88R28670 JES-F

By:  Creighton, et al. S.B. No. 9

(Dutton)

Substitute the following for S.B. No. 9:

By:  Buckley C.S.S.B. No. 9

A BILL TO BE ENTITLED

AN ACT

relating to the rights and certification of public school educators, including financial and other assistance and waivers provided to public schools by the Texas Education Agency related to public school educators, methods of instruction provided in public schools, and certain allotments under the Foundation School Program.

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

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

(l)  The employment policy must provide that:

(1)  before the beginning of each school year, the district shall 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.  Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.15131 to read as follows:

Sec. 11.15131.  DUTY CALENDAR FOR CERTAIN PROFESSIONAL STAFF. (a) In this section, "supplemental duty" means a duty not assigned under an employee's employment contract, that is expected to be performed on an instructional day and that may be governed by an agreement, other than the employee's employment contract, between the school district and the employee.

(b)  Not later than the 45th day before the first instructional day of each school year, the board of trustees of a school district shall 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 during 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.

(c)  A school district may not require 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.

(d)  A school district may not coerce a classroom teacher, full-time counselor, or full-time librarian to enter into a contract or agreement to perform supplemental duties described by Subsection (c).

SECTION 3.  Subchapter A, Chapter 21, Education Code, is amended by adding Section 21.010 to read as follows:

Sec. 21.010.  TEACHER POSITION DATA COLLECTION. The agency shall collect data from school districts and open-enrollment 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 in a district or school. The data may be collected using the Public Education Information Management System (PEIMS) or another reporting mechanism specified by the agency.

SECTION 4.  Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0411 to read as follows:

Sec. 21.0411.  WAIVER OR PAYMENT OF CERTAIN EXAMINATION AND CERTIFICATION FEES. (a) Notwithstanding a rule adopted under Section 21.041(c), the board shall, for a person applying for a certification to teach established under this subchapter, waive:

(1)  a certification examination fee imposed by the board for the first administration of the examination to the person; and

(2)  a fee associated with the application for certification by the person.

(b)  The board shall pay to a vendor that administers a certification examination required for certification to teach under this subchapter a fee assessed by that vendor for the examination of a person applying for a certification to teach established under this subchapter for the first administration of the examination to the person.

SECTION 5.  Section 21.044, Education Code, is amended by adding Subsection (h) to read as follows:

(h)  An educator preparation program, including an educator preparation program offered by an institution of higher education, as defined by Section 61.003, may not include instruction that incorporates the method of three-cueing, as defined by Section 28.0062(a-1), into foundational skills reading instruction.

SECTION 6.  Section 21.051, Education Code, is amended by adding Subsections (f-2) and (f-3) to read as follows:

(f-2)  The board shall 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:

(1)  is employed by a district of innovation with a local innovation plan developed under Section 12A.003 that exempts the district from the requirements of Section 21.003;

(2)  does not hold a teacher intern certificate or a probationary certificate issued under Section 21.0491; and

(3)  takes the subject matter examination required under Section 21.048 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.

(f-3)  A candidate for certification who fulfills the requirements for field-based experience in accordance with Subsection (f-2):

(1)  may be issued a standard certificate if the candidate completes all other eligibility requirements required to receive a standard certification, including passing any examination required for that certification, required by the board, and in accordance with timelines established by board rule; and

(2)  may not be issued a teacher intern or probationary certificate.

SECTION 7.  Section 21.105, Education Code, is amended by amending Subsection (c) and adding Subsection (g) to read as follows:

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

(1)  resigns;

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

(3)  fails to perform the contract.

(g)  The State Board for Educator Certification may not impose 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) and without the consent of the board of trustees under Subsection (b), 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 8.  Section 21.160, Education Code, is amended by amending Subsection (c) and adding Subsection (g) to read as follows:

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

(1)  resigns;

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

(3)  fails to perform the contract.

(g)  The State Board for Educator Certification may not impose a sanction under Subsection (c) against a teacher who relinquishes a position under a continuing contract and leaves the employment of the district after the 45th day before the first day of instruction of the upcoming school year in violation of Subsection (a) and without the consent of the board of trustees under Subsection (b), 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 9.  Section 21.210, Education Code, is amended by amending Subsection (c) and adding Subsection (g) to read as follows:

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

(1)  resigns;

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

(3)  fails to perform the contract.

(g)  The State Board for Educator Certification may not impose a sanction under Subsection (c) against a teacher who relinquishes a position under a term contract and leaves the employment of the district after the 45th day before the first day of instruction of the upcoming school year in violation of Subsection (a) and without the consent of the board of trustees under Subsection (b), 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 10.  Sections 21.3521(a), (c), and (e), Education Code, are amended to read as follows:

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

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

(e)  The agency shall 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;

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

(4)  providing centralized support for the analysis of the results of assessment instruments administered to district or school students; and

(5)  facilitating effective communication on and promotion of local optional teacher designation systems.

