



Advanced Academics Office Hours 88th Texas New Legislation

August 3 ,2023

Advanced Academics Update

Kay Humes



Advanced Academics Updates for August 2023

- Texas ACT Council
- [ACT August Newsletter](#), (Texas Accountability Webinar on August 8th, ACT fall College and Career Readiness Workshops, processes for ACT School Day Testing, and resources for counselors and administrators for the new school year)
- [Implementation of Senate Bill 2124 - Advanced Mathematics Instruction](#), published as a letter to the Administrator Addressed on July 27, 2023.
- [2023 TTR Application](#) will be published late August and available at: <https://tea.texas.gov/academics/college-career-and-military-prep/texas-ap/ib-teacher-training-incentive>.
- New legislation updates will be coming throughout the fall with implementation details, [Sign up here for updates](#).
- Sign up for [TEA Correspondence](#).

88th Texas New Legislation That Relates to School Programs

Total bills analyzed – 353 (compared to 281 for the 87th)

- 106 senate bills
- 247 house bills

Total bills passed into law -

- 15 senate bills
- 23 house bills

Vetoed bills -

- 0 senate bills
- 0 house bills

Bills to be implemented -

- Curriculum – 15
- CCMP - 12
- Early Childhood - 4
- Instructional Strategy - 2
- Miscellaneous - 5

Curriculum

Senate Bill 2124-Advanced Math Program

Advanced mathematics program for public school students in middle school

Effective: May 27, 2023

Each school district and open-enrollment charter school is required to develop an advanced mathematics program for middle school students that is designed to enable those students to enroll in Algebra I in eighth grade.

A school district or open-enrollment charter school must automatically enroll in an advanced mathematics course each sixth-grade student who performed in the top 40 percent on the fifth grade STAAR mathematics assessment or a local measure that includes the student's fifth grade class ranking or a demonstrated proficiency in the student's fifth grade mathematics coursework unless a parent or guardian of a student opts the student out of automatic enrollment in an advanced mathematics program.

The commissioner may adopt rules to implement this section.

Student Advancement

House Bill 3803-Parent Request for a Student to Repeat a Course





Allowing parents and guardians to elect for a student to repeat or retake a course or grade

Effective: June 13, 2023

Existing law permits a parent or guardian to elect for a student in grade one, two, or three to repeat the grade in which the student was enrolled during the previous school year.

A parent or guardian of a student in a grade up to grade 8 is now permitted to elect for the student to repeat the grade in which the student was enrolled during the previous school year.

Subject to provisions related to retention committees, a parent or guardian is permitted to elect for a student to repeat any course for high school credit in which the student was enrolled during the previous school year. A parent or guardian may not elect for a student to repeat a course if the district or charter school determines the student has met all of the requirements for graduation.

A parent or guardian is permitted to make an election related to repeating a grade, repeating a high school course, or both.

Applies beginning with the 2023-2024 school year.

Early Childhood

HB 59 - Child Water Safety Requirements

HB 1615 - Availability of Child-care and Prekindergarten



HB 2729 - Teacher Requirements for Prekindergarten

Child water safety requirements for certain organizations; authorizing disciplinary action, including an administrative penalty

Effective: September 1, 2023

An organization, including a day camp, youth camp, school, preschool, kindergarten, nursery school, child-care facility or any other facility providing child-care services licensed by the Health and Human Services Commission that authorizes a child to engage in an organized water activity to do the following:

- Obtain written affirmation from a parent or guardian of a child's ability to swim
- Provide children who are unable to swim or are at risk of injury or death when swimming with a personal flotation device that is properly fitted and fastened for the child

An organization that violates these requirements is subject to disciplinary action.

Relating to strategies to increase the availability of child-care and prekindergarten programs

Effective: September 1, 2023

Texas Workforce Commission (TWC) is required to establish and administer a prekindergarten partnership program to assist eligible child-care providers in partnering with local school districts and open-enrollment charter schools to provide the free prekindergarten classes for eligible children.

TWC must use existing funds to coordinate with TEA to develop joint strategies to expand the availability of prekindergarten partnership programs.

TWC must use funds appropriated for the purpose to establish and administer a professional development scholarship program for current and prospective child-care workers. A scholarship under this program may be used to pay an individual's costs related to the following:

- Earning a Child Development Associate (CDA) credential or an associate degree or bachelor's degree in early childhood education or another related field from a public or private institution of higher education (IHE)
- Participation in a registered child-care apprenticeship program

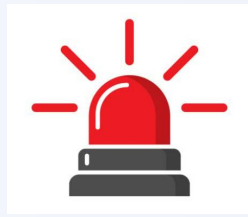


Relating to teacher requirements for high quality prekindergarten programs

Effective: September 1, 2023

Existing law requires each teacher of a prekindergarten program class to be certified under TEC, Chapter 21, Subchapter B and meet one of a list of additional qualifications.

The list of additional qualifications for prekindergarten program teachers now includes an associate or baccalaureate degree in early childhood education or a related field. A teacher may possess at least eight years' experience of teaching in a Texas Rising Star Program in addition to the current qualification that a teacher possess at least eight years' experience of teaching in a nationally accredited child care program.



Each teacher of a prekindergarten class provided by a prekindergarten partnership program must be supervised by a person who is certified and meets one of the additional high-quality prekindergarten qualifications. The teacher must also possess one of the following qualifications:

- At least two years' experience of teaching in a nationally accredited child care program or a Texas Rising Star Program and
 - a Child Development Associate (CDA) credential or another early childhood education credential approved by TEA, or
 - certification offered through a training center accredited by Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education
- An associate or baccalaureate degree in early childhood education or a related field
- At least eight years' experience of teaching in a nationally accredited child care program or a Texas Rising Star Program
- Employment as a prekindergarten teacher in a school district that has received approval from the commissioner for the district's prekindergarten-specific instructional training plan that the teacher uses in the teacher's prekindergarten classroom
- An equivalent qualification

A person who supervises a prekindergarten partnership program may supervise multiple prekindergarten classes.

High School Diploma

SB 2139-Opportunity High School Diploma (Adults)

HB 1887-ECHS and Transfer of Course Credit

SB 2158-Windham School District

SB 2294-Texas First Scholarship Opportunity

Establishment of the Opportunity High School Diploma program

Effective: June 18, 2023

The Opportunity High School Diploma Program is created for the purpose of providing an alternative means by which adult students enrolled in a workforce education program at a public junior college may earn a high school diploma at a college through concurrent enrollment in a competency-based education program that enables students to demonstrate knowledge substantially equivalent to the knowledge required to earn a high school diploma in Texas.

