88R8667 JES-F

By:  Creighton, et al. S.B. No. 9

A BILL TO BE ENTITLED

AN ACT

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.

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 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.

(b)  Not later than the 15th 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 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.  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 4.  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 5.  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 6.  Section 21.257, Education Code, is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

(a)  Except as provided by Subsection (f), not [~~Not~~] later than the 60th day after the date on which the commissioner receives a teacher's written request for a hearing, the hearing examiner shall complete the hearing and make a written recommendation that:

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

(2)  may include a proposal for granting relief.

(f)  The hearing examiner may 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.  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 accomplished 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 a master teacher [~~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; and

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

SECTION 8.  Subchapter I, Chapter 21, Education Code, is amended by adding Sections 21.416 and 21.417 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 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.

Sec. 21.417.  SALARY INCREASE FOR CLASSROOM TEACHERS. (a) Notwithstanding any other law, each public school classroom teacher in this state 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)  This section expires September 1, 2025.

SECTION 9.  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 10.  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)  "Mentor teacher" means a classroom teacher who:

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

(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.

(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 by the board 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 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. 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)  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) 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 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 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 mentor 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 partnership resident who has successfully completed the program.

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. (a) The board shall propose rules necessary to implement this subchapter, including rules under Sections 21.903 and 21.905.

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

SECTION 11.  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 12.  Sections 37.002(b), (c), and (d), Education Code, are amended to read as follows:

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

(1)  interferes [~~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~~]

(2)  demonstrates [~~whose~~] behavior that is disrespectful toward the teacher or another adult; or

(3)  engages in conduct that constitutes bullying, as defined by Section 37.0832 [~~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)  If a teacher removes a student from class under Subsection (b), the principal may place the student into another appropriate classroom, into in-school suspension, or into a disciplinary alternative education program as provided by Section 37.008. The principal may not return the student to that teacher's class without the teacher's written consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. The principal may not return 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. The principal may only designate an employee of the school whose primary duties do not include classroom instruction to create a return to class plan. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activity.

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

SECTION 13.  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 accomplished teacher.

(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 accomplished teacher.

SECTION 14.  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 unless an appropriation is made for the purposes of providing a greater number of allotments per district.

SECTION 15.  Subchapter D, Chapter 48, Education Code, is amended by adding Sections 48.157 and 48.158 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 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 Section 48.112(d); 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 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.

Sec. 48.158.  FUNDING FOR CERTAIN CERTIFICATIONS. (a) 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. From money received under this section, the district shall reimburse 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)  Reimbursement received by a classroom teacher under this section may not be considered when calculating the teacher's salary for the purposes of Section 21.402.

SECTION 16.  The following provisions are repealed:

(1)  Section 21.042, Education Code;

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

(3)  Section 37.002(e), Education Code;

(4)  Section 48.114(b), Education Code; and

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

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

SECTION 18.  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. A teacher designation made under Section 21.3521, Education Code, and funding provided to a school district under Section 48.112, 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) 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 48.157 and 48.158, Education Code, as added by this Act, take effect September 1, 2023.