

By: Rosenthal

H.B. No. 800

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the assignment of a public school student to an  
3 uncertified teacher.

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

5 SECTION 1. 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, and J, Chapter 39, and Chapter 39A;

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;

- 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 Subsection (c) of that
- 21 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 SECTION 3. This Act applies beginning with the 2021-2022  
19 school year.

20 SECTION 4. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2021.