THECB is required to administer the program in consultation with TEA and TWC and is permitted to approve not more than five public junior colleges to participate in the program.

A public junior college participating in the program may award a high school diploma to a student enrolled in the alternative competency-based high school diploma program if the student performs satisfactorily on assessment instruments prescribed by THECB rule. A high school diploma awarded under the program would be equivalent to a high school diploma awarded under TEC, §28.025.

- THECB and TWC are required to work jointly to identify funding mechanisms, including grants, interagency contracts, financial aid, or subsidies available to public junior colleges and students to encourage and facilitate participation in the program. Any public junior college that participates in the program is entitled to funding under TEC §130.003, as determined by THECB rule.
- THECB must submit to the legislature a progress report on the effectiveness of the program and any recommendations for legislative or other action not later than December 1, 2026.
- THECB is permitted to adopt rules as necessary to implement this new program.

Requirements for the early college education program and the transfer of course credit among public institutions of higher education

Effective: May 23, 2023

Existing law establishes the Early College Education Program for students at risk of dropping out of school or who wish to accelerate completion of high school. The Early College Education Program allows students to complete high school with a high school diploma and either an associate degree or at least 60 semester credit hours towards a baccalaureate degree.

The Early College Education Program must now allow students to complete high school and enroll in a program at an IHE to receive a high school diploma and either an applied associate degree or an academic associate degree with a completed field of study curriculum that is transferable toward a baccalaureate degree at one or more general academic teaching institutions as defined by TEC §61.003.

Applies beginning with the 2023-2024 school year.

Establishment of an adult education pilot program by the Windham School District

Effective: May 23, 2023

The Windham School District is required to establish a pilot program under which one or more nonprofit entities provide an adult education program to enable certain individuals to successfully complete a high school program that can lead to a diploma.

A person confined or imprisoned in the department who is between the ages of 26 and 50 is eligible to enroll in an adult education program operated under the pilot program if the person

- has failed to complete the curriculum requirements for high school graduation;
- has failed to perform satisfactorily on an assessment instrument required for high school graduation; or
- has failed to earn a high school equivalency certificate.

Windham must enter into an MOU with at least one nonprofit entity that has been granted a charter and that has a successful history of providing education services, including industry certifications and job placement services, to adults 18 years of age and older whose educational and training opportunities have been limited by educational disadvantages, disabilities, homelessness, criminal history, or similar marginalizing circumstances provide an adult education program .

Texas First Early High School Completion Program and the Texas First Scholarship Program

Effective: September 1, 2023

Existing law establishes the Texas First Early High School Completion Program to allow public high school students who demonstrate early readiness for college to graduate early from high school. In conjunction with the Texas First Scholarship Program, the Texas First Early High School Completion Program aims to incentivize the enrollment of high performing students at eligible institutions of higher education (IHE). Eligible IHEs were required to be designated as a research university or an emerging research university.

The requirement that eligible institutions be designated as a research university or an emerging research university is removed and eligible institutions now include all IHEs.

Under existing law a school district or open-enrollment charter may issue a high school diploma under the program to a student who complies with the required academic standards in the program. Students who complete the program may qualify for the Texas First Scholarship Program.

A school district or open-enrollment charter school is now required rather than permitted to allow a student to graduate and receive a high school diploma under the program if the student demonstrates mastery of and early readiness for college.

Career and Technical Education

HB 1319 – Wireman’s License

HB 1859 - Air Conditioning and Refrigeration Contracting



SB 68 - Career Investigation Day Excused Absence

Requirements to obtain a residential wireman license

Effective: September 1, 2023

Existing law requires an applicant for a license as a residential wireman to have at least 4,000 hours of on-the-job training under the supervision of a master electrician or residential wireman. An applicant may now successfully complete a sequence of courses in the electrical trades through a career and technology education (CTE) program in lieu of the minimum of 4,000 hours of on-the-job training to be eligible to apply for and take a residential wireman license exam.

The Texas Commission of Licensing and Regulation must adopt rules to establish standards for a CTE program in the electrical trades subject to approval from the State Board of Education if the courses are to be offered in high school. Rules must require the program to include an appropriate number of instructional hours, a practical component, and provide for crediting appropriate on-the-job training toward meeting the requirements of the practical component. The Texas Commission of Licensing and Regulation is required to consult with Texas State Technical College and relevant interest groups in the electrical industry in developing standards for the CTE program.

- A student of any age who is enrolled in a CTE program is eligible to take the sequence of courses without being licensed. A person is not authorized to perform electrical work without the appropriate license outside of a program described by this section.
- A person providing instruction in a CTE program in the electrical trades must be licensed as a master electrician, journeyman electrician, or residential wireman. A license holder who provides instruction for a CTE program in the electrical trades is not required to pay a fee to renew a license.
- A CTE program offered by an IHE cannot be more stringent than a program offered by a public high school.
- Hours spent completing a program may not be credited toward any on-the-job training required to apply for a license under the Texas Occupations Code.

Relating to the regulation of air conditioning and refrigeration contracting, including eligibility for an air conditioning and refrigeration technician registration or certification

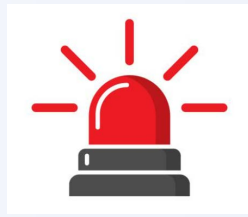
Effective: September 1, 2023

A CTE program is defined as a program under TEC, Chapter 29 for high school students or a program determined by the Texas Department of Licensing and Regulation (TDLR) to be similar to a program under TEC, Chapter 29 and offered by an IHE or a private school.

TDLR must recognize a CTE program as a certification training program for purposes of air conditioning and refrigeration technician certification.

The Texas Commission of Licensing and Regulation must adopt rules to establish standards for the essential knowledge and skills of a CTE program subject to approval by the State Board of Education if the courses are offered in a high school. Rules must require the program to consist of an appropriate number of hours of classroom instruction and a practical component and provide for crediting appropriate on-the-job training toward meeting the requirements of the practical component for an air conditioning and refrigeration technician certification.

