

By: Giddings

H.B. No. 1432

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the assignment of a public school student to an  
3 inexperienced and uncertified teacher.

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

5 SECTION 1. Subchapter B, Chapter 28, Education Code, is  
6 amended by adding Section 28.0216 to read as follows:

7 Sec. 28.0216. LIMITS ON ASSIGNMENT OF STUDENTS TO TEACHERS.

8 (a) This section applies only to a school district with an  
9 enrollment of 5,000 or more students.

10 (b) A student in kindergarten through grade six may not be  
11 assigned for two consecutive school years to a teacher who:

12 (1) has less than one year of teaching experience; and

13 (2) does not hold the appropriate certificate required  
14 under Section 21.003.

15 (c) In a subject for which a student is assessed under  
16 Section 39.023(a) or (c), a student in grade seven through 12 may  
17 not be assigned for two consecutive years to a teacher who:

18 (1) has less than one year of teaching experience; and

19 (2) does not hold the appropriate certificate required  
20 under Section 21.003.

21 (d) The prohibition prescribed by Subsection (b) or (c) does  
22 not apply if the student's parent or other person standing in  
23 parental relation to the student and a school counselor or school  
24 administrator agree that assignment of the student to the teacher

1 should be allowed.

2 (e) The commissioner may grant a waiver from the  
3 requirements of this section to a school district if the  
4 commissioner finds that extreme circumstances in the district  
5 warrant the waiver. The commissioner may adopt rules as necessary  
6 to implement this section.

7 SECTION 2. Section 7.056(e), Education Code, is amended to  
8 read as follows:

9 (e) Except as provided by Subsection (f), a school campus or  
10 district may not receive an exemption or waiver under this section  
11 from:

12 (1) a prohibition on conduct that constitutes a  
13 criminal offense;

14 (2) a requirement imposed by federal law or rule,  
15 including a requirement for special education or bilingual  
16 education programs; or

17 (3) a requirement, restriction, or prohibition  
18 relating to:

19 (A) essential knowledge or skills under Section  
20 28.002 or minimum graduation requirements under Section 28.025;

21 (B) public school accountability as provided by  
22 Subchapters B, C, D, and G, Chapter 39;

23 (C) extracurricular activities under Section  
24 33.081 or participation in a University Interscholastic League  
25 area, regional, or state competition under Section 33.0812;

26 (D) health and safety under Chapter 38;

27 (E) purchasing under Subchapter B, Chapter 44;

1 (F) elementary school class size limits, except  
2 as provided by Section 25.112;

3 (G) removal of a disruptive student from the  
4 classroom under Subchapter A, Chapter 37;

5 (H) at-risk programs under Subchapter C, Chapter  
6 29;

7 (I) prekindergarten programs under Subchapter E,  
8 Chapter 29;

9 (J) educator rights and benefits under  
10 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter  
11 A, Chapter 22;

12 (K) special education programs under Subchapter  
13 A, Chapter 29;

14 (L) bilingual education programs under  
15 Subchapter B, Chapter 29; ~~or~~

16 (M) the requirements for the first day of  
17 instruction under Section 25.0811; or

18 (N) the prohibition on assignment of a student to  
19 an inexperienced and uncertified teacher under Section 28.0216,  
20 except as otherwise authorized under that section.

21 SECTION 3. This Act applies beginning with the 2007-2008  
22 school year.

23 SECTION 4. 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, 2007.