

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 or 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; or

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; or

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

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

7 (1) a prohibition on conduct that constitutes a
8 criminal offense;

9 (2) a requirement imposed by federal law or rule,
10 including a requirement for special education or bilingual
11 education programs; or

12 (3) a requirement, restriction, or prohibition
13 relating to:

14 (A) essential knowledge or skills under Section
15 28.002 or minimum graduation requirements under Section 28.025;

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

18 (C) extracurricular activities under Section
19 33.081 or participation in a University Interscholastic League
20 area, regional, or state competition under Section 33.0812;

21 (D) health and safety under Chapter 38;

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

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

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

27 (H) at-risk programs under Subchapter C, Chapter

1 29;

2 (I) prekindergarten programs under Subchapter E,
3 Chapter 29;

4 (J) educator rights and benefits under
5 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter
6 A, Chapter 22;

7 (K) special education programs under Subchapter
8 A, Chapter 29;

9 (L) bilingual education programs under
10 Subchapter B, Chapter 29; ~~[or]~~

11 (M) the requirements for the first day of
12 instruction under Section 25.0811; or

13 (N) the prohibition on assignment of a student to
14 an inexperienced or uncertified teacher under Section 28.0216.

15 SECTION 3. This Act applies beginning with the 2007-2008
16 school year.

17 SECTION 4. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2007.