

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 (1) to read as follows:

(1) 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

1 expected to be performed during an instructional day and which may  
2 be governed by an agreement, other than the employee's contract,  
3 between the district and the employee.

4 (b) Not later than the 15th day before the first  
5 instructional day of each school year, the board of trustees of a  
6 school district shall adopt and provide to each classroom teacher,  
7 full-time counselor, and full-time librarian employed by the  
8 district a calendar that specifies the days each employee is  
9 expected to work for that school year, including the days on which  
10 the employee is expected to perform supplemental duties for more  
11 than 30 minutes outside of the instructional day, and except for  
12 days on which the employee may be required to spend time on an  
13 unanticipated duty outside of the instructional day to comply with  
14 a state or federal law.

15 SECTION 3. Section 21.054, Education Code, is amended by  
16 amending Subsections (a) and (i) and adding Subsection (i-1) to  
17 read as follows:

18 (a) The board shall propose rules establishing a process for  
19 identifying continuing education courses and programs that fulfill  
20 educators' continuing education requirements, including  
21 opportunities for educators to receive micro-credentials, as  
22 provided by Subsection (i), in:

23 (1) fields of study related to the educator's  
24 certification class; or

25 (2) digital teaching [as provided by Subsection (i)].

26 (i) The board shall propose rules establishing a program to  
27 issue micro-credentials in fields of study related to an educator's

1 certification class or in digital teaching. The agency shall  
2 approve continuing education providers to offer micro-credential  
3 courses. A micro-credential received by an educator shall be  
4 recorded on the agency's Educator Certification Online System  
5 (ECOS) and included as part of the educator's public certification  
6 records.

7 (i-1) In proposing rules under Subsection (i) for  
8 micro-credentials related to digital teaching, the board shall  
9 engage relevant stakeholders.

10 SECTION 4. Section 21.105, Education Code, is amended by  
11 amending Subsection (c) and adding Subsection (g) to read as  
12 follows:

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

- 17 (1) resigns;
- 18 (2) fails without good cause to comply with Subsection  
19 (a) or (b); and
- 20 (3) fails to perform the contract.

21 (g) The State Board for Educator Certification may not  
22 impose a sanction under Subsection (c) against a teacher who  
23 relinquishes a position under a probationary contract and leaves  
24 the employment of the district after the 45th day before the first  
25 day of instruction for the upcoming school year in violation of  
26 Subsection (a) and without the consent of the board of trustees  
27 under Subsection (b) if the teacher's failure to comply with

1 Subsection (a) was due to:

2 (1) a serious illness or health condition of the  
3 teacher or a close family member of the teacher;

4 (2) the teacher's relocation because the teacher's  
5 spouse or a partner who resides with the teacher changes employers;

6 (3) a significant change in the needs of the teacher's  
7 family in a manner that requires the teacher to:

8 (A) relocate; or

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

11 (4) the teacher's reasonable belief that the teacher  
12 had written permission from the school district's administration to  
13 resign.

14 SECTION 5. Section 21.160, 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 who  
20 is employed under a continuing contract that obligates the district  
21 to employ the person for the following school year and who:

22 (1) resigns;

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

25 (3) fails to perform the contract.

26 (g) The State Board for Educator Certification may not  
27 impose a sanction under Subsection (c) against a teacher who

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

7 (1) a serious illness or health condition of the  
8 teacher or a close family member of the teacher;

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

11 (3) a significant change in the needs of the teacher's  
12 family 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's reasonable belief that the teacher  
17 had written permission from the school district's administration to  
18 resign.

19 SECTION 6. Section 21.210, Education Code, is amended by  
20 amending Subsection (c) and adding Subsection (g) to read as  
21 follows:

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

27 (1) resigns;

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

3           (3) fails to perform the contract.

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

12           (1) a serious illness or health condition of the  
13 teacher or a close family member of the teacher;

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

16           (3) a significant change in the needs of the teacher's  
17 family 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's reasonable belief that the teacher  
22 had written permission from the school district's administration to  
23 resign.

24           SECTION 7. Section 21.257, Education Code, is amended by  
25 amending Subsection (a) and adding Subsection (f) to read as  
26 follows:

27           (a) Except as provided by Subsection (f), not ~~Not~~ later

1 than the 60th day after the date on which the commissioner receives  
2 a teacher's written request for a hearing, the hearing examiner  
3 shall complete the hearing and make a written recommendation that:

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

6 (2) may include a proposal for granting relief.

