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## SCHOOL LAW BUZZ

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### IMPORTANT UPDATE

#### The 86<sup>th</sup> Texas Legislative Session Final Bill Report

By Amanda List, A List Consulting

The Texas 86<sup>th</sup> Legislative Session began with the House electing a new Speaker, Representative Dennis Bonnen. The new Speaker worked well with Governor Greg Abbott and Lieutenant Governor Dan Patrick and made it possible for both chambers to work together and tackle major issues this session.

Over the course of the 140-day legislative session, lawmakers debated two major issues: property tax reform and school finance reform. In the end, Texas legislators passed a whopping \$250.7 billion two-year budget - up 15.7% from the last session. In this session Texas legislators agreed to spend more money. However, the question looming for 2021 is: can Texas maintain this type of spending increase?

The mood this session for public charter schools was extremely negative in both chambers. There were negative charter bills filed addressing a wide-range of issues: moratorium, enrollment changes, and hampering the expansion of charter schools. Fortunately, the majority of the negative bills did not pass.

The list of bills and brief descriptions below are the more significant changes to Chapter 12

of the Education Code or other law applicable to public charter schools.

#### *House Bill 3*

HB 3 is the first overhaul to school funding in more than 30 years. The following synopsis provides some insight on how the funding changes may affect public charter schools.

- (a) The average per-student increase for charters is \$767.
- (b) The average per-student increase for ISDs is \$1,003.
- (c) The law will require charter districts to pay the employer share into TRS for certain employees earning above the minimum state salary schedule.
- (d) The law requires all schools that offer pre-k to begin offering free, full-day pre-k to four-year olds and to conform pre-k programs to the state's previously voluntarily standards. This mandate is not fully funded and it will be expensive. The new pre-k mandate goes into effect for the 2020-2021 school year. There will be limited opportunities to apply for a waiver to ask for more time to comply.
- (e) There is no specific dollar amount for teacher pay raises. Instead, the amount will depend upon how much the basic allotment is increased.

Because the amendments to the Texas Education Code brought about by HB 3

require policy determinations and rulemaking by the Texas Education Agency (TEA), TEA informed public schools that “Given the magnitude of changes prescribed by HB3, it will be several months before the agency can put up a new report with all the new data fields and allotments.”

*House Bill 109*

This bill amends current law relating to the operation of open-enrollment charter schools on Memorial Day and prohibits school instruction on this holiday.

*House Bill 1051*

Bill amends current law relating to an adult education program provided under an adult high school diploma and industry certification charter school program and reporting requirements regarding certain students.

*House Bill 1597*

*(Signed by the Governor on May 28, 2019.)  
(Effective on May 28, 2019.)*

Currently, the state requires students to provide proof of residency prior to enrolling in school. This bill amends current law to allow military parent or guardian to establish residency in a school district for the purposes of advanced enrollment upon receipt of valid military orders assigning them to a nearby military installation. Students would finalize their enrollment by confirming their residency status within 10 days of officially relocating to the district.

*House Bill 2190*

HB 2190 amends Texas Education Code Section 12.117 by adding subsection (d) to enable “an open-enrollment charter school [to] admit a child of an employee of the school

[...] regardless of whether the child resides in the geographic area served by the school.”

*House Bill 3871*

Currently, public and private schools and institutions of higher education may request a hearing to consider a creation of a school zone to lower speed limits. However, even though charter schools are a part of the public-school system in Texas, they are not specifically included in the list of educational institutions that can request hearings. This bill amends current law relating to the process for establishing speed limits on roads near certain schools.

*House Bill 4205*

Bill amends current law relating to accountability intervention provisions applicable to school district campuses, including the conditions under which a closed campus may be repurposed to serve students at that campus location and the creation of accelerated campus excellence turnaround plans.

*House Bill 4258*

Certain municipal authorities are preventing the growth of charter schools by refusing to approve the notice required before bonds needed to finance an educational facility for a charter school can be issued, even if other applicable municipalities have provided approval. This bill seeks to ensure that a single municipality cannot derail the approval of these bonds by providing for approval by the Texas attorney general.<sup>1</sup>

The bill amends current law relating to review and approval by the attorney general of certain

<sup>1</sup> Original Author's/Sponsor's Statement of Intent

bonds financing an educational facility for certain charter schools.

