND TOBACCO PRODUCTS**

*Effective date:* September 1, 2019.

Subject to an exception for members of the U.S. military or state military forces, a person must be over 21 (not 18) to purchase or possess cigarettes, e-cigarettes, or tobacco products.

**STUDENT DISCIPLINE**

**HOUSE BILL 65—REPORTING INFORMATION REGARDING OUT-OF-SCHOOL SUSPENSIONS**

*Effective date:* June 14, 2019. Applies beginning with the 2019-20 school year.

Each year school districts must report to the commissioner information regarding out-of-school suspensions, including demographic information, the basis of a suspension, the number of full or partial days a student was suspended, and the number of out-of-school suspensions that were inconsistent with the guidelines included in the district’s student code of conduct.

**HOUSE BILL 692—SUSPENSION OF A STUDENT WHO IS HOMELESS**

*Effective date:* June 7, 2019. Applies beginning with the 2019-20 school year.

A school district may not place in out-of-school suspension a student who is homeless, as defined by the federal McKinney-Vento Homeless Assistance Act, unless the student engages in conduct while on school property or while attending a school-sponsored or school-related activity on or off campus that contains the elements of: a weapons offense; a violent assault, sexual assault, aggravated assault, or aggravated sexual assault; or an offense related to marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

**HOUSE BILL 811—DISCIPLINE FOR STUDENTS WHO ARE HOMELESS OR IN FOSTER CARE**

*Effective date:* May 24, 2019. Applies beginning with the 2019-20 school year.

This bill adds a student’s status as homeless or in the conservatorship of DFPS to the list of mitigating factors that must be considered as a factor in any decision concerning suspension, removal to a DAEP, expulsion or placement in a JJAEP, regardless of whether the decision is characterized as mandatory or discretionary.

**HOUSE BILL 3630—PROHIBITING USE OF CERTAIN AVERSIVE TECHNIQUES ON STUDENTS**

*Effective date:* June 14, 2019. Applies beginning with the 2019-20 school year.

A school district employee, volunteer, or independent contractor may not use an *aversive technique* to reduce the likelihood of a behavior reoccurring by intentionally inflicting on a student significant physical or emotional discomfort or pain. The term includes a technique or intervention that is designed to or likely to
cause physical pain, other than corporal punishment as provided by law, and the bill provides thirteen examples of techniques or interventions included in the term. The commissioner must provide guidance to school district employees, volunteers, and independent contractors on avoiding a violation of the prohibition on aversive techniques.

**Senate Bill 1306—Information Regarding Campus Behavior Coordinator**

**Effective date:** May 28, 2019. Applies beginning with the 2019-20 school year.

For each campus, a school district must post online the email address and dedicated telephone number of a person clearly identified as the campus behavior coordinator or, if the district is exempt from the requirement to identify a campus behavior coordinator through a local innovation plan, a campus administrator designated as responsible for student discipline.

**Personnel**

**Senate Bill 1451—Employment Consequences for Teachers Maintaining Student Discipline**

**Effective date:** June 10, 2019. Applies beginning with the 2019-20 school year.

A teacher may not be assigned an area of deficiency in an appraisal solely on the basis of disciplinary referrals made by the teacher or documentation regarding student conduct submitted by the teacher. A teacher may document and submit to the principal any conduct by a student that does not conform to the SCOC, and the district may not discipline the teacher on the basis of such documentation. A teacher may, however, be assigned an area of deficiency based on documented evidence of a deficiency in classroom management obtained through observation or a substantiated report.

**Senate Bill 2073—Reduction in Required Days of Service**

**Effective date:** June 10, 2019.

This bill amends the minimum service requirement to allow a school district anticipating less than 180 days of instruction for students, as indicated on the district calendar, to reduce proportionally the minimum days of service for an educator to below 187 days. The bill clarifies that such a reduction in days of service does not reduce an educator’s salary.
**TRS**

**House Bill 2820—Investment Products Available to Public School Employees**

**Effective date:** September 1, 2019.

This bill relates to eligible qualified investment products and removes oversight of 403(b) products from TRS. An insurance company is eligible to offer qualified investment products if the company is licensed by the TDI, is in compliance with minimum capital and surplus requirements, and has experience providing qualified investment products and has a specialized department dedicated to the service of qualified investment products, as determined by the educational institution.

**Senate Bill 12—TRS Contributions and Supplemental Payment**

**Effective date:** June 10, 2019.

This bill increases the rate of contributions to TRS by members, school districts, and the state. Member contributions increase gradually to 8.25 percent by September 1, 2023. Employer contributions increase .1 percent per year from 1.5 percent in September 2019, until it reaches 2 percent in September 2024. The state’s contribution increases to 7.5 percent of the aggregate annual compensation of all TRS members for fiscal years beginning September 1, 2019, and September 1, 2020, then increasing 0.25 percent each year until it reaches 8.25 percent for the fiscal year beginning in September 2023. The bill removes the exclusion from the requirement to make employer contributions for districts making contributions to social security.

Not later than September 2020, the bill requires TRS to make a one-time supplemental payment equal to the lesser of $2,000 or the gross amount of the regular annuity payment to which an eligible annuitant is entitled for the month immediately prior to the month in which TRS issues the payment.