7 (f) The hearing examiner may dismiss a hearing before  
8 completing the hearing or making a written recommendation if:

9 (1) the teacher requests the dismissal;

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

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

15 SECTION 8. Sections 21.3521(a), (c), and (e), Education  
16 Code, are amended to read as follows:

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

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

27 (e) The agency shall develop and provide technical

1 assistance for school districts and open-enrollment charter  
2 schools that request assistance in implementing a local optional  
3 teacher designation system, including:

4 (1) providing assistance in prioritizing high needs  
5 campuses;

6 (2) providing examples or models of local optional  
7 teacher designation systems to reduce the time required for a  
8 district or school to implement a teacher designation system;

9 (3) establishing partnerships between districts and  
10 schools that request assistance and districts and schools that have  
11 implemented a teacher designation system;

12 (4) applying the performance and validity standards  
13 established by the commissioner under Subsection (b);

14 (5) providing centralized support for the analysis of  
15 the results of assessment instruments administered to district  
16 students; and

17 (6) facilitating effective communication on and  
18 promotion of local optional teacher designation systems.

19 SECTION 9. Subchapter H, Chapter 21, Education Code, is  
20 amended by adding Section 21.3522 to read as follows:

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

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



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

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

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

5                 (2) enable regional leadership capacity.

6           (c) The commissioner may adopt rules as necessary to  
7 implement this section.

8           SECTION 10. Subchapter I, Chapter 21, Education Code, is  
9 amended by adding Sections 21.416 and 21.417 to read as follows:

10           Sec. 21.416. EMPLOYED RETIREE TEACHER REIMBURSEMENT GRANT  
11 PROGRAM. (a) From funds appropriated or otherwise available, the  
12 commissioner shall establish and administer a grant program to  
13 award funds to reimburse a school district, an open-enrollment  
14 charter school, the Windham School District, the Texas School for  
15 the Deaf, or the Texas School for the Blind and Visually Impaired  
16 that hires a teacher who retired before September 1, 2022, for the  
17 increased contributions to the Teacher Retirement System  
18 associated with hiring the retired teacher.

19           (b) In appropriating money for grants awarded under this  
20 section, the legislature may provide for, modify, or limit amounts  
21 appropriated for that purpose in the General Appropriations Act,  
22 including by:

23                 (1) providing, notwithstanding Subsection (a), a date  
24 or date range other than September 1, 2022, before which a teacher  
25 must have retired for a school district, an open-enrollment charter  
26 school, the Windham School District, the Texas School for the Deaf,  
27 or the Texas School for the Blind and Visually Impaired that hires

1 the teacher to be eligible; or

2 (2) limiting eligibility to a district or school  
3 described by Subdivision (1) that hires a retired teacher:

4 (A) who holds a certain certification;

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

6 (C) in a certain geographical area; or

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

9 (c) The commissioner shall proportionally reduce the amount  
10 of funds awarded to school districts, open-enrollment charter  
11 schools, the Windham School District, the Texas School for the  
12 Deaf, and the Texas School for the Blind and Visually Impaired under  
13 this section if the number of grant applications by eligible  
14 districts or schools exceeds the number of grants the commissioner  
15 could award with the money appropriated or otherwise available for  
16 the purpose.

17 (d) A school district, an open-enrollment charter school,  
18 the Windham School District, the Texas School for the Deaf, or the  
19 Texas School for the Blind and Visually Impaired may use funds  
20 received under this section to make required payments under Section  
21 [825.4092](#), Government Code.

22 Sec. 21.417. RESOURCES, INCLUDING LIABILITY INSURANCE, FOR  
23 CLASSROOM TEACHERS. (a) From funds appropriated or otherwise  
24 available for the purpose, the agency shall contract with a third  
25 party to provide the following services for a classroom teacher  
26 employed under a probationary, continuing, or term contract:

27 (1) assistance in understanding the teacher's rights,

1 duties, and benefits; and

2 (2) liability insurance to protect a teacher against  
3 liability to a third party based on conduct that the teacher  
4 allegedly engaged in during the course of the teacher's duties.

5 (b) A school district may not interfere with a classroom  
6 teacher's access to services provided under this section.