*Senate Bill 11*

This bill was an emergency item for the Governor. With recent school shootings, this bill gives money to public schools to enhance their security and for mental health. For charter schools, SB 11 amends various provisions in state law to make charters subject to the same requirements as school districts relating to multihazard emergency operations plans, safety and security audits, school safety and security committee membership and responsibilities, and other related requirements. SB 11 also authorizes the commissioner of education to appoint a conservator to a charter school failing to submit a multihazard emergency operations plan to the Texas School Safety Center. Moreover, if the charter school fails to adopt, implement and submit the required plan as directed by the conservator, the commissioner is authorized to appoint a board of managers to oversee the operation of the school.

*Senate Bill 213*

*(Signed by the Governor on May 7, 2019.)  
(Effective on May 7, 2019.)*

After two sessions and four academic years, data continues to show that individual graduation committees are being used judiciously and for only deserving students. SB 213 amends various provisions in the Education Code that would have resulted in the expiration of the pertinent law on September 1, 2019. Under SB 213, the applicable statutory requirements now expire on September 1, 2023.

*Senate Bill 372*

The bill amends the Education Code to authorize the governing body of an open-enrollment charter school to employ security

personnel and commission peace officers in the same manner as a board of trustees of a public school district and to enter into a memorandum of understanding with a local law enforcement agency to assign a school resource officer to the school.

*Senate Bill 668*

The bill amends the Education Code to require the commissioner of education by rule to allow the following actions.

- (a) Charter holders are required to provide written notice of the establishment of a new charter school in the same time, manner, and form as provided by commissioner rule with the establishment of a campus up to 18 months before the date on which the campus is anticipated to open.
- (b) Charter holders may submit a request for approval for an expansion amendment up to 18 months before the date on which the expansion will be effective.
- (c) Charter holders must provide information to each superintendent from which a proposed charter school or campus is likely to draw students.

*Senate Bill 1454*

Property disposition has been an issue since the passage of SB 2 and the revocation of charters. This bill seeks to address this issue by clarifying the process relating to the sale, lease, and disposition of property and the management of assets of charter schools. Additionally, Senate Bill 1454 adds new requirements relating to related party transactions.

*Senate Bill 2293*

As open-enrollment charter schools receive public funds and charter school employees are accountable for academic performance of Texas students in the same way as employees of other public schools, it has been suggested that these schools and employees should be treated in the same way as public school districts and other public school employees. This bill seeks to provide for that treatment by prohibiting charter school employees from engaging in collective bargaining or striking.

**IMPORTANT UPDATE**
**New Open Meetings Requirements**

*By Joseph Hoffer*

In addition to the new laws briefly discussed above, the Legislature added and revised various other provisions to the Texas Open Meetings Act (TOMA), which we briefly describe below.

*House Bill 2840*

Among the many bills passed by the 86<sup>th</sup> Texas Legislature, House Bill (HB) 2840 added a new provision to TOMA. Specifically, under the newly added §551.007 to the Government Code, a charter holder's board of directors (or, if authorized in the charter, the charter school's governing board) is required to allow a member of the public to address the board regarding an item on the open meeting agenda at the meeting before or during the board's consideration of that item.

To facilitate the orderly conduct of its meetings, the board is allowed to adopt reasonable rules regarding the public testimony, including rules that limit the total time that a member of the public may take to address the board on a specific agenda item. If a time limit is adopted, any member of the

public that requires a translator, must be given twice the amount of time.

Under the new law, the board may not prohibit public criticism of the charter holder and charter school unless it is otherwise prohibited by law.

*Senate Bill 494*

*(Signed by the Governor on June 5, 2019.)*

*(Effective on September 1, 2019.)*

In addition to HB 2840, the Legislature passed Senate Bill (SB) 494 which amends the TOMA to allow a reduced posting time for notice of an emergency meeting from 2 hours to 1 hour. Under SB 494, the board is prohibited from deliberating or taking action on any matter at an emergency meeting other than one directly related to responding to the emergency or urgent public necessity identified in the notice. Additionally, under SB 494, the charter holder must meet specific conditions in order to call an emergency meeting. These conditions include fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm, power failure, transportation failure, or interruption of communication facilities, epidemic, or riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence. Lastly, the Board is allowed to temporarily suspend TOMA requirements when there is a "catastrophe", as defined in the new state law. In this event, the Board must first provide notice to the Attorney General and meet other pertinent requirements.

