

By: Dutton

H.B. No. 4188

A BILL TO BE ENTITLED

AN ACT

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

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

8 SECTION 1. Section 19.009(d-2), Education Code, is amended
9 to read as follows:

10 (d-2) Beginning with the 2009-2010 school year, the
11 district shall increase the [~~monthly~~] salary of each classroom
12 teacher, full-time speech pathologist, full-time librarian,
13 full-time school counselor certified under Subchapter B, Chapter
14 21, and full-time school nurse employed by the district by the
15 greater of:

16 (1) \$80 per month; or

17 (2) the maximum uniform amount per month that, when
18 combined with any resulting increases in the amount of
19 contributions made by the district for social security coverage for
20 the specified employees or by the district on behalf of the
21 specified employees under Section 825.405, Government Code, may be
22 provided using an amount equal to the product of \$60 multiplied by
23 the number of students in weighted average daily attendance in the
24 district during the 2009-2010 school year.

1 SECTION 2. Section 21.044, Education Code, is amended by
2 adding Subsection (h) to read as follows:

3 (h) In this subsection, "three-cueing" means a method of
4 reading instruction for identification of words by which a student
5 is encouraged to draw on context and sentence structure to identify
6 a word without sounding the word out or using a phonics-based
7 approach. An educator preparation program, including an educator
8 preparation program offered by an institution of higher education,
9 as defined by Section 61.003:

10 (1) may not include instruction that incorporates the
11 reading instruction method of three-cueing; and

12 (2) must include instruction on the science of
13 teaching reading.

14 SECTION 3. Section 21.105, Education Code, is amended by
15 amending Subsection (c) and adding Subsection (g) to read as
16 follows:

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

21 (1) resigns;

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

24 (3) fails to perform the contract.

25 (g) The State Board for Educator Certification may not
26 impose a sanction under Subsection (c) against a teacher who
27 relinquishes a position under a probationary contract and leaves

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

6 (1) the teacher, or a close family member of the
7 teacher, developing a serious illness or experiencing a significant
8 change in health condition;

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

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

13 (A) relocate; or

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

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

18 SECTION 4. Section 21.160, Education Code, is amended by
19 amending Subsection (c) and adding Subsection (g) to read as
20 follows:

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

26 (1) resigns;

27 (2) fails without good cause to comply with Subsection

1 (a) or (b); and

2 (3) fails to perform the contract.

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

11 (1) the teacher, or a close family member of the
12 teacher, developing a serious illness or experiencing a significant
13 change in health condition;

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

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

18 (A) relocate; or

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

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

23 SECTION 5. Section 21.210, Education Code, is amended by
24 amending Subsection (c) and adding Subsection (g) to read as
25 follows:

26 (c) Subject to Subsections (e), ~~and~~ (f), and (g), on
27 written complaint by the employing district, the State Board for

1 Educator Certification may impose sanctions against a teacher who
2 is employed under a term contract that obligates the district to
3 employ the person for the following school year and who:

- 4 (1) resigns;
- 5 (2) fails without good cause to comply with Subsection
6 (a) or (b); and
- 7 (3) fails to perform the contract.

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

16 (1) the teacher, or a close family member of the
17 teacher, developing a serious illness or experiencing a significant
18 change in health condition;

19 (2) the teacher relocating because the teacher's
20 spouse or a partner who resides with the teacher changes employers;

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

23 (A) relocate; or

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

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

1 SECTION 6. Sections 21.3521(a), (c), (e), and (i),
2 Education Code, are amended to read as follows:

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

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

13 (e) The agency shall develop and provide technical
14 assistance for school districts and open-enrollment charter
15 schools that request assistance in implementing a local optional
16 teacher designation system, including:

17 (1) providing assistance in prioritizing high needs
18 campuses;

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

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

23 (i) The commissioner may adopt fees to implement this
24 section. A fee adopted by the agency under this section:

25 (1) is not subject to Sections 2001.0045 and
26 2001.0221, Government Code; and

27 (2) may be used to develop and provide technical

1 assistance for school districts and open-enrollment charter
2 schools under Subsection (e).

