

By: Hughes, Gutierrez
Zaffirini

S.B. No. 1356

A BILL TO BE ENTITLED

AN ACT

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.

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

SECTION 1. Section 22.092(d), Education Code, is amended to read as follows:

(d) The agency shall provide [~~private schools and public schools~~] equivalent access to the registry maintained under this section to:

(1) private schools;

(2) public schools; and

(3) nonprofit teacher organizations approved by the commissioner for the purpose of participating in the tutoring program established under Section 33.913.

SECTION 2. Subchapter 2, Chapter 33, Education Code, is amended by adding Section 33.913 to read as follows:

Sec. 33.913. TUTORING PROGRAM. (a) A member of a nonprofit teacher organization may 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) To participate in the program as a tutor, a person must:

1 (1) be an active or retired teacher;

2 (2) apply for the position in a manner specified by the
3 nonprofit organization;

4 (3) designate in the application whether the person
5 plans to provide tutoring:

6 (A) for compensation, on a volunteer basis, or
7 both; and

8 (B) in-person, online, or both; and

9 (4) not be included in the registry of persons not
10 eligible for employment by a public school under Section 22.092.

11 (c) Each school district superintendent or the person
12 designated by the superintendent shall oversee the tutoring program
13 within the district.

14 (d) A school district may use any available state or federal
15 funds to provide compensation to a person participating in the
16 program as a tutor who is providing tutoring for compensation under
17 the program.

18 (e) If an active or retired teacher who has been approved
19 for participation in the tutoring program contacts a school
20 district to provide tutoring to students in the district, the
21 district shall:

22 (1) if the teacher is providing tutoring services on a
23 volunteer basis, use the volunteer tutoring services provided by
24 the teacher; or

25 (2) if the district has state or federal funds for
26 purposes of the tutoring program and the teacher is providing
27 tutoring services for compensation, employ the teacher as a tutor.

1 (f) At least quarterly, each nonprofit organization
2 participating in the tutoring program shall provide to the
3 organization's members:

4 (1) a description of the tutoring program and guidance
5 on how to participate in the program; and

6 (2) the contact information of each person described
7 by Subsection (c) for the school district in which the member
8 resides and any adjacent districts.

9 SECTION 3. Section 824.602(a), Government Code, is amended
10 to read as follows:

11 (a) Subject to Section 825.506, the retirement system may
12 not, under Section 824.601, withhold a monthly benefit payment if
13 the retiree is employed in a Texas public educational institution:

14 (1) as a substitute only with pay not more than the
15 daily rate of substitute pay established by the employer and, if the
16 retiree is a disability retiree, the employment has not exceeded a
17 total of 90 days in the school year;

18 (2) in a position, other than as a substitute, on no
19 more than a one-half time basis for the month;

20 (3) in one or more positions on as much as a full-time
21 basis, if the retiree has been separated from service with all Texas
22 public educational institutions for at least 12 full consecutive
23 months after the retiree's effective date of retirement; ~~or~~

24 (4) in a position, other than as a substitute, on no
25 more than a one-half time basis for no more than 90 days in the
26 school year, if the retiree is a disability retiree; or

27 (5) as a tutor under Section 33.913, Education Code.

1 SECTION 4. Subchapter G, Chapter 825, Government Code, is
2 amended by adding Section 825.604 to read as follows:

3 Sec. 825.604. INFORMATION PROVIDED TO MEMBERS. The
4 retirement system shall regularly provide information in an
5 electronic format to members and retirees regarding the tutoring
6 program established under Section 33.913, Education Code, that
7 includes:

8 (1) general information regarding the tutoring
9 program; and

10 (2) a statement directing members and retirees who
11 want to participate in the tutoring program to contact their local
12 school districts for further guidance.

13 SECTION 5. (a) Subject to Subsection (b) of this section,
14 the changes in law made by this Act apply to a retiree of the Teacher
15 Retirement System of Texas regardless of whether the person retired
16 from employment before, on, or after the effective date of this Act.

17 (b) Section 824.602(a), Government Code, as amended by this
18 Act, applies only to the employment of a retiree of the Teacher
19 Retirement System of Texas that occurs on or after the effective
20 date of this Act.

21 SECTION 6. This Act applies beginning with the 2021-2022
22 school year.

23 SECTION 7. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2021.