

By: Creighton, Huffman

S.B. No. 2

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a local optional teacher designation system implemented
3 by a school district, a security officer employed by a school
4 district, the basic allotment and guaranteed yield under the public
5 school finance system, and certain allotments under the Foundation
6 School Program; making an appropriation.

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

8 SECTION 1. Sections 21.3521(a), (c), and (e), Education
9 Code, are amended to read as follows:

10 (a) Subject to Subsection (b), a school district or
11 open-enrollment charter school may designate a classroom teacher as
12 a master, exemplary, ~~or~~ recognized, or acknowledged teacher for a
13 five-year period based on the results from single year or multiyear
14 appraisals that comply with Section 21.351 or 21.352.

15 (c) Notwithstanding performance standards established
16 under Subsection (b), a classroom teacher that holds a National
17 Board Certification issued by the National Board for Professional
18 Teaching Standards may be designated as nationally board certified
19 ~~[recognized]~~.

20 (e) The agency shall develop and provide technical
21 assistance for school districts and open-enrollment charter
22 schools that request assistance in implementing a local optional
23 teacher designation system, including:

24 (1) providing assistance in prioritizing high needs

1 campuses;

2 (2) providing examples or models of local optional
3 teacher designation systems to reduce the time required for a
4 district or school to implement a teacher designation system;

5 (3) establishing partnerships between districts and
6 schools that request assistance and districts and schools that have
7 implemented a teacher designation system;

8 (4) applying the performance and validity standards
9 established by the commissioner under Subsection (b);

10 (5) providing centralized support for the analysis of
11 the results of assessment instruments administered to district
12 students; and

13 (6) facilitating effective communication on and
14 promotion of local optional teacher designation systems.

15 SECTION 2. Subchapter H, Chapter 21, Education Code, is
16 amended by adding Section 21.3522 to read as follows:

17 Sec. 21.3522. LOCAL OPTIONAL TEACHER DESIGNATION SYSTEM
18 GRANT PROGRAM. (a) From funds appropriated or otherwise
19 available for the purpose, the agency shall establish and
20 administer a grant program to provide money and technical
21 assistance to:

22 (1) expand implementation of local optional teacher
23 designation systems under Section 21.3521;

24 (2) increase the number of classroom teachers eligible
25 for a designation under that section; and

26 (3) increase the salaries paid to classroom teachers
27 employed by school districts or open-enrollment charter schools

1 that have established or are seeking to establish a designation
2 system under that section.

3 (b) A grant awarded under this section must:

4 (1) meet the needs of individual school districts; and

5 (2) enable regional leadership capacity.

6 SECTION 3. Sections 37.0814(b) and (d), Education Code, are
7 amended to read as follows:

8 (b) A security officer described by Subsection (a) must be:

9 (1) a school district peace officer;

10 (2) a school resource officer; ~~or~~

11 (3) a commissioned peace officer employed as security
12 personnel under Section 37.081;

13 (4) a school marshal; or

14 (5) a school district employee or a person with whom
15 the district contracts who:

16 (A) has completed school safety training
17 provided by a qualified handgun instructor certified in school
18 safety under Section 411.1901, Government Code; and

19 (B) carries a handgun on school premises in
20 accordance with written regulations or written authorization of the
21 district under Section 46.03(a)(1)(A), Penal Code.

22 (d) The board of trustees of a school district that claims a
23 good cause exception under Subsection (c) must develop an
24 alternative standard with which the district is able to comply[
25 ~~which may include providing a person to act as a security officer~~
26 ~~who is:~~

27 [~~(1) a school marshal; or~~

1 ~~[(2) a school district employee or a person with whom~~
2 ~~the district contracts who:~~

3 ~~[(A) has completed school safety training~~
4 ~~provided by a qualified handgun instructor certified in school~~
5 ~~safety under Section 411.1901, Government Code; and~~

6 ~~[(B) carries a handgun on school premises in~~
7 ~~accordance with written regulations or written authorization of the~~
8 ~~district under Section 46.03(a)(1)(A), Penal Code].~~

