

By: Giddings

H.B. No. 1230

A BILL TO BE ENTITLED

AN ACT

relating to the assignment of a public school student to an uncertified teacher.

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

SECTION 1. Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0215 to read as follows:

Sec. 28.0215. REQUIREMENTS FOR ASSIGNMENT OF STUDENTS TO TEACHERS. (a) This section applies only to a school district with an enrollment of 5,000 or more students.

(b) A student in kindergarten through grade six may not be assigned for two consecutive school years to a teacher who does not hold the appropriate certificate required under Section 21.003.

(c) In a subject for which a student is assessed under Section 39.023(a) or (c), a student in grades 7 through 12 may not be assigned for two consecutive years to a teacher who does not hold the appropriate certificate required under Section 21.003.

(d) The requirement imposed by Subsection (b) or (c) does not apply if the student's parent or other person standing in parental relation to the student and a school counselor or school administrator agree otherwise regarding assignment of the student to a teacher.

(e) Subsection (b) or (c) does not apply to the first year a student transfers into a school district.

(f) The commissioner may grant a waiver from the

1 requirements of this section to a school district if the
2 commissioner finds that extreme circumstances in the district
3 warrant the waiver. The commissioner may adopt rules as necessary
4 to implement this section.

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

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

10 (1) a prohibition on conduct that constitutes a
11 criminal offense;

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

15 (3) a requirement, restriction, or prohibition
16 relating to:

17 (A) essential knowledge or skills under Section
18 28.002 or high school graduation requirements under Section 28.025;

19 (B) public school accountability as provided by
20 Subchapters B, C, D, E, and J, Chapter 39;

21 (C) extracurricular activities under Section
22 33.081 or participation in a University Interscholastic League
23 area, regional, or state competition under Section 33.0812;

24 (D) health and safety under Chapter 38;

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

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

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

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

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

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

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

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

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

(N) assignment of a student to a teacher under Section 28.0215, except as provided by Subsection (f) of that section.

SECTION 3. This Act applies beginning with the 2013-2014 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.