

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 9  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Teachers all over Texas are worn out. They have inherited too many responsibilities, they are often required to spend too much time on non-teaching duties, and many are leaving the profession because the burden has proven too great without sufficient pay. Many new teachers are entering the profession with little to no experience in the classroom. As the single greatest influence on a student's achievement and progress in the school building, teachers need support.

Teacher compensation lags behind that in other states. Texas is 28th in the nation for teacher pay. S.B. 9 raises teacher salaries across the board, with additional compensation for teachers in small and mid-sized districts. S.B. 9 also expands the Teacher Incentive Allotment (TIA) to further reward Texas' best teachers with increased compensation bonuses. Eligibility for the Teacher Incentive Allotment is also increased so that at least 50% of Texas teachers can earn designations that come with additional pay.

Teacher workloads are currently unsustainable and are a leading contributor for educators leaving the profession. Teachers should be focused on their main duty—educating children. S.B. 9 protects teacher time by providing supports that seek to limit how much time a teacher spends outside of their assigned work calendar. Workloads may be further reduced through innovative strategic staffing and funding methods already implemented in other school districts. S.B. 9 creates supports for districts to learn from already-successful districts and implement them at home.

S.B. 9 provides further support for teacher workloads through the implementation of a grant program for districts that wish to rehire experienced retired teachers, but cannot afford the exorbitant retiree-rehire surcharges.

Disruptive students and the lack of discipline support from school administrators is another key issue for teachers. Many teachers have reported sending a student to the principal for discipline issues, only for them to return to the classroom in the same day, if not the same period. S.B. 9 requires school districts to receive written consent from teachers before returning a disruptive student to their classroom.

While supporting Texas teachers is paramount, considerations must also be made to properly prepare the next generation of teachers as well. Research has shown that the more time student teachers spend in classrooms before they graduate, the better the outcomes are for students and teachers alike. S.B. 9 establishes the Texas Teacher Residency Partnership Program so that student teachers, much like medical doctors, can spend more time in the classroom honing their skills alongside an mentor teacher.

As proposed, S.B. 9 amends current law relating to the rights, certification, and compensation of public school educators and assistance provided to public schools by the Texas Education Agency related to public school educators and to certain allotments under the Foundation School Program.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education on behalf of the State Board for Educator Certification in SECTION 10 (Sections 21.903, 21.905, and 21.908, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of higher education is rescinded in SECTION 16 (Section 21.805, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 11.1513, by Education Code, adding Subsection (l), as follows:

(l) Requires that the employment policy provide that:

- (1) before the beginning of each school year, the district is required to provide a duty calendar for certain professional staff as required by Section 11.15131; and
- (2) 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 adopted under Section 11.15131.

SECTION 2. Amends Subchapter D, Chapter 11, Education Code, by adding Section 11.15131, as follows:

Sec. 11.15131. DUTY CALENDAR FOR CERTAIN PROFESSIONAL STAFF. (a) Defines "supplemental duty."

(b) Requires the board of trustees of a school district (board), not later than the 15th 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 the days on which the employee is expected to perform supplemental duties for more than 30 minutes outside of the instructional day.

SECTION 3. Amends Section 21.105, Education Code, by amending Subsection (c) and adding Subsection (g), as follows:

(c) Authorizes the State Board for Educator Certification (SBEC), subject to certain subsections, including Subsection (g), on written complaint by the employing district, to impose sanctions against a teacher employed under a probationary contract who performs certain actions.

(g) Prohibits SBEC from imposing a sanction under Subsection (c) against a teacher who relinquishes a position under a probationary contract 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 Subsection (a) (relating to the process of resignation without penalty for a teacher employed under a probationary contract) and without the consent of the board under Subsection (b) (relating to requiring a teacher employed under a probationary contract to have the consent of the board in order to resign at anytime), if the teacher's failure to comply with Subsection (a) was due to:

- (1) the teacher, or a close family member of the teacher, developing a serious illness or experiencing a significant change in health condition;
- (2) the teacher relocating because the teacher's spouse or a partner who resides with the teacher changes employers;

(3) the needs of the teacher's family changing significantly in a manner that requires the teacher to:

(A) relocate; or

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

(4) the teacher reasonably believing that the teacher received written permission from the school district to resign.

SECTION 4. Amends Section 21.160, Education Code, by amending Subsection (c) and adding Subsection (g) to make conforming changes.

SECTION 5. Amends Section 21.210, Education Code, by amending Subsection (c) and adding Subsection (g) to make conforming changes.

SECTION 6. Amends Section 21.257, Education Code, by amending Subsection (a) and adding Subsection (f), as follows:

(a) Creates an exception under Subsection (f).

(f) Authorizes the hearing examiner to dismiss a hearing before completing the hearing or making a written recommendation if:

(1) the teacher requests the dismissal;

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

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

SECTION 7. Amends Sections 21.3521(a), (c), and (e), Education Code, as follows:

(a) Authorizes a school district or open-enrollment charter school, subject to Subsection (b) (relating to requiring the commissioner of education (commissioner) to establish performance and validity standards for each local optional teacher designation system that meet certain requirements) to designate a classroom teacher as a master, exemplary, recognized, or accomplished teacher for a five-year period based on the results from single year or multiyear appraisals that comply with Section 21.351 (Recommended Appraisal Process and Performance Criteria) or 21.352 (Local Role).

(c) Provides that a classroom teacher that holds a National Board Certification issued by the National Board for Professional Teaching Standards, notwithstanding performance standards established under Subsection (b), is authorized to be designated as a master teacher, rather than designated as recognized.

(e) Requires the Texas Education Agency (TEA) to develop and provide technical assistance for school districts and open-enrollment charter schools that request assistance in implementing a local optional teacher designation system, including:

(1) providing assistance in prioritizing high needs campuses;

(2) providing examples of local optional teacher designation systems; and

(3) applying the performance and validity standards established by the commissioner under Subsection (b).

SECTION 8. Amends Subchapter I, Chapter 21, Education Code, by adding Sections 21.416 and 21.417, as follows:

Sec. 21.416. EMPLOYED RETIREE TEACHER REIMBURSEMENT GRANT PROGRAM. (a) Requires the commissioner, from funds appropriated or otherwise available, to establish and administer a grant program to award funds to reimburse a school district or open-enrollment charter school that hires a teacher who retired before September 1, 2022, for the increased contributions to the Teacher Retirement System associated with hiring the retired teacher.

(b) Authorizes the legislature, in appropriating money for grants awards under this section, to provide for, modify, or limit amounts appropriated for that purpose in the General Appropriations Act, including by:

(1) providing, notwithstanding Subsection (a), a date or date range other than September 1, 2022, before which a teacher is required to have retired for a school district or open-enrollment charter school that hires the teacher to be eligible; or

(2) limiting eligibility to a school district or open-enrollment charter school that hires a retired teacher:

(A) who holds a certain certification;

(B) to teach a certain subject or grade;

(C) in a certain geographical area; or

(D) to provide instruction to certain students, including to students with disabilities.

(c) Requires the commissioner to proportionally reduce the amount of funds awarded to school districts and open-enrollment charter schools under this section if the number of grant applications by eligible districts or schools exceeds the number of grants the commissioner could award with the money appropriated or otherwise available for the purpose.

(d) Authorizes a school district or open-enrollment charter school to use funds received under this section to make required payments under Section 825.4092 (Employer Contributions for Employed Retirees), Government Code.

Sec. 21.417. SALARY INCREASE FOR CLASSROOM TEACHERS. (a) Provides that each public school classroom teacher in this state, notwithstanding any other law, is entitled to a salary increase in the 2023–2024 school year equal to:

(1) at least \$\_\_\_\_\_; and

(2) if the classroom teacher is employed by a school district with fewer than 20,000 enrolled students, an additional increase equal to \$\_\_\_\_\_.

(b) Provides that this section expires September 1, 2025.

SECTION 9. Amends Subchapter J, Chapter 21, Education Code, by adding Sections 21.466 and 21.467, as follows:

Sec. 21.466. TEACHER QUALITY ASSISTANCE. (a) Requires TEA, from funds appropriated or otherwise available for the purpose, to develop training for and provide technical assistance to school districts and open-enrollment charter schools regarding:

- (1) strategic compensation, staffing, and scheduling efforts that improve professional growth, teacher leadership opportunities, and staff retention;
- (2) 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
- (3) programs or strategies that school leaders are authorized to use to establish clear and attainable behavior expectations while proactively supporting students.

(b) Requires TEA, from funds appropriated or otherwise available, to provide grants to school districts and open-enrollment charter schools to implement initiatives developed under this section.

Sec. 21.467. **TEACHER TIME STUDY.** (a) Requires TEA, from funds appropriated or otherwise available for the purpose, to develop and maintain a technical assistance program to support school districts and open-enrollment charter schools in:

- (1) studying how the district's or 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
- (2) 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.

(b) Requires TEA to periodically make findings and recommendations for best practices publicly available using information from participating school districts and open-enrollment charter schools.

**SECTION 10.** Amends Chapter 21, Education Code, by adding Subchapter R, as follows:

#### **SUBCHAPTER R. TEXAS TEACHER RESIDENCY PARTNERSHIP PROGRAM**

Sec. 21.901. **DEFINITIONS.** Defines "board," "mentor teacher," "partnership program," "partnership resident," and "qualified educator preparation program."

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

(b) Requires that the partnership program be designed to:

- (1) allow partnership residents to receive field-based experience working with classroom teachers in prekindergarten through grade 12 classrooms; and
- (2) gradually increase the amount of time a partnership resident spends engaging in instructional responsibilities, including observation, co-teaching, and lead-teaching responsibilities.

Sec. 21.903. **QUALIFIED EDUCATOR PREPARATION PROGRAMS.** Requires SBEC to propose rules specifying the requirements for SBEC approval of an educator preparation program as a qualified educator preparation program for purposes of this subchapter. Requires the rules to require an educator preparation program to:

- (1) use research-based best practices for recruiting and admitting candidates into the educator preparation program to participate in the partnership program;
- (2) integrate curriculum, classroom practice, and formal observation and feedback;
- (3) use multiple assessments to measure a partnership resident's progress in the partnership program; and
- (4) ensure a school district or open-enrollment charter school with which an educator preparation program partners under this subchapter meets the requirements for participating districts and schools under Section 21.904.

**Sec. 21.904. REQUIREMENTS FOR PARTICIPATING DISTRICTS AND SCHOOLS.**

(a) Requires a school district or open-enrollment charter school participating in the partnership program to:

- (1) enter into a written agreement with a qualified educator preparation program to:
    - (A) 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
    - (B) pair the partnership resident with a mentor teacher;
  - (2) only use money received under Section 48.157 to:
    - (A) implement the partnership program; and
    - (B) provide compensation to:
      - (i) partnership residents in residency positions at the district or school; and
      - (ii) mentor teachers who are paired with partnership residents at the district or school;
  - (3) pay at least 50 percent of the compensation paid to partnership residents using money other than money received under Section 48.157; and
  - (4) provide any information required by TEA regarding the district's or school's implementation of the program.
- (b) Authorizes a school district or open-enrollment charter school to only pair a partnership resident with a mentor teacher who agrees to participate in that role in a partnership program at the district or school partnership program.
- (c) Prohibits a partnership resident from serving as a teacher of record, as that term is defined by Section 21.051 (Rules Regarding Field-Based Experience and Options for Field Experience and Internships).

**Sec. 21.905. RESIDENCY EDUCATOR CERTIFICATE.** Requires SBEC to propose rules specifying the requirements for the issuance of a residency educator certificate to a partnership resident who has successfully completed the program.

**Sec. 21.906. AGENCY SUPPORT.** Requires TEA to provide technical assistance, planning, and support to school districts, open-enrollment charter schools, and qualified educator preparation programs, which are required to include:

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

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

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

Sec. 21.908. RULES; NEGOTIATED RULEMAKING. (a) Requires SBEC to propose rules necessary to implement this subchapter, including rules under Sections 21.903 and 21.905.

(b) Requires the commissioner to adopt rules as necessary to implement this subchapter.

SECTION 11. Amends Section 29.153(b), Education Code, as follows:

(b) Provides that a child is eligible for enrollment in a prekindergarten class under Section 29.153 (Free Prekindergarten for Certain Children) if the child is at least three years of age and:

(1)-(5) makes no changes to these subdivisions;

(6)-(7) makes nonsubstantive changes to these subdivisions; or

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

SECTION 12. Amends Sections 37.002(b), (c), and (d), Education Code, as follows:

(b) Authorizes a teacher to remove from class a student who:

(1) interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn;

(2) demonstrates behavior that is disrespectful toward the teacher or another adult; or

(3) engages in conduct that constitutes bullying, as defined by Section 37.0832 (Bullying Prevention Policies and Procedures.)

Deletes existing text authorizing a teacher to remove from class a student who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn, or whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

(c) Prohibits the principal from returning the student to that teacher's class without the teacher's written consent unless the committee established under Section 37.003 (Placement Review Committee) determines that such placement is the best or only alternative available. Prohibits the principal from returning the student to that teacher's class, regardless of the teacher's consent, until a return to class plan has been prepared for that student. Authorizes the principal to designate only an employee of the school whose primary duties do not include classroom instruction to create a return to class plan.

(d) Makes a conforming change to this subsection.

SECTION 13. Amends Sections 48.112(c) and (d), Education Code, as follows:

(c) Provides that for each classroom teacher with a teacher designation under Section 21.3521 (Local Optional Teacher Designation System) employed by a school district, the school district is entitled to an allotment equal to the following applicable base amount increased by the high needs and rural factor as determined under Subsection (d):

- (1) \$12,000, or an increased amount not to exceed \$36,000, rather than \$32,000, as determined under Subsection (d) for each master teacher;
- (2) \$9,000, rather than \$6,000, or an increased amount not to exceed \$25,000, rather than \$18,000, as determined under Subsection (d), for each exemplary teacher;
- (3) \$5,000, rather than \$3,000, or an increased amount not to exceed \$15,000, rather than \$9,000, as determined under Subsection (d), for each recognized teacher; and
- (4) \$3,000, or an increased amount not to exceed \$9,000 as determined under Subsection (d), for each accomplished teacher.

(d) Provides that the high needs and rural factor is determined by multiplying the following applicable amounts by the average of the point value assigned to each student at a district campus under Subsection (e) (relating to providing a point system for campuses based on economic factors):

- (1) \$6,000, rather than \$5,000, for each master teacher;
- (2) \$4,000, rather than \$3,000, for each exemplary teacher;
- (3) \$2,500, rather than \$1,500, for each recognized teacher; and
- (4) \$1,500 for each accomplished teacher.

SECTION 14. Amends Section 48.114, Education Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Provides that a school district is entitled to an allotment as determined under Subsection (b) (relating to requiring the commission to adopt a formula to provide funding for schools with mentoring programs) to fund a mentoring program and to provide stipends for mentor teachers if:

- (1) the district has implemented a mentoring program for classroom teachers under Section 21.458 (Mentors); and
- (2) the mentor teachers assigned under that program complete a training program that is required or developed by TEA for mentor teachers.

Deletes existing text providing that a school district that has implemented a mentoring program for classroom teachers who have less than two years of teaching experience under Section 21.458 is entitled to an allotment as determined under Subsection (b) to fund the mentoring program and to provide stipends for mentor teachers.

(d) Provides that a school district is entitled to an allotment of \$2,000 for each classroom teacher with less than two years of experience who participates in a mentoring program described by Subsection (a). Authorizes a district to receive an allotment under Section 48.114 (Mentor Program 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.

SECTION 15. Amends Subchapter D, Chapter 48, Education Code, by adding Sections 48.157 and 48.158, as follows:

Sec. 48.157. RESIDENCY PARTNERSHIP ALLOTMENT. (a) Defines "partnership program," "partnership resident," and "rural campus."

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

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

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

(2) 4.0.

(d) Provides that a district that qualifies for an allotment under this section, in addition to the funding under Subsection (b), is entitled 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.

(e) Provides that the Texas School for the Deaf (TSD) and the Texas School for the Blind and Visually Impaired (TSBVI) are entitled to an allotment under this section. Authorizes the commissioner, if the commissioner determines that assigning point values under Subsection (c) to students enrolled in TSD or TSBVI is impractical, to use the average point value assigned for those students' home districts for purposes of calculating the high needs and rural factor.

Sec. 48.158. FUNDING FOR CERTAIN CERTIFICATIONS. (a) Provides that a school district is entitled to the cost of certification fees for each classroom teacher who received a certification in special education or bilingual education in the preceding school year. Requires the district to reimburse, from money received under this section, each teacher who received a certification in special education or bilingual education during the preceding school year the cost of certification fees associated with that certification.

(b) Prohibits reimbursement received by a classroom teacher under this section from being considered when calculating the teacher's salary for the purposes of Section 21.402 (Minimum Salary Schedule for Certain Professional Staff).

SECTION 16. Repealer: Section 21.042 (Approval of Rules), Education Code.

Repealer: Subchapter Q (Texas Teacher Residency Program), Chapter 21, Education Code.

Repealer: Section 37.002(e) (relating to providing that the removal of a student for behavioral issues is not considered for purposes of reporting certain educational data or reports required by state or federal law), Education Code.

Repealer: Section 48.114(b) (relating to requiring that the commissioner adopt a formula to determine the amount each school district for the Mentor Program Allotment), Education Code.

Repealer: Section 825.4092(f) (relating to the requirement that a reporting employer is ultimately responsible for the payment of contributions for employed retirees and that an

employer is prohibited from passing the cost onto the employee), as added by Chapter 546 (S.B. 202), Acts of the 87th Legislature, Regular Session, 2021, Government Code,

SECTION 17. Makes application of Section 21.257(f), Education Code, as added by this Act, prospective.

SECTION 18. Provides that Section 21.3521, Education Code, as amended by this Act, does not affect a teacher designation made under that section before the effective date of this Act. Provides that a teacher designation made under Section 21.3521, Education Code, and funding provided to a school district under Section 48.112 (Teacher Incentive Allotment), Education Code, for a teacher with that designation before the effective date of this Act are governed by the law in effect on the date the designation was made, and the former law is continued in effect for that purpose.

SECTION 19. (a) Effective date, except as provided by Subsection (b) of this section: upon passage or September 1, 2023.

(b) Effective date, Sections 48.112(c) and (d) and 48.114, Education Code, as amended by this Act, and Sections 48.157 and 48.158, Education Code, as added by this Act: September 1, 2023.