

87th Legislature (2021) & Special Sessions Bill Guide

Philanthropy Advocates' mission is to empower Texas philanthropy to invest and engage in effective public and higher education policy and advocacy at the state level. During a regular legislative session and three special sessions in 2021, many bills passed impacting our state's students, educators and education community.

As grantmakers know, many of the laws passed in 2021 are now being implemented with private sector support and partnership from Texas philanthropy. See below an outline of bills passed that Philanthropy Advocates followed throughout their passage or that are impactful policies to be aware of as school districts, higher education institutions and other stakeholders work to implement new laws.

This list of bills passed is not comprehensive of all new laws impacting the education landscape in Texas. We have also provided additional overview documents from other reputable sources for further reference.

Bills Passed in the 87th Regular Legislative Session (2021)

1. [HB 5 \(Ashby\)](#) – Broadband Expansion

Establishes the [broadband development office](#) within the office of the comptroller of public accounts and tasks the broadband development office with preparing, updating, and publishing a state broadband plan; serving as a repository for information relating to broadband service and digital connectivity in Texas. Also engages in community outreach; creating, annually updating, and publishing a broadband development map to classify areas in Texas.

2. [HB 1525 \(Huberty\)](#) – HB 3 “Clean-Up”; Public School Finance System

This bill revises provisions related to the Texas public school finance system, providing clarity regarding different funding allotments and establishing COVID-19 learning acceleration supports. Allotments addressed in the bill pertain to students, teacher incentives, school safety, and other provisions regarding teacher certification.

Learn more about [HB 1525](#).

3. [HB 2287 \(Thompson\)](#) – Data Collection by Mental Health Services Task Force

Amends the Education Code to expand the data collection duties of the Collaborative Task Force on Public School Mental Health Services to include specified information in the bill, authorizes the task force to consult with relevant experts and stakeholders, and authorizes the task force to enter into agreements with relevant entities needed to execute its duties.

4. [HB 3643 \(King\)](#) – Creation of the Texas Commission on Virtual Education

This bill established the Texas Commission on Virtual Education. The commission will develop recommendations relating to the delivery of and funding for virtual education under the foundation school program. These will include alternative methods of funding and instructional delivery. The commission is required to report recommendations to the Governor and the Legislature once before the commission is abolished on January 1, 2023.

The commission consists of 13 members and is expected to begin work in February 2022. Members include bill author, Representative Ken King (R-Canadian), Representative Matt Shaheen (R-Plano), Representative Eddie Morales Jr. (D-Eagle Pass), Senator Paul Bettencourt (R-Houston), Senator Larry Taylor (R-Friendswood), Senator Royce West (D-Dallas), Annette Tielle, Danny Lovett, Rex Gore, Bernie Francis, Hannah Smith, Josue Tamarez Torres, and Pam Little.

Learn more about the appointees from press releases authored by [Governor Abbott](#), [Lieutenant Governor Patrick](#) and [State Board of Education Chair Kevin Ellis](#).

5. [HB 4545 \(Dutton\)](#) - Accelerated Instruction Guidance

This bill provides guidance for accelerated instruction related to grade retention and retesting, as well as guidance for learning acceleration for students who do not pass the STAAR test in grades 3–8 or STAAR (EOC) end-of-course assessment.

Learn more about [HB 4545](#).

6. [SB 1365 \(Bettencourt\)](#) – Public School Accountability System

This bill revises provisions relating to the public school accountability system and associated interventions and sanctions, clarifying certain powers of the commissioner of education and of certain commissioner appointees.

Learn more about [SB 1365](#).

Early Grade Success

7. [SB 560 \(Lucio\)](#) – State Strategic Plan for High-Quality Bilingual Education

Requires Texas Education Agency (TEA) to develop a strategic plan for the improvement and expansion of high-quality bilingual education. The plan is required to set tangible goals and establish timelines for specified related objectives. TEA must also submit the plan to the Governor, Lieutenant Governor, Speaker of the House, and members of appropriate legislative committees no later than December 1, 2022.

8. [SB 2066 \(Menendez\)](#) – Statute Language Change

Replaces the term “student of limited English proficiency” with the term “emergent bilingual student” in state law governing public education.