3 SECTION 7. Subchapter H, Chapter 21, Education Code, is
4 amended by adding Section 21.3522 to read as follows:

5 Sec. 21.3522. LOCAL OPTIONAL TEACHER DESIGNATION SYSTEM
6 GRANT PROGRAM. (a) From funds appropriated or otherwise available
7 for the purpose, the agency shall establish and administer a grant
8 program to provide money and technical assistance to eligible
9 school districts and open-enrollment charter schools to:

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

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

14 (b) A grant awarded under this section must:

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

16 (2) enable regional leadership capacity;

17 (3) provide centralized support for the analysis of
18 the results of assessment instruments administered to district
19 students; and

20 (4) facilitate effective communication on and
21 promotion of local optional teacher designation systems.

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

24 SECTION 8. Section 21.402, Education Code, is amended by
25 amending Subsections (a) and (g) and adding Subsections (a-1),
26 (c-2), (i), (j), (k), and (l) to read as follows:

27 (a) Except as provided by Subsection (c-2) [~~(e-1)~~ or ~~(f)~~], a

1 school district must pay each employee who is employed as a
2 classroom teacher, full-time librarian, full-time school counselor
3 certified under Subchapter B, or full-time school nurse not less
4 than the highest annual minimum [~~minimum monthly~~] salary described
5 by the following schedule applicable to [~~based on~~] the employee's
6 certification, if any, and years [~~level~~] of experience:

7 (1) for an employee with less than five years of
8 experience who holds:

9 (A) no certification \$35,000;

10 (B) a teacher intern, teacher trainee, or
11 probationary certificate issued under Subchapter B, Chapter
12 21 \$37,000;

13 (C) the base certificate required under Section
14 21.003(a) for employment in the employee's position other than a
15 certificate described by Paragraph (B) \$40,000;

16 (D) the certificate described by Paragraph (C)
17 and a residency educator certificate issued under Section
18 21.905 \$43,000; or

19 (E) any certificate under this subsection and a
20 designation under Section 21.3521 \$43,000;

21 (2) for an employee with at least five years of
22 experience who holds:

23 (A) no certification \$45,000;

24 (B) a teacher intern, teacher trainee, or
25 probationary certificate issued under Subchapter B, Chapter
26 21 \$47,000;

27 (C) the base certificate required under Section

21.003(a) for employment in the employee's position other than a certificate described by Paragraph (B) \$50,000; or

(D) any certificate described under this subsection and a designation under Section 21.3521 . . . \$53,000; or

(3) for an employee with at least 10 years of experience who holds:

(A) no certification \$55,000;

(B) a teacher intern, teacher trainee, or probationary certificate issued under Subchapter B, Chapter 21 \$57,000;

(C) the base certificate required under Section 21.003(a) for employment in the employee's position . . . \$60,000; or

(D) any certificate described under this subsection and a designation under Section 21.3521 . . . \$63,000

~~[in addition to other factors, as determined by commissioner rule, determined by the following formula:~~

~~[MS - SF x FS~~

~~[where:~~

~~["MS" is the minimum monthly salary;~~

~~["SF" is the applicable salary factor specified by Subsection (c); and~~

~~["FS" is the amount, as determined by the commissioner under Subsection (b), of the basic allotment as provided by Section 48.051(a) or (b) for a school district with a maintenance and operations tax rate at least equal to the state maximum compressed tax rate, as defined by Section 48.051(a)].~~

(a-1) For purposes of Subsection (a), a full-time school

1 nurse is considered to hold the base certificate required under
2 Section 21.003(a) for employment as a school nurse, regardless of
3 the other certifications held by the nurse.

4 (c-2) A school district is not required to pay an employee
5 who is employed as a classroom teacher, full-time librarian,
6 full-time school counselor certified under Subchapter B, or a
7 full-time school nurse the minimum salary required under Subsection
8 (a) for the school year following a school year during which the
9 district reviews the employee's performance and finds the
10 employee's performance unsatisfactory.

11 (g) The commissioner may adopt rules to govern the
12 application of this section, including rules that:

13 (1) require the payment of a minimum salary under this
14 section to a person employed in more than one capacity for which a
15 minimum salary is provided and whose combined employment in those
16 capacities constitutes full-time employment; and

17 (2) specify the credentials a person must hold to be
18 considered a [~~speech pathologist or~~] school nurse under this
19 section.