- A person is not required to be registered or certified to act or offer to act as an air conditioning and refrigeration technician if the person is a student in a certification training program who acts or offers to act as an air conditioning and refrigeration technician solely as part of the program and is enrolled at a secondary school or an institution of higher education.
- A person who is younger than 18 years of age and acting or offering to act as an air conditioning and refrigeration technician must work at all times under the direct supervision of a licensed or certified air conditioning and refrigeration contractor or technician.
- A person may not provide instruction in a CTE program unless the person is a licensed air conditioning and refrigeration contractor or a certified air conditioning and refrigeration technician whose certification was issued on or after September 1, 2018. The Texas Commission of Licensing and Regulation is required to adopt rules waiving applicable renewal fees and reducing the number of continuing education hours required for license renewal for CTE instructors who provide instruction in a CTE program related to air conditioning and refrigeration.
- A CTE program offered by an IHE may not be more stringent than a program offered by a public high school.



Excused absences from public school for certain students to visit a professional's workplace for a career investigation day

Effective: May 24, 2023

A school district may adopt a policy to excuse a student's absence from school to visit a professional's workplace for a career investigation day for up to two days during the student's junior year and two days during the student's senior year.

A district is prohibited from excusing more than two days during a students' junior year and two days during a student's senior year. A district must adopt a policy for absences excused for this purpose and a procedure to verify the student's visit at the professional's workplace in order to excuse the absences.

Applies beginning with the 2023-2024 school year.

Workforce

HB 1703- Pilot Program in the Borderplex Workforce
Development Area

SB 2144 - Relating to Advanced Air Mobility (AAM)
Technology

Relating to the workforce development evaluation system administered by the Texas Workforce Commission, including the establishment of a workforce development career education and training evaluation pilot program

Effective: September 1, 2023

The Texas Workforce Commission (TWC) is required to establish and administer a pilot program in the Borderplex workforce development area under which the local workforce development board must collect and evaluate cross-sectional data and longitudinal supplemental data regarding career education and training programs administered in the area for the purposes of identifying successful program components and any gaps in data maintained by the TWC, TEA, or THECB under the Tri-Agency Workforce Initiative used to follow up on program participants following program completion.

TWC is permitted to share individual-level outcome information resulting from the pilot program with state agencies represented on the council through secure means that may be accessed only by authorized employees of those agencies.

Relating to advanced air mobility technology

Effective: September 1, 2023

The Texas Transportation Commission must appoint an advisory committee to assess current state law and potential changes to state law to facilitate the implementation of Advanced Air Mobility (AAM) technology in Texas.

“Advanced air mobility” is defined to mean an aviation transportation system that uses highly automated aircraft, which may be manned or unmanned, to operate and transport passengers or cargo at lower altitudes for multiple purposes.

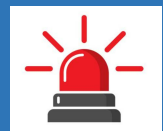
The advisory committee must submit a report to the Transportation Commission and legislature not later than November 1, 2024. The report must include findings and recommendations on any changes to state law needed to implement AMM in Texas.

The Texas Department of Transportation (TDT) is required to do the following:

- Review existing state aviation standards and guidelines, airport facility planning, and compatibility guidance to ensure that they are applicable to AAM
- Support the development of federal and industry standards for AAM
- Designate a Texas Department of Transportation employee as liaison with FAA for purposes of supporting the development of federal and industry standards
- Develop a statewide plan that specifies potential locations for and classifications of vertiports and other infrastructure for future AAM operations
- Provide resources and assistance to local governments and other entities for the purpose of promoting AAM technology

TDT, TEA, THECB, and Texas State Technical College System are required to jointly collaborate with school districts, IHEs, and other stakeholders on educational opportunities related to AAM technology.

Postsecondary Education



HB 8 – Dual Credit

HB 1590 - Texas Leadership Scholars Program



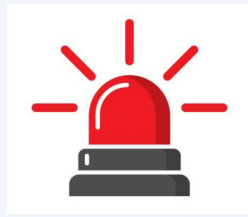
Public higher education, including the public junior college state finance program

Effective: June 9, 2023

Existing law requires TEA to prepare information comparing institutions of higher education (IHE) in Texas and post the information on the agency's website.

The information must now be made publicly available in a manner that is accessible to any public or private school student seeking the information. The information must also assist prospective postsecondary students in assessing the value of a certificate program, associate or baccalaureate degree program, or other credential program offered by an IHE by comparing each institution with other institutions using information included in the electronic tools or platforms developed by the Texas Higher Education Coordinating Board (THECB).

Information on the website must include annual starting wage information and educational requirements for the **top 25 highest demand jobs in Texas** and must identify the **40 baccalaureate degree programs with the highest average annual wages following graduation** and **identify the 20 associate degree or certificate programs with the highest average annual wages following graduation**.



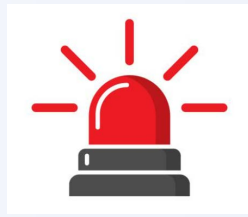
Existing law establishes that any agreement, including a memorandum of understanding or articulation agreement, between a school district and public institution of higher education to provide a dual credit program must address 11 different elements.

Any dual credit program agreement must now also ensure the accurate and timely exchange of information necessary for an eligible student to enroll at no cost in a dual credit course as provided by the new Financial Aid for Swift Transfer (FAST) Program.

TEA and THECB are required to jointly establish the FAST program to allow eligible students to enroll at no cost to the student in dual credit courses at participating IHEs.

A student is eligible to enroll at no cost to the student in a dual credit course under the program if the student:

- is enrolled in high school in a school district or charter school and in a dual credit course at a participating IHE; and
- was educationally disadvantaged at any time during the four school years preceding the student's enrollment in the dual credit course.

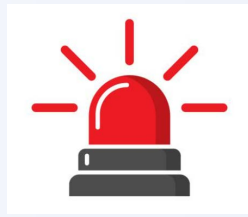


When a high school student enrolls in a dual credit course, the student's school district or charter school must determine whether the student meets the criteria for the program and notify the IHE that offers the dual credit course in which the student is enrolled of the determination. A school district is permitted to determine whether the student meets the criteria based on the district's or school's records, TEA's records, or any other method authorized by commissioner or coordinating board rule. If the district or school bases the determination on a method other than TEA's records, the district or school must report the method used and the data on which the method is based to the agency for purposes of verification.