7 (c) A contract entered into by the agency to provide  
8 services under Subsection (a) must prohibit the entity with which  
9 the agency contracts from using funds received under the contract  
10 to engage in:

11 (1) conduct that a state agency using appropriated  
12 money is prohibited from engaging in under Chapter 556, Government  
13 Code; and

14 (2) political activities or advocate for issues  
15 regarding public schools, including for boards of trustees of  
16 school districts or school districts.

17 (d) This section may not be interpreted to interfere with a  
18 classroom teacher's or other school district employee's exercise of  
19 a right protected by the First Amendment to the United States  
20 Constitution.

21 SECTION 11. Subchapter J, Chapter 21, Education Code, is  
22 amended by adding Sections 21.466, 21.467, and 21.468 to read as  
23 follows:

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

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

4           (2) programs that encourage high school students or  
5 other members of the community in the area served by the district to  
6 become teachers, including available teacher apprenticeship  
7 programs; and

8           (3) programs or strategies that school leaders may use  
9 to establish clear and attainable behavior expectations while  
10 proactively supporting students.

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

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

19           (1) studying how the district's or school's staff and  
20 student schedules, required noninstructional duties for classroom  
21 teachers, and professional development requirements for educators  
22 are affecting the amount of time classroom teachers work each week;  
23 and

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

1       (b) The agency shall periodically make findings and  
2 recommendations for best practices publicly available using  
3 information from participating school districts and  
4 open-enrollment charter schools.

5       Sec. 21.468. TEACHER POSITION INFORMATION. The agency  
6 shall collect data to address teacher retention and recruitment,  
7 including the classifications, grade levels, subject areas,  
8 duration, and other relevant data relating to vacancies in teaching  
9 positions. The data may be collected through the Public Education  
10 Information Management System (PEIMS) or another electronic  
11 reporting mechanism, as determined by the agency.

12       SECTION 12. Chapter 21, Education Code, is amended by  
13 adding Subchapter R to read as follows:

14       SUBCHAPTER R. TEXAS TEACHER RESIDENCY PARTNERSHIP PROGRAM

15       Sec. 21.901. DEFINITIONS. In this subchapter:

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

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

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

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

26               (3) "Partnership program" means a Texas Teacher  
27 Residency Partnership Program established at a school district or

1 open-enrollment charter school in accordance with this subchapter.

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

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

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

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

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

18 (2) gradually increase the amount of time a  
19 partnership resident spends engaging in instructional  
20 responsibilities, including observation, co-teaching, and  
21 lead-teaching responsibilities.

22 Sec. 21.903. QUALIFIED EDUCATOR PREPARATION PROGRAMS. The  
23 board shall propose rules specifying the requirements for board  
24 approval of an educator preparation program as a qualified educator  
25 preparation program for purposes of this subchapter. The rules  
26 must require an educator preparation program to:

27 (1) use research-based best practices for recruiting

1 and admitting candidates into the educator preparation program to  
2 participate in the partnership program;

3 (2) integrate curriculum, classroom practice, and  
4 formal observation and feedback;

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

7 (4) partner with a school district or open-enrollment  
8 charter school.

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

12 (1) enter into a written agreement with a qualified  
13 educator preparation program to:

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

18 (B) pair the partnership resident with a  
19 cooperating teacher;

20 (2) specify the amount of money the district receives  
21 under Section 48.157 that the district will provide to the program;

22 (3) only use money received under Section 48.157 to:

23 (A) implement the partnership program; and

24 (B) provide compensation to:

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

27 (ii) cooperating teachers who are paired

1 with partnership residents at the district or school;

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

5 (5) provide any information required by the agency  
6 regarding the district's or school's implementation of the program.

7 (b) A school district or open-enrollment charter school may  
8 only pair a partnership resident with a cooperating teacher who  
9 agrees to participate in that role in a partnership program at the  
10 district or school partnership program.

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

13 Sec. 21.905. RESIDENCY EDUCATOR CERTIFICATE. The board  
14 shall propose rules specifying the requirements for the issuance of  
15 a residency educator certificate to a candidate who has  
16 successfully completed a qualified educator preparation program  
17 under Section 21.903.

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

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

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



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

5       Sec. 21.908. RULES. (a) The board shall propose rules  
6 necessary to implement this subchapter, including rules under  
7 Sections 21.903 and 21.905.

