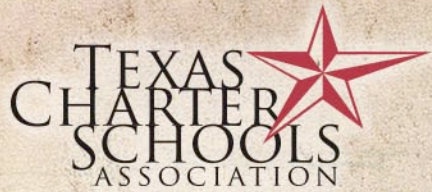


85th Legislative & Federal Update





85th Legislative Session Recap



Grassroots Overview 2015-2017



2015 vs. 2017

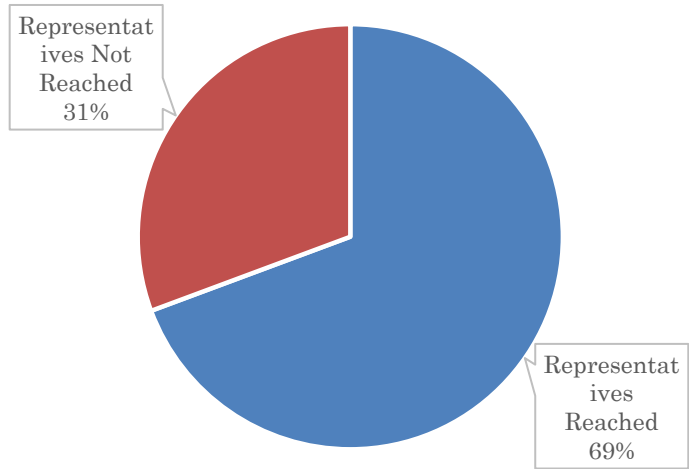
- 15 email campaigns
- 2,555 emails
- 134/181 Lawmakers
- 32 email campaigns
- 11,649 emails
- 163/181 Lawmakers

69%



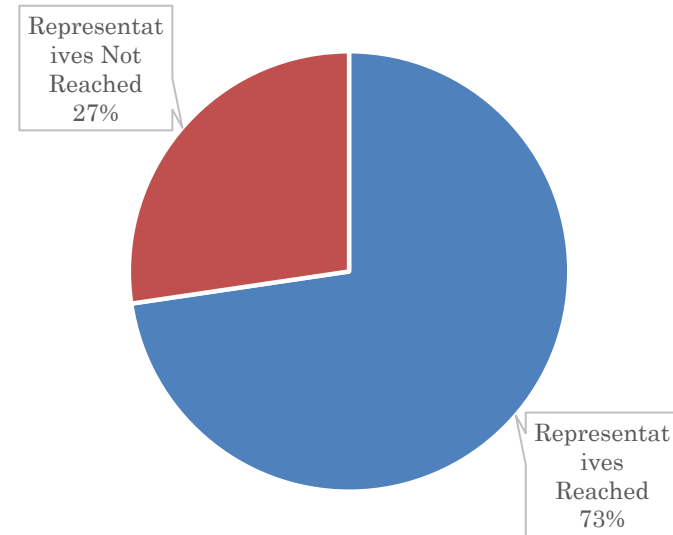
73%

2015 House Outreach



■ Representatives Reached ■ Representatives Not Reached

2017 House Outreach



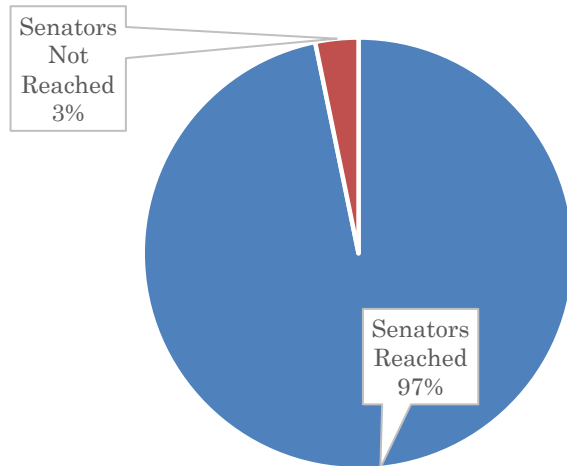
■ Representatives Reached ■ Representatives Not Reached