9. [SB 2081 \(Menendez\)](#) – Class Size Limits for Prekindergarten Classes

Prohibits a public school district, private entity operating a district’s kindergarten program, and a private provider of services or equipment for a district program from enrolling more than 22 students in a prekindergarten class. Class size limit does not apply to an open-enrollment charter school or to a campus or campus program charter.

Effective Teaching

10. [HB 159 \(Gonzalez\)](#) - Educator Preparation and Professional Development

Revises training requirements for an educator certificate to include requirements that a candidate demonstrate basic knowledge relating to disability categories under the federal Individuals with

Disabilities Education Act and conditions that may be considered a disability under the federal Rehabilitation Act of 1973. A demonstrated competence in certain proactive instructional planning techniques and inclusive instructional practices are also required. Certification-related training requirements regarding instruction include dyslexia, mental health, substance abuse, and youth suicide to all educator certificates.

11. [HB 2256 \(Guerra\)](#) – Bilingual Special Education Certification

Requires the State Board of Educator Certification to establish a bilingual special education certificate for teachers qualified to instruct students of limited English proficiency with disabilities.

12. [SB 179 \(Lucio\)](#) - Counselor Work Time

Requires each public school district to adopt, and implement, a policy requiring a school counselor to spend at least 80 percent of their total work time on duties that are components of the school's comprehensive school counseling program.

13. [SB 1267 \(West\)](#) – Educator Training Requirements

Amends Education Code to require the State Board for Educator Certification to publish a clearinghouse of information regarding continuing education and training requirements for educators and other school personnel and to establish a clearinghouse advisory group. This clearinghouse must be complete by June 1, 2022.

14. [SB 1590 \(Bettencourt\)](#) - Virtual Observations for Educator Candidates

Requires rules regarding any field-based experience or internship that is required for educator certification to provide for candidate observation options involving at least three in-person observations or at least two in-person observations and two virtual observations equivalent in rigor to in-person observations.

Pathways to College & Career

15. [HB 1247 \(Lozano\)](#) - Tri-Agency Work-Based Learning Strategic Framework

Requires the development of and report on a tri-agency work-based learning strategic framework by the Texas Education Agency (TEA), the Texas Higher Education Coordinating Board (THECB), and Texas Workforce Commission (TWC).

16. [HB 1603 \(Huberty\)](#) – Individual Graduation Committees

Establishes a review process for [individual graduation committee](#), includes provisions authorizing the substitution of certain Texas Success Initiative diagnostic test scores for satisfactory end-of-course test performance in Algebra I and English II, and extends the use of individual graduation committees and other alternative graduation qualification procedures to open-enrollment charter schools.

17. [HB 3767 \(Murphy\)](#) - Tri-Agency Workforce Initiative

Referred to as the Texas Education and Workforce Alignment Act, establishes the [Tri-Agency Workforce Initiative](#). Under the initiative, the Texas Education Agency (TEA), Texas Higher Education Coordinating

Board (THECB), and Texas Workforce Commission (TWC) are to coordinate shared goal-setting and improved evaluation of career education and training programs.

In February 2022, the Tri-Agency Workforce Initiative released [state workforce development goals](#) for public release and comment.

18. [SB 788 \(Creighton\)](#) - Data-Sharing Agreements

Requires the Texas Education Agency (TEA), Texas Higher Education Coordinating Board (THECB), and the Texas Workforce Commission (TWC) jointly to develop and make available specified model data-sharing agreements for sharing information subject to federal [FERPA](#) guidelines for purposes of the evaluation of the electronic student records system and improved support of students and workforce preparation participants.

19. [SB 1102 \(Creighton\)](#) - Texas Reskilling and Upskilling through Education (TRUE) Program to Support Workforce Education

Establishes the Texas Reskilling and Upskilling through Education (TRUE) Program. This program awards grants to lower-division institutions of higher education or to local chambers of commerce, trade associations, and economic development corporations partnering with those institutions to support the creation, redesign, expansion, and delivery, as applicable, of workforce training programs and other qualifying education.

Learn more about some of the inspiration behind the [Texas Reskilling and Upskilling through Education](#) initiative.

20. [SB 1230 \(Taylor\)](#) – Texas Commission on Community College Finance Commission

Establishes the Texas Commission on Community College Finance to make recommendations for consideration by the 88th Legislature regarding the state funding formula and funding levels for public junior colleges.

