

BILL ANALYSIS

C.S.S.B. 9
By: Creighton
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Every future begins with a high-quality education, which starts with having a high-quality educator. Schools with great teachers support the common goal of maintaining an educated population, a prepared and productive workforce, and a strong economy; but Texas public schools now face teacher shortages in key subjects, increased difficulty in filling vacancies, and a significant decline in those wanting to enter the profession. According to testimony provided by the Texas Classroom Teachers Association, a 2021 RAND survey found that 66 percent of teachers said they seriously considered leaving their jobs in the past year. Although Texas schools employed more teachers than ever before in the 2021-2022 school year, according to data on employed teacher attrition and new hires from the Texas Education Agency, schools still struggled to find qualified staff, with that same data showing that approximately 20 percent of newly hired teachers entered the classroom without certification. Additionally, as the Teacher Vacancy Task Force notes in its Final February 2023 Report, teacher compensation has not kept pace with inflation, even as teacher workloads have increased significantly. In order to achieve the educational outcomes students deserve, more must be done to not only support current teachers but also increase the supply and effectiveness of future teachers. C.S.S.B. 9 makes significant reforms to improve the recruitment, retention, and preparation of Texas teachers.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTIONS 11 and 14 and to the State Board for Educator Certification in SECTIONS 6 and 14 of this bill.

ANALYSIS

C.S.S.B. 9 amends the Education Code to set out provisions relating to the rights and certification of public school educators, including financial and other assistance provided to public schools by the Texas Education Agency (TEA) related to public school educators, employment policies of independent school districts, methods of reading instruction in public schools, certain allotments providing for compensation for certain public school teachers under the foundation school program, and to rules adopted by the State Board for Educator Certification (SBEC).

Duty Calendar

C.S.S.B. 9 requires the board of trustees of an independent school district, not later than the 45th day before the first instructional day of each school year, to adopt and provide to each classroom

teacher, full-time counselor, and full-time librarian employed by the district a calendar that specifies the days each employee is expected to work for that school year, including each day on which the employee is expected to perform duties for more than 30 minutes outside of the instructional day. The bill defines "supplemental duty" as a duty other than a duty assigned under an employee's contract that is generally expected to be performed during an instructional day and which may be governed by an agreement, other than the employee's contract, between the district and the employee and establishes the following with respect to supplemental duties:

- prohibits a district from requiring a classroom teacher, full-time counselor, or full-time librarian to perform any duties for more than 30 minutes outside of the instructional day and on more than two days in each month, unless the district enters a contract or agreement with the teacher, counselor, or librarian, separate from the employee's employment contract and under which the employee receives additional compensation, for the performance of those supplemental duties; and
- prohibits a district from coercing such a teacher, counselor, or librarian to enter into a contract or agreement to perform those supplemental duties.

C.S.S.B. 9 requires the employment policy adopted by each independent school district's board of trustees to provide that, before the beginning of each school year, the district must provide such a duty calendar for the specified professional staff and, for purposes of determining the amount of a reduction in the salary of a classroom teacher, full-time counselor, or full-time librarian for unpaid leave, the employee's daily rate of pay is computed by dividing the employee's annual salary by the number of days the employee is expected to work for that school year as provided by the district's duty calendar.

Educator Preparation

C.S.S.B. 9 requires the SBEC to propose rules as soon as practicable providing that a candidate for certification enrolled in an educator preparation program is entitled to not fewer than five candidate observations during a school year that fulfill the requirements for field-based experience if the candidate meets the following criteria:

- is employed by a district of innovation with a local innovation plan that exempts the district from certain requirements for the certification of educators employed by the district;
- does not hold a teacher intern certificate or a probationary certificate; and
- takes the requisite subject matter examination applicable to the subject area the candidate is teaching not later than six weeks after the date the candidate begins teaching at the district of innovation.

The bill authorizes a candidate for certification who fulfills the requirements for field-based experience to be issued a standard certificate if the candidate completes all other eligibility requirements required to receive a standard certification, as required by the SBEC and in accordance with timelines established by SBEC rule, and prohibits such a candidate from being issued a teacher intern or probationary certificate.

