

By: Creighton

S.B. No. 58

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the rights and certification of public school educators
3 and assistance provided to public schools by the Texas Education
4 Agency related to public school educators and to certain allotments
5 under the Foundation School Program.

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

7 SECTION 1. Section 11.1513, Education Code, is amended by
8 adding Subsection (1) to read as follows:

9 (1) The employment policy must provide that:

10 (1) before the beginning of each school year, the
11 district shall provide a duty calendar for certain professional
12 staff as required by Section 11.15131; and

13 (2) for purposes of determining the amount of a
14 reduction in the salary of a classroom teacher, full-time
15 counselor, or full-time librarian for unpaid leave, the employee's
16 daily rate of pay is computed by dividing the employee's annual
17 salary by the number of days the employee is expected to work for
18 that school year as provided by the district's duty calendar
19 adopted under Section 11.15131.

20 SECTION 2. Subchapter D, Chapter 11, Education Code, is
21 amended by adding Section 11.15131 to read as follows:

22 Sec. 11.15131. DUTY CALENDAR FOR CERTAIN PROFESSIONAL
23 STAFF. (a) In this section, "supplemental duty" means a duty other
24 than a duty assigned under an employee's contract that is generally

1 expected to be performed during an instructional day and which may
2 be governed by an agreement, other than the employee's contract,
3 between the district and the employee.

4 (b) Not later than the 15th day before the first
5 instructional day of each school year, the board of trustees of a
6 school district shall adopt and provide to each classroom teacher,
7 full-time counselor, and full-time librarian employed by the
8 district a calendar that specifies the days each employee is
9 expected to work for that school year, including the days on which
10 the employee is expected to perform supplemental duties for more
11 than 30 minutes outside of the instructional day, and except for
12 days on which the employee may be required to spend time on an
13 unanticipated duty outside of the instructional day to comply with
14 a state or federal law.

15 SECTION 3. Section 21.054, Education Code, is amended by
16 amending Subsections (a) and (i) and adding Subsection (i-1) to
17 read as follows:

18 (a) The board shall propose rules establishing a process for
19 identifying continuing education courses and programs that fulfill
20 educators' continuing education requirements, including
21 opportunities for educators to receive micro-credentials, as
22 provided by Subsection (i), in:

23 (1) fields of study related to the educator's
24 certification class; or

25 (2) digital teaching [as provided by Subsection (i)].

26 (i) The board shall propose rules establishing a program to
27 issue micro-credentials in fields of study related to an educator's

1 certification class or in digital teaching. The agency shall
2 approve continuing education providers to offer micro-credential
3 courses. A micro-credential received by an educator shall be
4 recorded on the agency's Educator Certification Online System
5 (ECOS) and included as part of the educator's public certification
6 records.

7 (i-1) In proposing rules under Subsection (i) for
8 micro-credentials related to digital teaching, the board shall
9 engage relevant stakeholders.

10 SECTION 4. Section 21.105, Education Code, is amended by
11 amending Subsection (c) and adding Subsection (g) to read as
12 follows:

13 (c) Subject to Subsections (e), ~~and~~ (f), and (g), on
14 written complaint by the employing district, the State Board for
15 Educator Certification may impose sanctions against a teacher
16 employed under a probationary contract who:

- 17 (1) resigns;
- 18 (2) fails without good cause to comply with Subsection
19 (a) or (b); and
- 20 (3) fails to perform the contract.

21 (g) The State Board for Educator Certification may not
22 impose a sanction under Subsection (c) against a teacher who
23 relinquishes a position under a probationary contract and leaves
24 the employment of the district after the 45th day before the first
25 day of instruction of the upcoming school year in violation of
26 Subsection (a) and without the consent of the board of trustees
27 under Subsection (b) if the teacher's failure to comply with

1 Subsection (a) was due to:

2 (1) a serious illness or health condition of the
3 teacher or a close family member of the teacher;

4 (2) the teacher's relocation because the teacher's
5 spouse or a partner who resides with the teacher changes employers;

6 (3) a significant change in the needs of the teacher's
7 family in a manner that requires the teacher to:

8 (A) relocate; or

9 (B) forgo employment during a period of required
10 employment under the teacher's contract; or

11 (4) the teacher's reasonable belief that the teacher
12 had written permission from the school district's administration to
13 resign.