20 (i) A school district or open-enrollment charter school
21 must use at least 50 percent of the difference between what the
22 district or school would have paid under Section 825.405,
23 Government Code, based on the salaries paid under this section as it
24 existed on January 1, 2023, and what the district or school pays
25 under Section 825.405, Government Code, based on the salaries paid
26 under this section as it exists after September 1, 2023, to increase
27 the average total compensation per district or school employee

1 employed as a classroom teacher, full-time librarian, full-time
2 school counselor certified under Subchapter B, Chapter 21, or a
3 full-time school nurse. In calculating average total compensation
4 per district or school employee under this subsection, a district
5 or school may not include compensation paid to a classroom teacher,
6 full-time librarian, full-time school counselor certified under
7 Subchapter B, or full-time school nurse in a position added by the
8 school district for the current school year that increases the
9 ratio of those employees to enrolled students over the ratio of
10 those employees to enrolled students for the preceding year.

11 (j) A school district that increases employee compensation
12 in the 2023-2024 school year to comply with Subsection (a), as
13 amended by __.B. ____, Acts of the 88th Legislature, Regular
14 Session, 2023, is providing compensation for services rendered
15 independently of an existing employment contract applicable to that
16 year and is not in violation of Section 53, Article III, Texas
17 Constitution. A school district that does not meet the
18 requirements of Subsection (a) in the 2023-2024 school year may
19 satisfy the requirements of this section by providing an employee a
20 one-time bonus payment during the 2024-2025 school year in an
21 amount equal to the difference between the compensation earned by
22 the employee during the 2023-2024 school year and the compensation
23 the employee should have received during that school year if the
24 district had complied with Subsection (a).

25 (k) Notwithstanding the minimum annual salary schedule
26 under Subsection (a), a school district that increases the amount a
27 classroom teacher, full-time librarian, full-time school counselor

1 certified under Subchapter B, or a full-time school nurse is
2 compensated during the 2023-2024 school year by at least \$8,000
3 more than the amount the employee was compensated during the
4 2022-2023 school year complies with the requirements of this
5 section for the 2023-2024 school year.

6 (l) Subsections (i), (j), and (k) and this subsection expire
7 September 1, 2025.

8 SECTION 9. The heading to Section 21.403, Education Code,
9 is amended to read as follows:

10 Sec. 21.403. DETERMINATION OF YEARS OF EXPERIENCE
11 [~~PLACEMENT ON MINIMUM SALARY SCHEDULE~~].

12 SECTION 10. Sections 21.403(b) and (c), Education Code, are
13 amended to read as follows:

14 (b) For each year of work experience required for
15 certification in a career or technological field, up to a maximum of
16 two years, a certified career or technology education teacher is
17 entitled to [~~salary step~~] credit as if the work experience were
18 teaching experience.

19 (c) The commissioner shall adopt rules for determining the
20 experience for which a teacher, librarian, school counselor, or
21 nurse is to be given credit for purposes of the minimum salary
22 schedule under Section 21.402(a) [~~in placing the teacher,~~
23 librarian, school counselor, or nurse on the minimum salary
24 schedule]. A district shall credit the teacher, librarian, school
25 counselor, or nurse for each year of experience without regard to
26 whether the years are consecutive.

27 SECTION 11. Subchapter I, Chapter 21, Education Code, is

1 amended by adding Section 21.416 to read as follows:

2 Sec. 21.416. EMPLOYED RETIREE TEACHER REIMBURSEMENT GRANT
3 PROGRAM. (a) From funds appropriated or otherwise available, the
4 commissioner shall establish and administer a grant program to
5 award funds to reimburse a school district or open-enrollment
6 charter school that hires a teacher who retired before September 1,
7 2022, for the increased contributions to the Teacher Retirement
8 System associated with hiring the retired teacher.

