

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 or a person who is not a member but meets the requirements under Subsection (b) 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.

- 1 (b) To participate in the program as a tutor, a person must:
- 2 (1) be an active or retired teacher;
- 3 (2) apply for the position in a manner specified by the
- 4 nonprofit organization;
- 5 (3) designate in the application whether the person
- 6 plans to provide tutoring:
- 7 (A) for compensation, on a volunteer basis, or
- 8 both; and
- 9 (B) in person, online, or both; and
- 10 (4) not be included in the registry of persons not
- 11 eligible for employment by a public school under Section [22.092](#).
- 12 (c) The superintendent or chief executive officer of each
- 13 school district or open-enrollment charter school or the person
- 14 designated by the superintendent or chief executive officer shall:
- 15 (1) oversee the tutoring program within the district
- 16 or school; and
- 17 (2) not later than the last day of each semester,
- 18 submit a report to the board of trustees of the district or the
- 19 governing body of the school that includes, with respect to that
- 20 semester:
- 21 (A) the number of active or retired teachers who
- 22 contacted the district or school to offer tutoring services to
- 23 students in the district or school; and
- 24 (B) the number of active or retired teachers who
- 25 were used by the district or school as a tutor on a volunteer basis
- 26 or employed by the district or school to provide tutoring services
- 27 for compensation.

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

5 (e) If an active or retired teacher who has been approved
6 for participation in the tutoring program contacts a school
7 district or open-enrollment charter school to provide tutoring to
8 students in the district or school and the district or school needs
9 tutoring assistance, the district or school may:

10 (1) if the teacher is providing tutoring services on a
11 volunteer basis, use the volunteer tutoring services provided by
12 the teacher; or

13 (2) if the district or school has local, state, or
14 federal funds for purposes of the tutoring program and the teacher
15 is providing tutoring services for compensation, employ the teacher
16 as a tutor.

17 (f) At least quarterly, each nonprofit organization
18 participating in the tutoring program shall provide to the
19 organization's members:

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

22 (2) the contact information of each person described
23 by Subsection (c) for the school district in which the member
24 resides, any open-enrollment charter schools located within that
25 district, and any adjacent districts.

26 (g) This section does not create a cause of action or
27 liability or an obligation or duty that provides a basis for a cause

1 of action or liability against a nonprofit teacher organization
2 approved by the commissioner for the purpose of participating in
3 the tutoring program for any action taken by a member of the
4 organization participating in the program as a tutor.

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

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

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

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

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

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

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

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

26 Sec. 825.604. INFORMATION PROVIDED TO MEMBERS. The
27 retirement system shall regularly provide information in an

1 electronic format to members and retirees regarding the tutoring
2 program established under Section 33.913, Education Code, that
3 includes:

4 (1) general information regarding the tutoring
5 program; and

6 (2) a statement directing members and retirees who
7 want to participate in the tutoring program to contact their local
8 school districts or open-enrollment charter schools for further
9 guidance.

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

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

18 SECTION 6. This Act applies beginning with the 2021-2022
19 school year.

20 SECTION 7. 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.

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>President of the Senate</div>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Speaker of the House</div>
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I hereby certify that S.B. No. 1356 passed the Senate on April 23, 2021, by the following vote: Yeas 31, Nays 0; May 25, 2021, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2021, House granted request of the Senate; May 30, 2021, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1356 passed the House, with amendments, on May 24, 2021, by the following vote: Yeas 141, Nays 1, one present not voting; May 27, 2021, House granted request of the Senate for appointment of Conference Committee; May 29, 2021, House adopted Conference Committee Report by the following vote: Yeas 138, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor