

BILL ANALYSIS

Senate Research Center

S.B. 1356
By: Hughes
Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The coronavirus pandemic has slowed the academic progress of Texas schoolchildren, and the state will need all available resources to help these students make up lost ground. S.B. 1356 would draw on the membership of active and retired teacher associations to meet tutoring needs and use the Texas Education Agency (TEA) to facilitate this activity.

Under the bill, the commissioner of education will receive applications from nonprofit teacher organizations for these organizations to facilitate tutoring by their membership of public school students grades K-12. Each participating association will inform their members of this tutoring program on a quarterly basis and provide contact information for their members to inquire with TEA and the school district within which the member lives and adjacent school districts.

Interested teachers may tutor on a for-hire or voluntary basis, in person or online. Tutors will need current background checks. Rehire penalties will not count against tutors who are retired teachers. Tutors may be paid from any available state or federal funds.

Each public school will establish a point of contact to oversee the district's participation in this tutoring program. If active or retired certified teachers contact the district to offer tutoring services, the district shall utilize these teachers on campus or online and facilitate scheduling of tutoring sessions. Public schools will work with participating teacher associations to schedule tutoring sessions in subject matters or on topics for which there is not adequate tutoring within the school's district.

(Original Author's / Sponsor's Statement of Intent)

S.B. 1356 amends current law relating to the participation by members of nonprofit teacher organizations in a tutoring program for public school students and related retirement benefits for certain tutors participating in the program.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 22.092(d), Education Code, to require the Texas Education Agency to provide equivalent access to the registry maintained under Section 22.092 (Registry of Persons Not Eligible for Employment in Public Schools) to private schools, public schools, and nonprofit teacher organizations approved by the commissioner of education (commissioner) for the purpose of participating in the tutoring program established under Section 33.913. Makes a nonsubstantive change.

SECTION 2. Amends Subchapter Z, Chapter 33, Education Code, by adding Section 33.913, as follows:

Sec. 33.913. TUTORING PROGRAM. (a) Authorizes a member of a nonprofit teacher organization or a person who is not a member but meets the requirements under Subsection (b) to participate in a tutoring program in accordance with this section to

provide supplemental instruction to students in kindergarten through grade 12 on an individualized or small-group basis.

(b) Requires a person, to participate in the program as a tutor, to:

- (1) be an active or retired teacher;
- (2) apply for the position in a manner specified by the nonprofit organization;
- (3) designate in the application whether the person plans to provide tutoring for compensation, on a volunteer basis, or both, and in-person, online, or both; and
- (4) not be included in the registry of persons not eligible for employment by a public school under Section 22.092.

(c) Requires the superintendent or chief executive officer of each school district or open-enrollment charter school or the person designated by the superintendent or chief executive officer to:

- (1) oversee the tutoring program within the district or school; and
- (2) not later than the last day of each semester, submit a report to the board of trustees of the district or the governing body of the school that includes, with respect to that semester:
 - (A) the number of active or retired teachers who contacted the district or school to offer tutoring services to students in the district or school; and
 - (B) the number of active or retired teachers who were used by the district or school as a tutor on a volunteer basis or employed by the district or school to provide tutoring services for compensation.

(d) Authorizes a school district or open-enrollment charter school to use any available local, state, or federal funds to provide compensation to a person participating in the program as a tutor who is providing tutoring for compensation under the program.

(e) Authorizes the district or school, if an active or retired teacher who has been approved for participation in the tutoring program contacts a school district or open-enrollment charter school to provide tutoring to students in the district or school and the district or school needs tutoring assistance, to:

- (1) use the volunteer tutoring services provided by the teacher if the teacher is providing tutoring services on a volunteer basis; or
- (2) employ the teacher as a tutor if the district or school has local, state, or federal funds for purposes of the tutoring program and the teacher is providing tutoring services for compensation.

(f) Requires each nonprofit organization participating in the tutoring program, at least quarterly, to provide to the organization's members:

- (1) a description of the tutoring program and guidance on how to participate in the program; and
- (2) the contact information of each person described by Subsection (c) for the school district in which the member resides, any open-enrollment charter schools located within that district, and any adjacent districts.

(g) Provides that this section does not create a cause of action or liability or an obligation or duty that provides a basis for a cause of action or liability against a nonprofit teacher organization approved by the commissioner for the purpose of

participating in the tutoring program for any action taken by a member of the organization participating in the program as a tutor.

SECTION 3. Amends Section 824.602(a), Government Code, as follows:

(a) Prohibits the Teacher Retirement System of Texas (TRS), subject to Section 825.506 (Plan Qualification), under Section 824.601 (Loss of Monthly Benefits), from withholding a monthly benefit payment if the retiree is employed in a Texas public educational institution as a tutor under Section 33.913, Education Code. Makes nonsubstantive changes.

SECTION 4. Amends Subchapter G, Chapter 825, Government Code, by adding Section 825.604, as follows:

Sec. 825.604. INFORMATION PROVIDED TO MEMBERS. Requires TRS to regularly provide information in an electronic format to members and retirees regarding the tutoring program established under Section 33.913, Education Code, that includes:

- (1) general information regarding the tutoring program; and
- (2) a statement directing members and retirees who want to participate in the tutoring program to contact their local school districts or open-enrollment charter schools for further guidance.

SECTION 5. (a) Provides that, subject to Subsection (b) of this section, the changes in law made by this Act apply to a retiree of TRS regardless of whether the person retired from employment before, on, or after the effective date of this Act.

(b) Makes application of Section 824.602(a), Government Code, as amended by this Act, prospective.

SECTION 6. Provides that this Act applies beginning with the 2021-2022 school year.

SECTION 7. Effective date: upon passage or September 1, 2021.