



HOW EDUCATION ISSUES FARED DURING THE 2021 LEGISLATIVE SESSION

COVID-19 relief

Probably the biggest pluses for public schools so far this year were the allocation of \$11.2 billion in COVID-19 relief funds for Texas K-12 education and the addition of school employees to the COVID vaccination priority list, and those weren't legislative issues.

Texas gave educators belated priority for COVID vaccines only after TSTA and NEA demanded it and President Biden ordered it. The relief funding also came from the federal government. State officials released two-thirds of the \$11.2 billion to school districts after TSTA demanded that the money be added to district budgets and not used to replace state education funding, as the governor did with more than \$1 billion in relief funds last year.

Congress also allocated several billion additional dollars in pandemic emergency funds for public education in Texas, but that money has been delayed, pending the U.S. Department of Education's approval of the state's plan for spending that portion of the money. TSTA will continue to insist that all the funds be spent for public education, as Congress intended.

We killed charter expansion bills

As originally filed, SB28 would have removed the authority of the elected State Board of Education to veto new charter schools approved by the appointed education commissioner, who just happens to be a charter advocate. It also would have removed the ability of traditional school districts and other local officials to block the location of an unneeded charter school in their community. That version of the bill was approved by the Senate.

But we were able to slow it in the House, where it and a companion measure, HB3279, got bogged down in the House Public Education Committee. The sponsor, Sen. Paul Bettencourt, R-Houston, tried to win votes by restoring the state board's veto authority but raising the vote requirement from the current majority to two-thirds. Neither the Senate nor the House bill made it out of the House committee, and both died.

Two other more-limited bills, HB1348 and SB487, which would have prevented local officials in small cities from using their zoning powers to block the location of charter schools, also died.

Another charter bill, HB3610, passed and was sent to the governor. This bill will give a tax exemption to property leased by charter schools, as well as traditional public school districts, and require that the lessors transfer their savings from the tax exemptions to the charters or school district tenants.

But the bill does not ensure that charter schools that benefit from the tax exemption will use their savings to benefit students. It also does not exclude charter schools that lease from a related for-profit organization from receiving the tax exemptions, despite the potential for conflicts of interest. Neither did it address the concern that

all Texas taxpayers will pay for a charter tax exemption — at an unknown cost — which may make the bill unconstitutional.

Another bill, HB97, which would have prohibited charter schools from denying admission to students based on discipline histories, died.

Voucher bills also failed

In an overwhelming bipartisan vote, the House made a strong stand against vouchers by adding a provision to its version of the state budget to prohibit the expenditure of state funds for private school vouchers in any form.

Consequently, the only voucher bill to gain any traction was SB1716, which the Senate approved to allow special education families to receive grants to purchase instructional materials or services from private vendors without any school district oversight. The House amended the bill to remove the voucher element and give the education commissioner and education service centers control over the grant process, with input from ARD committees. The Senate accepted the House changes, and the bill was sent to the governor without vouchers.

SB1968, a tax-credit scholarship voucher bill, died in the Senate.

Virtual schools' expansion measure died

HB1468, which would have expanded the number of virtual schools offered by districts as we emerge from the pandemic, failed to make it to the governor's desk. It would have funded virtual schools in the same manner as a district's physical classrooms, but it died when House Democrats broke a quorum Sunday night to shut down business and kill the Republicans' voter suppression bill. For safety reasons, we have had to teach virtually during this health emergency. But TSTA opposed this bill because research and the experiences of many students during the pandemic have clearly shown that virtual schools are inferior to classrooms with teachers.

We tried to improve the bill with a provision that would have prohibited districts from requiring teachers to teach online and to students in a classroom at the time, but that provision was dropped from the conference committee report on the bill that died on the House floor.

The Legislature did pass SB348, which will allow parents to observe virtual instruction and review any instructional materials or other teaching aids provided to their children while they are participating in virtual or remote learning.

Retirees scored some victories, but no COLA

The Legislature kept its commitment to increase the state's contribution to the Teacher Retirement System pension fund, to keep the fund financially sound. The state's contribution will increase from 7.5 percent to 7.75 percent on Sept. 1 and to 8 percent on Sept. 1, 2022.

Member's contributions will increase from 7.7 percent to 8 percent on Sept. 1 and remain there for another year. School district contributions will increase from 1.6 percent to 1.7 percent on Sept. 1 and to 1.8 percent on Sept. 1, 2022.

Lawmakers enacted SB288 to ease return-to-work provisions for TRS retirees, including reducing financial penalties and providing allowances for returning to work during a declared disaster. The bill removes a provision that requires TRS members who retired after Jan. 1, 2011, to forfeit their monthly retirement payment for any month in

which they are employed by a Texas public educational institution. The new law will reduce the monthly benefit for such a retiree to the lesser of the retiree's pension benefit payment for that month or the total compensation earned by the retiree for that month's employment.

