

By: Rosenthal, Dutton, Bernal, et al.

H.B. No. 1276

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

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

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

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

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

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

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

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

(D) health and safety under Chapter 38;

- 1 (E) purchasing under Subchapter B, Chapter 44;
- 2 (F) elementary school class size limits, except  
3 as provided by Section 25.112;
- 4 (G) removal of a disruptive student from the  
5 classroom under Subchapter A, Chapter 37;
- 6 (H) at-risk programs under Subchapter C, Chapter  
7 29;
- 8 (I) prekindergarten programs under Subchapter E,  
9 Chapter 29;
- 10 (J) educator rights and benefits under  
11 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter  
12 A, Chapter 22;
- 13 (K) special education programs under Subchapter  
14 A, Chapter 29;
- 15 (L) bilingual education programs under  
16 Subchapter B, Chapter 29; ~~or~~
- 17 (M) the requirements for the first day of  
18 instruction under Section 25.0811; or
- 19 (N) assignment of a student to a teacher under  
20 Section 28.0215, except as provided by Subsections (c) and (d) of  
21 that section.

22 SECTION 2. Subchapter B, Chapter 28, Education Code, is  
23 amended by adding Section 28.0215 to read as follows:

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

27 (b) A student in first through sixth grade who attends an

1 elementary school may not be assigned for two consecutive school  
2 years to a teacher teaching a subject in the foundation curriculum  
3 under Section 28.002(a)(1) who has less than one year of teaching  
4 experience and who does not hold the appropriate certificate  
5 required under Section 21.003 unless:

6 (1) the student's parent or other person standing in  
7 parental relation to the student and a school counselor or school  
8 administrator agree otherwise regarding assignment of the student  
9 to the teacher; or

10 (2) the assignment of the student to the teacher  
11 occurs during the first year a student transfers into a school  
12 district.

13 (c) The commissioner may grant a waiver from the  
14 requirements of this section to a school district if the  
15 commissioner finds that extreme circumstances in the district  
16 warrant the waiver. The commissioner may adopt rules as necessary  
17 to implement this section.

18 (d) This section does not apply to a school district  
19 operating under Chapter 12A.

20 SECTION 3. This Act applies beginning with the 2019-2020  
21 school year.

22 SECTION 4. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2019.