9 (b) In appropriating money for grants awarded under this
10 section, the legislature may provide for, modify, or limit amounts
11 appropriated for that purpose in the General Appropriations Act,
12 including by:

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

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

19 (A) who holds a certain certification;

20 (B) to teach a certain subject or grade;

21 (C) in a certain geographical area; or

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

24 (c) The commissioner shall proportionally reduce the amount
25 of funds awarded to school districts and open-enrollment charter
26 schools under this section if the number of grant applications by
27 eligible districts or schools exceeds the number of grants the

1 commissioner could award with the money appropriated or otherwise
2 available for the purpose.

3 (d) A school district or open-enrollment charter school may
4 use funds received under this section to make required payments
5 under Section 825.4092, Government Code.

6 SECTION 12. Section 21.4552(d), Education Code, is amended
7 to read as follows:

8 (d) From funds appropriated for that purpose, a teacher who
9 attends a literacy achievement academy is entitled to receive a
10 stipend in the amount determined by the commissioner. A stipend
11 received under this subsection is not considered in determining
12 whether a school district is paying the teacher the minimum
13 [~~monthly~~] salary under Section 21.402.

14 SECTION 13. Section 21.4553(d), Education Code, is amended
15 to read as follows:

16 (d) From funds appropriated for that purpose, a teacher who
17 attends a mathematics achievement academy is entitled to receive a
18 stipend in the amount determined by the commissioner. A stipend
19 received under this subsection is not considered in determining
20 whether a district is paying the teacher the minimum [~~monthly~~]
21 salary under Section 21.402.

22 SECTION 14. Section 21.4555(f), Education Code, is amended
23 to read as follows:

24 (f) From funds available for that purpose, a teacher who
25 attends a civics training program may receive a stipend in an amount
26 determined by the commissioner. A stipend received under this
27 section is not included in determining whether a district is paying

1 the teacher the minimum [~~monthly~~] salary under Section 21.402.

2 SECTION 15. Subchapter J, Chapter 21, Education Code, is
3 amended by adding Sections 21.466, 21.467, and 21.468 to read as
4 follows:

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

9 (1) strategic compensation, staffing, and scheduling
10 efforts that improve professional growth, teacher leadership
11 opportunities, and staff retention;

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

16 (3) programs or strategies that school leaders may use
17 to establish clear and attainable behavior expectations while
18 proactively supporting students.

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

23 Sec. 21.467. TEACHER TIME STUDY. (a) From funds
24 appropriated or otherwise available for the purpose, the agency
25 shall develop and maintain a technical assistance program to
26 support school districts and open-enrollment charter schools in:

27 (1) studying how the district's or school's staff and

1 student schedules, required noninstructional duties for classroom
2 teachers, and professional development requirements for educators
3 are affecting the amount of time classroom teachers work each week;
4 and

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

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

13 Sec. 21.468. ADDITIONAL UNCOMPENSATED TRAINING PROHIBITED;
14 EXCEPTIONS. Notwithstanding any other law, a classroom teacher may
15 not be required to complete hours of a continuing education or other
16 training in a school year in excess of the hours required of
17 classroom teachers per school year as of January 1, 2023. A school
18 district or open-enrollment charter school may not suspend or
19 terminate the employment of a teacher or take other adverse
20 employment action against the teacher based on the teacher's
21 refusal to complete additional hours of continuing education or
22 training in excess of the hours required of classroom teachers on
23 January 1, 2023, unless:

24 (1) the teacher:

25 (A) is compensated for time spent completing the
26 additional education or training; and

27 (B) is not required to complete the additional

1 education or training while participating in a local professional
2 development activity provided for a purpose other than the
3 education or training; or

4 (2) the hours of additional education or training is
5 offset by the elimination of the same or a greater number of
6 required education or training hours in the following school year.

7 SECTION 16. Chapter 21, Education Code, is amended by
8 adding Subchapter R to read as follows:

9 SUBCHAPTER R. TEXAS TEACHER RESIDENCY PARTNERSHIP PROGRAM

10 Sec. 21.901. DEFINITIONS. In this subchapter:

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

13 (2) "Mentor teacher" means a classroom teacher who:

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

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

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

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

26 (5) "Qualified educator preparation program" means an
27 educator preparation program approved by the board in accordance

1 with rules proposed under Section 21.903.