The Legislature also passed the TRS sunset bill, HB1585, which requires TRS to improve services to members and retirees by:

- Developing a communication and outreach plan on retirement planning;
- Appointing an ombudsman to monitor the agency's interactions with members and investigate complaints; and
- Improving efforts to return contributions to inactive members before funds are forfeited.

The Legislature did not provide retired educators with another 13th check or a much-needed COLA. HB3214, which would have provided a 6 percent cost-of-living adjustment, capped at \$100 per month, and HB3507, which would have provided 13th checks of as much as \$2,400, were approved by the House Pensions, Investments and Financial Services Committee but died in the Calendars Committee.

Appropriations

Unlike two years ago, legislators didn't approve additional money for school employee pay raises. Nor did they raise the state contribution to employees' health insurance premiums, which has been frozen for more than 20 years. But they added money to the new budget to keep the state's commitment to public schools laid out in House Bill 3, the school finance law enacted in 2019. And they passed separate legislation (HB1525, see below) to protect pay raises employees received from HB3, provided their district's funding stays at the HB3 level and an employee still works in the same district.

Bill to restrict transgender participation in school sports dies

SB29, which would have restricted transgender students to participating in sports based on their sex at birth, not the gender with which they identify now, failed to win approval before an end-of-session parliamentary deadline in the House and died. Lt. Gov. Dan Patrick, who had made the bill one of his legislative priorities, called for Gov. Abbott to call a special session to revive the bill.

Bill to limit the teaching of racism and racial injustices passes

HB3979, part of a national, conservative Republican effort to curb the teaching of systemic racism and injustices to people of color, passed and was sent to the governor, who is expected to sign it into law. The bill also will limit classroom discussions about current events, limit the cultivation of critical thinking skills and prohibit teachers from offering course credit or extra credit to students for participation in politically related activities or public policy advocacy.

The bill also will prohibit teaching about the "1619 Project," a deep look by The New York Times at the consequences of slavery that still affect our country.

TSTA fought the bill, and we were able to assist friendly legislators with the adoption of amendments to protect the inclusion of several historical women and people of color in social studies lessons. But overall the bill is bad. It is a partisan intrusion into academic freedom and free speech rights in the classroom.

Gun restrictions on school marshals loosened

Current law requires school marshals — school employees who are authorized by their districts to bring handguns to their campuses — to keep their firearms locked up in secure locations if their primary duty involves regular, direct contact with students. SB741, if signed by the governor, will allow marshals to carry their guns with them as they conduct their daily duties, including interactions with students in classrooms.

TSTA opposed this bill because we believe it could result in accidental shootings or guns falling into the hands of children.

Meanwhile, the so-called “constitutional carry” bill, HB1927, which would let most Texans carry handguns without a license or firearms safety training, also was sent to the governor, who said he will sign it. This bill keeps the existing prohibition against people carrying their guns onto school campuses.

School takeover bill passes, but TSTA succeeds in weakening it

As originally filed, this measure, SB1365, would have increased the unelected state education commissioner’s authority to impose sanctions on school districts, including the replacement of locally elected school board members with the commissioner’s appointed boards of managers. And it would have made the commissioner’s decisions unappealable to a court of law. The bill stemmed from Commissioner Mike Morath’s ongoing efforts to take over Houston ISD, but it affects districts statewide.

TSTA opposes the final version of the bill, which was sent to the governor, but it is much improved due to our efforts.

The final bill will not rate campuses that receive Ds or Fs during the 2021-22 school year under the state’s accountability system. It will halt state interventions for a campus that receives a C next year after multiple years of failed ratings.

The bill also codifies a current practice that allows a D rating to trigger accountability sanctions in a way that is less severe than current commissioner practices. It does, however, allow for sanctions to be imposed when a district goes back and forth between D and F ratings. The measure also makes open-enrollment charter schools subject to oversight for D ratings and requires a D rating to be considered when the commissioner is deciding whether to renew an open-enrollment charter.

Additionally, the bill provides for investigative hearings before the State Office of Administrative Hearings and provides for a judicial appeal of a commissioner’s decision to appoint a board of managers for a school district.

But the measure will continue to allow the state to take over a school district because of a single campus’ ratings.

School finance “cleanup” bill protects educator pay raises

The Legislature approved HB1525, a so-called “cleanup” bill for HB3, the school finance law enacted in 2019. It also became a potential catch-all for a number of funding-related proposals, including some not good for public education.

TSTA succeeded in getting some of the bad ideas stripped from the bill in conference committee, including outcomes-based funding based on STAAR scores and a proposed requirement that school districts set aside 40 percent of their federal COVID relief funds, which we feared the Legislature could have used to replace state education funding in the future.