Appointments were made in late 2021 and include Governor Abbott’s appointees of chair Woody Hunt, Dr. Mark Escamilla (Del Mar College), Brian Jones (Odessa College), and Todd A. Williams (The Commit Partnership). Lt. Governor Patrick’s appointees include Senator Brandon Creighton (R-Conroe), Senator Larry Taylor (R-Friendswood), and Chancellor Stephen Head (Lonestar Community College). Speaker Phelan’s appointees include Representative Gary VanDeaver (R-New Boston), Representative Oscar Longoria (D-Mission), and Dr. Brenda Kays (Kilgore College).

Commission meetings are ongoing. Past meeting recordings and resources are available [here](#).

21. [SB 1277 \(West\)](#) – Academic Advising in Dual-Credit Agreements

Requires an agreement between a public school district and a public institution of higher education to provide dual credit programs to designate at least one district or institution employee as responsible for providing academic advising to a student who enrolls in a dual credit course before the student begins the course.

22. [SB 1295 \(Creighton\)](#) - Outcomes-Based Funding for Regional Universities

Establishes a method of allocating outcomes-based funding for comprehensive regional universities. The allocation method includes a base institutional appropriation and additional performance-based grant opportunities based on a three-year average of degrees awarded to at-risk students, as defined by the bill.

THECB is also required to conduct a one-time study on the allocation method regarding its effectiveness in allocating state funds fairly and equitably and in promoting student success and provides for the submission of the resulting report and recommendations no later than September 1, 2022.

Bills Passed in the Second Special Session (2021)

1. [SB 3 \(Hughes\)](#) - Social Studies Curriculum

This bill requires the State Board of Education to adopt state curriculum standards for kindergarten through grade 12 social studies. It will include specified essential knowledge and skills that develop each student's civic knowledge. The education commissioner will establish civics training programs for teachers and administrators with the aid of a civics training program advisory board created by the bill. Each public school district and open-enrollment charter school will ensure that applicable educators attend these programs but authorizes the commissioner to delay implementation of this requirement until 2025-2026.

This bill clarifies new law passed in HB 3979, which became known as the "Critical Race Theory" bill in the 87th regular legislative session and supersedes HB 3979.

2. [SB 15 \(Taylor\)](#) - Virtual Education

This bill authorizes school districts or open-enrollment charter schools to provide off-campus electronic courses or a hybrid instructional program under certain conditions. The bill includes students enrolled in courses and programs within the district's or charter school's average daily attendance count for state funding purposes and works in conjunction with HB 3643. HB 3643 creates the Texas Commission on Virtual Education and was passed during the 87th Regular Session.

The bill outlines specific performance thresholds school districts must meet before providing virtual education as described in the bill.

The bill also provides for the fulfillment of internship requirements for educator certification through a local remote learning program or the state virtual school network and requires the commissioner of education to establish an asynchronous progression funding method for certain special-purpose districts.

Bills Passed in the Third Special Session (2021)

1. [SB 8 \(Nelson\)](#) – American Rescue Plan Allocations (ARPA)

This bill made allocations for ARPA funding Texas received from the federal government. For more information on SB 8 [view here](#).

2. [SB 52 \(Creighton\)](#) – Renaming of Tuition Revenue Bonds and Allocated Funding to Capital Projects

Tuition revenue bonds (TRB) were renamed Capital Construction Assistance Projects (CCAP). This bill authorizes the issuance of \$3.3 billion in capital construction revenue bonds for higher education institutions.

For more information on SB 52 [view here](#).

Regarding Special Sessions 1

During the first special session, legislation that pertained to the education issues closely followed by Philanthropy Advocates was not initially passed.

Additional Resources

For further information regarding all education legislation passed during the 87th Regular, 1st, 2nd, and 3rd Special Sessions, please visit the following links:

1. Texas Education Agency (TEA): <https://tea.texas.gov/sites/default/files/2021-briefing-book.pdf>
2. Texas Higher Education Coordinating Board (THECB):
<https://reportcenter.highered.texas.gov/training-materials/presentations/summary-of-higher-education-legislation-87r/>
3. Texas Workforce Commission (TWC): <https://www.twc.texas.gov/files/news/texas-business-today-2nd-quarter-2021-twc.pdf>
4. Texas Association of School Boards (TASB): <https://www.tasb.org/members/advocate-district/2021-tasb-legislative-summary/>