97%



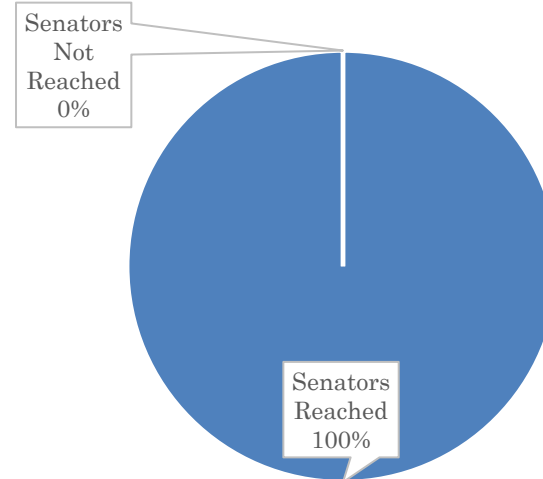
100%

2015 Senator Outreach



■ Senators Reached ■ Senators Not Reached

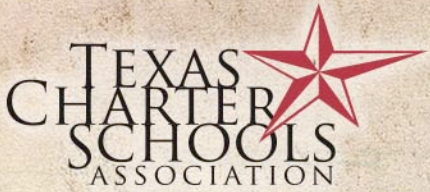
2017 Senator Outreach



■ Senators Reached ■ Senators Not Reached

- Passage of two significant TCSA legislative priorities:
 - Capacity increase to PSF Bond Guarantee Program
 - Minutes Bill Fix
- Facilities funding moves farther in the legislative process than any other prior legislative session.
- No legislation adverse to charter's interests passed - despite playing much more defense than any prior session.

- The number of charter school supporters – especially in the House – grew substantially.
- TCSA staff proactively pitched stories and penned original op-eds and letters to the editor to raise awareness of the value of public charter schools – **over 60 news stories** resulted directly from TCSA contributions from Jan. – May 2017.
- TCSA had its largest rally yet with over 2000 participants where Governor Greg Abbott and Lt. Governor Dan Patrick, amongst many other lawmakers, spoke.

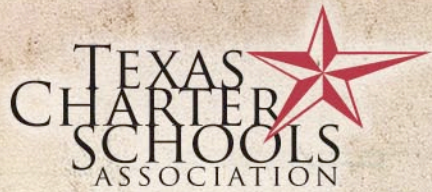


Special Legislative Session



First Called Special Session

- 30 days – began July 18th - 20 items on the “call”
- TCSA delivers to Gov. Abbott over 3,100 petition signatures requesting the addition of facilities funding to the call.
- Education related items on the call include:
 - Legislation establishing a school finance commission and other school finance legislation.
 - Legislation to empower parents of children with special needs or educational disadvantages to choose an educational provider that is best for their child.
 - Legislation to increase the average salary & benefits of teachers; & legislation to provide a more flexible & rewarding salary & benefit system to teachers.



TCSA Member Priorities



- 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

- Minutes
 - Clean up from 84th 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



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

- Indicators
 - Student Achievement
 - Long list of indicators for secondary achievement
 - State assessments
 - School Progress
 - Comparison to other campuses
 - Closing the Gap
 - Must be at least 30 percent of overall rating
 - Commissioner can develop new indicators at any time during the year prior to evaluating schools

- Ratings
 - Only an overall F rating is unacceptable
 - Year 1: 2017-2018 School Year
 - Districts will get A-F rating
 - Campuses will be met standard or improvement required
 - Year 2 and beyond
 - Overall and individual domain ratings for districts and campuses

- Improvement Plans
 - Campus or districts with overall D or any domain with a D must implement an improvement plan
 - Intervention and Sanctions
 - Apply to any campus or district that receives an F on a domain or overall; or
 - Campus that receives a D after implementing an improvement plan