*Senate Bill 1640*

In SB 1640, the Texas Legislature redefined "deliberation" to mean a verbal or written exchange between a quorum either within or without a meeting. Importantly, SB 1640 clarifies that a board member commits an offense if the board member knowingly engaged in at least one communication among

a series of communications that each occurred outside of a meeting authorized by the Act and that concerned an issue within the jurisdiction of the board in which the members engaging in the individual communications constituted fewer than a quorum, but the members engaging in the series of communications constitute a quorum.

If you have any concerns or questions in regard to the new law passed by the Legislature, please contact us.

### **U.S. Department of Labor Issues New Wage and Hour Opinion Letters**

*By Joseph Hoffer*

The Department of Labor (DOL) released new opinion letters on March 14, 2019 that address Family and Medical Leave Act (FMLA) and overtime calculation issues.

The FMLA mandates twelve weeks of unpaid, job protected leave per year for eligible employees who work at covered employers (or up to 26 weeks related to covered service member leave). The DOL's FMLA opinion letter discussed instances where employers intentionally wait to issue the mandatory FMLA leave designation notice until after employees exhaust paid leave. The DOL confirmed that the designation notice must be provided to an employee within five business days after the employer has enough information to determine if the requested leave is FMLA-qualifying (that means don't create a reason to wait to provide notice, and don't wait even if an employee wants you to wait). As a reminder, employers are allowed to require employees to concurrently exhaust paid leave while taking FMLA leave—but you must give prior notice of that requirement, as well as notice of an employee's right to concurrently take paid leave (if the employer does not require it).

Federal overtime laws, including employee designations as exempt or non-exempt, are found in the Fair Labor Standards Act (FLSA). As a reminder, an employer does not have to pay an employee overtime if that employee is properly classified as exempt (reminder: simply paying an employee a salary does not automatically mean you don't have to pay overtime). The DOL's FMLA opinion letter addressed the interaction between volunteer work and overtime calculations for non-exempt employees. The DOL wrote that volunteer work that is voluntary and not subject to the employer's control does not have to be counted when calculating overtime hours—even if the employer pays the employee for the volunteer hours. The same cannot be said for volunteer activities that are mandatory, where the employer coerces employees to volunteer, or if the employee is adversely affected or punished for not volunteering (e.g., bonus is given to everyone who volunteers, but is not given to employees who do not volunteer).

Finally, the DOL is again considering increasing the minimum salary for exempt employees—a different proposed increase was almost enacted in 2016, but was struck by a court shortly before enactment. At this time, we do not believe that this proposed change, if enacted, would affect teacher salaries. As proposed, employees who actually perform certain job duties on a regular basis would have to be paid at least \$679 per week / \$35,308 annually (up from \$455 per week / \$23,660 annually) to be properly classified as exempt.

Look for more information in future newsletters.

Link to DOL Fact Sheet #28D if you would like a refresher on your obligations to provide notice under the FMLA:

<https://www.dol.gov/whd/regs/compliance/w hdfs28d.htm>.

Link to the FMLA opinion letter:

[https://www.dol.gov/whd/opinion/FMLA/2019/2019\\_03\\_14\\_1A\\_FMLA.pdf](https://www.dol.gov/whd/opinion/FMLA/2019/2019_03_14_1A_FMLA.pdf).

Link to the FLSA opinion letter:

[https://www.dol.gov/whd/opinion/FLSA/2019/2019\\_03\\_14\\_02\\_FLSA.pdf](https://www.dol.gov/whd/opinion/FLSA/2019/2019_03_14_02_FLSA.pdf).

### **Supreme Court Provides Remedy for Default by Landlord**

*By Jessica Davis*

The Supreme Court of Texas recently held in *Venture v. UTSW DVA Healthcare, LLP* that termination of a lease is a justifiable remedy when the Landlord breaches a commercial lease.<sup>2</sup> In *Venture*, the tenant leased space from the landlord to operate a dialysis clinic. The tenant repeatedly notified the landlord of water damage to the floor of the leased premises due to water penetrating the foundation.<sup>3</sup> The two exchanged extensive communication in an attempt to diagnose and fix the issue; however, neither party claimed responsibility for the leak.<sup>4</sup> Contractors and engineers were called in to assess the issue, but the condition of the leak and the leased premises worsened.<sup>5</sup> Due to the persistence of the leak, the tenant determined that the leased premises were unsuitable for use as a dialysis clinic and terminated its lease early and vacated the leased premises.<sup>6</sup> The landlord filed suit against the tenant to recover the remaining rent under the lease claiming the tenant had breached the lease in terminating the lease early. The tenant countersued claiming breach of the lease contract and other causes of action due to the landlord's failure

to repair the leak in the leased premises.<sup>7</sup> In reaching its decision, the Court determined that given the landlord's material breach of the lease in failing to repair the leased premises as provided in the lease contract the tenant had the right to terminate the lease early, and the tenant did not have to pay the landlord the remaining rent owed under the original lease.<sup>8</sup>