At least once a year, a participating IHE must certify to TEA and THECB the student's eligibility under the program. Notwithstanding TEC §54.051, a participating IHE is prohibited from charging tuition or fees for a public high school student's enrollment in a dual credit course if the student has met eligibility criteria as notified by a school district or charter school.

The commissioner of education and the commissioner of higher education are required to coordinate as necessary to confirm an eligible student's enrollment in a participating IHE and obtain or share data necessary to verify a student's eligibility.

The commissioner of education and the THECB are required to adopt rules as necessary to implement this section.



A junior college district will be entitled to performance tier funding for a state fiscal biennium in an amount equal to the sum of the amounts determined under TEC §130A.101(b) for each measurable outcome.

The measurable outcomes considered for purposes of performance tier funding include the following:

- The number of credentials of value awarded including degrees, certificates, and other credentials from credit and non-credit programs that equip students for continued learning and greater earnings in the state economy, with an additional weight for placement of students who earn credentials in a high-demand occupation, as defined by THECB rule
- The number of students who earn at least 15 semester credit hours or the equivalent at the junior college district and subsequently transfer to a general academic teaching institution or are enrolled in a structured co-enrollment program as authorized by THECB rule
- The number of students who complete a sequence of at least 15 semester credit hours or the equivalent for dual credit or dual enrollment courses that apply toward academic or workforce program requirements at the postsecondary level

Establishment of the Texas Leadership Scholars Program

Effective: June 12, 2023

The Texas Leadership Scholars Program is created to serve as a merit-based scholarship and leadership opportunity program for high-achieving, emerging leaders with financial need. The THECB is required to administer the program and use money appropriated or otherwise available for the purpose to award scholarships and provide academic achievement support and leadership development to eligible students under the program.

To be initially eligible for the award of a leadership scholarship, an undergraduate student must

- have graduated from a Texas public high school;
- either have qualified for automatic admission or be nominated by the student's high school for participation in the program and hold another academic distinction recognized by the THECB;
- be enrolled in a baccalaureate degree program at a general academic teaching institution;
- be economically disadvantaged, as determined by THECB rule; and
- comply with any additional requirement adopted by the THECB.

To be initially eligible for the award of a research scholarship, a graduate student must

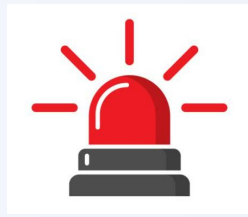
- be enrolled in a research doctoral degree program at a general academic teaching institution;
- either have graduated from a Texas public high school during the 10 years preceding the date the student applies to the program or have graduated from an IHE or a private or independent IHE;
- be economically disadvantaged, as determined by THECB rule;
- be nominated by the IHE at which the student is enrolled on the basis of the student's academic merit and leadership potential; and
- comply with any additional requirements adopted by the THECB

A student may continue participating in the leadership scholarship or research scholarship program after establishing initial eligibility if the student meets specific requirements.

Counseling and Advising



SB 763 – School Chaplain
SB 798 – School Counselor Certification



Allowing public schools to employ or accept as volunteers chaplains

Effective: September 1, 2023

- A school district or open-enrollment charter school may employ or accept as a volunteer a chaplain to provide support, services, and programs for students.
- A chaplain employed or serving as a volunteer is not required to be certified by the State Board of Educator Certification (SBEC). However, a district or charter that employs or accepts a chaplain as a volunteer must ensure that the chaplain complies with the applicable requirements related to criminal history under TEC, Chapter 22, Subchapter C before the chaplain begins employment or volunteering. A district or charter may not employ or accept as a volunteer a chaplain who has been convicted of or placed on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender.



- A district or charter may fund chaplains to be engaged in school safety and security training and planning including for providing mental health support, providing behavioral health services, programs focused on restorative justice practices, culturally relevant instruction, providing mental health support, and providing programs related to suicide prevention, intervention and postvention.
- Each district board of trustees and open-enrollment charter school governing body must take a record vote not later than six months after the effective date of the SB 763 on whether to adopt a policy authorizing a campus to hire or accept as a volunteer a chaplain.

Applies beginning with the 2023-2024 school year.

Certification requirements for a public school counselor

Effective: September 1, 2023

Existing law requires public schools when employing a school counselor, either full-time or part-time, to only hire individuals certified as school counselors under the State Board for Educator Certification (SBEC). In smaller districts, the law allows the hiring of a part-time teacher certified as a school counselor.

Current SBEC requirements for a School Counselor include the following:

- Complete an approved Educator Preparation Program for School Counselor Grades EC-12
- Hold a master's degree from an IHE accredited by an accrediting agency, as recognized by the THECB
- Complete the required test
- Have two years of classroom teaching experience in a public or accredited private school

A candidate for certification as a school counselor may no longer be required to have experience as a classroom teacher.

Health and Safety

HB 1002-School Concussion Oversight Team

HB 1297 – Public and Private School Vision Screenings

HB 1905 - Access to School Safety Training Course

HB 3144 - October as Fentanyl Poisoning Awareness Month

HB 3908 – SHAC and Fentanyl Poisoning Awareness Week

SB 294-Review of Respiratory Distress Treatments (EPI-pen)

SB 629-Maintenance, Administration, and Disposal of
Opioid Antagonists

SB 1506 - Seizure Management and Treatment Plan

Membership of a public school concussion oversight team and the removal of a public school student from an interscholastic athletic activity on the basis of a suspected concussion

Effective: June 10, 2023

Existing law requires school districts and open-enrollment charters schools that have students participating in interscholastic athletic activities to appoint or approve a concussion oversight team and requires that each concussion oversight team include at least one physician and, to the greatest extent practicable, one or more of the following:

- Athletic trainer
- Advanced practice nurse
- Neuropsychologist
- Physician assistant

A district or charter school may now include chiropractors and physical therapists as members of the concussion oversight team, if they meet training requirement at the time of appointment or approval as a member of the team. Physical therapists have also been added to the list of persons who may determine if a student must be removed from an interscholastic athletics practice or competition due to a suspected concussion.

Vision screenings for students in public or private school

Effective: September 1, 2023

Existing Health and Safety Code §36.004 requires the executive commissioner the Health and Human Services Commission (HHSC) to adopt rules requiring individuals who attend public or private schools to be screened for vision disorders using photoscreening.

“Electronic eye chart” is now defined to mean any computerized or other electronic system, device, or method of displaying on an electronic screen medically accepted and properly sized optotypes, which may be letters, numbers, or symbols, to assess an individual’s visual acuity.