14 SECTION 5. Section 21.160, Education Code, is amended by
15 amending Subsection (c) and adding Subsection (g) to read as
16 follows:

17 (c) Subject to Subsections (e), ~~and~~ (f), and (g), on
18 written complaint by the employing district, the State Board for
19 Educator Certification may impose sanctions against a teacher who
20 is employed under a continuing contract that obligates the district
21 to employ the person for the following school year and who:

22 (1) resigns;

23 (2) fails without good cause to comply with Subsection
24 (a) or (b); and

25 (3) fails to perform the contract.

26 (g) The State Board for Educator Certification may not
27 impose a sanction under Subsection (c) against a teacher who

1 relinquishes a position under a continuing contract and leaves the
2 employment of the district after the 45th day before the first day
3 of instruction of the upcoming school year in violation of
4 Subsection (a) and without the consent of the board of trustees
5 under Subsection (b) if the teacher's failure to comply with
6 Subsection (a) was due to:

7 (1) a serious illness or health condition of the
8 teacher or a close family member of the teacher;

9 (2) the teacher's relocation because the teacher's
10 spouse or a partner who resides with the teacher changes employers;

11 (3) a significant change in the needs of the teacher's
12 family in a manner that requires the teacher to:

13 (A) relocate; or

14 (B) forgo employment during a period of required
15 employment under the teacher's contract; or

16 (4) the teacher's reasonable belief that the teacher
17 had written permission from the school district's administration to
18 resign.

19 SECTION 6. Section 21.210, Education Code, is amended by
20 amending Subsection (c) and adding Subsection (g) to read as
21 follows:

22 (c) Subject to Subsections (e), ~~and~~ (f), and (g), on
23 written complaint by the employing district, the State Board for
24 Educator Certification may impose sanctions against a teacher who
25 is employed under a term contract that obligates the district to
26 employ the person for the following school year and who:

27 (1) resigns;

1 (2) fails without good cause to comply with Subsection
2 (a) or (b); and

3 (3) fails to perform the contract.

4 (g) The State Board for Educator Certification may not
5 impose a sanction under Subsection (c) against a teacher who
6 relinquishes a position under a term contract and leaves the
7 employment of the district after the 45th day before the first day
8 of instruction of the upcoming school year in violation of
9 Subsection (a) and without the consent of the board of trustees
10 under Subsection (b) if the teacher's failure to comply with
11 Subsection (a) was due to:

12 (1) a serious illness or health condition of the
13 teacher or a close family member of the teacher;

14 (2) the teacher's relocation because the teacher's
15 spouse or a partner who resides with the teacher changes employers;

16 (3) a significant change in the needs of the teacher's
17 family in a manner that requires the teacher to:

18 (A) relocate; or

19 (B) forgo employment during a period of required
20 employment under the teacher's contract; or

21 (4) the teacher's reasonable belief that the teacher
22 had written permission from the school district's administration to
23 resign.

24 SECTION 7. Section 21.257, Education Code, is amended by
25 amending Subsection (a) and adding Subsection (f) to read as
26 follows:

27 (a) Except as provided by Subsection (f), not ~~Not~~ later

1 than the 60th day after the date on which the commissioner receives
2 a teacher's written request for a hearing, the hearing examiner
3 shall complete the hearing and make a written recommendation that:

4 (1) includes proposed findings of fact and conclusions
5 of law; and

6 (2) may include a proposal for granting relief.

