

District Responsibilities from the 81st Legislative Session

Some of the laws passed during the most recent session of the Texas Legislature place new policy and regulatory obligations on the state's public school districts. While those districts using TASB policy services will have the policy requirements covered, below are some of the non-policy related duties imposed by the 81st Legislative Session.

Finance and Spending

The District May:

1. **Receive bids or proposals via electronic transmission, if the Board of Trustees adopts rules** to ensure the identification, security, and confidentiality of electronic bids or proposals. The rules must also ensure that the electronic bids or proposals remain effectively unopened until the proper time. (HB 987, amending Education Code by adding § 44.0313)

Elections

The District Must:

1. **Deliver notice of any election ordered to the voter registrar** and the county clerk, not later than the 60th day before the election day. (The previous provision only required notice to the county clerk.) (HB 3062, amending Election Code by adding § 4.008)

Government and School Boards

The District Must:

1. **Have a multi-hazard emergency operations plan** for use in the District's facilities. The plan must include drills and practices for students and employees. (HB 1831, amending Education Code § 37)
2. **Establish a school safety and security committee** in accordance with the guidelines of the Texas School Safety Center. The Committee will: participate on behalf of the District in developing and implementing emergency plans; provide the District with campus, facility, or support services information in connection with a safety and security audit; and, review reports required to be submitted to the Texas School Safety Center. (HB 1831, amending Education Code § 37)
3. **Establish a long-range energy plan to reduce the District's annual electric consumption by five percent.** The strategies chosen for this plan must result in either a zero-loss or net savings for the District. (The previous version only required a "goal" as opposed to a plan) (SB 300, amending Education Code § 44.902)

The District May:

1. **Fulfill the job posting requirements of Education Code § 11.1513** by providing notice of each district vacancy via bulletin board **OR** website. (The previous law required posting via bulletin board **AND** website.) (SB 300, amending Education Code § 11.1513)
2. **Redact personal information of a current or former district employee from a Public Information Act request, without an opinion from the Attorney General,** when a current or former employee opted to withhold such information. The requester may seek a decision by the Attorney General, and the District must provide the requestor with a form prescribed by the Attorney General. (HB 1068, amending Government Code § 552)

Teachers and Educators

The District Must:

1. **Provide a copy of the service record** of a former classroom teacher, librarian, counselor, or nurse, to a school district employing the individual upon request of either the former employee or the employing school district. (HB 1365, amending Education Code by adding § 21.4031)
2. **Notify district employees of their right to assault leave in the relevant section of any informational handbook** that the District provides to

employees in electronic form, paper form, or on the District's website. **The District must also include "Assault Leave" as an option** on any employee leave request form. (HB 1470, amending Education Code § 22.003)

3. **Provide employees, not later than March 1 of each year, information regarding general eligibility requirements for the federal Earned Income Tax Credit.** Posting the information in the place of employment will not satisfy this requirement. The information must be given in one of the following ways: in person, to the employee's last known e-mail address, through a flyer included with payroll, or by mail to the employee's last known address. (HB 2360, amending Labor Code by adding Chapter 104)
4. **Consider offering a driver education and traffic safety course during each school year.** If the District provides the course it may: charge a fee comparable to that charged by a driver's education school, or contract with a driver's education school to provide the course. (HB 2730, amending Education Code § 1001.101)
5. **Include staff development training on the instruction of students with disabilities.** This training is required for educators who primarily work outside the area of special education, who do not possess the knowledge and skills necessary to implement a student's IEP, and must be based on scientifically-based research as defined by the No Child Left Behind Act of 2001. Districts may conduct the training at a time and place of their choosing. (SB 451, amending Education Code § 21.451)

The District May:

1. **Provide its employees Internal Revenue Service publications about the federal Earned Income Tax Credit** or federal income tax forms necessary to claim the Credit. (HB 2360, amending Labor Code by adding Chapter 104)

Student and Parent Issues

The District Must:

1. **Provide each district student with written notification of the substance of Education Code § 51.803 (the new automatic college admission rule)** at the time the student first registers for one or more classes required for high school graduation. (SB 175, amending Education Code § 28.026)
2. **Provide a plain-language written notification of the student's eligibility for automatic college admission to each eligible senior, and juniors in the top 10% of their class.** The notice must be given to the

student and the student's parent or guardian not later than 14 days after the last day of fall classes, or an equivalent date for year-round systems. (This amendment adds the plain language requirement, the time restriction, the inclusion of junior-level students, and the parent or guardian notification requirement.) (SB 175, amending Education Code § 28.026)

3. **Require a certified school counselor to explain the automatic college admission requirements of Education Code § 51.803** to each enrolled high school student who has a grade point average in the top twenty-five percent of their graduating class. (SB 175, amending Education Code § 33.007)
4. **Use a form to be provided by the Commissioner to give notice to students and parents of the automatic college admission law, Education Code § 51.803.** (SB 175, amending Education Code § 28.026)
5. **Comply with any procedures adopted by the Commissioner** to ensure registered high school students are given immediate written notification of automatic college admission laws. (SB 175, amending Education Code § 28.026)
6. **Include in student handbooks information on gang-free zones and the consequences of engaging in organized criminal activity within those zones.** (HB 2086, amending Education Code by adding § 37.110)
7. **Adopt and implement a policy addressing the problem of sexual abuse of children. The policy must be included in the District's improvement plan and any informational handbook provided to parents and students.** The policy should include methods for raising awareness of sexual abuse, improving detection of abuse and providing assistance to victims of sexual abuse. (HB 1041, amending Education Code by adding § 38.0041)
8. **Conduct a mandatory educational program on rodeo safety** (required only for schools that sponsor or are affiliated with rodeos in which their students are likely to participate) which includes instruction on the use of protective gear. The program is to be conducted before the first school-sponsored rodeo of the year. (SB 2505, amending Health and Safety Code by adding § 768.003)

Curriculum and Testing

The District Must:

1. **Make public, by the start of the school year, the requirements for grade advancement.** (HB 3, amending Education Code § 28.021(d))

2. **Provide written notice to parents of the Board of Trustees' decision regarding whether the District will provide human sexuality instruction to students.** The notice must include a summary of the instructional program, including a statement informing the parent of the instructional requirements under state law; a statement of the parent's right to review curriculum materials and to remove the student from any part of the human sexuality instruction without subjecting the student to penalties or sanctions; and information describing the opportunities for parental involvement in the development of curriculum. (SB 283, amending Education Code by adding § 25.112)
3. **Set goals in the mandatory campus improvement plan for a coordinated campus health program.** The goals should be based on student fitness assessment data, student academic performance data, student attendance rates, the percentage of students who are educationally disadvantaged, previous methods used to ensure student participation in moderate to vigorous physical activity, and any other indicator recommended by the local school health advisory council. (SB 892, amending Education Code § 11.253)

Miscellaneous

The District Must:

1. **Regularly observe Hydrocephalus Awareness Month** in October by conducting appropriate activities. (HB 3597, amending Government Code by adding § 662.106)
2. **If employing one or more peace officers, designate a firearms proficiency officer, and require each district peace officer to demonstrate weapons proficiency to the proficiency officer annually.** (The previous provision only applied to agencies that employed at least two officers.) (SB 1303, amending Occupations Code § 1701.355)
3. **Perform leakage testing of its LP-gas systems in accordance with the Texas Railroad Commission's safety rules** (the previous provision required pressure testing). (HB 3918, amending Natural Resources Code § 113)

The District May:

1. **Regularly observe Texas Native Plant Week** on the third full week in October with appropriate programs to appreciate, explore and study native Texas plants. (HB 1739, amending Government Code by adding § 662.154)

2. **Regularly observe Hector P. Garcia Day**, by appropriate ceremonies and activities, on the third Wednesday of September. (HB 495, amending Government Code by adding § 662.055)