2 Sec. 21.902. ESTABLISHMENT OF PARTNERSHIP PROGRAM. (a)

3 The commissioner shall establish the Texas Teacher Residency
4 Partnership Program to enable qualified educator preparation
5 programs to form partnerships with school districts or
6 open-enrollment charter schools to provide residency positions to
7 partnership residents at the district or school.

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

9 (1) allow partnership residents to receive
10 field-based experience working with classroom teachers in
11 prekindergarten through grade 12 classrooms; and

12 (2) gradually increase the amount of time a
13 partnership resident spends engaging in instructional
14 responsibilities, including observation, co-teaching, and
15 lead-teaching responsibilities.

16 Sec. 21.903. QUALIFIED EDUCATOR PREPARATION PROGRAMS. The
17 board shall propose rules specifying the requirements for board
18 approval of an educator preparation program as a qualified educator
19 preparation program for purposes of this subchapter. The rules
20 must require an educator preparation program to:

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

24 (2) integrate curriculum, classroom practice, and
25 formal observation and feedback;

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

1 (4) ensure a school district or open-enrollment
2 charter school with which an educator preparation program partners
3 under this subchapter meets the requirements for participating
4 districts and schools under Section 21.904.

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

8 (1) enter into a written agreement with a qualified
9 educator preparation program to:

10 (A) provide a partnership resident with at least
11 one school year of clinical teaching in a residency position at the
12 district or school in the subject area and grade level for which the
13 resident seeks certification; and

14 (B) pair the partnership resident with a mentor
15 teacher;

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

17 (A) implement the partnership program; and

18 (B) provide compensation to:

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

21 (ii) mentor teachers who are paired with
22 partnership residents at the district or school;

23 (3) pay at least 50 percent of the compensation paid to
24 partnership residents using money other than money received under
25 Section 48.157; and

26 (4) provide any information required by the agency
27 regarding the district's or school's implementation of the program.

1 (b) A school district or open-enrollment charter school may
2 only pair a partnership resident with a mentor teacher who agrees to
3 participate in that role in a partnership program at the district or
4 school partnership program.

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

7 Sec. 21.905. RESIDENCY EDUCATOR CERTIFICATE. The board
8 shall propose rules specifying the requirements for the issuance of
9 a residency educator certificate to a partnership resident who has
10 successfully completed the program. The rules may not require the
11 resident to pass a pedagogy examination unless the examination
12 tests subject-specific content appropriate for the grade and
13 subject area for which the candidate seeks certification.

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

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

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

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

1 Sec. 21.908. RULES; NEGOTIATED RULEMAKING. (a) The board
2 shall propose rules necessary to implement this subchapter,
3 including, subject to Subsection (b), rules under Sections 21.903
4 and 21.905.

5 (b) Before the board submits to the State Board of Education
6 for approval under Section 21.042 any proposed rule related to the
7 implementation of Section 21.903 or 21.905, the board must use
8 negotiated rulemaking procedures under Chapter 2008, Government
9 Code, including the appointment to a negotiated rulemaking
10 committee of persons representing institutions of higher
11 education, as defined by Section 61.003.

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

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

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

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

23 (2) is educationally disadvantaged;

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

27 (4) is the child of an active duty member of the armed

1 forces of the United States, including the state military forces or
2 a reserve component of the armed forces, who is ordered to active
3 duty by proper authority;

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

8 (6) is or ever has been in:

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

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

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

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

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

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

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

25 SECTION 18. Section 30.102(b), Education Code, is amended
26 to read as follows:

27 (b) A classroom teacher, full-time librarian, full-time

1 school counselor certified under Subchapter B, Chapter 21, or
2 full-time school nurse employed by the department is entitled to
3 receive as a minimum salary the [~~monthly~~] salary specified by
4 Section 21.402. A classroom teacher, full-time librarian,
5 full-time school counselor, or full-time school nurse may be paid,
6 from funds appropriated to the department, a salary in excess of the
7 minimum specified by that section, but the salary may not exceed the
8 rate of pay for a similar position in the public schools of an
9 adjacent school district.