7 (f) The hearing examiner may dismiss a hearing before
8 completing the hearing or making a written recommendation if:

9 (1) the teacher requests the dismissal;

10 (2) the school district withdraws the proposed
11 decision that is the basis of the hearing; or

12 (3) the teacher and school district request the
13 dismissal after reaching a settlement regarding the proposed
14 decision that is the basis of the hearing.

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

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

22 (c) Notwithstanding performance standards established
23 under Subsection (b), a classroom teacher that holds a National
24 Board Certification issued by the National Board for Professional
25 Teaching Standards may be designated as nationally board certified
26 ~~[recognized]~~.

27 (e) The agency shall develop and provide technical

1 assistance for school districts and open-enrollment charter
2 schools that request assistance in implementing a local optional
3 teacher designation system, including:

4 (1) providing assistance in prioritizing high needs
5 campuses;

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

9 (3) establishing partnerships between districts and
10 schools that request assistance and districts and schools that have
11 implemented a teacher designation system;

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

14 (5) providing centralized support for the analysis of
15 the results of assessment instruments administered to district
16 students; and

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

19 SECTION 9. Subchapter I, Chapter 21, Education Code, is
20 amended by adding Sections 21.416 and 21.417 to read as follows:

21 Sec. 21.416. EMPLOYED RETIREE TEACHER REIMBURSEMENT GRANT
22 PROGRAM. (a) From funds appropriated or otherwise available, the
23 commissioner shall establish and administer a grant program to
24 award funds to reimburse a school district, an open-enrollment
25 charter school, the Windham School District, the Texas School for
26 the Deaf, or the Texas School for the Blind and Visually Impaired
27 that hires a teacher who retired before September 1, 2023, for the

1 increased contributions to the Teacher Retirement System
2 associated with hiring the retired teacher.

3 (b) In appropriating money for grants awarded under this
4 section, the legislature may provide for, modify, or limit amounts
5 appropriated for that purpose in the General Appropriations Act,
6 including by:

7 (1) providing, notwithstanding Subsection (a), a date
8 or date range other than September 1, 2023, before which a teacher
9 must have retired for a school district, an open-enrollment charter
10 school, the Windham School District, the Texas School for the Deaf,
11 or the Texas School for the Blind and Visually Impaired that hires
12 the teacher to be eligible; or

13 (2) limiting eligibility to a district or school
14 described by Subdivision (1) that hires a retired teacher:

- 15 (A) who holds a certain certification;
16 (B) to teach a certain subject or grade;
17 (C) in a certain geographical area; or
18 (D) to provide instruction to certain students,
19 including to students with disabilities.

20 (c) The commissioner shall proportionally reduce the amount
21 of funds awarded to school districts, open-enrollment charter
22 schools, the Windham School District, the Texas School for the
23 Deaf, and the Texas School for the Blind and Visually Impaired under
24 this section if the number of grant applications by eligible
25 districts or schools exceeds the number of grants the commissioner
26 could award with the money appropriated or otherwise available for
27 the purpose.

1 (d) A school district, an open-enrollment charter school,
2 the Windham School District, the Texas School for the Deaf, or the
3 Texas School for the Blind and Visually Impaired may use funds
4 received under this section to make required payments under Section
5 825.4092, Government Code.

6 Sec. 21.417. RESOURCES, INCLUDING LIABILITY INSURANCE, FOR
7 CLASSROOM TEACHERS. (a) From funds appropriated or otherwise
8 available for the purpose, the agency shall contract with a third
9 party to provide the following services for a classroom teacher
10 employed under a probationary, continuing, or term contract:

11 (1) assistance in understanding the teacher's rights,
12 duties, and benefits; and

13 (2) liability insurance to protect a teacher against
14 liability to a third party based on conduct that the teacher
15 allegedly engaged in during the course of the teacher's duties.

16 (b) A school district may not interfere with a classroom
17 teacher's access to services provided under this section.