The rules adopted by the executive commissioner of HHSC must now allow an individual to be screened for vision disorder using an electronic eye chart as a substitute for a printed eye chart to assess visual acuity in addition to photoscreening.

Allowing school districts to make available certain school safety training courses to employees of certain private schools, child-care facilities, or organizations providing out-of-school-time care

Effective: September 1, 2023

Existing law establishes that for a school safety training course to be approved, an application must be submitted to the Texas School Safety Center. The Texas School Safety Center is permitted to approve a training course if the course satisfies the training requirements as determined by the center.

A school district may now, from money available for the purpose, make available at no cost school safety training courses, including active shooter training courses, determined to be appropriate by the district's school safety and security committee, to employees of accredited private schools located in the district or child-care facilities or other organizations providing out-of-school-time care to children younger than 18 years of age who reside in the district.

TEA is permitted to solicit and accept gifts, grants, and donations from any public or private source to pay the cost of offering a school safety training course under this section.

Designating October as Fentanyl Poisoning Awareness Month

Effective: September 1, 2023

October is established as Fentanyl Poisoning Awareness Month to increase awareness of the dangers of fentanyl and potential overdoses. Fentanyl Poisoning Awareness Month may be regularly observed through appropriate activities in communities to increase awareness of the dangers of fentanyl and potential overdoses.

Fentanyl abuse prevention and drug poisoning awareness education in public schools

Effective: June 17, 2023

Existing law outlines the duties of the local school health advisory council (SHAC) and requires SHACs to recommend appropriate grade levels and curriculum for instruction regarding opioid addiction and abuse.

The dangers of opioids, including addiction to and abuse of synthetic opioids such as fentanyl are added to recommendations a SHAC is required to make for appropriate grade levels and curriculum for instruction.

The governor must designate a week to be known as Fentanyl Poisoning Awareness Week in public schools to educate students about the dangers posed by the drug fentanyl and the risks of fentanyl poisoning, including overdose. Fentanyl Poisoning Awareness Week may include age-appropriate instruction, including instruction on the prevention of the abuse of and addiction to fentanyl, as determined by each school district.

Each school district to annually provide research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12.

The instruction in fentanyl prevention and drug poisoning awareness must include the following:

- Suicide prevention
- Prevention of the abuse of and addiction to fentanyl
- Awareness of local school and community resources and any processes involved in accessing those resources
- Health education that includes information about substance use and abuse, including youth substance use and abuse

Instruction may be provided by a public or private institution of higher education, a library, a community service organization, a religious organization, a local public health agency, or an organization employing mental health professionals or an employee or agent of any of these entities.

A school district may satisfy a requirement to implement a program in the area of substance abuse prevention and intervention by providing instruction related to youth substance use and abuse education under TEC, §38.040.

Applies beginning with the 2023-2024 school year.

Use of epinephrine auto-injectors and medication designated for treatment of respiratory distress on public and private school campuses

Effective: May 24, 2023

Existing law requires the commissioner of state health services to establish an advisory committee to examine and review the administration of epinephrine auto-injectors to a person experiencing an anaphylactic reaction on a campus of a school district, open-enrollment charter school, private school, or institution of higher education (IHE). Review of the administration of medication for respiratory distress including albuterol and levalbuterol to a person experiencing respiratory distress is added to topics addressed by the advisory committee.

The advisory committee must advise the commissioner of state health services on the storage and maintenance of medication for respiratory distress in addition to epinephrine auto-injectors, and on the training of school personnel and school volunteers and of personnel and volunteers at IHEs in the administration of a medication for respiratory distress.

- Districts and open-enrollment charter schools are now permitted to adopt a policy regarding the maintenance, administration, and disposal of medication for respiratory distress. If a policy is adopted, the policy must permit school personnel and school volunteers who are authorized and trained to administer medication for respiratory distress to a person reasonably believed to be experiencing respiratory distress on a school campus or at a school-sponsored or school-related activity on or off school property.
- A standing order is required for administration of an epinephrine auto-injector or medication for respiratory distress to contain the quantity and types of medication for respiratory distress.
- If a policy is implemented, a district or school to provide written notice of the policy to a parent or guardian of each student enrolled in the district or school prior to implementation of the policy before the start of each school year.
- Each school district, open-enrollment charter school, and private school that adopts a policy must require that each campus have present during regular school hours one or more school personnel or school volunteers authorized and trained to administer medication for respiratory distress.

Each school district, open-enrollment charter school, and private school that adopts a policy regarding the maintenance, administration, and disposal of medication for respiratory distress is responsible for training school personnel and school volunteers in the administration of medication for respiratory distress. The training must include information on

- recognizing the signs and symptoms of respiratory distress;
- administering medication for respiratory distress;
- implementing emergency procedures, if necessary, after administering medication for respiratory distress; and
- proper sanitization, reuse, and disposal of medication for respiratory distress.

No later than the 10th business day after administering medication to a person experiencing respiratory distress the school must submit a report to

- the school district, the charter holder if the school is an open-enrollment charter school, or the governing body of the school if the school is a private school,
- the physician or other person who prescribed the medication for respiratory distress, and
- the commissioner of state health services.

Maintenance, administration, and disposal of opioid antagonists on public and private school campuses and to the permissible uses of money appropriated to a state agency from the opioid abatement account

Effective: June 18, 2023

Each school district must adopt and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists at each campus in the district that serves students in grades 6 through 12. Districts may adopt and implement such a policy at each campus in the district, including campuses serving students in a grade level below grade 6.

An open-enrollment charter school or private school may adopt and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists. If a school adopts a policy, the school is permitted to apply the policy only at campuses serving students in grades 6 through 12 or at each campus, including campuses serving students in a grade level below grade 6.

A policy must do the following:

- Provide that school personnel and school volunteers who are authorized and trained may administer an opioid antagonist to a person who is reasonably believed to be experiencing an opioid-related drug overdose
- Require that each school campus subject to a policy have one or more school personnel members or school volunteers authorized and trained to administer an opioid antagonist present during regular school hours
- Establish the number of opioid antagonists that must be available at each campus at any given time
- Require that the supply of opioid antagonists at each school campus be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an opioid antagonist

The executive commissioner of the Health and Human Services Commission must, in consultation with the commissioner of education, adopt rules regarding the maintenance, administration, and disposal of opioid antagonists at a school campus subject to a policy. The rules must establish the process for checking the inventory of opioid antagonists at regular intervals for expiration and replacement, and the amount of training required for school personnel and school volunteers to administer an opioid antagonist.