10 SECTION 19. Section 33.009(h), Education Code, is amended
11 to read as follows:

12 (h) From funds appropriated for that purpose, a school
13 counselor who attends the academy under this section is entitled to
14 receive a stipend in the amount determined by the coordinating
15 board. If funds are available after all eligible school counselors
16 have received a stipend under this subsection, the coordinating
17 board shall pay a stipend in the amount determined by the
18 coordinating board to a teacher who attends the academy under this
19 section. A stipend received under this subsection is not
20 considered in determining whether a district is paying the school
21 counselor or teacher the minimum [~~monthly~~] salary under Section
22 21.402.

23 SECTION 20. Section 48.051, Education Code, is amended by
24 amending Subsections (a) and (c) and adding Subsections (c-3) and
25 (c-4) to read as follows:

26 (a) For each student in average daily attendance, not
27 including the time students spend each day in special education

1 programs in an instructional arrangement other than mainstream or
 2 career and technology education programs, for which an additional
 3 allotment is made under Subchapter C, a district is entitled to an
 4 allotment equal to [~~the lesser of \$6,160 or~~] the amount that results
 5 from the following formula:

6
$$A = \underline{B} [\underline{\$6,160}] \times \text{TR/MCR}$$

7 where:

8 "A" is the allotment to which a district is entitled;

9 "B" is the base amount, which equals the greater of:

10 (1) \$6,210;

11 (2) an amount equal to the district's base amount under
 12 this section for the preceding school year; or

13 (3) the amount appropriated under Subsection (b);

14 "TR" is the district's tier one maintenance and operations
 15 tax rate, as provided by Section 45.0032; and

16 "MCR" is the district's maximum compressed tax rate, as
 17 determined under Section 48.2551.

18 (c) During any school year for which the value of "A"
 19 determined [~~maximum amount of the basic allotment provided~~] under
 20 Subsection (a) [~~or (b)~~] is greater than the value of "A" [~~maximum~~
 21 ~~amount provided~~] for the preceding school year, a school district
 22 must use at least 50 [~~30~~] percent of the amount [~~, if the amount is~~
 23 ~~greater than zero,~~] that equals the product of the average daily
 24 attendance of the district multiplied by the difference in the
 25 value of "A" [~~amount of the difference between the district's~~
 26 ~~funding under this chapter per student in average daily attendance~~]
 27 for the current school year and the value of "A" for the preceding

1 school year to increase the average total compensation per employee
2 employed by the district as [~~provide compensation increases to~~
3 ~~full-time district employees other than administrators as follows:~~

4 ~~[(1) 75 percent must be used to increase the~~
5 ~~compensation paid to]~~ classroom teachers, full-time librarians,
6 full-time school counselors certified under Subchapter B, Chapter
7 21, and full-time school nurses [~~, prioritizing differentiated~~
8 ~~compensation for classroom teachers with more than five years of~~
9 ~~experience; and~~

10 ~~[(2) 25 percent may be used as determined by the~~
11 ~~district to increase compensation paid to full-time district~~
12 ~~employees].~~ In calculating average total compensation per employee
13 under this subsection, a school district may not consider
14 compensation paid to a district employee employed in a position
15 described by this subsection added by the school district for the
16 current school year that increases the ratio of those employees to
17 the students enrolled in the district compared to the preceding
18 school year.

19 (c-3) If a school district increases employee compensation
20 in a school year to comply with Subsection (c), as amended by
21 __B. __, Acts of the 88th Legislature, Regular Session, 2023,
22 the district is providing compensation for services rendered
23 independently of an existing employment contract applicable to that
24 year and is not a violation of Section 53, Article III, Texas
25 Constitution.

26 (c-4) A school district that does not meet the requirements
27 of Subsection (c) during a school year may satisfy the requirements

1 of this section by providing an employee a one-time bonus payment
2 during the following school year in an amount equal to the
3 difference between the compensation earned by the employee and the
4 compensation the employee should have received during the school
5 year if the district had complied with Subsection (c).

6 SECTION 21. Section 48.101, Education Code, is amended to
7 read as follows:

8 Sec. 48.101. SMALL AND MID-SIZED DISTRICT ALLOTMENT. (a)
9 Small and mid-sized districts are entitled to an annual allotment
10 in accordance with this section. In this section:

11 (1) "AA" is the district's annual allotment per
12 student in average enrollment [~~daily attendance~~];

13 (2) "E" [~~"ADA"~~] is the average number of students
14 enrolled in the school district [~~in average daily attendance for~~
15 ~~which the district is entitled to an allotment under Section~~
16 ~~48.051~~]; and

17 (3) "BA" is the basic allotment determined for a
18 student in average daily attendance under Section 48.051.