18 (c) A contract entered into by the agency to provide
19 services under Subsection (a) must prohibit the entity with which
20 the agency contracts from using funds received under the contract
21 to engage in:

22 (1) conduct that a state agency using appropriated
23 money is prohibited from engaging in under Chapter 556, Government
24 Code; and

25 (2) political activities or advocacy for issues
26 regarding public schools, including for boards of trustees of
27 school districts or school districts.

1 (d) This section may not be interpreted to interfere with a
2 classroom teacher's or other school district employee's exercise of
3 a right protected by the First Amendment to the United States
4 Constitution.

5 SECTION 10. Subchapter J, Chapter 21, Education Code, is
6 amended by adding Sections 21.466, 21.467, and 21.468 to read as
7 follows:

8 Sec. 21.466. TEACHER QUALITY ASSISTANCE. (a) From funds
9 appropriated or otherwise available for the purpose, the agency
10 shall develop training for and provide technical assistance to
11 school districts and open-enrollment charter schools regarding:

12 (1) strategic compensation, staffing, and scheduling
13 efforts that improve professional growth, teacher leadership
14 opportunities, and staff retention;

15 (2) programs that encourage high school students or
16 other members of the community in the area served by the district to
17 become teachers, including available teacher apprenticeship
18 programs; and

19 (3) programs or strategies that school leaders may use
20 to establish clear and attainable behavior expectations while
21 proactively supporting students.

22 (b) From funds appropriated or otherwise available, the
23 agency shall provide grants to school districts and open-enrollment
24 charter schools to implement initiatives developed under this
25 section.

26 Sec. 21.467. TEACHER TIME STUDY. (a) From funds
27 appropriated or otherwise available for the purpose, the agency

1 shall develop and maintain a technical assistance program to
2 support school districts and open-enrollment charter schools in:

3 (1) studying how the district's or school's staff and
4 student schedules, required noninstructional duties for classroom
5 teachers, and professional development requirements for educators
6 are affecting the amount of time classroom teachers work each week;
7 and

8 (2) refining the schedules for students or staff as
9 necessary to ensure teachers have sufficient time during normal
10 work hours to fulfill all job duties, including addressing the
11 needs of students.

12 (b) The agency shall periodically make findings and
13 recommendations for best practices publicly available using
14 information from participating school districts and
15 open-enrollment charter schools.

16 Sec. 21.468. TEACHER POSITION INFORMATION. The agency
17 shall collect data to address teacher retention and recruitment,
18 including the classifications, grade levels, subject areas,
19 duration, and other relevant data relating to vacancies in teaching
20 positions. The data may be collected through the Public Education
21 Information Management System (PEIMS) or another electronic
22 reporting mechanism, as determined by the agency.

23 SECTION 11. Chapter 21, Education Code, is amended by
24 adding Subchapter R to read as follows:

25 SUBCHAPTER R. TEXAS TEACHER RESIDENCY PARTNERSHIP PROGRAM

26 Sec. 21.901. DEFINITIONS. In this subchapter:

27 (1) "Board" means the State Board for Educator

1 Certification.

2 (2) "Cooperating teacher" means a classroom teacher
3 who:

4 (A) meets the qualifications for assignment as a
5 mentor under Section 21.458; and

6 (B) is employed by a school district or
7 open-enrollment charter school participating in a partnership
8 program under this subchapter and paired with a partnership
9 resident at the district or school.

10 (3) "Partnership program" means a Texas Teacher
11 Residency Partnership Program established at a school district or
12 open-enrollment charter school in accordance with this subchapter.

13 (4) "Partnership resident" means a person enrolled in
14 a qualified educator preparation program participating in a
15 partnership program as a candidate for educator certification.

16 (5) "Qualified educator preparation program" means an
17 educator preparation program approved in accordance with rules
18 proposed under Section 21.903.

19 Sec. 21.902. ESTABLISHMENT OF PARTNERSHIP PROGRAM. (a)
20 The commissioner shall establish the Texas Teacher Residency
21 Partnership Program to enable qualified educator preparation
22 programs to form partnerships with school districts or
23 open-enrollment charter schools to provide residency positions to
24 partnership residents at the district or school.