The final bill includes a provision that protects school employee pay raises funded through HB3, provided the district receives the same level of funding as under HB3 and the employee remains employed by the same district. The bill provides exceptions if a district declares a financial exigency.

Other provisions in the final bill:

- Postpone reading academies through the 2022-23 school year.
- Allow non-certified teachers to be eligible for Teacher Incentive Allotment bonuses and specify that TIA compensation is TRS eligible.
- Create a tutoring program to be staffed by retired teachers and run by a non-profit entity.
- Require parental consent for sex education, and for sex education materials to be public.
- Create additional funding for resource campuses if they comply with specific requirements and have received four Fs over 10 years.
- Extend existing grant programs for school districts serving students with autism and for teacher training for dyslexia.

STAAR, Individual Graduation Committees

Lawmakers passed HB1603 to make Individual Graduation Committees (IGCs) permanent. These committees, which have been operating temporarily for several years, provide alternatives for graduation to high school students who fail to pass end-of-course exams. This new law also will allow the state education commissioner to investigate any school where more than 10 percent of students in any given year get their diplomas through these committees.

The Legislature also passed HB999, which becomes law immediately, for IGCs to allow high school seniors who are otherwise qualified to graduate this year to receive their diplomas regardless of whether they passed or even took the end-of-course exams. Some families kept their children home, refusing to let them return to campus during the pandemic to take their exams. The new law allows the state education commissioner to provide the same exemption next year.

The House approved HB764 to remove STAAR tests in writing in grades four and seven, in social studies in grade eight and in any additional subject and grade not required by federal law, but this bill died in the Senate.

Broadband expansion addressed

Lawmakers approved HB5 to create a council for tracking and providing broadband access across Texas, including tracking school district access and providing grants to districts needing internet services. Broadband inequality among districts and different parts of the state became especially obvious during the pandemic.

New class size limits set for pre-K

SB2081, which was sent to the governor, will limit pre-kindergarten classes to 22 students, the same limit that has been imposed on K-4 classes for many years.

Teacher training improvements pass

The Legislature passed SB1267 to streamline teacher professional development and allow for more enriched development. This bill is a direct result of the Teacher Workforce Committee, with which TSTA was actively involved.

Lawmakers also approved HB159, which is designed to improve training for teaching students with disabilities. It will require the State Board for Educator Certification to develop rules for training how to teach students in each disability category under the federal IDEA law and require school districts to ensure this kind of training.

Bill will give teachers relief in contract-abandonment cases

TSTA was actively involved in the Legislature's approval of HB2519 to make contract-abandonment cases fairer for the teachers involved. The measure will ensure that any contract-abandonment case cannot have a mandatory one-year suspension and will require the Board for Educator Certification to consider relevant mitigating factors.

It will require prompt notice to a teacher of a suspension, including the basis for the suspension and how to respond. It also will allow a teacher to give a district 30 days' notice before resigning without any penalty. The measure also will require the certification board to include rural educators.

Homeschoolers' UIL bill passes

HB547, which the Legislature approved and sent to the governor, will allow a public school to provide home-schooled students who meet residency requirements the opportunity to participate in school sports and other UIL activities.

Legislation to expand school property tax breaks for corporations dies

These Chapter 313 tax breaks, which TSTA opposes and which will cost Texans \$1.9 billion in lost revenue during the next two years alone, are set to expire in 2022. HB1556 would have kept the program going and expanded it at an even greater loss of revenue for much-needed state programs. HB4242 would have extended the life of the program. Both bills died at the end of the session.

Dues deduction bill dies

SB1660, which would have prohibited TSTA members and members of other professional organizations from continuing the long, convenient practice of having their employers automatically deduct membership dues from payroll, died in the Senate without ever receiving a committee hearing.

Other bills that died

HB81, which would have allowed a campus turnaround plan to include the ability for a campus to operate as a community school. It would have prohibited the education commissioner from closing a campus based on performance ratings without giving the school the opportunity to implement a community school plan for at least two years.

HB130, which would have exempted public school buses from toll fees.

HB256, which would have required school districts to include anti-bullying measures in their employment policies, including bullying of a teacher by a parent.

HB392, which would have prohibited a school district from adopting a student dress or grooming policy that discriminated against a hair style or texture that is historically associated with a race.

HB332, which would have allowed compensatory education funds to be spent on social and emotional learning programs.

HB250, which would have established a minimum wage that was the greater of \$15 or the federal minimum wage for school bus drivers in districts with more than 4,500 students and open-enrollment charter schools.

HB204, which would have required school districts and open-enrollment charters to provide a landline telephone or panic button in every classroom.

HB2230, which called for a study on the impact of incorporating fine arts into the Foundation School Program.