

By: Hinojosa

S.B. No. 1011

A BILL TO BE ENTITLED

AN ACT

1
2 relating to measures to mitigate the effects of a disaster on public
3 schools, including personal leave provided for certain public
4 school employees, the temporary suspension of certain
5 accountability determinations and promotion or graduation
6 criteria, the calculation of average daily attendance for the
7 2020-2021 school year, and a study on methods to reduce truancy
8 rates.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

10 SECTION 1. Section 22.003, Education Code, is amended by
11 adding Subsections (a-1) and (a-2) and amending Subsection (c-1) to
12 read as follows:

13 (a-1) In addition to all other days of leave provided by
14 this section or by a school district or open-enrollment charter
15 school, an employee of a school district or open-enrollment charter
16 school who tests positive for a disease that is the basis for a
17 disaster declared by the governor under Section 418.014, Government
18 Code, for all or part of the state is entitled to not less than 14
19 days of leave for compensation following the positive test result.
20 Days of leave taken under this subsection may not be deducted from
21 accrued personal leave or leave that the employee is entitled to
22 under the Family and Medical Leave Act of 1993 (29 U.S.C. Section
23 2601 et seq.).

24 (a-2) In addition to all other days of leave provided by

1 this section or by a school district or open-enrollment charter
2 school, an employee employed by a school district or
3 open-enrollment charter school for the 2021-2022 school year who
4 was also employed by the district or school for the 2020-2021 school
5 year is entitled to the number of days of leave, not to exceed 14
6 days, equal to the number of days during the 2020-2021 school year
7 for which the employee used leave due to testing positive for the
8 coronavirus disease (COVID-19). This subsection expires September
9 1, 2022.

10 (c-1) Any informational handbook a school district provides
11 to employees in an electronic or paper form or makes available by
12 posting on the district website must include notification of an
13 employee's rights under Subsections (a-1) and [Subsection] (b) in
14 the relevant section of the handbook. Any form used by a school
15 district through which an employee may request leave under this
16 section must include disaster leave under Subsection (a-1) and
17 assault leave under Subsection (b) as options [an option].

18 SECTION 2. Subchapter B, Chapter 39, Education Code, is
19 amended by adding Section 39.0239 to read as follows:

20 Sec. 39.0239. TEMPORARY SUSPENSION OF CERTAIN
21 ACCOUNTABILITY MEASURES DURING DISASTER. Notwithstanding other
22 law, for any school year in which a school district's operations,
23 including in-person attendance, are disrupted as a result of a
24 disaster declared by the governor under Chapter 418, Government
25 Code, the commissioner may not consider the results of any
26 assessment instruments administered under Section 39.023 to
27 students enrolled in the district during that school year for

1 purposes of:

2 (1) evaluating school district or campus performance
3 under this chapter for the affected district for that school year,
4 including in determining:

5 (A) the performance rating to assign to the
6 district or the district's campuses under Section 39.054; or

7 (B) whether to impose any intervention or
8 sanction authorized by Chapter 39A after that school year on the
9 district or the district's campuses; or

10 (2) determining a student's qualification for
11 promotion or graduation.

12 SECTION 3. Section 48.005, Education Code, is amended by
13 adding Subsection (d-1) to read as follows:

14 (d-1) Notwithstanding other law, for the 2020-2021 school
15 year, each school district or open-enrollment charter school shall
16 be funded on the basis of the greater of the average daily
17 attendance in the district or school for the 2019-2020 school year
18 or the 2020-2021 school year. This subsection expires September 1,
19 2023.

20 SECTION 4. (a) The commissioner of education shall
21 establish a task force to study methods to reduce the rates of
22 truancy in public schools in this state.

23 (b) The commissioner of education shall appoint members of
24 the task force. The task force must include one or more:

25 (1) representatives from the Texas Education Agency;

26 (2) justices of the peace;

27 (3) public school officials;

1 (4) parents of public school students; and

2 (5) public school teachers.

3 (c) The task force shall prepare a written report that
4 includes:

5 (1) a description of the activities of the task force;

6 (2) an analysis of truancy rates in the state,
7 including the impact of disasters on truancy rates, and methods to
8 reduce those rates;

9 (3) recommendations for legislative or other action;
10 and

11 (4) any other matters the task force considers
12 appropriate.

13 (d) Not later than June 1, 2022, the task force shall submit
14 the written report to the governor, lieutenant governor, chairs of
15 the standing legislative committees with primary jurisdiction over
16 public education, and commissioner of education.

17 (e) This section expires September 1, 2023.

18 SECTION 5. (a) Section 22.003, Education Code, as amended
19 by this Act, applies beginning with the 2021-2022 school year.

20 (b) Section 39.0239, Education Code, as added by this Act,
21 applies beginning with assessment instruments administered during
22 the 2020-2021 school year.

23 SECTION 6. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2021.