As many charter schools lease property, this holding is beneficial as it confirms that termination is an available remedy at law for tenants if a landlord materially breaches a lease agreement. As such, it is important if a landlord is in default of a lease agreement that the tenant should take pains to document the default and provide landlord notice of the default in accordance with the terms of the lease agreement in order to preserve all remedies that are available to the tenant under the lease agreement. Also, it is important when negotiating lease agreements that you carefully review the lease provisions regarding landlord default and remedies for default to ensure that you preserve and do not waive the remedies available to you at law as many lease drafts, especially those drafted by landlords or their counsel, include provisions limiting tenants remedies in the event of a landlord default.

If you believe that your landlord may be in default or have concerns about the condition of your leased premises, we encourage you to review your lease for provisions regarding landlord's responsibilities under the lease and the sections regarding default. If your landlord is not fulfilling its obligations under the lease, the landlord is in default of the lease and remedies are available to you. If you have any questions or concerns about whether or not your landlord is in default or what steps to take

<sup>2</sup> *Venture v. UTSW DVA Healthcare, LLP*, 16-0006, 2019 WL 1873428 (Tex. Apr. 26, 2019).

<sup>3</sup> *Id.* at \*1.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at \*7.

next if you believe your landlord is in default, please reach out to Jason Adelstein, our in-house board-certified commercial real estate partner, and he would be happy to answer any questions or offer advice regarding this issue or any others.

### **AG Opinion No. KP-0254**

*By Joseph Hoffer*

On May 24, 2019, Attorney General (AG) Ken Paxton issued Opinion No. KP-0254 in which he opined that “If the Texas Education Agency conducts an investigation as authorized by section 39.057 of the Education Code and concludes that members of a school district board of trustees violated their duty to comply with the [Texas Open Meetings] Act, it could take appropriate civil action authorized by subsection 39.057(d) of the Education Code.”<sup>9</sup> Being that open-enrollment charters are subject to the Texas Open Meetings Act, the AG’s opinion bears consideration for future meetings of the charter holder’s board of directors or, if approved in the charter, the charter schools governing body.

Significantly, the AG opined that “If a quorum of a governmental body deliberates about public business within the jurisdiction of the body outside of a meeting authorized by the Texas Open Meetings Act, through multiple communications each involving fewer than a quorum, the governmental body violates the Act.” In this event, the AG further opined that “Action taken by a governmental body in violation of the Act is voidable. In addition, any interested person may bring an action by mandamus or injunction to stop, prevent, or reverse a violation or threatened

violation of the Act by members of a governmental body.”

In summary, going forward, the charter holder’s board of directors or, if authorized under the charter, the charter school’s governing body deliberate any aspect of the charter school, it should do so in a properly convened meeting. Otherwise, the board risks TEA scrutiny and civil action.

If you have any concerns in this regard, please contact our office.

### **NIFA Online Application for Funding**

*TEA To The Administrator Addressed*

On May 30, 2019, TEA issued a To The Administrator Addressed Letter informing public school administrators of the availability of the New Instructional Facility Allotment (NIFA).<sup>10</sup> Importantly, the deadline for electronically submitting an application is Monday, July 15, 2019. In this regard, TEA will not accept any late applications. Also, TEA will only accept electronic submissions (i.e., no paper applications will be accepted). If awarded, a charter school may receive \$1,000 per student in average daily attendance, depending upon the actual number of applications received.

For more information, including eligibility, application and use of funds requirements, see TEA’s letter.

### **FASB Topic 958**

*TEA To The Administrator Addressed*

On May 9, 2019, TEA issued a To The Administrator Addressed Letter informing charter school administrators that the

<sup>9</sup> For a copy of this opinion, go to [https://www2.texasattorneygeneral.gov/opinions/opinions/51paxton/op/2019/kp0254.pdf?utm\\_content=&utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery&utm\\_term=](https://www2.texasattorneygeneral.gov/opinions/opinions/51paxton/op/2019/kp0254.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=).