25 (b) The partnership program must be designed to:

26 (1) allow partnership residents to receive
27 field-based experience working with classroom teachers in

1 prekindergarten through grade 12 classrooms; and
2 (2) gradually increase the amount of time a
3 partnership resident spends engaging in instructional
4 responsibilities, including observation, co-teaching, and
5 lead-teaching responsibilities.

6 Sec. 21.903. QUALIFIED EDUCATOR PREPARATION PROGRAMS. The
7 board shall propose rules specifying the requirements for board
8 approval of an educator preparation program as a qualified educator
9 preparation program for purposes of this subchapter. The rules
10 must require an educator preparation program to:

11 (1) use research-based best practices for recruiting
12 and admitting candidates into the educator preparation program to
13 participate in the partnership program;

14 (2) integrate curriculum, classroom practice, and
15 formal observation and feedback;

16 (3) use multiple assessments to measure a partnership
17 resident's progress in the partnership program; and

18 (4) partner with a school district or open-enrollment
19 charter school.

20 Sec. 21.904. REQUIREMENTS FOR PARTICIPATING DISTRICTS AND
21 SCHOOLS. (a) A school district or open-enrollment charter school
22 participating in the partnership program shall:

23 (1) enter into a written agreement with a qualified
24 educator preparation program to:

25 (A) provide a partnership resident with at least
26 one school year of clinical teaching in a residency position at the
27 district or school in the subject area and grade level for which the

1 resident seeks certification; and

2 (B) pair the partnership resident with a
3 cooperating teacher;

4 (2) specify the amount of money the district receives
5 under Section 48.157 that the district will provide to the program;

6 (3) only use money received under Section 48.157 to:

7 (A) implement the partnership program; and

8 (B) provide compensation to:

9 (i) partnership residents in residency
10 positions at the district or school; and

11 (ii) cooperating teachers who are paired
12 with partnership residents at the district or school;

13 (4) pay at least 50 percent of the compensation paid to
14 partnership residents using money other than money received under
15 Section 48.157; and

16 (5) provide any information required by the agency
17 regarding the district's or school's implementation of the program.

18 (b) A school district or open-enrollment charter school may
19 only pair a partnership resident with a cooperating teacher who
20 agrees to participate in that role in a partnership program at the
21 district or school partnership program.

22 (c) A partnership resident may not serve as a teacher of
23 record, as that term is defined by Section [21.051](#).

24 Sec. 21.905. RESIDENCY EDUCATOR CERTIFICATE. The board
25 shall propose rules specifying the requirements for the issuance of
26 a residency educator certificate to a candidate who has
27 successfully completed a qualified educator preparation program

1 under Section 21.903.

2 Sec. 21.906. AGENCY SUPPORT. The agency shall provide
3 technical assistance, planning, and support to school districts,
4 open-enrollment charter schools, and qualified educator
5 preparation programs, which must include:

6 (1) providing model forms and agreements a district,
7 school, or educator preparation program may use to comply with the
8 requirements of this subchapter; and

9 (2) support for district and school strategic staffing
10 and compensation models to incentivize participation in a
11 partnership program.

12 Sec. 21.907. AUTHORITY TO ACCEPT CERTAIN FUNDS. The
13 commissioner may solicit and accept gifts, grants, and donations
14 from public and private entities to use for the purposes of this
15 subchapter.

16 Sec. 21.908. RULES. (a) The board shall propose rules
17 necessary to implement this subchapter, including rules under
18 Sections 21.903 and 21.905.

19 (b) The commissioner shall adopt rules as necessary to
20 implement this subchapter.