SECTION 11.  Subchapter H, Chapter 21, Education Code, is amended by adding Section 21.3522 to read as follows:

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

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

(2)  increase the number of classroom teachers eligible for a designation under that section.

(b)  A grant awarded under this section must:

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

(2)  enable regional leadership capacity.

(c)  The commissioner may adopt rules to establish and administer the grant program under this section.

SECTION 12.  Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.416 to read as follows:

Sec. 21.416.  EMPLOYED RETIREE TEACHER REIMBURSEMENT GRANT PROGRAM. (a) From funds appropriated or otherwise available, the commissioner shall 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 of Texas associated with hiring the retired teacher.

(b)  In appropriating money for grants awarded under this section, the legislature may 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 must 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)  The commissioner shall 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)  A school district or open-enrollment charter school may use funds received under this section to make required payments under Section 825.4092, Government Code.

SECTION 13.  Subchapter J, Chapter 21, Education Code, is amended by adding Sections 21.466 and 21.467 to read as follows:

Sec. 21.466.  TEACHER QUALITY ASSISTANCE. (a) From funds appropriated or otherwise available for the purpose, the agency shall 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 may use to establish clear and attainable behavior expectations while proactively supporting students.

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

Sec. 21.467.  TEACHER TIME STUDY. (a) From funds appropriated or otherwise available for the purpose, the agency shall 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)  The agency shall periodically make findings and recommendations for best practices publicly available using information from participating school districts and open-enrollment charter schools.

SECTION 14.  Chapter 21, Education Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. TEXAS TEACHER RESIDENCY PARTNERSHIP PROGRAM

Sec. 21.901.  DEFINITIONS. In this subchapter:

(1)  "Board" means the State Board for Educator Certification.

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

(A)  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;

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

(C)  provides coaching to a partnership resident in the teacher's classroom.

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

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

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

Sec. 21.902.  ESTABLISHMENT OF PARTNERSHIP PROGRAM. (a) The commissioner shall 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)  The partnership program must be designed to:

(1)  allow partnership residents to receive field-based experience working with cooperating 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. The board shall propose rules specifying the requirements for board approval of an educator preparation program as a qualified educator preparation program for purposes of this subchapter. The rules must 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)  partner with a school district or open-enrollment charter school.

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

(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 cooperating teacher;

(2)  only use money received under Section 48.157 to:

(A)  implement the partnership program;

(B)  provide compensation to:

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

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

(C)  provide 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;

(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 the agency regarding the district's or school's implementation of the program.

(b)  A school district or open-enrollment 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 school partnership program.

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

Sec. 21.905.  RESIDENCY EDUCATOR CERTIFICATE. The board shall propose rules specifying the requirements for the issuance of a residency educator certificate to a candidate who has successfully completed a qualified educator preparation program under Section 21.903. The rules may not require 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.

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

(1)  providing model forms and agreements a district, school, or educator preparation program may 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. The commissioner may 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 COMMITTEE. (a) The board shall propose rules necessary to implement this subchapter, including, subject to Subsection (b), rules under Sections 21.903 and 21.905.

(b)  In using negotiated rulemaking procedures under Chapter 2008, Government Code, for any proposed rule related to the implementation of Section 21.903 or 21.905, the board must appoint to the negotiated rulemaking committee persons representing institutions of higher education, as defined by Section 61.003.

(c)  The commissioner shall adopt rules as necessary to implement this subchapter after considering the recommendations of the negotiated rulemaking committee appointed under Subsection (b).

SECTION 15.  Section 28.0062, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1)  In this subsection, "three-cueing" means 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. A school district or open-enrollment charter school may not include any instruction that incorporates three-cueing in the foundational skills reading curriculum for kindergarten through third grade.

SECTION 16.  Sections 29.054(b) and (c), Education Code, are amended to read as follows:

(b)  An application for an exception may be filed with the agency when a district is unable to hire a sufficient number of teachers with teaching certificates appropriate for bilingual education instruction to staff the required program. The application must be accompanied by:

(1)  documentation showing that the district has taken all reasonable affirmative steps to secure teachers with teaching certificates appropriate for bilingual education instruction and has failed;

(2)  documentation showing that the district has affirmative hiring policies and procedures consistent with the need to serve emergent bilingual students;

(3)  documentation showing that, on the basis of district records, no teacher having a teaching certificate appropriate for bilingual instruction or emergency credentials has been unjustifiably denied employment by the district within the past 36 [~~12~~] months; and

(4)  a plan detailing specific measures to be used by the district to eliminate the conditions that created the need for an exception.