<sup>10</sup> For a copy of the letter, go to [https://tea.texas.gov/interiorpage\\_wide.aspx?id=51539630127](https://tea.texas.gov/interiorpage_wide.aspx?id=51539630127).

Financial Accounting Standards Board (FASB) issued Accounting Standards Update 2016-14 whereby the reporting requirements for not-for-profit charter holders were changed.<sup>11</sup> Under the new standards, nonprofit charter holders must prepare financial statements and notes to the financial statements that present two classes of net assets: (1) net assets with donor restrictions; and (2) net assets without donor restrictions. Going forward, nonprofit entity financial statements and notes will no longer report net assets as unrestricted, temporarily restricted and permanently restricted. As in years past, nonprofit charter holders must continue to report public (i.e., federal and state) funds and property as net assets with donor restrictions until the statutory restrictions under Texas Education Code §§ 12.107 and 12.128 have been met through the disbursement of funds for authorized expenditures or the use (i.e., depreciation) of property to only implement a program that is described in the open-enrollment charter.<sup>12</sup>

For more information, see TEA's letter and consult with your independent auditor.

### **Superintendent/CEO Search**

#### *Compass Academy Charter School*

SLHA is conducting a search for Superintendent for Compass Academy Charter School, an open-enrollment charter school serving grades K-8 located in Odessa, Texas. Compass Academy provides a personalized learning environment that provides academic excellence in a warm and supportive school climate. Strong parental and community support enhances the quality of education at Compass Academy. Compass Academy is currently accepting applications for the position of Superintendent until June

14, 2019. Contact Mary Zaiontz at [mzaiontz@slh-law.com](mailto:mzaiontz@slh-law.com) for application and additional information.

### **Statutorily Required Training**

#### *Updated SLHA Schedule*

Attached is the current Schedule of Statutorily Required Professional Development and Training published by the Firm. Board members and charter school officers, as defined in state rule, should review this schedule to ensure that they have met the training requirements for their respective roles. If you have concerns or questions, please contact Mary Zaiontz at [mzaiontz@slh-law.com](mailto:mzaiontz@slh-law.com).

### **Have Questions? We'll Answer.**

If you have any questions concerning the content in this e-newsletter or any other school law matter, please contact Lori Madla at [lmadla@slh-law.com](mailto:lmadla@slh-law.com) or at (210) 538-5385.

<sup>11</sup> For a copy of the letter, go to [https://tea.texas.gov/interiorpage\\_wide.aspx?id=51539629746](https://tea.texas.gov/interiorpage_wide.aspx?id=51539629746).

<sup>12</sup> 19 TAC §§ 100.1043 and 100.1063

**SCHEDULE OF STATUTORILY REQUIRED PROFESSIONAL DEVELOPMENT AND TRAINING**

This schedule lists the various professional development and training that members of the governing body of the charter holder and charter school and charter school officers must obtain.

Legend		
M – Mandatory	E – Encouraged	O – Optional

Training	Citation	Audience	Notes	M	E	O
Administration of Epinephrine Auto-Injectors	TEC §38, Subchapter E TEC §38.0151(f)	One or more school personnel members or volunteers on each campus of a district or open-enrollment charter school that adopts a policy for the administration of epinephrine auto-injectors.	How to recognize the signs and symptoms of anaphylaxis, administer an epinephrine auto-injector, implement emergency procedures, and properly dispose of used or expired epinephrine auto-injectors.	X		
Assessment instrument administration	TEC §39.0304 (a), (b), (c); TAC §101.3031 (a) (c)	School district employees involved in the administration of assessment instruments administered under Section 39.023.	May include a qualifying component. Language in TEC is permissive, i.e., the Commissioner may require training. Part of the language in TAC is mandatory.	X		X
Bible Course Training	TEC §21.459 and TEC, §28.011 (f)	Teachers of elective Bible courses.	The Commissioner shall make available training materials and other teacher training resources through access to in-service training.			X
Bilingual Education/ESL	TAC §89.1245 (e)	Teachers of bilingual education and ESL programs that are not fully certified.	Training to improve the skills of the teachers who provide instruction in the alternative bilingual education program, ESL, and/or content area instruction in special classes for ESLs.	X		