21 SECTION 12. The heading to Section 22.001, Education Code,
22 is amended to read as follows:

23 Sec. 22.001. SALARY DEDUCTIONS FOR PROFESSIONAL OR OTHER
24 DUES.

25 SECTION 13. Sections 22.001(a) and (b), Education Code, are
26 amended to read as follows:

27 (a) A school district employee is entitled to have an amount

1 deducted from the employee's salary for membership fees or dues to a
2 professional organization or an entity providing services to
3 classroom teachers under Section 21.417. The employee must:

4 (1) file with the district a signed written request
5 identifying the organization or entity [~~and specifying the number~~
6 ~~of pay periods per year the deductions are to be made~~]; and

7 (2) inform the district of the total amount of the fees
8 and dues for each year or have the organization or entity notify the
9 district of the amount.

10 (b) The district shall deduct the total amount of the fees
11 or dues for a year in equal amounts per pay period [~~for the number of~~
12 ~~periods specified by the employee~~]. The district shall notify the
13 employee not later than the 45th day after the district receives a
14 request under Subsection (a) of the number of pay periods annually
15 from which the district will deduct the fees or dues. The
16 deductions shall be made until the employee requests in writing
17 that the deductions be discontinued.

18 SECTION 14. Section 29.153(b), Education Code, is amended
19 to read as follows:

20 (b) A child is eligible for enrollment in a prekindergarten
21 class under this section if the child is at least three years of age
22 and:

23 (1) is unable to speak and comprehend the English
24 language;

25 (2) is educationally disadvantaged;

26 (3) is homeless, regardless of the residence of the
27 child, of either parent of the child, or of the child's guardian or

1 other person having lawful control of the child;

2 (4) is the child of an active duty member of the armed
3 forces of the United States, including the state military forces or
4 a reserve component of the armed forces, who is ordered to active
5 duty by proper authority;

6 (5) is the child of a member of the armed forces of the
7 United States, including the state military forces or a reserve
8 component of the armed forces, who was injured or killed while
9 serving on active duty;

10 (6) is or ever has been in:

11 (A) the conservatorship of the Department of
12 Family and Protective Services following an adversary hearing held
13 as provided by Section 262.201, Family Code; or

14 (B) foster care in another state or territory, if
15 the child resides in this state; ~~or~~

16 (7) is the child of a person eligible for the Star of
17 Texas Award as:

18 (A) a peace officer under Section 3106.002,
19 Government Code;

20 (B) a firefighter under Section 3106.003,
21 Government Code; or

22 (C) an emergency medical first responder under
23 Section 3106.004, Government Code; or

24 (8) is the child of a person employed as a classroom
25 teacher at a public primary or secondary school in the school
26 district that offers a prekindergarten class under this section.

27 SECTION 15. Section 37.002, Education Code, is amended by

1 amending Subsections (b), (c), and (d) and adding Subsections
2 (b-2), (e-1), and (f) to read as follows:

3 (b) A teacher may remove from class a student who:

4 (1) interferes [~~who has been documented by the teacher~~
5 ~~to repeatedly interfere~~] with the teacher's ability to communicate
6 effectively with the students in the class or with the ability of
7 the student's classmates to learn; [~~or~~]

8 (2) demonstrates [~~whose~~] behavior that is unruly,
9 disruptive, or abusive toward the teacher, another adult, or
10 another student; or

11 (3) engages in conduct that constitutes bullying, as
12 defined by Section 37.0832 [~~determines is so unruly, disruptive, or~~
13 ~~abusive that it seriously interferes with the teacher's ability to~~
14 ~~communicate effectively with the students in the class or with the~~
15 ~~ability of the student's classmates to learn~~].

16 (b-2) A teacher, campus behavior coordinator, or other
17 appropriate administrator shall notify a parent or person standing
18 in parental relation to a student of the removal of a student under
19 this section.