Schools with a policy on the administration of opioid antagonists must be required to report certain information no later than the 10th business day after the date a school personnel member or a school volunteer administers an opioid antagonist.

Each school district, open-enrollment charter school, and private school that adopts a policy regarding the maintenance, administration, and disposal of opioid antagonists is responsible for training school personnel and school volunteers in the administration of an opioid antagonist.

Training must include information on the following:

- Recognizing the signs and symptoms of an opioid-related drug overdose
- Administering an opioid antagonist
- Implementing emergency procedures, if necessary, after administering an opioid antagonist
- Properly disposing of used or expired opioid antagonists

Training must be provided in a formal training session or through online education. Each school district, open-enrollment charter school, or private school that adopts a policy must maintain records on the required training.

- A physician or person who has been delegated prescriptive authority may prescribe opioid antagonists in the name of a school district, charter school, or private school. A physician or other person who prescribes opioid antagonists must provide a district or school with a standing order for administration of an opioid antagonist to a person reasonably believed to be experiencing an opioid-related drug overdose.
- A pharmacist is permitted to dispense an opioid antagonist to a school district, charter school, or private school without requiring the name or any other identifying information relating to the user.
- A district or school may accept gifts, grants, donations, and federal and local funds to implement this new policy.
- The commissioner of education and the executive commissioner of the Health and Human Services Commission must jointly adopt rules necessary to implement this subchapter.

Seizure management and treatment plan for the care to be provided by a public school to a student with a seizure disorder

Effective: May 27, 2023

Existing law permits the parent or guardian of a student with a seizure disorder to seek care for the student's seizures while the student is at school or participating in a school activity by submitting to the student's school district a copy of a seizure management and treatment plan developed by the student's parent or guardian and the physician responsible for the student's seizure treatment.

TEA must now adopt and post on the agency's website, no later than December 1, 2023, a form to be used in submitting a seizure management and treatment plan that includes a specific list of information and the signatures of the student's parent or guardian and the physician responsible for the student's seizure treatment.

This change in law only applies to a seizure management and treatment plan submitted to a school district on or after January 1, 2024.

UIL

HB 699 – UIL for Non-Enrolled Students

HB 2484 - Prohibit a Spectator of UIL Activity



HB 3708 - Non-enrolled Student UIL Activity Allotment

Determining the student enrollment of a public school that allows non-enrolled students to participate in University Interscholastic League activities for purposes of assigning a University Interscholastic League classification

Effective: June 10, 2023

Existing law permits a public school that participates in a University Interscholastic League (UIL) sponsored activity to allow a non-enrolled student, who otherwise meets eligibility standards, to participate in the UIL activity on behalf of the school in the same manner as students enrolled in the school.

When assigning UIL classification to a public school based on student enrollment, UIL is now required to use the same calculation formula to determine the student enrollment of a school that allows non-enrolled students to participate in UIL activities as the formula used for a school that does not allow non-enrolled students to participate in UIL activities when assigning league classification.

Applies beginning with the 2023-2024 school year

Relating to the safety of a referee, judge, or other official at certain public school extracurricular activities and competitions and prohibiting certain conduct by a spectator related to those officials' safety

Effective: June 13, 2023

A school district is required to prohibit a spectator of a UIL athletic activity or competition, including a parent or guardian of a student participant, from attending any future school extracurricular activities or competitions sponsored or sanctioned by the school or UIL if the spectator engages in conduct that intentionally, knowingly, or recklessly causes bodily injury to a person serving as a referee, judge, or other activity official in retaliation for or as a result of the person's actions taken in performing the duties as an official.

A school district is permitted to establish an appeals process by which a person may appeal a prohibition to the district. A prohibition must be for not less than one year and not more than five years from the date the prohibition is imposed.



Relating to creating an allotment under the Foundation School Program for school districts that allow non-enrolled students to participate in University Interscholastic League activities

Effective: September 1, 2023

Existing law defines a non-enrolled student as a student who receives homeschool instruction from a nonpublic school. Existing law also permits a public school participating in activities sponsored by UIL to allow a non-enrolled student who meets eligibility standards to participate in UIL activities on behalf of the school in the same manner that the school provides opportunities to participate to students enrolled in the school.

A district that allows participation of non-enrolled students in UIL activities is now entitled to receive an annual allotment of \$1,500 per UIL activity in which a non-enrolled student participates.

Libraries

HB 900 – Public School Library Regulation

Regulation of library materials sold to or included in public school libraries

Effective: September 1, 2023

- Existing TEC §33.021 requires the Texas State Library and Archives Commission (TSLAC), in consultation with the State Board of Education (SBOE), to adopt standards for school library services. A school district is required to consider the standards when developing, implementing, or expanding library services.
- TSLAC is required, in consultation with the SBOE, to adopt voluntary standards for library services, other than collection development, that a school district must consider in developing, implementing, or expanding library services.
- TSLAC is also required, with approval by majority vote of the SBOE, to adopt standards for school library collection development that a school district is required to adhere to in developing or implementing the district's library collection development policies.

- A library material vendor is prohibited from selling library materials
 - to a school district or charter school unless the vendor has issued appropriate ratings regarding sexually explicit material and sexually relevant material previously sold to a district or school
 - rated sexually explicit material and must issue a recall for all copies of library material sold to a district or charter school that is rated sexually explicit material and in active use by the district or charter school
- No later than April 1, 2024, each library material vendor must develop and submit to TEA a list of library materials rated as sexually explicit or sexually relevant material sold by the vendor to a school district or open-enrollment charter school before that date and still in active use by the district or school.
- No later than September 1 of each year, each library material vendor must submit to TEA an updated list of library material rated as sexually explicit or sexually relevant material sold by the vendor to a school district or open-enrollment charter school during the preceding school year and still in active use by the district or school.
- TEA must post each list submitted by a library material vendor in a conspicuous place on the agency's website as soon as practicable.