- Local Accountability
 - Available for schools to create it's own campus accountability ratings
 - 50% of overall score
 - Must meet several requirements
 - Researched based
 - Measureable
 - Available after first 2 years of A-F

- **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

Operations



- Vehicle Tax Exemption
 - Charter Schools were added to the list of public agencies exempt from
 - Sales and use taxes on vehicles
 - Registration Fees
 - Effective 9/1/17

- 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

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



Students

- 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

- Repeal of 8.5% Cap
 - TEA cannot create an indicator for the total percentage of students receiving special education
 - TEA can still have PBMAS indicators to address disproportionality
 - New ESSA has 98 disproportionate indicators

- Camera's in the classroom
 - Clean up bill from 84th
 - Self-contained or special education classrooms where student spends majority of the day
 - Clarifies request is limited to single classroom or campus
 - Shortens time period to maintain video from 6 to 3 months
 - Parents can appeal a denial to TEA

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

- 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 eligible for the Star Award 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 to SBEC
 - Superintendents must report within 7 days of learning the information if an educator employed by or seeking employment has:
 - a criminal record that school obtained by means other than the criminal history clearinghouse; or
 - if an educator's employment was terminated based on evidence that the educator was involved in an inappropriate relationship with a student.
 - Requires principal to report to superintendent 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
 - 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**
 - method for notifying appropriate local administrators about an incident in which a student engages in improper communications with the school employee.

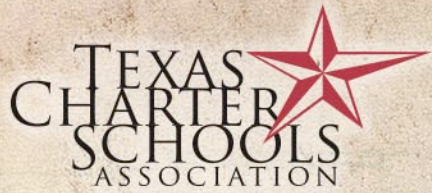


Health and Safety

- Lice Notice
 - Must adopt a policy
 - Notify parents if aware child has lice
 - No later than 48 hours
 - Each child of student in class
 - Recommendations from Center for Disease Prevention

- HB 1886 requires dyslexia screening of all students
 - End of Kindergarten
 - End of 1st
- Transition planning for students in special education
 - Over 18, parent can be invited by student or school
 - Must review annually
 - Transfer of rights notices must include information and resources
 - regarding guardianship, alternatives to guardianship, including a supported decision-making agreement, and other supports to enable the student to live independently.

- Sex trafficking instructional materials
 - Commissioner, with prevention taskforce, must develop sexual abuse and sex trafficking instructional modules that's schools may use as part of the health curriculum.
 - If school uses module, school must provide notice to parents
- Charter's must adopt and implement a policy to address sex trafficking



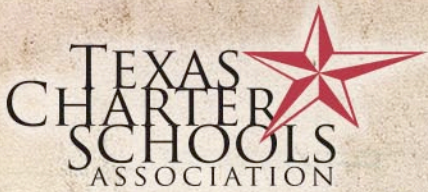
Federal Update



- Andrew F.
 - IDEA case determined the *de minimus* standard was too low
 - SCOTUS requires a school to “offer an IEP reasonably calculated to enable a child to make progress **appropriate in light of child’s circumstances**”
 - Appropriately ambitious to meet challenging objectives
 - School **must be able to offer** a cogent and responsive explanation for their decisions

- Fry v. Napoleon Community Schools
 - Request for a service animal
 - Exhaustion of IDEA is not necessary for ADA or 504 claim
 - Something other than FAPE
 - Could the claim be made about another public facility?
 - Could an adult bring the claim?
 - History of complaint?

- May 2016 Guidance
 - [Repealed](#) by new administration, February
 - [Secretary DeVos](#) committed to protecting students
 - [SCOTUS remanded](#) 4th Circuit Case, March
 - [7th Circuit](#) found in favor of student. May
- Texas Legislature
 - Special Session, Bathroom Bill **priority**
- OCR
 - [Investigating complaints](#) involving transgender students- June 6th
 - [New Complaint Procedures](#) June 8th



Questions?

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