20 (c) If a teacher removes a student from class under
21 Subsection (b), the principal may place the student into another
22 appropriate classroom, into in-school suspension, or into a
23 disciplinary alternative education program as provided by Section
24 37.008. The principal may not return the student to that teacher's
25 class without the teacher's written consent unless the committee
26 established under Section 37.003 determines that such placement is
27 the best or only alternative available. The principal may not

1 return the student to that teacher's class, regardless of the
2 teacher's consent, until a return to class plan has been prepared
3 for that student. The principal may only designate an employee of
4 the school whose primary duties do not include classroom
5 instruction to create a return to class plan. The terms of the
6 removal may prohibit the student from attending or participating in
7 school-sponsored or school-related activity.

8 (d) A teacher shall remove from class and send to the
9 principal for placement in a disciplinary alternative education
10 program or for expulsion, as appropriate, a student who engages in
11 conduct described under Section 37.006 or 37.007. The student may
12 not be returned to that teacher's class without the teacher's
13 written consent unless the committee established under Section
14 37.003 determines that such placement is the best or only
15 alternative available. If the teacher removed the student from
16 class because the student has engaged in the elements of any offense
17 listed in Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or
18 (b)(2)(C) against the teacher, the student may not be returned to
19 the teacher's class without the teacher's consent. The teacher may
20 not be coerced to consent.

21 (e-1) A student may appeal the student's removal from class
22 under this section to:

23 (1) the school's placement review committee
24 established under Section 37.003; or

25 (2) the safe and supportive school team established
26 under Section 37.115, in accordance with a district policy
27 providing for such an appeal to be made to the team.

1 (f) Section 37.004 applies to the removal or placement under
2 this section of a student with a disability who receives special
3 education services.

4 SECTION 16. Section 48.114, Education Code, is amended by
5 amending Subsection (a) and adding Subsection (d) to read as
6 follows:

7 (a) A school district [~~that has implemented a mentoring~~
8 ~~program for classroom teachers who have less than two years of~~
9 ~~teaching experience under Section 21.458~~] is entitled to an
10 allotment [~~as determined under Subsection (b)~~] to fund a [~~the~~]
11 mentoring program and to provide stipends for mentor teachers if:

12 (1) the district has implemented a mentoring program
13 for classroom teachers under Section 21.458; and

14 (2) the mentor teachers assigned under that program
15 complete a training program that is required or developed by the
16 agency for mentor teachers.

17 (d) A school district is entitled to an allotment of \$2,000
18 for each classroom teacher with less than two years of experience
19 who participates in a mentoring program described by Subsection
20 (a). A district may receive an allotment under this section for no
21 more than 40 teachers during a school year unless an appropriation
22 is made for the purposes of providing a greater number of allotments
23 per district.

24 SECTION 17. Subchapter D, Chapter 48, Education Code, is
25 amended by adding Sections 48.157 and 48.158 to read as follows:

26 Sec. 48.157. RESIDENCY PARTNERSHIP ALLOTMENT. (a) In this
27 section, "partnership program" and "partnership resident" have the

1 meanings assigned by Section 21.901.

2 (b) For each partnership resident employed at a district in
3 a residency position under Subchapter R, Chapter 21, the district
4 is entitled to an allotment equal to a base amount of \$22,000
5 increased by the high needs and rural factor, as determined under
6 Subsection (c), to an amount not to exceed \$42,000.

7 (c) The high needs and rural factor is determined by
8 multiplying \$5,000 by the lesser of:

9 (1) the average of the point value assigned to each
10 student at a district campus under Section 48.112(d); or

11 (2) 4.0.

12 (d) In addition to the funding under Subsection (b), a
13 district that qualifies for an allotment under this section is
14 entitled to an additional \$2,000 for each partnership resident
15 employed in a residency position at the district who is a candidate
16 for special education certification.

17 (e) The Texas School for the Deaf and the Texas School for
18 the Blind and Visually Impaired are entitled to an allotment under
19 this section. If the commissioner determines that assigning point
20 values under Subsection (c) to students enrolled in the Texas
21 School for the Deaf or the Texas School for the Blind and Visually
22 Impaired is impractical, the commissioner may use the average point
23 value assigned for those students' home districts for purposes of
24 calculating the high needs and rural factor.