19 (b) A school district that has fewer than 1,600 students in
20 average enrollment [~~daily attendance~~] is entitled to an annual
21 allotment for each enrolled student [~~in average daily attendance~~]
22 based on the following formula:

23
$$AA = ((1,600 - \underline{E} [\del{ADA}]) \times \underline{\hspace{2cm}} [\del{.0004}]) \times BA$$

24 (c) A school district that offers a kindergarten through
25 grade 12 program and has less than 5,000 students in average
26 enrollment [~~daily attendance~~] is entitled to an annual allotment
27 for each enrolled student [~~in average daily attendance~~] based on

1 the formula, of the following formulas, that results in the
 2 greatest annual allotment:

3 (1) the formula in Subsection (b), if the district is
 4 eligible for that formula; or

5 (2) $AA = ((5,000 - E [ADA]) \times \text{_____} [-.000025]) \times BA$.

6 (d) Instead of the allotment under Subsection (b) or (c)(1),
 7 a school district that has fewer than 300 students in average
 8 enrollment [~~daily attendance~~] and is the only school district
 9 located in and operating in a county is entitled to an annual
 10 allotment for each enrolled student [~~in average daily attendance~~]
 11 based on the following formula:

12 $AA = ((1,600 - E [ADA]) \times \text{_____} [-.00047]) \times BA$

13 SECTION 22. Sections 48.112(c) and (d), Education Code, are
 14 amended to read as follows:

15 (c) For each classroom teacher with a teacher designation
 16 under Section 21.3521 employed by a school district, the school
 17 district is entitled to an allotment equal to the following
 18 applicable base amount increased by the high needs and rural factor
 19 as determined under Subsection (d):

20 (1) \$12,000, or an increased amount not to exceed
 21 \$36,000 [~~\$32,000~~] as determined under Subsection (d), for each
 22 master teacher;

23 (2) \$9,000 [~~\$6,000~~], or an increased amount not to
 24 exceed \$25,000 [~~\$18,000~~] as determined under Subsection (d), for
 25 each exemplary teacher; [~~and~~]

26 (3) \$5,000 [~~\$3,000~~], or an increased amount not to
 27 exceed \$15,000 [~~\$9,000~~] as determined under Subsection (d), for

1 each recognized teacher; and

2 (4) \$3,000, or an increased amount not to exceed
3 \$9,000 as determined under Subsection (d), for each effective
4 teacher.

5 (d) The high needs and rural factor is determined by
6 multiplying the following applicable amounts by the average of the
7 point value assigned to each student at a district campus under
8 Subsection (e):

- 9 (1) \$6,000 [~~\$5,000~~] for each master teacher;
10 (2) \$4,000 [~~\$3,000~~] for each exemplary teacher; [~~and~~]
11 (3) \$2,500 [~~\$1,500~~] for each recognized teacher; and
12 (4) \$1,500 for each effective teacher.

13 SECTION 23. Section 48.114, Education Code, is amended by
14 amending Subsection (a) and adding Subsection (d) to read as
15 follows:

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

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

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

26 (d) A school district is entitled to an allotment of \$2,000
27 for each classroom teacher with less than two years of experience

1 who participates in a mentoring program described by Subsection
2 (a). A district may receive an allotment under this section for no
3 more than 40 teachers during a school year unless an appropriation
4 is made for the purposes of providing a greater number of allotments
5 per district.

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

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

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

12 (2) "Rural campus" has the meaning assigned by Section
13 48.112.

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

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

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

23 (2) 4.0.

24 (d) In addition to the funding under Subsection (b), a
25 district that qualifies for an allotment under this section is
26 entitled to an additional \$2,000 for each partnership resident
27 employed in a residency position at the district who is a candidate

1 for special education certification.

