

OOPS! THEY DID IT AGAIN

NEW EDUCATION LAWS
FROM THE 88TH
LEGISLATIVE SESSION

JAMIE TURNER
NATIONAL EDUCATORS LAW INSTITUTE 2023



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OVERVIEW

- Finance
- School Choice
- Curriculum / Library Materials



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THE PROCESS

- Once a bill is sent to the governor, he can:
 - Sign
 - Veto (could later be overridden)
 - Allow it to become law without a signature

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IMPORTANT DATES

- May 29, 2023 – *Sine Die*
- Special Session? Governor says so to discuss school choice...

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HB 3928: DYSLEXIA

- Boards are already required to adopt a system for testing students for dyslexia and related disorders
- Can't make a distinction between standard protocol dyslexia and other types of direct dyslexia instruction, including Specially Designed Instruction (SDI)
- Dyslexia is a Specific Learning Disability (SLD) under IDEA

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HB 3928: DYSLEXIA

- If a district suspects dyslexia, it must:
 - Provide specific information developed by TEA explaining rights under IDEA
 - Comply with all federal and state requirements under IDEA and the Dyslexia Handbook
 - Evaluate in other suspected areas of SLD

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HB 3928: DYSLEXIA

- Evaluation team and any initial ARD team must include:
 - A person with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction
 - This person must:
 - Hold a dyslexia therapy license;
 - Hold the most advanced certification issued by an SBEC-recognized association (or a substantially similar organization)

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HB 3928: DYSLEXIA

- If that person is not available:
 - A person meeting applicable training requirements adopted by SBEC
- Dyslexia “person” must sign a document describing their participation in the evaluation and in any development of the IEP
- Parent must receive information regarding dyslexia progress at least once per grading period

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HB 3928: DYSLEXIA PROVIDERS

- Must be fully trained in the district's adopted instructional materials for dyslexia instruction
- Does not have to have a special education certification, unless that person serves in a special education position
- Completion of a literacy achievement academy does not satisfy the requirements to provide dyslexia instruction

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HB 3928: DYSLEXIA PROVIDERS

- Parents of Students assigned to DAEP must be provided notice regarding the process to request a Full Individual Evaluation (FIE) under IDEA

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HB 3928: BOARD ADOPTION FOR IMPLEMENTING DYSLEXIA-RELATED RULES

- Districts' Boards of Trustees must adopt a policy regarding a requirement that it will follow the Dyslexia Handbook and follow the Commission's Rules regarding the same
- When the state audits and monitors a school district for adherence to dyslexia-related rules, it must solicit input from parents of students enrolled in the district

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HB 1416: SUPPLEMENTAL INSTRUCTION FOR STAAR FAILURES

- Applies to all STAAR tests (including EOCs) except STAAR ALT-2
- Changes requirement for 30 hours to:
 - At least 15 hours OR
 - 30 hours if student performance is “significantly below satisfactory”

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HB 1416: SUPPLEMENTAL INSTRUCTION FOR STAAR FAILURES, CONT'D

- If not in summer, at least once per week (flexibility for shorter school weeks TBD by Cmm'r of Educ.)
- Changes student/teacher ratio from 3 students to 4
- Schools don't have to provide in more than 2 subjects (should prioritize need for math, reading, and EOCs in Alg I, Eng I, Eng II)

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HB 1416: SUPPLEMENTAL INSTRUCTION FOR STAAR FAILURES, CONT'D

- Parents may opt out (in writing)
- Schools can't encourage or direct parents to opt out of inst. or ratios
- TEA will approve computerized or automated options for delivery of supplemental instruction
- Must provide notice of options at a parent-teacher conference

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HB 1416: SUPPLEMENTAL INSTRUCTION FOR STAAR FAILURES, CONT'D

- Failure 2 years in a row (or more); hold a conf. at the beginning and end of school year
- Notice and Review of accelerated instruction requirements
- Accelerated plan
- Consider teacher change, additional times instruction may occur

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HB 1416: SUPPLEMENTAL INSTRUCTION FOR STAAR FAILURES, CONT'D

- Additional resources
- At ARD: must review AI, SI, or AEP
- Parent or district may request an additional ARD meeting if IEP needs adjustment
- Exceptions for AI if student is home-bound or in an off-campus placement

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HB 1416: SUPPLEMENTAL INSTRUCTION FOR STAAR FAILURES, CONT'D

- If transportation is provided by the District, transportation must be provided for AI
- Certain waivers may be granted by the Comm'r of Education

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HB 1225: PAPER STATE ASSESSMENTS

- Parents, guardians, or teachers may submit a request to the District for their student to take a paper STAAR test
- Fall assessments → Must be requested by September 15th
- Spring assessments → Must be requested by December 1st
- Limits paper assessments to 3% of student enrollment
 - First come, first served
- Except: a student's ARD committee can say paper form is a necessary modification and the cap won't apply for that student

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HB 1926: SUPPLEMENTAL SPED FUNDS

- This bill repeals the end date of the Supplemental Special Education Services Program.
- It was previously set to expire on Sept. 1, 2024.
- Now there is no end date and the amount set aside shall be appropriated by the legislature.