- A library material vendor must perform a contextual analysis of the material to determine whether it describes, depicts, or portrays sexual conduct in a way that is patently offensive. The vendor must consider the following factors when performing the contextual analysis:
 - The explicitness or graphic nature of a description or depiction of sexual conduct contained in the material
 - Whether the material consists predominantly of or contains multiple repetitions of depictions of sexual or excretory organs or activities
 - Whether a reasonable person would find that the material intentionally panders to, titillates, or shocks the reader
- A vendor must weigh and balance each factor and conclude whether the library material is patently offensive, recognizing that because each instance of a description, depiction, or portrayal of sexual conduct contained in a material may present a unique mix of factors.
- A vendor, when determining whether a material is patently offensive, must also consider the full context in which the description, depiction, or portrayal of sexual conduct appears, to the extent possible, recognizing that contextual determinations are necessarily highly fact-specific and require the consideration of contextual characteristics that may exacerbate or mitigate the offensiveness of the material.

- TEA is permitted to review library material sold by a library material vendor that is not rated or is incorrectly rated by a vendor as sexually explicit material or sexually relevant material. If TEA determines that the library material must be rated as sexually explicit or sexually relevant material, or to receive no rating at all, the agency is required to notify the vendor in writing. The notice must include information regarding the vendor's duty under this section and provide the corrected rating required for the library material.
- A library material vendor, no later than 60 days after receiving written notification from TEA regarding library material, must rate library material according to the agency's corrected rating and notify the agency of the action taken.
- TEA must post and maintain in a conspicuous place on the agency's website a list of library material vendors that fail to comply with requirements for rating books and a school district or open-enrollment charter school may not purchase a library material from a vendor on this list.
- A library material vendor may petition TEA and TEA may remove a vendor from the list only if the agency is satisfied that the vendor has taken appropriate action.

- A school district or open-enrollment charter school or a teacher, librarian, or other staff member employed by a district or school is not liable for any claim or damage resulting from a library material vendor's violation of this chapter.
- A school district or open-enrollment charter school may not allow a student to reserve, check out, or otherwise use material outside the school library that the vendor has rated as sexually relevant material unless the district or school first obtains written consent from the student's parent or person standing in parental relation.

Not later than January 1 of every odd-numbered year each school district and open-enrollment charter school must do the following:




- Review the content of each library material in the catalog of a district or school library that is rated as sexually relevant material under TEC §35.002(a) by the library material vendor
- Determine, in accordance with the district's or school's policies regarding the approval, review, and reconsideration of school library materials, whether to retain each library material reviewed in the school library catalog
- Either post a report in a conspicuous place on the website maintained by the district or charter school or provide physical copies of the report at the central administrative building for the district or charter school

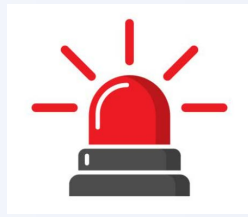
The required report must include the title of each library material that was reviewed, the district's or school's decision regarding the library material, and the school or campus where the library material is currently located.

The commissioner of education may adopt rules as necessary to administer this chapter.

TEA may provide assistance to school districts and charter schools in complying with this chapter.

Other

-  HB 2209 - Rural Pathway Excellence Partnership (R-PEP)
Allotment and Outcome Bonus
-  HB 2892 – Transfer of Servicemembers’ Students
-  SB 1647 - Dropout Recovery Education Programs



Establishing the Rural Pathway Excellence Partnership (R-PEP) program and creating an allotment and outcomes bonus under the Foundation School Program to support the program

Effective: June 2, 2023; except that new TEC §48.118, R-PEP Allotment and Outcome Bonus, takes effect September 1, 2023

The commissioner is required to establish and administer the R-PEP program to incentivize and support multi-district, cross-sector, rural college and career pathway partnerships for underserved students while promoting rural economic development.

The R-PEP program must enable eligible school districts that have fewer than 1,600 students in average daily attendance to partner with at least one other school district within 100 miles to offer college and career pathways that align with regional labor market projections for high-wage, high-demand careers that are managed by a coordinating entity.

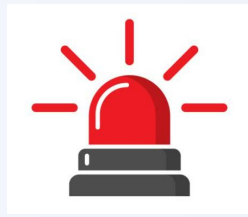


The coordinating entity is required to

- have adequate capacity to coordinate the partnership;
- enter into a performance agreement approved by the board of trustees of each partnering school district that confers authority with respect to the pathways offered under the partnership as provided to an entity that contracts to operate a district campus;
- be an eligible entity as defined by TEC §12.101(a); and
- include representatives from each partnering school district, regional high education, and workforce organization on the entity's governing board.

The coordinating entity's performance agreement is required to

- include ambitious and measurable goals and progress measures tied to current college, career, and military readiness outcomes, longitudinal postsecondary completion, and employment outcomes;
- manage outcomes information and annually publish the information on the partnering districts' and the coordinating entity's websites;
- authorize the coordinating entity to optimize the value of each college and career pathway offered through the partnership by determining scheduling, adding or removing a pathway, selecting and assigning pathway-specific personnel, developing and exercising final approval of pathway budgets which must include at least 80% of the state and local funding to which each partnering school district is entitled under Chapter 48 and that is attributable to students' participation in the program, including certain allotments and outcome bonus funding, and managing other matters critical to pathway efficacy; and
- provide that eligible students enrolled in partnering school districts may participate in an R-PEP college or career pathway



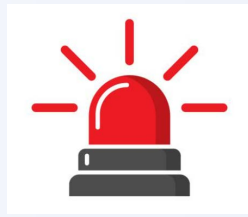
- For accountability purposes, students enrolled in a college or career pathway have until the sixth anniversary of the student's first day in high school to complete high school graduation requirements before being considered to have dropped out or have failed to complete graduation requirements.
- School districts interested in R-PEP are required to notify the commissioner of intent to enter into the agreement using procedures established by the commissioner. In authorizing R-PEP partnerships, the commissioner is required to give priority to partnerships in which participating districts contract with a coordinating entity that has at least two years' experience or employs an executive officer with at least two years' experience managing college and career pathways under a performance contract. The commissioner is required to notify districts of R-PEP approval within 60 days of district application.
- The commissioner is required to adopt rules to implement the R-PEP program, including rules for requirements of a performance agreement, the period during which a partnership may operate, and performance standards for a renewal of authorization to participate in the program. A school district is not prohibited from entering into an agreement with another entity for the provision of services at a campus.
- The commissioner is permitted to accept gifts, grants, and donations from any source including private and nonprofit organizations for the R-PEP program. Program contributors are permitted to receive an Employers for Education Excellence Award.