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

10       SECTION 13. The heading to Section 22.001, Education Code,  
11 is amended to read as follows:

12       Sec. 22.001. SALARY DEDUCTIONS FOR PROFESSIONAL OR OTHER  
13 DUES.

14       SECTION 14. Sections 22.001(a) and (b), Education Code, are  
15 amended to read as follows:

16       (a) A school district employee is entitled to have an amount  
17 deducted from the employee's salary for membership fees or dues to a  
18 professional organization or an entity providing services to  
19 classroom teachers under Section 21.417. The employee must:

20               (1) file with the district a signed written request  
21 identifying the organization or entity [~~and specifying the number~~  
22 ~~of pay periods per year the deductions are to be made~~]; and

23               (2) inform the district of the total amount of the fees  
24 and dues for each year or have the organization or entity notify the  
25 district of the amount.

26       (b) The district shall deduct the total amount of the fees  
27 or dues for a year in equal amounts per pay period [~~for the number of~~

1 ~~periods specified by the employee]~~. The district shall notify the  
2 employee not later than the 45th day after the district receives a  
3 request under Subsection (a) of the number of pay periods annually  
4 from which the district will deduct the fees or dues. The  
5 deductions shall be made until the employee requests in writing  
6 that the deductions be discontinued.

7 SECTION 15. Section 29.153(b), Education Code, is amended  
8 to read as follows:

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

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

14 (2) is educationally disadvantaged;

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

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

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

26 (6) is or ever has been in:

27 (A) the conservatorship of the Department of

1 Family and Protective Services following an adversary hearing held  
2 as provided by Section 262.201, Family Code; or

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

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

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

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

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

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

16 SECTION 16. Section 37.002, Education Code, is amended by  
17 amending Subsections (b), (c), and (d) and adding Subsections  
18 (b-2), (e), and (f) to read as follows:

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

20 (1) interferes ~~[who has been documented by the teacher~~  
21 ~~to repeatedly interfere]~~ with the teacher's ability to communicate  
22 effectively with the students in the class or with the ability of  
23 the student's classmates to learn; ~~or~~

24 (2) demonstrates ~~[whose]~~ behavior that is unruly,  
25 disruptive, or abusive toward the teacher, another adult, or  
26 another student; or

27 (3) engages in conduct that constitutes bullying, as

1 defined by Section 37.0832 [~~determines is so unruly, disruptive, or~~  
2 ~~abusive that it seriously interferes with the teacher's ability to~~  
3 ~~communicate effectively with the students in the class or with the~~  
4 ~~ability of the student's classmates to learn~~].

5 (b-2) A teacher, campus behavior coordinator, or other  
6 appropriate administrator shall notify a parent or person standing  
7 in parental relation to a student of the removal of a student under  
8 this section.

9 (c) If a teacher removes a student from class under  
10 Subsection (b), the principal may place the student into another  
11 appropriate classroom, into in-school suspension, or into a  
12 disciplinary alternative education program as provided by Section  
13 37.008. The principal may not return the student to that teacher's  
14 class without the teacher's written consent unless the committee  
15 established under Section 37.003 determines that such placement is  
16 the best or only alternative available. The principal may not  
17 return the student to that teacher's class, regardless of the  
18 teacher's consent, until a return to class plan has been prepared  
19 for that student. The principal may only designate an employee of  
20 the school whose primary duties do not include classroom  
21 instruction to create a return to class plan. The terms of the  
22 removal may prohibit the student from attending or participating in  
23 school-sponsored or school-related activity.

24 (d) A teacher shall remove from class and send to the  
25 principal for placement in a disciplinary alternative education  
26 program or for expulsion, as appropriate, a student who engages in  
27 conduct described under Section 37.006 or 37.007. The student may

1 not be returned to that teacher's class without the teacher's  
2 written consent unless the committee established under Section  
3 37.003 determines that such placement is the best or only  
4 alternative available. If the teacher removed the student from  
5 class because the student has engaged in the elements of any offense  
6 listed in Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or  
7 (b)(2)(C) against the teacher, the student may not be returned to  
8 the teacher's class without the teacher's consent. The teacher may  
9 not be coerced to consent.

10 (e) A student may appeal the student's removal from class  
11 under this section to:

12 (1) the school's placement review committee  
13 established under Section 37.003; or

14 (2) the safe and supportive school team established  
15 under Section 37.115, in accordance with a district policy  
16 providing for such an appeal to be made to the team.

17 (f) Section 37.004 applies to the removal or placement under  
18 this section of a student with a disability who receives special  
19 education services.

