



*Charting the Way Through
Band Legal Issues*

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LEGISLATIVE CHANGES YOU *WANT* TO KNOW ABOUT:

TESTING - S.B. 1031 (Shapiro / Eissler)

- Ends the current high school assessments, including those at the exit level, and requires in their place the development of 12 end-of-course (EOC) assessments for secondary-level courses.
- The commissioner will adopt a transition plan to move from the current assessments to the new EOC assessments, implementation for the EOC assessments in the 2011- 2012 school year.
- Students in grades 10 and up in 2011-2012 would be subject to the graduation requirements found in current law.
- Requires annual administrations of preliminary college preparation assessments to 8th grade students, to require annual administrations of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) to 10th grade students, and to permit 11th and 12th grade students to select a nationally norm-referenced assessment used by colleges as part of the admissions process. The state will fund the costs associated with these assessments.
- Limits field testing separate from assessment administration to not more frequently than every other year, excluding new assessments required under law, and requires that TEA complete a field testing study.
- Require a review of the state accountability system, and a report on public education accountability mandates.

COLLEGE READINESS - H.B. 3826 (Morrison / Zaffirni)

A graduating student who does not qualify for admission under top ten percent may apply to any general academic teaching institution *if* the student satisfies the recommended or advanced high school program unless unavailable due to a cause not within the students control.

DROP OUT BILL with GRANTS FOR STUDENT CLUBS - H.B. 2237 (Eissler / Shapiro)

PROGRAM: A pilot program to provide grants to school districts to fund student club activities for students at risk of dropping out of school. definition: TEC 29.081 (d)

WHO? High School campuses that exhibited during each of the three preceding school years characteristics that strongly correlate with high dropout rates. (TEC) 39.358

A student club may use funds awarded under this section to support:

- academic or co-curricular club activities, *other than athletics*,
- in which at least 50 percent of the participating students have been identified as students at risk of dropping out of school.

ELIGIBILITY:

- the student club and the club's sponsor must be sanctioned by the campus and district.
- A grant awarded under this program must be matched by other federal, state, or local funds, including donations, in an amount equal to the amount of the grant.
- A district shall seek donations or sponsorships from local businesses or community organizations to raise the matching funds.
- The commissioner may award a grant on behalf of more than one student club at a campus in the same school year.

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APPLICATION:

- The commissioner will establish application.
- The criteria must require confirmation that the appropriate campus-level planning and decision-making committee and the school district board of trustees have approved a plan that includes:
 - (1) a description of the student club;
 - (2) a statement of the student club's goals, intent, and activities;
 - (3) a statement of the source of funds to be used to match the grant;
 - (4) a budget for the student club;
 - (5) a statement showing that the student club's finances are sustainable; and
 - (6) any other information the council requires.
- Minimum requirements for a local grant agreement, include requiring:
 - 1) the agreement to be signed by the sponsor of a student club receiving a grant and another authorized school district officer; and
 - 2) the district and the student club to participate in an evaluation, as determined by the council, of the club's program and the program's effect on student achievement and dropout rates.

FUNDS: Fund not to exceed \$4 million in any biennium. Individual grants not to exceed \$5,000 in a school year.

HOW CAN YOU USE FUNDS?

- A student club may use funds for materials, sponsor stipends, and other needs that directly support the club's activities.
- A student club must use the entire amount of the grant to directly fund the club's activities.
- A student club may not use more than 50 percent of a grant to pay sponsor stipends.

REPORT

- At the end of the school year, a student club that receives a grant must submit a report to the board of trustees summarizing the club's activities and the extent to which the club met the club's goals and achieved the club's intent.

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LEGISLATIVE CHANGES YOU *NEED* TO KNOW ABOUT:

CRIMINAL BACKGROUND CHECKS - S.B. 9 (Shapiro / Branch)

- No later than Sept. 1, 2011, SBEC must obtain all criminal history background info. on all certified educators.
- On or after January 1, 2008, all noncertified employees must provide national criminal history information.
- Allows a districts to require the noncertified employee to pay fees relating to the criminal background check.
- Requires school districts to obtain criminal history background information on student teachers and volunteers.
- Student teachers and volunteers must provide a driver's license photo or other form of US Govt. identification.
- Volunteers don't have to comply if they are the parent or guardian of the child at the school, will be accompanied by an employee on campus, or is volunteering for a single event.
- Student teachers and volunteers may be required to pay costs associated with obtaining background check.
- Results of teacher examinations are confidential unless a parent is to be notified of an uncertified teacher in the classroom *or the teacher has failed the exam more than five times.*
- SBEC may suspend or revoke the certification of a person if the person has been convicted of a felony or misdemeanor offense, i.e. moral turpitude, drugs, sexual abuse.
- Requires school district to discharge or refuse to hire an applicant or employee if the person has been convicted a felony offense under Title 5, an offense that require the person to register as a sex offender or offenses in other state that are equivalent to the aforementioned offenses and the person was under 18 years old at the time of the offense.
- A school district does not have to discharge an employee or refuse to hire an applicant if an offense occurred more than 30 years prior to the enactment of the bill for current employees or the date of employment for prospective employees; contract employees are also subject to this requirement.
- Allows a school district to require a visitor to display a driver's license photo or other identification, establish an electronic database to store information about visitors, and verify if the visitor is a sex offender.
- Requires the disclosure of information regarding a person alleged to have committed neglect or abuse to TEA, SBEC, local school board, etc.