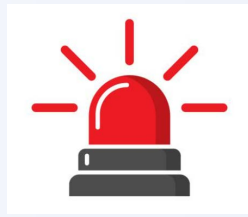
- The commissioner is required to make grants available for use by a coordinating entity for a two-year period to assist with costs associated with the planning, development, establishment, or expansion of R-PEP partnerships using state funds allocated under TEC §48.118 as well as money appropriated for that purpose, federal funds, and any other funds available.
- A grant can be awarded only to coordinating entities with approved performance agreements or if in the planning stage, has an MOU stating they will enter into a performance agreement, unless the source of funds does not permit a grant to the coordinating entity, in which case the grant shall be made to a participating school district acting as fiscal agent.
- Eligible uses of funds include planning, development, establishment, or expansion of R-PEP partnerships. No more than 15 percent of funds appropriated for the grant program can be used for grant administration and for technical assistance to support the partnership.



- An R-PEP allotment is created based on ADA and an additional allotment for R-PEP students who demonstrate college, career, or military readiness. For each full-time 9-12 grade student in average daily attendance in an R-PEP college or career pathway, a school district is entitled to an allotment equal to the basic allotment or, if applicable, the sum of the basic allotment and the small to mid-sized district allotment to which the district is entitled, multiplied by 1.15, if the student is educationally disadvantaged; or 1.11, if the student is not educationally disadvantaged.
- For each school district, the commissioner is required to determine the minimum number of annual graduates of a R-PEP college or career pathway required to obtain not later than five years after high school graduation a postsecondary credential of value including a degree, certificate, or other credential that prepares students for continued learning and greater earnings in the state economy, as determined by the THECB.
- For each R-PEP graduate who earns a postsecondary credential of value during the preceding school year in excess of the minimum number determined for the applicable cohort for that school year, the school district is entitled to an annual outcomes bonus of:
 - \$1,500, if the graduate is educationally disadvantaged;
 - \$750, if the graduate is not educationally disadvantaged; and
 - \$1,500, if the graduate is enrolled in a special education program, regardless of whether the graduate is educationally disadvantaged.



- A school district is entitled to receive an outcomes bonus under each category for which a graduate qualifies.
- A school district is permitted to receive funding for R-PEP students for any other section for which the student qualifies. At least 80% of funds allocated under this section are required to be spent as provided in the budget adopted by the board of the coordinating entity.
- The total amount of state funding for allotments and outcomes bonuses under this section cannot exceed \$5 million per year. If the total amount of allotments and outcomes bonuses to which school districts are entitled under this section exceeds the amount permitted under this subsection, TEA must allocate state funding to districts under this section in the following order:
 - Allotments under §48.118(a) for which school districts participating in partnerships prioritized under §29.912(h) are eligible;
 - Allotments under §48.118(a) for which school districts that entered into a memorandum of understanding or letter of commitment regarding a multidistrict pathway partnership, as defined by commissioner rule, before May 1, 2023, are eligible;
 - Allotments under §48.118(a) for which school districts that have entered into a performance agreement under §29.912 with a coordinating entity that is an IHE, as defined by §61.003, are eligible;
 - Allotments under §48.118(a) for which school districts with the highest percentage of students who are educationally disadvantaged, in descending order, are eligible; and
- Outcomes bonuses under §48.118(c) for which school districts with the highest percentage of students who are educationally disadvantaged, in descending order, are eligible.



Transfer of certain public school students who are children of certain military servicemembers

Effective: September 11, 2023

This section adds new TEC §25.0344, Transfer of Students who are Children of Servicemembers, and A school district is required, on request of a servicemember who is a parent of or person standing in parental relation to a student, to transfer the student to another district campus or to another school district. A “servicemember” is defined as an active duty member of the armed forces of the United States, a reserve component of the armed forces of the United States, or the Texas National Guard.

A transfer must be to the campus or school district selected by the servicemember making the request, as applicable.

A school district is not required to provide transportation to a student who transfers to another campus or school district.



Dropout recovery education programs

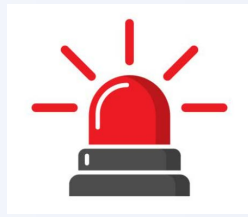
Effective: September 1, 2023

Applies beginning with the 2023-2024 school year

Existing law permits a school district to use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The program may be offered at a campus or through the use of an online program that leads to a high school diploma and prepares the student to enter the workforce.

An open-enrollment charter schools is now also permitted to use a private or public community-based dropout recovery education program and permits districts and charter schools to use an education management organization to provide alternative education programs for students at risk of dropping out of school.

These dropout recovery education programs may be offered in person at a campus, remotely, or through a hybrid of in-person and remote instruction.



A remote or hybrid program is required to operate an in-person student engagement center at a location suitable for high school students

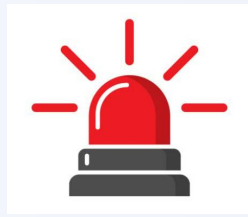
A dropout recovery education program

- may be operated only by an entity that is accredited by TEA or a regional accrediting agency;
- must offer or provide referrals for mental health services to students enrolled in the program; and
- may not market directly to students enrolled in a traditional education program.

A school district or open-enrollment charter school may only operate one campus-based dropout recovery education program for all students in the district or school.

A school district or open-enrollment charter school administrator or school counselor to refer a student to a dropout recovery education program if the administrator or counselor determines that enrollment in the program could prevent the student from dropping out of school.

An entity that operates a dropout recovery education program may administer STAAR assessment on any date selected by the entity that falls within an established testing window for the administration of the assessment instrument.



A school district or open-enrollment charter school must post on its website each year a report on measurable outcomes for each dropout recovery education program. The report must include the percentage of students enrolled in the program during the preceding school year who attained each of the following outcomes:

- Transfer to a traditional education program
- Successful completion of the program
- Dual credit
- A credential of value

The commissioner must include a student who successfully completes a course offered through a private or public community-based dropout recovery education program in the computation of average daily attendance for funding purposes. For a student who successfully completes a remote course offered through the program, the commissioner is required to include the student in the computation of average daily attendance with an attendance rate equal to the district's or school's average attendance rate for students successfully completing a course offered in person under the program; or if the district or school does not offer courses in person under the program, the statewide average attendance rate for students successfully completing a course offered in person under the program.

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