Teacher Position Data Collection

C.S.S.B. 9 requires TEA to collect data from districts and charter schools for the recruitment and retention of classroom teachers, including the classification, grade level, subject area, duration, and other relevant information regarding vacant teaching positions. The data may be collected using PEIMS or another reporting mechanism specified by TEA.

Waiver or Payment of Certain Examination or Certification Fees

C.S.S.B. 9 requires the SBEC, for a person applying for a certification to teach, to waive the following:

- a certification examination fee imposed by the SBEC for the first administration of the examination to the person; and

- a fee associated with the application for certification by the person.

The bill requires the SBEC to pay to a vendor that administers a certification examination required for certification to teach a fee assessed by that vendor for the examination of a person applying for a certification to teach for the first administration of the examination to the person.

Foundational Skills Reading Instruction

C.S.S.B. 9 prohibits a public school district or open-enrollment charter school from including any instruction that incorporates three-cueing, as defined by the bill, in the foundational skills reading curriculum for kindergarten through third grade. The bill prohibits an educator preparation program, including an educator preparation program offered by a public institution of higher education, from including instruction that incorporates three-cueing into foundational skills reading instruction. The bill defines "three-cueing," for purposes of that curriculum, as any model, including the model referred to as meaning, structure, and visual cues (MSV), of teaching a student to read based on meaning, structure and syntax, and visual cues or memory.

Prohibited Sanctions for Teachers Leaving Employment

C.S.S.B. 9 prohibits the SBEC from imposing a sanction against a teacher who relinquishes a position under a probationary contract, a continuing contract, or a term contract, as applicable, and leaves the employment of the district after the 45th day before the first day of instruction for the upcoming school year in violation of those contracts' resignation procedures and without the consent of the board of trustees if the teacher's failure to comply with the procedure was due to the following:

- the teacher, or a close family member of the teacher, developing a serious illness or experiencing a significant change in health condition;
- the teacher relocating because the teacher's spouse or a partner who resides with the teacher changes employers;
- the needs of the teacher's family changing significantly in a manner that requires the teacher to relocate or forgo employment during a period of required employment under the teacher's contract; or
- the teacher reasonably believing that the teacher received written permission from the school district to resign.

Teacher Designations Under Local Optional Teacher Designation Systems

C.S.S.B. 9 creates the designation of "acknowledged teacher" as one of the types of designations a district or charter school may apply to a classroom teacher for a five-year period based on the results from single year or multiyear appraisals under a local optional teacher designation system. The bill replaces the designation of "recognized" for a classroom teacher who holds a National Board Certification issued by the National Board for Professional Teaching Standards with the designation of "nationally board certified."

C.S.S.B. 9 requires a district or charter school, immediately following the bill's effective date, to redesignate a teacher who holds a designation under a teacher designation system made before the bill's effective date to reflect changes to the teacher's designation made by the bill. The bill requires any funding provided to a district who held a designation under a teacher designation system immediately before the bill's effective date to be increased to reflect the teacher's redesignation.

C.S.S.B. 9 expands the duties of TEA with respect to its development and provision of technical assistance for districts and charter schools that request assistance in implementing a local optional teacher designation system. In addition to providing assistance in prioritizing high needs campuses as specified under current law, TEA must:

- provide examples of those designation systems;

- apply the performance and validity standards established by the commissioner of education for each of those systems;
- provide centralized support for the analysis of the results of tests administered to district or charter school students; and
- facilitate effective communication on and promotion of the systems.

Grant Program for Local Optional Teacher Designation Systems

C.S.S.B. 9 requires TEA, from funds appropriated or otherwise available for the purpose, to establish and administer a local optional teacher designation system grant program to provide money and technical assistance to eligible districts and charter schools for the purpose of expanding implementation of such systems and increasing the number of classroom teachers eligible for a designation. A grant awarded for the program must meet the needs of individual districts and enable regional leadership capacity. The bill authorizes the commissioner to adopt rules to establish and administer the grant program.

Employed Retiree Teacher Reimbursement Grant Program

C.S.S.B. 9 requires the commissioner, from funds appropriated or otherwise available, to establish and administer an employed retiree teacher reimbursement grant program to award funds to reimburse a district or charter school that hires a teacher who retired before September 1, 2022, for the increased contributions to the Teacher Retirement System of Texas (TRS) associated with hiring the retired teacher. The bill authorizes the legislature, in appropriating money for the grants, to provide for, modify, or limit amounts appropriated for that purpose in the General Appropriations Act, including by taking the following actions:

- providing a date or date range other than September 1, 2022, before which a teacher must have retired for a district or charter school that hires the teacher to be eligible; or
- limiting eligibility to a district or charter school that, as follows:
 - hires a retired teacher who holds a certain certification;
 - hires a retired teacher to teach a certain subject or grade;
 - hires a retired teacher in a certain geographical area; or
 - hires a retired teacher to provide instruction to certain students, including to students with disabilities.

The commissioner must proportionally reduce the amount of funds awarded to districts and charter schools if the number of grant applications by eligible districts or charter schools exceeds the number of grants the commissioner could award with the money appropriated or otherwise available for the purpose. The bill expressly authorizes a district or charter school to use the funds to make required payments under Government Code provisions relating to employer contributions for employed retirees under TRS. The bill repeals the Government Code provision establishing that, with respect to employer contributions for employed retirees, a reporting employer is ultimately responsible for payment of amounts required to be contributed and prohibiting the employer from passing that cost on to the retiree through any means designed to recover the cost.

Teacher Quality Assistance

C.S.S.B. 9 requires TEA, from funds appropriated or otherwise available for the purpose, to develop training for and provide technical assistance to districts and charter schools regarding the following:

- strategic compensation, staffing, and scheduling efforts that improve professional growth, teacher leadership opportunities, and staff retention;
- programs that encourage high school students or other members of the community in the area served by the district to become teachers, including available teacher apprenticeship programs; and
- programs or strategies that school leaders may use to establish clear and attainable behavior expectations while proactively supporting students.

TEA, from funds so appropriated or available, must provide grants to districts and charter schools to implement those initiatives.

Teacher Time Study

C.S.S.B. 9 requires TEA, from funds appropriated or otherwise available for the purpose, to develop and maintain a technical assistance program to support districts and charter schools in the following:

- studying how the district's or charter school's staff and student schedules, required noninstructional duties for classroom teachers, and professional development requirements for educators are affecting the amount of time classroom teachers work each week; and
- refining the schedules for students or staff as necessary to ensure teachers have sufficient time during normal work hours to fulfill all job duties, including addressing the needs of students.

TEA must periodically make findings and recommendations for best practices publicly available using information from participating districts and charter schools.

Texas Teacher Residency Partnership Program

Eliminated Program

C.S.S.B. 9 repeals the provisions enacted by the 83rd Legislature that establish and govern the Texas Teacher Residency Program at a public institution of higher education that has developed a commitment to investing in teacher education for the purpose of forming a partnership with an area school district or open-enrollment charter school to provide employment to residents in the program.

New Program

C.S.S.B. 9 requires the commissioner of education to establish a new Texas Teacher Residency Partnership Program to enable qualified educator preparation programs to form partnerships with districts or charter schools to provide residency positions to partnership residents enrolled in a qualified educator preparation program, as established under the bill's provisions, participating in a partnership program as a candidate for educator certification. The bill authorizes the commissioner to solicit and accept gifts, grants, and donations from public and private entities to use for the purposes of the partnership program.

C.S.S.B. 9 requires the partnership program to be designed to allow partnership residents to receive field-based experience working with classroom teachers in prekindergarten through grade 12 classrooms and gradually increase the amount of time a partnership resident spends engaging in instructional responsibilities, including observation, co-teaching, and lead-teaching responsibilities.

Qualified Educator Preparation Programs

C.S.S.B. 9 requires the SBEC to propose rules specifying the requirements for its approval of an educator preparation program as a qualified educator preparation program for purposes of the partnership program. The rules must require an educator preparation program to, as follows:

- use research-based best practices for recruiting and admitting candidates into the educator preparation program to participate in the partnership program;
- integrate curriculum, classroom practice, and formal observation and feedback;
- use multiple assessments to measure a partnership resident's progress in the partnership program; and
- partner with a district or charter school.

The bill authorizes the commissioner of education, until the SBEC adopts rules specifying the requirements for approval of a qualified educator preparation program, to approve a qualified educator preparation program for purposes of the bill's provisions if the commissioner determines that the program meets the applicable requirements. An educator preparation program's designation as a qualified educator preparation program by the commissioner is effective until the first anniversary of the earliest effective date of a rule adopted by the SBEC.

Participating Districts and Charter Schools

C.S.S.B. 9 sets out the requirements for districts and charter schools participating in the partnership program and provides for the authorized uses for the residency partnership allotment created by the bill. A school district or charter school participating in the partnership program must do the following:

- enter into a written agreement with a qualified educator preparation program to:
 - provide a partnership resident with at least one school year of clinical teaching in a residency position at the district or school in the subject area and grade level for which the resident seeks certification; and
 - pair the partnership resident with a cooperating teacher;
- only use money received under the allotment to:
 - implement the partnership program;
 - provide compensation to partnership residents in residency positions at the district or school and cooperating teachers who are paired with partnership residents at the district or school; and
 - provide an amount equal to at least 10 percent of the funding received by the district or charter school to the qualified educator preparation program with which the district or school partners;
- pay at least 50 percent of the compensation paid to partnership residents using money other than the allocated amount, as specified by the bill, a district must provide to the educator preparation program with which the district is partnered under the program; and
- provide any information required by TEA regarding the district's or school's implementation of the program.

C.S.S.B. 9 establishes that a district or charter school may only pair a partnership resident with a cooperating teacher who agrees to participate in that role in a partnership program at the district or charter school partnership program. The bill prohibits a partnership resident from serving as a teacher of record, defined by reference as a person employed by a district who teaches the majority of the instructional day in an academic instructional setting and is responsible for evaluating student achievement and assigning grades. In addition, the bill defines a "cooperating teacher" as a classroom teacher who, as follows:

- has at least three complete years of teaching experience with a superior record of assisting students, as a whole, in achieving improvement in student performance;
- is employed by a district or charter school participating in a partnership program and is paired with a partnership resident at the district or charter school; and
- provides coaching to a partnership resident in the teacher's classroom.

Rules for Issuance of Residency Educator Certificate

C.S.S.B. 9 requires the SBEC to propose rules specifying the requirements for the issuance of a residency educator certificate to a partnership resident who has successfully completed the qualified educator preparation program. The bill prohibits the rules from requiring the resident to pass a pedagogy examination unless the examination tests subject-specific content appropriate for the grade and subject area for which the candidate seeks certification.

TEA Support

C.S.S.B. 9 requires TEA to provide technical assistance, planning, and support to districts, charter schools, and qualified educator preparation programs and requires the assistance to include the following:

- providing model forms and agreements a district, school, or educator preparation program may use to comply with the requirements of the program; and
- support for district and school strategic staffing and compensation models to incentivize participation in a partnership program.

Rules for Program Implementation

C.S.S.B. 9 requires the SBEC to propose rules necessary to implement the partnership program, including rules for the qualified educator preparation programs and for issuance of the residency educator certificate. The bill requires the SBEC, in using negotiated rulemaking procedures for any proposed rule related to the implementation of the program or the issuance of the residency educator certificate, to appoint to the negotiated rulemaking committee persons representing public institutions of higher education. The bill requires the commissioner to adopt rules as necessary to implement the partnership program after considering the recommendations of the appointed negotiated rulemaking committee.

Texas Teacher Residency Partnership Program Allotment

C.S.S.B. 9, effective September 1, 2023, establishes a residency partnership allotment under the foundation school program. The bill entitles a district to a residency partnership allotment equal to a base amount of \$22,000, increased by the high needs and rural factor to an amount capped at \$42,000, for each partnership resident employed at a district in a residency position under the Texas Teacher Residency Partnership Program. The high needs and rural factor are determined by multiplying \$5,000 by the lesser of 4.0 or the average of the point value assigned to each student at a district campus with respect to the high needs and rural factor base amount under the teacher incentive allotment as amended by the bill. The bill entitles a district that qualifies for the residency partnership allotment to an additional \$2,000 for each partnership resident employed in a residency position at the district who is a candidate for special education certification or bilingual education certification. The bill defines "rural campus" for purposes of its provisions regarding the residency partnership allotment.

C.S.S.B. 9 also entitles the Texas School for the Deaf (TSD) and the Texas School for the Blind and Visually Impaired (TSBVI) to the residency partnership allotment. The bill authorizes the commissioner, if the commissioner determines that assigning point values to students enrolled in those schools is impractical, to use the average point value assigned for TSD or TSBVI students' home districts for purposes of calculating the high needs and rural factor.

Bilingual Education Programs

C.S.S.B. 9 revises provisions relating to the exception to the requirement for a district to use a program other than a bilingual education program in kindergarten through the elementary grades as follows:

- changes the requirement for a district's application for such an exception to be accompanied by documentation showing that no teacher having a teaching certificate appropriate for bilingual instruction or emergency credential has been unjustifiably denied district employment within the past 12 months to a requirement for the application to be accompanied by documentation showing that no such teacher has been unjustifiably denied employment within the past 36 months;
- extends from only one year to three years the period of validity of a granted exception; and

- authorizes the application for such an exception for a second or succeeding three-year period to be for different teachers than the teachers who were included in an application for an exception for a preceding period.

Tuition-Free Enrollment in Prekindergarten; Early Education Allotment

C.S.S.B. 9 makes a child eligible for tuition-free enrollment in a prekindergarten class if the child is at least three years of age and is the child of a person who is employed as a classroom teacher at a public primary or secondary school in the district that offers a prekindergarten class. The bill, effective September 1, 2023, entitles a district, for each student in average daily attendance in prekindergarten, to an annual allotment equal to the basic allotment multiplied by 0.1 if the student is at least four years of age and eligible for tuition-free enrollment in a prekindergarten class. The bill's provisions relating to the early education allotment apply beginning with the 2025-2026 school year.

Teacher Incentive Allotment

C.S.S.B. 9, effective September 1, 2023, raises the base amount of and cap on, as increased by the high needs and rural factor, the teacher incentive allotment under the foundation school program as follows:

- the cap for each master teacher is increased from \$32,000 to \$36,000;
- the base amount for each exemplary teacher is increased from \$6,000 to \$9,000, and the cap for each exemplary teacher is increased from \$18,000 to \$25,000; and
- the base amount for each recognized teacher is increased from \$3,000 to \$5,000, and the cap for each recognized teacher is increased from \$9,000 to \$15,000.

The bill entitles a district to a teacher incentive allotment with a base amount equal to \$3,000 or, if increased by the high needs and rural factor, capped at \$9,000 for each acknowledged teacher or nationally board certified teacher.

C.S.S.B. 9, with respect to the calculation of the high needs and rural factor, increases the applicable amounts by which the average of the point value assigned to each student at a district campus is multiplied, as follows:

- for each master teacher, from \$5,000 to \$6,000;
- for each exemplary teacher, from \$3,000 to \$4,000; and
- for each recognized teacher, from \$1,500 to \$2,500.

The bill sets the amount for each acknowledged teacher or nationally board certified teacher at \$1,500.

Mentor Program Allotment

C.S.S.B. 9, effective September 1, 2023, revises the mentor program allotment under the foundation school program and repeals the provision requiring the commissioner to adopt a formula for the allotment. The bill entitles a district instead to an allotment of \$2,000 for each classroom teacher with less than two years of experience who participates in a mentoring program. Furthermore, the bill does the following:

- adds as a condition of the entitlement that the mentor teachers assigned under a mentoring program for classroom teachers complete a training program that is required or developed by TEA; and
- establishes that a district may receive such an allotment for no more than 40 teachers during a school year, except that the commissioner may approve an application submitted by the district to receive for a school year additional allotments for additional classroom teachers, if the district has more than 40 classroom teachers who are eligible to participate in the mentoring program.

In approving applications, the commissioner must ensure the total amount provided in allotments does not exceed the amount appropriate for that purpose for that school year.

Repealed Provisions

C.S.S.B. 9 repeals the following provisions:

- Section 48.114(b), Education Code;
- Subchapter Q, Chapter 21, Education Code; and
- Section 825.4092(f), Government Code, as added by Chapter 546 (S.B. 202), Acts of the 87th Legislature, Regular Session, 2021.

Applicability

Except as otherwise provided, the bill's provisions apply beginning with the 2023-2024 school year.

EFFECTIVE DATE

Except as otherwise provided, on passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 9 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

While both the engrossed and the substitute provide for a duty calendar for each classroom teacher, full-time counselor, and full-time librarian, they differ as follows:

- the engrossed provided for the adoption and provision of such a calendar not later than the 15th day before the first instructional day of each school year, whereas the substitute provides for the adoption and provision of such a calendar not later than the 45th day before the first instructional day of each school year;
- the engrossed, but not the substitute, included a provision excepting from inclusion on the duty calendar the days on which the employee may be required to spend time on an unanticipated duty outside of the instructional day to comply with a state or federal law; and
- the substitute includes provisions not in the engrossed prohibiting a district from doing the following:
 - requiring specified professional staff from performing duties for more than 30 minutes outside of the instructional day and on more than two days in each month, unless the district enters a contract or agreement with the teacher, counselor, or librarian, separate from the employee's employment contract and under which the employee receives additional compensation, for the performance of those supplemental duties; and
 - coercing the teacher, counselor, or librarian from entering into a contract or agreement to perform certain supplemental duties.

The substitute and the engrossed both prohibit the SBEC from imposing certain sanctions against a teacher who relinquishes a position under a probationary, continuing, or term contract because the teacher or close family member of the teacher developed a serious illness but the substitute, and not the engrossed, makes that prohibition also applicable to a teacher or a close family member of the teacher experiencing a significant change in health condition.

The substitute does not include the following provisions that were present in the engrossed:

- the provision repealing the statute establishing the required manner by which the SBEC proposes to adopt rules, and under which the State Board of Education (SBOE) reviews such a proposed rule, and the prohibition against the SBOE modifying a rule proposed by the SBEC in that manner;

- provisions requiring the SBEC to propose rules establishing a program to issue micro-credentials in digital teaching and to engage relevant stakeholders in proposing such rules;
- an authorization, and the applicability of the authorization, for a hearing examiner to dismiss a hearing requested by a teacher if the teacher requests the dismissal, the district withdraws the proposed decision that is the basis of the hearing, or the teacher and district request the dismissal after reaching a settlement regarding the proposed decision that is the basis of the hearing; and
- a provision regarding the provision of resources, including liability insurance, for classroom teachers, that, as follows:
 - requires TEA, from funds appropriated or otherwise available for the purpose, to contract with a third party to provide for a classroom teacher employed under a probationary, continuing, or term contract assistance in understanding the teacher's rights, duties, and benefits and liability insurance to protect a teacher against liability to a third party based on conduct that the teacher allegedly engaged in during the course of the teacher's duties;
 - prohibits a district from interfering with a classroom teacher's access to those services;
 - requires such a contract to prohibit the entity with which TEA contracts from using funds received under the contract to engage in certain conduct and activities; and
 - prohibits this provision regarding such resources from being interpreted to interfere with a classroom teacher's or other school district employee's exercise of a right protected by the First Amendment to the U.S. Constitution;
- a provision entitling a school district employee to have an amount deducted from the employee's salary for membership fees or dues to an entity providing services to classroom teachers under the previously described TEA contract with a third party providing the applicable resources;
- provisions that revise the statutory provisions relating to the removal of a student from class by a teacher, including providing for notification of such a removal to a parent or person standing in parental relation to the student; the preparation of a class plan before the principal can return the student to class; the appeal of the student's removal from class; and the applicability of statutory provisions regarding the placement of students with disabilities;
- the repeal of a provision providing for the reporting of data through PEIMS of a student who is sent to the campus behavior coordinator's or other administrator's office or removed from class;
- provisions relating to the reimbursement of teachers who received a certification in special education or bilingual education during the preceding school year for the cost of certification examination fees;
- temporary provisions entitling a district to a teacher retention allotment, applicable to the 2023-2024 school year; and
- legislative findings relating to the Windfall Elimination Provision.

The substitute includes provisions that were not in the engrossed that provide for the following:

- waiver or payment of certain examination and certification fees by the SBEC;
- a prohibition against an educator preparation program including instruction that incorporates three-cueing into foundational skills reading instruction and a definition of the term "three-cueing";
- a requirement for the SBEC to propose rules providing that a candidate for certification enrolled in an educator preparation program is entitled to not fewer than five candidate observations during a school year if the candidate meets certain criteria;
- an authorization for a candidate for certification who fulfills the requirements for field-based experience to be issued a standard certificate under certain conditions;

- revisions to the exception to the requirement for a district to use a program other than bilingual education in kindergarten through the elementary grades;
- a district's entitlement to an annual allotment for each student in average daily attendance in prekindergarten who is at least four years of age and eligible for tuition-free enrollment in a prekindergarten class; and
- the applicability of the bill's provisions beginning with the 2023-2024 school year or the 2025-2026 school year, as applicable.

While both the engrossed and the substitute require TEA to provide assistance to districts and charter schools in implementing a local optional teacher designation system by, among other actions, providing examples of local optional teacher designation systems, the engrossed included a specification that such assistance must include providing models of such systems to reduce the time required for a district or school to implement a teacher designation system. Additionally, the engrossed, but not the substitute, required such assistance to include establishing partnerships between districts and schools that request assistance and districts and schools that have implemented a teacher designation system.

Whereas the engrossed authorized the commissioner to adopt rules as necessary to implement a local optional teacher designation system grant program, the substitute authorizes the commissioner to adopt rules to establish and administer the grant program.

The substitute does not include the Windham School District, the Texas School for the Deaf, or the Texas School for the Blind and Visually Impaired in provisions relating to an employed retiree teacher reimbursement grant program, whereas the engrossed expressly included those entities, including relating to reimbursement under the grant program.

While both the engrossed and the substitute provide for the establishment and administration of the Texas Teacher Residency Partnership Program, they differ as follows:

- whereas the engrossed defined "cooperating teacher," for purposes of the program, as a classroom teacher who meets established qualifications for assignment as a mentor, among other criteria, the substitute defines "cooperating teacher" as a classroom teacher who has at least three complete years of teaching experience with a superior record of assisting students, as a whole, in achieving improvement in student performance and provides coaching to a partnership resident in the teacher's classroom, among other criteria;
- the substitute specifies that the program must be designed to allow partnership residents to receive field-based experiences working with cooperating teachers whereas the engrossed specified experience working with classroom teachers;
- the engrossed required a district or charter school participating in the program to specify the amount of money the district receives under the residency partnership allotment that the district will provide to the program but the substitute did not include this requirement;
- the substitute and engrossed both set out authorized uses of the residency partnership allotment but the substitute adds as an additional use the provision of an amount equal to at least 10 percent of the funding received by the district or school to the qualified educator preparation program with which the district or school partners;
- the substitute prohibits rules proposed for adoption by the SBEC, with regard to the residency educator certificate, from requiring a resident to pass a pedagogy examination unless the examination tests subject-specific content appropriate for the applicable grade and subject area but the engrossed did not include this prohibition; and
- the substitute provides for SBEC's negotiated rulemaking procedures, under the Government Code, relating to the implementation of the qualified educator preparation programs and the residency educator certificate but the engrossed did not require negotiated rulemaking.

With respect to the mentor program allotment under the foundation school program, the engrossed established that a district may receive such an allotment for no more than 40 teachers

during a school year, unless an appropriation is made for the purposes of providing a greater number of allotments per district. The substitute establishes the same cap on the allotment but establishes an exception for commissioner approval of an application submitted by the district to receive additional allotments, if the district has more than 40 classroom teachers who are eligible to participate in the mentoring program, and requires the commissioner to ensure the total amount provided in those allotments does not exceed the amount appropriated for that purpose for that school year.

The substitute entitles a district, in addition to the residency partnership allotment, an additional \$2,000 for each partnership resident employed in a residency position at the district who is a candidate for bilingual education certification, whereas the engrossed did not provide for such entitlement. The substitute includes a definition of "rural campus" for purposes of the residency partnership allotment provisions but the engrossed did not include this definition.