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P.E. BILL - S.B. 530 (Nelson / Eissler)

- Requires students in grades K-5 to participate daily in 30 minutes of moderate to vigorous physical activity through the district's PE curriculum or through structured activity during daily recess. Effective 2007-08.
- Requires *students in grades 6-8* to participate daily in 30 minutes of moderate to vigorous physical activity for at least four semesters during those grade levels. Effective during the 2008-09 school year
 - Allows the commissioner to permit an exemption for a student who participates in a school-related activity or an activity sponsored by a private league or club only if the student provides proof of participation in the moderate to vigorous activity.
- *For grade levels below 6*, as an alternate to the daily 30-minute requirement, a district may require students to participate in at least 135 minutes of moderate to vigorous activity weekly.
- Additionally, a district using block scheduling may as an alternative require a student to participate in at least 225 minutes of moderate to vigorous physical activity during each period of two school weeks.

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- Requires school districts to annually administer physical assessments for all students enrolled in grades 3-12 once a year beginning with the 2007-08 school year. The assessment instrument must be adopted by the commissioner and used in assessing student physical fitness. Districts must compile assessment results and provide a summary of the results to TEA. TEA must analyze the results and identify for each school district any correlation between the results and student achievement, attendance, obesity, discipline and school meal programs.
- No provision in bill detailing WHO will administer assessments...WATCH RULE MAKING!!

notes: _____

SAFETY TRAINING - S.B. 82

- Beginning with the 2008-2009 school year, school districts would be required to provide safety training courses for all coaches, trainers, sponsors, and certain physicians who assist with extracurricular athletic activities.
- Includes certification in CPR as one of the elements of the training for those staff who are not currently required to hold CPR certification under §33.086 Education Code.
- Also require safety training for students who participate in extracurricular athletic activities.
- Student and parents receive a copy of Education Code training sections and UIL parent manual.

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DEFIBRILLATORS - S.B. 7 (Hinojosa)

- Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other school employee specified by the commissioner and each student who serves as an athletic trainer must participate in the instruction in the use of an automated external defibrillator.
- The bill provides that the SBOE by rule shall include elements relating to instruction in CPR and the use of an AED as part of the essential knowledge and skills of the health curriculum.
- Requires that each school district make at least one AED available at each campus in the district, and including criteria relating specifically to athletic competitions, practices, and activities on and off campus, and the availability of trained personnel to operate the AED.
- Provides that specific provisions of the bill do not waive any liability or immunity of a school district, its officers, or employees, and do not create any liability for or a cause of action against a school district, its officers, or employees.
- Requires each school district and participating private school to develop safety procedures to follow in response to a medical emergency involving cardiac arrest. The bill establishes a cardiac screening pilot program under which sixth grade students at participating campuses are administered a cardiovascular screening.
- Sets out selection criteria, possible funding sources, parental notification requirements, reporting requirements, the due date for a commissioner's report to the Legislature.

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ELIGIBILITY FOR UIL - S.B. 208

If a student is not physically present at the student's high school campus for a certain number of hours in a given week, the student is ineligible to participate in extracurricular activities or a University Interscholastic League (UIL) competition. This creates problems for those students taking dual credit courses on a college campus. H.B. 208 provides that a student's enrollment in such a course, regardless of its location, does not affect the student's eligibility to participate in extracurricular activities or UIL competitions.

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HONORS CLASSES AND NO-PASS / NO-PLAY - S.B. 1517

"NO-pass / no-play" rules do not apply to an advanced placement or international baccalaureate course, or to an honors or dual credit course ONLY in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English.

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STERIOD TESTING PROGRAM - S.B. 8

- Requires UIL to adopt rules to prohibit a student from participating in a high school athletic competition unless the student agrees to submit to random testing for the presence of illegal steroids in the student's body.
- Also requires UIL to obtain from the student's parent a statement acknowledging that the student may be subject to random steroid testing.
- Requires school districts to compel each district employee who serves as an athletic coach at or above grade 7 for an extracurricular athletic activity sponsored by the league to complete training developed by the UIL or a private entity with relevant expertise.
- UIL is required to adopt rules for an annual administration of the testing program.
- The testing program must test a statistically significant number of high school students at approximately 30 percent of all high schools that participate in athletic competitions sponsored or sanctioned by the league.
- The league must establish a period of ineligibility from participation for any student with a confirmed positive test result or for any student who refuses to submit to random testing.
- Provides that the results of a steroid test are confidential and, unless required by court order, may be disclosed only to the student, the student's parent, the activity directors, principal, and assistant principals of the school attended by the student.
- Provides that TEA shall pay the costs of the testing program from funds appropriated from the state
- Becomes effective beginning with the 2007-08 school year.

notes: _____