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

10 Sec. 48.158. FUNDING FOR CERTAIN CERTIFICATIONS. (a) A
11 school district is entitled to the cost of certification fees for
12 each classroom teacher who received a certification in special
13 education or bilingual education in the preceding school year.
14 From money received under this section, the district shall
15 reimburse each teacher who received a certification in special
16 education or bilingual education during the preceding school year
17 the cost of certification fees associated with that certification.

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

21 SECTION 25. Subchapter F, Chapter 48, Education Code, is
22 amended by adding Section 48.280 to read as follows:

23 Sec. 48.280. SALARY TRANSITION ALLOTMENT. (a) In the
24 2023-2024 and 2024-2025 school years, a school district is entitled
25 to receive an annual salary transition allotment equal to the
26 difference, if that amount is greater than zero, between:

27 (1) the amount calculated under Subsection (b); and

1 (2) the amount calculated under Subsection (c).

2 (b) The agency shall calculate a school district's value for
3 Subsection (a)(1) by determining the difference in the amount the
4 district must pay in compensation to employees on the minimum
5 salary schedule under Section 21.402, as amended by __.B. ____,
6 Acts of the 88th Legislature, Regular Session, 2023, from the
7 amount paid in compensation to employees on the minimum salary
8 schedule under that section as effective in the 2022-2023 school
9 year, less the difference between:

10 (1) the amount of employer contributions under Section
11 825.4035, Government Code, and Section 1575.203, Insurance Code,
12 the district paid in the 2022-2023 school year for employees on the
13 minimum salary schedule under Section 21.402; and

14 (2) the amount the district would have paid in
15 employer contributions under Section 825.4035, Government Code,
16 and Section 1575.203, Insurance Code, in the 2022-2023 school year
17 for employees on the minimum salary schedule if the changes made to
18 Section 21.402 by __.B. ____, Acts of the 88th Legislature, Regular
19 Session, 2023, had been in effect.

20 (c) The agency shall calculate a school district's value for
21 Subsection (a)(2) by determining the total maintenance and
22 operations revenue for the current school year less the total
23 maintenance and operations revenue that would have been available
24 to the district using the basic allotment formula provided by
25 Section 48.051 and the small and mid-sized allotment formulas
26 provided by Section 48.101 as those sections existed on January 1,
27 2023.

1 (d) Before making a final determination of the amount of an
2 allotment to which a school district is entitled under this
3 section, the agency shall ensure each school district has an
4 opportunity to review and submit revised information to the agency
5 for purposes of calculating the values under Subsection (a).

6 (e) A school district is entitled to an allotment in an
7 amount equal to:

8 (1) for the 2026-2027 school year, two-thirds of the
9 value determined under Subsection (a); and

10 (2) for the 2027-2028 school year, one-third of the
11 value determined under Subsection (a).

12 (f) A school district is not entitled to an allotment under
13 this section in the 2028-2029 school year or a later school year.

14 (g) This section expires September 1, 2029.

15 SECTION 26. The following provisions are repealed:

16 (1) Section 21.042, Education Code;

17 (2) Sections 21.402(b), (c), (c-1), (f), and (h),
18 Education Code;

19 (3) Sections 21.403(a) and (d), Education Code;

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

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

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

25 SECTION 27. Section 21.3521, Education Code, as amended by
26 this Act, does not affect a teacher designation made under that
27 section before the effective date of this Act. A teacher

1 designation made under Section 21.3521, Education Code, and funding
2 provided to a school district under Section 48.112, Education Code,
3 for a teacher with that designation before the effective date of
4 this Act are governed by the law in effect on the date the
5 designation was made, and the former law is continued in effect for
6 that purpose.

7 SECTION 28. (a) Except as provided by Subsection (b) of
8 this section, this Act takes effect immediately if this Act
9 receives a vote of two-thirds of all the members elected to each
10 house, as provided by Section 39, Article III, Texas Constitution.
11 If this Act does not receive the vote necessary for immediate
12 effect, the entirety of this Act takes effect September 1, 2023.

13 (b) Sections 48.051, 48.101, 48.112(c) and (d), and 48.114,
14 Education Code, as amended by this Act, and Sections 48.157,
15 48.158, and 48.280, Education Code, as added by this Act, take
16 effect September 1, 2023.