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HB 114: ADDS TO DAEP OFFENSES

- Shall be sent to DAEP...
 - Marijuana
 - E-cigs
 - Use, possession, sale

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HB 2920: INFO RE: POSTSECONDARY & CAREERS

- TEA will maintain an electronic tool for all public and private school secondary students that will allow comparison of post-secondary programs and career opportunities.
- Platform will include: relative cost of program; total cost of attendance; educational outcomes, etc.
- Development by THECB

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SB 1647: DROPOUT RECOVERY PROGRAM

- ISDs and open-enrollment charter schools may use dropout recovery program that is in-person, online, or a hybrid approach
 - Must be accredited
 - Must provide referrals for mental health services
 - May not market to students enrolled in traditional high school programs
- Students may be referred by their school if the alternative program would likely keep the student from dropping out

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HB 3917: STUDENT NON-ATTENDANCE CHARGE

- Allows parents to complete an agreement to dismiss charges of non-attendance
- Agency will develop forms and resources, including sample agreements
- Allows parents to complete faith-based programs to fulfill terms of agreement
- Programs will be available through service centers

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HB 2209: RURAL PATHWAY EXCELLENCE PARTNERSHIP (R-PEP)

- The Program is meant to: incentivize and support multidistrict, cross-sector, rural college and career pathway partnerships that expand opportunities for underserved students to succeed in school and life while promoting economic development in rural areas.
- Will be developed by the Cmm'r of Educ.
- Open to schools with ADA of 1,600 or less to partner with a district within 100 miles
- Addt'l funding may be available for districts based on participants

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HB 3993: AUTOMATIC ADMISSION FOR NON-TRADITIONAL STUDENTS

- Extends automatic admission for top 10% of public or private high school students to students who have completed a non-traditional secondary education program



SB 68: EXCUSED ABSENCES FOR VISITING WORKPLACE

- Districts may allow up to 2 days of excused absences during junior year and senior year for attending workplace of a job or career that interests them
- District must adopt a policy that verifies attendance at workplace



SB 133: LIMITATIONS ON RESTRAINT AND TASING

- Peace officer performing duties on or at a school sponsored activity may not restrain, tase, or use a chemical irritant on students 5th grade or below
- Unless the student poses a risk of serious harm to themselves or other person

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SB 2304: DRIVING WITH DISABILITY

- Schools must provide information regarding Driving with Disability Program Information
- Effort to aid in effective communication with law enforcement
- Begins with students 16 or older who may have a disorder which affects communication and who are in SpEd or have a 504 plan
- Students must be informed of option to put disability information on license

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HB 1297: ELECTRONIC EYE CHARTS

- Allows a public or private school to use an electronic eye chart (instead of a printed eye chart) to assess visual acuity
 - More accurate and timely than traditional methods
 - Law already requires test for vision disorders by photo screening
- Can't be a game; still requires letters, numbers, and symbols
- HHS will enact rules
- Effective Sept. 1, 2023

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HB 1615: PRE-K PARTNERSHIP PROGRAM

- Comm'r of Educ. will establish program
- Eligible education provider (child-care center) can partner with local schools for pre-k classrooms at child-care center
- Professional development scholarship program for CDAs, continuing education, training resources
- Teachers may receive stipend for serving as a mentor teacher
- Goal is to promote additional locations and options for pre-k

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HB 1959: PEACE OFFICER TRANSFER
HB 2892: MILITARY SERVICE MEMBER TRANSFER

- A peace officer or military service member can transfer their student to another campus in the district or another school district upon written request



HB 2012: NATIONAL MOTTO IN CLASSROOM

- School can't prohibit teacher (or professor) from displaying the national motto on a poster or in a framed picture
- "In God We Trust"



HB 3803: REPEAT OF GRADE LEVEL OR COURSE

- Parents can request student can repeat a grade up to grade 8 (currently at grade 3)
- Parents of high school students could repeat a course from the previous school year
 - Unless student has completed all course requirements for graduation

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