

By: Giddings

H.B. No. 1313

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 28.0215 to read as follows:

7 Sec. 28.0215. 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 28.0215.

15 SECTION 3. This Act applies beginning with the 2009-2010  
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, 2009.