9 SECTION 4. Section 48.051(a), Education Code, is amended to
10 read as follows:

11 (a) For each student in average daily attendance, not
12 including the time students spend each day in special education
13 programs in an instructional arrangement other than mainstream or
14 career and technology education programs, for which an additional
15 allotment is made under Subchapter C, a district is entitled to an
16 allotment equal to ~~[the lesser of \$6,160 or]~~ the amount that results
17 from the following formula:

$$18 \qquad A = \underline{B} \text{ } [\underline{\$6,160}] \text{ } \times \text{TR/MCR}$$

19 where:

20 "A" is the allotment to which a district is entitled;

21 "B" is the base amount, which equals the greater of:

22 (1) \$6,235;

23 (2) an amount equal to the district's base amount under
24 this section for the preceding school year; or

25 (3) the amount appropriated under Subsection (b);

26 "TR" is the district's tier one maintenance and operations
27 tax rate, as provided by Section 45.0032; and

1 "MCR" is the district's maximum compressed tax rate, as
2 determined under Section 48.2551.

3 SECTION 5. Sections 48.112(c) and (d), Education Code, are
4 amended to read as follows:

5 (c) For each classroom teacher with a teacher designation
6 under Section 21.3521 employed by a school district, the school
7 district is entitled to an allotment equal to the following
8 applicable base amount increased by the high needs and rural factor
9 as determined under Subsection (d):

10 (1) \$12,000, or an increased amount not to exceed
11 \$36,000 [~~\$32,000~~] as determined under Subsection (d), for each
12 master teacher;

13 (2) \$9,000 [~~\$6,000~~], or an increased amount not to
14 exceed \$25,000 [~~\$18,000~~] as determined under Subsection (d), for
15 each exemplary teacher; ~~and~~

16 (3) \$5,000 [~~\$3,000~~], or an increased amount not to
17 exceed \$15,000 [~~\$9,000~~] as determined under Subsection (d), for
18 each recognized teacher; and

19 (4) \$3,000, or an increased amount not to exceed
20 \$9,000 as determined under Subsection (d), for each:

21 (A) acknowledged teacher; or

22 (B) nationally board certified teacher.

23 (d) The high needs and rural factor is determined by
24 multiplying the following applicable amounts by the average of the
25 point value assigned to each student at a district campus under
26 Subsection (e):

27 (1) \$6,000 [~~\$5,000~~] for each master teacher;

- (2) \$4,000 [~~\$3,000~~] for each exemplary teacher; [~~and~~]
- (3) \$2,500 [~~\$1,500~~] for each recognized teacher; and
- (4) \$1,500 for each:

(A) acknowledged teacher; or

(B) nationally board certified teacher.

SECTION 6. Section 48.115(a), Education Code, is amended to read as follows:

(a) Except as provided by Subsection (a-1), a school district is entitled to an annual allotment equal to the sum of the following amounts or a greater amount provided by appropriation:

(1) \$20 [~~\$10~~] for each student in average daily attendance, plus \$1 for each student in average daily attendance per every \$50 by which the district's maximum basic allotment under Section 48.051 exceeds the greater of \$6,235 or the amount equal to the district's base amount, as defined by Section 48.051(a), for the preceding school year [~~\$6,160~~], prorated as necessary; and

(2) \$30,000 [~~\$15,000~~] per campus.

SECTION 7. Section 48.202(a-1), Education Code, is amended to read as follows:

(a-1) For purposes of Subsection (a), the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort ("GL") for a school district is:

(1) the greater of the amount of district tax revenue per weighted student per cent of tax effort available to a school district at the 96th percentile of wealth per weighted student or the amount that results from multiplying the maximum amount of the basic allotment provided under Section 48.051 for the applicable

1 school year [~~6,160, or the greater amount provided under Section~~
2 ~~48.051(b), if applicable,~~] by 0.016, for the first eight cents by
3 which the district's maintenance and operations tax rate exceeds
4 the district's tier one tax rate; and

5 (2) subject to Subsection (f), the amount that results
6 from multiplying the maximum amount of the basic allotment provided
7 under Section 48.051 for the applicable school year [~~\$6,160, or the~~
8 ~~greater amount provided under Section 48.051(b), if applicable,~~] by
9 0.008, for the district's maintenance and operations tax effort
10 that exceeds the amount of tax effort described by Subdivision (1).