(c)  An exception shall be granted under this section on an individual district basis and is valid for three years [~~only one year~~]. Application for an exception for a second or succeeding three-year period: [~~year~~]

(1)  must be accompanied by the documentation prescribed by Subsection (b); and

(2)  may be for different teachers than the teachers who were included in an application for an exception for a preceding period.

SECTION 17.  Section 29.153(b), Education Code, is amended to read as follows:

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

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

(2)  is educationally disadvantaged;

(3)  is homeless, regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control of the child;

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

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

(6)  is or ever has been in:

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

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

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

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

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

(C)  an emergency medical first responder under Section 3106.004, Government Code; 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 18.  Section 48.108, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1)  For each student in average daily attendance in prekindergarten, a school district is entitled 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 to enroll in a prekindergarten class under Section 29.153(b).

SECTION 19.  Sections 48.112(c) and (d), Education Code, are amended to read as follows:

(c)  For each classroom teacher with a teacher designation under Section 21.3521 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 [~~$32,000~~] as determined under Subsection (d), for each master teacher;

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

(3)  $5,000 [~~$3,000~~], or an increased amount not to exceed $15,000 [~~$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:

(A)  acknowledged teacher; or

(B)  teacher designated as nationally board certified.

(d)  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):

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

(2)  $4,000 [~~$3,000~~] for each exemplary teacher; [~~and~~]

(3)  $2,500 [~~$1,500~~] for each recognized teacher; and

(4)  $1,500 for each:

(A)  acknowledged teacher; or

(B)  teacher designated as nationally board certified.

SECTION 20.  Section 48.114, Education Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a)  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 a [~~the~~] 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; and

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

(d)  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). A district may receive an allotment under this section 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 described by Subsection (a). In approving applications under this subsection, the commissioner shall ensure the total amount provided in allotments under this section does not exceed the amount appropriated for that purpose for that school year.

SECTION 21.  Subchapter D, Chapter 48, Education Code, is amended by adding Section 48.157 to read as follows:

Sec. 48.157.  RESIDENCY PARTNERSHIP ALLOTMENT. (a) In this section:

(1)  "Partnership program" and "partnership resident" have the meanings assigned by Section 21.901.

(2)  "Rural campus" has the meaning assigned by Section 48.112.

(b)  For each partnership resident employed at a school district in a residency position under Subchapter R, Chapter 21, the district 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)  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 Sections 48.112(e) and (f); or

(2)  4.0.

(d)  In addition to the funding under Subsection (b), a district that qualifies for an allotment under this section 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 or bilingual education certification.

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

SECTION 22.  The following provisions are repealed:

(1)  Section 48.114(b), Education Code;

(2)  Subchapter Q, Chapter 21, Education Code; and

(3)  Section 825.4092(f), Government Code, as added by Chapter 546 (S.B. 202), Acts of the 87th Legislature, Regular Session, 2021.

SECTION 23.  Immediately following the effective date of this Act, a school district or open-enrollment charter school shall redesignate a teacher who holds a designation made under Section 21.3521, Education Code, before the effective date of this Act, to reflect the teacher's designation under Section 21.3521, Education Code, as amended by this Act. Funding provided to a school district under Section 48.112, Education Code, for a teacher who held a designation made under Section 21.3521, Education Code, as that section existed immediately before the effective date of this Act, shall be increased to reflect the teacher's redesignation under Section 21.3521, Education Code, as amended by this Act.

SECTION 24.  Notwithstanding Section 21.903, Education Code, as added by this Act, until the State Board for Educator Certification adopts rules specifying the requirements for approval of an educator preparation program as a qualified educator preparation program as required by that section, the commissioner of education may approve a program as a qualified educator preparation program for purposes of Subchapter R, Chapter 21, Education Code, as added by this Act, if the commissioner determines that the program meets the requirements under Section 21.903, Education Code, as added by this Act. An educator preparation program's designation as a qualified educator preparation program by the commissioner under this section remains effective until the first anniversary of the earliest effective date of a rule adopted by the State Board for Educator Certification under Section 21.903, Education Code, as added by this Act.

SECTION 25.  Sections 29.054(b) and (c), Education Code, as amended by this Act, apply beginning with the 2023-2024 school year.

SECTION 26.  (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2023-2024 school year.

(b)  Section 48.108(a-1), Education Code, as added by this Act, applies beginning with the 2025-2026 school year.

SECTION 27.  (a) Except as provided by Subsection (b) of this section, this Act takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, the entirety of this Act takes effect September 1, 2023.

(b)  Sections 48.112(c) and (d) and 48.114, Education Code, as amended by this Act, and Sections 48.108(a-1) and 48.157, Education Code, as added by this Act, take effect September 1, 2023.