



# 85<sup>th</sup> Legislative Update





# Federal Update

- May 2016 Guidance
  - [Repealed](#) by new administration, February
    - [Secretary DeVos](#) committed to protecting students
  - [SCOTUS remanded](#) 4<sup>th</sup> Circuit Case, March
  - [7<sup>th</sup> Circuit](#) found in favor of student. May
- Texas Legislature
  - Special Session, Bathroom Bill **priority**
- OCR
  - [Investigating complaints](#) involving transgender students- June 6th

- OCR may assert subject matter jurisdiction for failure to:
  - promptly and **equitably resolve** a transgender student’s complaint of **sex discrimination**
  - assess whether **sexual harassment** (i.e., unwelcome conduct of a sexual nature) or **gender-based harassment** (i.e., based on sex stereotyping, such as acts of verbal, nonverbal, or physical aggression, intimidation, or hostility **based on sex or sex-stereotyping**, such as **refusing to use a transgender student’s preferred name or pronouns** when the school uses preferred names for gender-conforming students or when the refusal is motivated by animus toward people who do not conform to sex stereotypes) of a transgender student created a hostile environment;

- take steps reasonably calculated to **address sexual or gender-based harassment** that creates a hostile environment;
- **retaliation against a transgender** student after concerns about possible sex discrimination were brought to the recipient’s attention and
- **different treatment based on sex stereotyping** (e.g., based on a student’s failure to conform to stereotyped notions of masculinity or femininity)
- [New Complaint Procedures](#) June 8th

# Accountability



- A-F Overview
  - Consolidated 5 domains to 3
    - Student Achievement
    - School Progress
    - Closing the gaps
  - Option for local accountability standard in the future
  - Feasibility study to include extra curricular activities

- Academic Oversight
  - Governing body of charter school must provide oversight for student academic achievement and strategic leadership to maximize student performance
- Improvement required
  - If fails to meet accreditation, academic, or financial, TEA may order the board to use an evaluation tool
    - Tool created by commissioner, must be researched based.
  - Campus improvement plan must include developing and supporting academic oversight

- High Drop-out Schools
  - If submitting plan because of high drop-out rate, must include
    - CTE or technology application programs that lead to certificates
    - Research based plan to assist students to pursue post-secondary education
      - College readiness instruction
      - Transition opportunities
      - Post-secondary supports



# Operations

- Minutes
  - Clean up from 84<sup>th</sup> Legislative Session
  - 75,600 minutes of operation
  - Schools serving at-risk students must provide at least 43,200
  - PreK must provide at least 32,300 minutes for half day
  - Charters operating in Jan. 2015 are grandfathered in

- NIFA
  - Redefines NIFA to include buildings that are being used for the first time as a school
  - Increases payment from \$250 per student to \$1000

- Permanent School Fund
  - Increases access to PSF
    - Charters have access to total capacity
    - \$1.3 billion to \$4.3 billion
    - Incremental increase by 20% until 2021
  - Protects the PSF for everyone
  - Requires charters to remit 20% if savings as a result of the lower interest rate

- Conceal Carry
  - Cannot prohibit a person who is licensed to store firearms in locked, privately owned vehicle in parking lot

- Property tax appraisal
  - If leasing, landlord must provide you with copy of tax appraisal
  - Property owner must send within 10 days of receiving notice
  - Can agree to waive requirement
    - Leasee may also request appraisal notice directly from appraisal district
    - District must respond in 15 days

# Students



- Suspension
  - ISDs are prohibited from suspending students in grades lower than 3rd
    - Exceptions for weapons, violent offenses, or possession, sale, use, or of drugs on campus
  - ISDs and Charters may create a disciplinary alternative
    - Can't rely on OSS or ISS
    - Must use PBIS
    - Researched based

- Cyber bullying (David's Law)
  - Expands the definition of bullying
    - single significant act or a pattern of acts that exploits an imbalance of power through written or verbal expression, electronic means, or physical conduct that causes:
      - physically harm, damaging a student's property, or placing a student in reasonable fear of harm or damage to the student's property;
      - severe, persistent, or pervasive that the action or threat creates an intimidating, threatening or abusive educational environment for a student;
      - Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
      - Infringes on the rights of the victim at school

- Bullying off campus
  - Bullying includes on campus, school activity, or off school property
  - Cyberbullying occurs off campus or outside of a school event that interferes with student's educational opportunity or substantially disrupts school operation
  - Includes ALL electronic communication

- District Policies
  - Must adopt a policy
    - Procedures to notify parents of victim and alleged bully's parents
      - within 3 business days
    - Procedures for students to anonymously report
    - Assist in prevention of bullying
- Discipline
  - May expel, may send to DAEP, may report to law enforcement

- Remedies
  - Creates civil remedy for parents of victim of bullying against alleged bully
- Penal Code
  - Creates a Class A misdemeanor for harassment if,
    - Against a minor
    - Intent to cause serious bodily harm
    - Intent to cause suicide

- Expansion of Medicaid reimbursement
  - Parent consent
  - Approved health provider
  - Reimburse of services provided for telehealth services

- RTI Notification
  - When student receives intervention, must provide parent notice
  - Length of intended intervention
  - Progress reports
  - Types of interventions
- PIEMS Reporting
  - Number of students receiving multi-tiered intervention

- Prekindergarten Eligibility
  - Adds children of first responders to list of eligible students
    - Peace officer
    - Firefighter
    - EMT
  - Effective immediately



Employees

- Inappropriate Relationships
  - Includes any teacher, aide, librarian, counselor, or administrator—regardless of certification
  - Sexual conduct, intercourse, online solicitation of a student
  - Requires registration as a sex offender

- Reporting Requirements
  - Requires principal to report to superintendent within 7 days
    - Must then report to SBEC within 7 days
  - Civil immunity for reporting
- Failure to report
  - Sanctions by SBEC including a fine up \$10k
  - With intent to conceal is a state jail felony
- Parent notice as soon as feasible
  - Must adopt policy

- New Employees
  - Affidavit regarding charges, adjudication, or conviction
  - May still hire, if allegations are false
  - Failure to disclose is grounds for termination
  - SBEC may revoke certification of superintendent if knowingly hired individual who was convicted

- Assistance in obtaining employment
  - SBEC may revoke or refuse to give a certificate, or sanction an individual who assists a person who they knew engaged in sexual misconduct with student(s)
- Investigations
  - Schools may give evaluations of teachers to SBEC as part of investigations
  - TEA may start an accreditation investigation for failure to produce evidence requested by TEA

- TRS
  - If convicted of inappropriate relationship with a student
    - No Annuity payments, unless no conviction
    - Entitled to personal contributions and interest
    - Benefits payable to alternate payee's doesn't eligibility

- **Electronic Communication Policy**
  - **Must adopt a policy**
    - include provisions to prevent improper electronic communications between a school employee and a student;
    - allow a school employee keep personal telephone number or e-mail address confidential
    - Instructing a school employee about the proper method for notifying appropriate local administrators about an incident in which a student engages in improper communications with the school employee.

- Behavior Analyst
  - creates new chapter in occupations code
  - Defines behavior analyst as BCBA or BCBA-Doctoral
  - Cannot use Behavior Analyst title without license
  - School employees, including LSSPs providing behavior analysis are not subject to the requirements



# Questions?

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