11 SECTION 8. Subchapter G, Chapter 48, Education Code, is
12 amended by adding Sections 48.310 and 48.311 to read as follows:

13 Sec. 48.310. TEACHER RETENTION ALLOTMENT. (a) In this
14 section, "classroom teacher" has the meaning assigned by Section
15 5.001, except that the term also includes a person who is not
16 required to hold a certificate issued under Subchapter B, Chapter
17 21 who otherwise meets the definition of a classroom teacher under
18 that section.

19 (b) A school district is entitled to an annual allotment for
20 each classroom teacher employed by the district in the school year
21 for which the allotment is provided as follows:

22 (1) if the district has 5,000 or fewer students
23 enrolled for that school year, \$10,000 per classroom teacher; and

24 (2) if the district has more than 5,000 students
25 enrolled for that school year, \$3,000 per classroom teacher.

26 (c) For the 2024-2025 school year, a school district shall
27 use money received under Subsection (b) to increase the salary

1 provided to each classroom teacher in the district for that year
2 over the salary the teacher received or would have received if
3 employed by the district in the 2023-2024 school year by at least
4 the amount received per classroom teacher under Subsection (b).

5 (d) For the 2025-2026 and each subsequent school year, a
6 school district shall use money received under Subsection (b) to
7 maintain the salary increases for classroom teachers provided under
8 Subsection (c). Any additional funding generated for a school
9 district under this section may only be used for the compensation of
10 classroom teachers employed by the district.

11 (e) Notwithstanding any other law, the commissioner shall
12 exclude the funding to which a school district is entitled under
13 this section for purposes of:

14 (1) determining the amount by which the district must
15 reduce the district's tier one revenue level under Section 48.257;
16 and

17 (2) calculating a school district's maintenance and
18 operations revenue under Section 48.277(a).

19 Sec. 48.311. TEACHER RETENTION BONUS FOR 2023-2024 SCHOOL
20 YEAR. (a) In this section, "classroom teacher" has the meaning
21 assigned by Section 48.310.

22 (b) A school district is entitled to a one-time payment for
23 each classroom teacher employed by the district during the
24 2023-2024 school year in the following amount:

25 (1) if the district has 5,000 or fewer students
26 enrolled for that school year, \$10,000 per classroom teacher; and

27 (2) if the district has more than 5,000 students

1 enrolled for that school year, \$3,000 per classroom teacher.

2 (c) A school district shall use money received under
3 Subsection (b) to provide a bonus payment in the amount received per
4 classroom teacher under Subsection (b) to each classroom teacher in
5 the district as part of the teacher's salary payment for December
6 2023, if feasible, and if not feasible, then the district shall
7 provide the bonus payment as part of the teacher's salary payment
8 for the first month in which it is feasible. The bonus payment made
9 under this subsection is in addition to the salary and wages to
10 which the classroom teacher is otherwise entitled for the 2023-2024
11 school year.

12 (d) Notwithstanding any other law, the commissioner shall
13 exclude the funding to which a school district is entitled under
14 this section for purposes of:

15 (1) determining the amount by which the district must
16 reduce the district's tier one revenue level under Section [48.257](#);
17 and

18 (2) calculating a school district's maintenance and
19 operations revenue under Section [48.277](#)(a).

20 (e) A bonus payment made under this section is included in
21 salary and wages for service for purposes of Section [822.201](#),
22 Government Code.

23 (f) This section expires September 1, 2024.

24 SECTION 9. Section [822.201](#)(b), Government Code, is amended
25 to read as follows:

26 (b) "Salary and wages" as used in Subsection (a) means:

27 (1) normal periodic payments of money for service the

1 right to which accrues on a regular basis in proportion to the
2 service performed;

3 (2) amounts by which the member's salary is reduced
4 under a salary reduction agreement authorized by Chapter 610;

5 (3) amounts that would otherwise qualify as salary and
6 wages under Subdivision (1) but are not received directly by the
7 member pursuant to a good faith, voluntary written salary reduction
8 agreement in order to finance payments to a deferred compensation
9 or tax sheltered annuity program specifically authorized by state
10 law or to finance benefit options under a cafeteria plan qualifying
11 under Section 125 of the Internal Revenue Code of 1986, if:

12 (A) the program or benefit options are made
13 available to all employees of the employer; and

14 (B) the benefit options in the cafeteria plan are
15 limited to one or more options that provide deferred compensation,
16 group health and disability insurance, group term life insurance,
17 dependent care assistance programs, or group legal services plans;

18 (4) performance pay awarded to an employee by a school
19 district as part of a total compensation plan approved by the board
20 of trustees of the district and meeting the requirements of
21 Subsection (e);

22 (5) the benefit replacement pay a person earns under
23 Subchapter H, Chapter 659, except as provided by Subsection (c);

24 (6) stipends paid to teachers in accordance with
25 former Section 21.410, 21.411, 21.412, or 21.413, Education Code;

26 (7) amounts by which the member's salary is reduced or
27 that are deducted from the member's salary as authorized by

1 Subchapter J, Chapter 659;

2 (8) a merit salary increase made under Section 51.962,
3 Education Code;

4 (9) amounts received under the relevant parts of the
5 educator excellence awards program under Subchapter O, Chapter 21,
6 Education Code, or a mentoring program under Section 21.458,
7 Education Code, that authorize compensation for service;

8 (10) salary amounts designated as health care
9 supplementation by an employee under Subchapter D, Chapter 22,
10 Education Code;

11 (11) to the extent required by Sections 3401(h) and
12 414(u)(12), Internal Revenue Code of 1986, differential wage
13 payments received by an individual from an employer on or after
14 January 1, 2009, while the individual is performing qualified
15 military service as defined by Section 414(u), Internal Revenue
16 Code of 1986; ~~and~~

17 (12) increased compensation paid to a teacher by a
18 school district using funds received by the district under the
19 teacher incentive allotment under Section 48.112, Education Code;
20 and

21 (13) any increase in the payment of money made to a
22 classroom teacher by a school district from funds allotted to the
23 district under Section 48.310, Education Code.

24 SECTION 10. Section 18.78, Article IX, Chapter 1170 (H.B.
25 1), Acts of the 88th Legislature, Regular Session, 2023 (the
26 General Appropriations Act), is amended by adding Subsections (m)
27 and (n) to read as follows:

1 (m) It is the intent of the legislature that money
2 appropriated under Subsection (e) of this section be expended
3 equally in each year of the 2024-25 fiscal biennium, not including
4 any supplemental funds appropriated in 2025 for the same or a
5 similar purpose.

6 (n) In addition to amounts appropriated elsewhere in this
7 Act, TEA is appropriated \$1,196,500,000 from general revenue to
8 implement the provisions of S.B. 2, Acts of the 88th
9 Legislature, 3rd Called Session, 2023. From the amount
10 appropriated under this subsection, not more than:

11 (1) \$400,000,000 may also be used for school safety
12 and related purposes; and

13 (2) \$796,500,000 may also be used for financial and
14 other assistance to public school educators and/or the public
15 school finance system.

16 SECTION 11. Sections [48.051\(c\)](#), (c-1), (c-2), and (d),
17 Education Code, are repealed.

18 SECTION 12. Immediately following the effective date of
19 this Act, a school district or open-enrollment charter school shall
20 redesignate a teacher who holds a designation made under Section
21 [21.3521](#), Education Code, before the effective date of this Act, to
22 reflect the teacher's designation under Section [21.3521](#), Education
23 Code, as amended by this Act. Funding provided to a school district
24 under Section [48.112](#), Education Code, for a teacher who held a
25 designation made under Section [21.3521](#), Education Code, as that
26 section existed immediately before the effective date of this Act,
27 shall be increased to reflect the teacher's redesignation under

1 Section 21.3521, Education Code, as amended by this Act.

2 SECTION 13. (a) Except as provided by Subsection (b) of
3 this section, this Act applies beginning with the 2023-2024 school
4 year.

5 (b) Section 48.310, Education Code, as added by this Act,
6 applies beginning with the 2024-2025 school year.

7 SECTION 14. This Act takes effect immediately if it
8 receives a vote of two-thirds of all the members elected to each
9 house, as provided by Section 39, Article III, Texas
10 Constitution. If this Act does not receive the vote necessary for
11 immediate effect, this Act takes effect on the 91st day after the
12 last day of the legislative session.