Training	Citation	Audience	Notes	M	E	O
Bleeding Control Station	TEC §38.030	School security personnel, school resource officers	HB 496 passed in 2019 added § 38.030; requires agency approved training no later than January 1, 2020	X		
Blood borne Pathogen Control	TAC Title 25, Part 1 Chapter 96; Health & Safety Code, Chapter 81	All school personnel	Legislation passed in 1999 requires districts to develop and blood borne pathogen control exposure plan including awareness training in exposure control.	X		
Bullying; Cyberbullying	TEC § 37.0832	All school personnel	David’s Law passed in 2017 requires a school policy prohibiting bullying		X	
Civil Rights Training	USDA, FNS Instruction Number 113-1, XI	Frontline food service staff and those that supervise frontline staff.	Civil rights training in compliance and complaints on an annual basis.	X		
Concussion Training	TEC §38.154(c)	Each member of the concussion oversight team.	Training must be from an approved provider and must include the evaluation, treatment, and oversight of concussions.	X		
Dyslexia	TAC §74.28(c)(f)	Teachers who screen and treat students with dyslexia and related disorders	Training on instructional strategies described in the “Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders”	X		
Educator Misconduct	Texas Penal Code § 21.12; TEC § 21.006	Directors, superintendents, principals	Senate Bill 7, passed in 2017, requires superintendents and principals to report educator misconduct		X	
English Language Proficiency Assessments	TEC §29.056(b)	Professionals or paraprofessionals who administer English language proficiency tests.	Training required by the test publisher.	X		

Training	Citation	Audience	Notes	M	E	O
Ethics TOT Training	19 TAC § 249.5; 19 TAC § 247.1	Superintendents, Personnel Directors, District and Campus Leadership	To provide Texas educators and administrators, as well as other school personnel, with an understanding and awareness of what behavior constitutes inappropriate educator conduct, as well as strategies to recognize, prevent, and respond to inappropriate conduct.		X	
Extracurricular Athletic Activity Training Program	TEC §33.202 and TAC §76.1003	Coaches, trainers, sponsors of extracurricular athletic activities. Director of the marching band.	Emergency action planning, cardiopulmonary resuscitation, communicating with 9-1-1, recognizing symptoms of potentially catastrophic injuries.	X		
Food Allergy Training	TEC §38.0151; Commissioner of DSHS guidelines	Awareness training for all staff; comprehensive training for food allergy management team.	Training on anaphylaxis and emergency response to anaphylactic reactions.	X		
Gifted/Talented	TAC §89.2	Teachers that provide instruction and services that are part of the program for gifted/talented students. Administrators and counselors who have authority for program decisions.	Minimum of 30 hours. Must be completed within one semester. Minimum of six hours annually.	X		
Hazardous chemicals	Texas Health and Safety Code §502.009	Employees who use or handle hazardous chemicals (including science lab teachers).	Must provide an education and training program with information on interpreting labels and MSDSs, use of protective equipment, first aid.	X		

Training	Citation	Audience	Notes	M	E	O
HIPAA	Texas Health and Safety Code §181.101	Employees where information is necessary to carry out duties.	Training on state and federal law concerning protected health information.	X		
Illegal Steroid Use	TEC §33.091 (c-1)	Each district employee who serves as an athletic coach at or above the 7th grade for an extracurricular athletic activity.	Health effects of steroid use.	X		
Implementing an Aligned Curriculum	TEC §21.4511 (b)	Public school teachers and administrators	Training relating to implementing curriculum and instruction that is aligned with the foundation curriculum and standards and expectations for college readiness.			X
Language Proficiency Assessment Committee	TAC §89.1220(a),(f)	Members of the Language Proficiency Assessment Committee(s)	District must have a policy of file that provides for the selection, appointment and training of LPAC members.	X		
Literacy Achievement Academies	TEC §21.4552	Teachers who provide reading instruction to students in kindergarten and grades K-3.	Training in effective and systematic instructional practices in reading, including phonemic awareness, phonics, fluency, vocabulary, and comprehension.			X
Mathematics Achievement Academies	TEC §21.4553	Teachers who provide mathematics instruction to students in kindergarten or grades K-5.	Training in effective and systematic instructional practices in mathematics, including problem solving, the place value system, whole number operations, and fractions.			X