25 Sec. 48.158. FUNDING FOR CERTAIN CERTIFICATIONS. (a) A
26 school district is entitled to the cost of certification
27 examination fees for each classroom teacher who received a

1 certification in special education or bilingual education in the
2 preceding school year. From money received under this section, the
3 district shall reimburse each teacher who received a certification
4 in special education or bilingual education during the preceding
5 school year the cost of certification examination fees associated
6 with that certification.

7 (b) Reimbursement received by a classroom teacher under
8 this section may not be considered when calculating the teacher's
9 salary for the purposes of Section 21.402.

10 SECTION 18. The following provisions are repealed:

- 11 (1) Section 21.042, Education Code;
- 12 (2) Subchapter Q, Chapter 21, Education Code;
- 13 (3) Section 37.002(e), Education Code;
- 14 (4) Section 48.114(b), Education Code; and
- 15 (5) Section 825.4092(f), Government Code.

16 SECTION 19. (a) The legislature finds that:

17 (1) the Windfall Elimination Provision was enacted in
18 1983 to equalize the earned social security benefits of workers who
19 spend part of their careers in exempt public service and workers who
20 spend their entire careers participating in social security;

21 (2) the Windfall Elimination Provision reduces the
22 social security benefits of public servants who have received a
23 pension that is not subject to social security taxes, including
24 thousands of teachers in Texas as well as the spouses and children
25 of these public servants;

26 (3) the flawed application of the Windfall Elimination
27 Provision diminishes Texans' retirement security and fails to

1 recognize their rightfully earned social security and public
2 pension benefits;

3 (4) for years, the United States Congress has failed
4 to act to remove this detriment to many citizens of Texas, including
5 teachers; and

6 (5) the United States Congress should take swift
7 action to replace the Windfall Elimination Provision with a more
8 fair and just formula that accurately reflects the contributions of
9 all American workers to the social security system.

10 (b) As soon as practicable after the effective date of this
11 Act, the secretary of the Senate shall forward official copies of
12 the legislative findings under Subsection (a) of this section to
13 the president of the United States, to the president of the Senate
14 and the speaker of the House of Representatives of the United States
15 Congress, and to all the members of the Texas delegation to
16 Congress.

17 SECTION 20. Section 21.257(f), Education Code, as added by
18 this Act, applies only to a hearing before a hearing examiner
19 commenced on or after the effective date of this Act.

20 SECTION 21. Immediately following the effective date of
21 this Act, a school district or open-enrollment charter school shall
22 redesignate a teacher who holds a designation made under Section
23 21.3521, Education Code, before the effective date of this Act, to
24 reflect the teacher's designation under Section 21.3521, Education
25 Code, as amended by this Act.

26 SECTION 22. Notwithstanding Section 21.903, Education
27 Code, as added by this Act, until the State Board for Educator

1 Certification adopts rules specifying the requirements for
2 approval of an educator preparation program as a qualified educator
3 preparation program as required by that section, the commissioner
4 of education may approve a program as a qualified educator
5 preparation program for purposes of Subchapter R, Chapter 21,
6 Education Code, as added by this Act, if the commissioner
7 determines that the program meets the requirements under Section
8 21.903, Education Code, as added by this Act. An educator
9 preparation program's designation as a qualified educator
10 preparation program by the commissioner under this section remains
11 effective until the first anniversary of the adoption of rules by
12 the State Board for Educator Certification under Section 21.903,
13 Education Code, as added by this Act.

14 SECTION 23. (a) Except as provided by Subsection (b) of
15 this section, this Act takes effect immediately if it receives a
16 vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect on the 91st day after the last day of the
20 legislative session.

21 (b) Section 48.114, Education Code, as amended by this Act,
22 and Sections 48.157 and 48.158, Education Code, as added by this
23 Act, take effect September 1, 2024.