Training	Citation	Audience	Notes	M	E	O
Migrant New Generation System (NGS)	PL 107-110, Title I, Part C, Section 1304; Texas Manual for the Identification and Recruitment of Migrant Students	All personnel sharing responsibility for implementing NGS activities.	Before November 15.	X		
Migrant Identification and Recruitment (ID&R)	PL 107-110, Title I, Part C, Section 1304; Texas Manual for the Identification and Recruitment of Migrant Students	All recruiters and designated SEA reviewers for the Migrant Education Program.	Training and certification offered by the Regional Education Service Centers. Must be before October 15 or before recruitment efforts begin.	X		
Multi-hazard Emergency Operations Plan	TEC §37.108 (a)(1) and (c-2)(4); §37.2071	All school employees	Training in responding to an emergency. Document type of training, number of employees trained, and person conducting the training. SB 11, passed in 2019, adds charter schools to this requirement	X		
Nature Science Curriculum Project	TEC §28.013	Classroom teachers and state park employees	Staff development course in implementing the curriculum provided by the T-STEM Center at Texas Tech University and the South Llano River State Park. Curriculum available over the Texas Tech website.			X
Open-enrollment Charter Schools Board Members and Officers Training	TEC §12.123	Members of the governing board of open-enrollment charter schools and officers of open-enrollment charter schools.	Training in basic school law including school finance; health and safety issues; requirements related to the use of public funds; and, other requirements related to the public such as open meetings.	X		

Training	Citation	Audience	Notes	M	E	O
Open Records Requirements	Texas Government Code, §552.012	Officer for public information.	Requirements of the law. Training not less than one hour and not more than two hours.	X		
School Readiness	TAC §102.1002(a)(10)(D)	Grantees of the Prekindergarten Early Start Grant Program	Joint professional development that focus on proven school readiness components.			X
Reading-to-learn Academies	TEC §21.4554	Teachers who provide reading comprehension instruction to students in 4th or 5th grades.	Effective instructional practices that promote student development of reading comprehension and inferential and critical thinking.			X
Reporting Child Abuse, Maltreatment and Neglect/Sexual Abuse and Sex Trafficking of Children	TAC §61.1051 (c) (d); TEC §38.0041 (b) (1); §38.0041 (c) (1)	Each year as part of new employee orientation.	Copies of Board Policy must be distributed at the beginning of each school year and must address methods for increasing teacher...awareness of issues regarding sexual abuse and sex trafficking of children.	X		
Seizure Management and Treatment Plan	TEC § 38.033	School nurse and all other employees whose duties include regular contact with students	HB 684, passed in 2019, added § 38.033 requiring training on seizure recognition and related first aid.	X		
Student Mental Health	TEC §§ 38.251-256	All school personnel	SB 11, passed in 2019, added §§ 38.251-256 to provide training on practices that support the mental health of students		X	

Training	Citation	Audience	Notes	M	E	O
Suicide Prevention	Health and Safety Code, §161.325 (a-3) (b) (c-1) TEC § 38.351	All new district and open-enrollment charter school educators annually and to existing school district and open-enrollment charter school educators on a schedule adopted by the TEA by rule.	Suicide prevention training to be selected from a list of recommended best practice-based programs and research-based practices provided by the Department of State Health Services (DSHS) in coordination with the TEA. Formerly Health and Safety Code § 161.325, recodified by HB 18, passed in 20129.	X		
Threat Assessment and Safe and Supportive School Program Team	TEC § 37.115	All members assigned to the threat assessment and safe and supportive school program team	SB 11, passed in 2019, added § 37.115 and made it applicable to charters. Each member of the team must complete training provided by the Texas School Safety Center or a regional education service center	X		
Trauma-informed Care	TEC § 38.036	All school educators as part of new employee orientation	SB 11, passed in 2019, added § 38.036. Requires training on awareness and implementation of trauma-informed care as part of all new employee orientation and for all existing educators on a schedule adopted by the Agency;	X		
Use of an automated external defibrillator	TEC §22.902(c)	School nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, other school employee specified by the Commissioner and student athletic trainer	Must receive and maintain certification. School districts to make training available to employees and volunteers annually.	X		

Training	Citation	Audience	Notes	M	E	O
Use of restraint	TAC §89.1053 (d)	School employees, volunteers, independent contractors.	Personnel using restraint in an emergency must receive training within 30 school days after the use of restraint.	X		
Use of time-out	TAC §89.1053 (h)	General or special education personnel who implement time-out based on requirements in a students' IEP	Within 30 school days of being assigned the responsibility of implementing time-out.	X		