20 SECTION 17. Sections 48.112(c) and (d), Education Code, are  
21 amended to read as follows:

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

27 (1) \$12,000, or an increased amount not to exceed

1 \$36,000 [~~\$32,000~~] as determined under Subsection (d), for each  
2 master teacher;

3 (2) \$9,000 [~~\$6,000~~], or an increased amount not to  
4 exceed \$25,000 [~~\$18,000~~] as determined under Subsection (d), for  
5 each exemplary teacher; ~~and~~

6 (3) \$5,000 [~~\$3,000~~], or an increased amount not to  
7 exceed \$15,000 [~~\$9,000~~] as determined under Subsection (d), for  
8 each recognized teacher; and

9 (4) \$3,000, or an increased amount not to exceed  
10 \$9,000 as determined under Subsection (d), for each:

11 (A) acknowledged teacher; or

12 (B) nationally board certified teacher.

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

17 (1) \$6,000 [~~\$5,000~~] for each master teacher;

18 (2) \$4,000 [~~\$3,000~~] for each exemplary teacher; ~~and~~

19 (3) \$2,500 [~~\$1,500~~] for each recognized teacher; and

20 (4) \$1,500 for each:

21 (A) acknowledged teacher; or

22 (B) nationally board certified teacher.

23 SECTION 18. Section 48.114, Education Code, is amended by  
24 amending Subsection (a) and adding Subsection (d) to read as  
25 follows:

26 (a) A school district [~~that has implemented a mentoring~~  
27 ~~program for classroom teachers who have less than two years of~~

1 ~~teaching experience under Section 21.458~~ is entitled to an  
2 allotment [~~as determined under Subsection (b)~~] to fund a [~~the~~]  
3 mentoring program and to provide stipends for mentor teachers if:

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

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

9 (d) A school district is entitled to an allotment of \$2,000  
10 for each classroom teacher with less than two years of experience  
11 who participates in a mentoring program described by Subsection  
12 (a). A district may receive an allotment under this section for no  
13 more than 40 teachers during a school year unless an appropriation  
14 is made for the purposes of providing a greater number of allotments  
15 per district.

16 SECTION 19. Subchapter D, Chapter 48, Education Code, is  
17 amended by adding Sections 48.157, 48.158, and 48.159 to read as  
18 follows:

19 Sec. 48.157. RESIDENCY PARTNERSHIP ALLOTMENT. (a) In this  
20 section, "partnership program" and "partnership resident" have the  
21 meanings assigned by Section 21.901.

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

27 (c) The high needs and rural factor is determined by

1 multiplying \$5,000 by the lesser of:

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

4 (2) 4.0.

5 (d) In addition to the funding under Subsection (b), a  
6 district that qualifies for an allotment under this section is  
7 entitled to an additional \$2,000 for each partnership resident  
8 employed in a residency position at the district who is a candidate  
9 for special education certification.

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

18 Sec. 48.158. FUNDING FOR CERTAIN CERTIFICATIONS. (a) A  
19 school district is entitled to the cost of certification  
20 examination fees for each classroom teacher who received a  
21 certification in special education or bilingual education in the  
22 preceding school year. From money received under this section, the  
23 district shall reimburse each teacher who received a certification  
24 in special education or bilingual education during the preceding  
25 school year the cost of certification examination fees associated  
26 with that certification.

27 (b) Reimbursement received by a classroom teacher under



1 this section may not be considered when calculating the teacher's  
2 salary for the purposes of Section 21.402.

3 Sec. 48.159. TEACHER RETENTION ALLOTMENT. (a) A school  
4 district is entitled to an allotment for the 2023-2024 school year  
5 for each classroom teacher employed by the district in that year as  
6 follows:

7 (1) if the district has 20,000 or more students  
8 enrolled in the 2022-2023 school year, \$2,000 per classroom  
9 teacher; and

10 (2) if the district has fewer than 20,000 students  
11 enrolled in the 2022-2023 school year, \$6,000 per classroom  
12 teacher.

13 (b) A school district shall use money received under  
14 Subsection (a) to increase the salary provided to each classroom  
15 teacher in the district for the 2023-2024 school year over the  
16 salary the teacher received or would have received if employed by  
17 the district in the 2022-2023 school year by at least the amount  
18 received per classroom teacher under Subsection (a).

19 (c) This section expires September 1, 2025.

20 SECTION 20. The following provisions are repealed:

- 21 (1) Section 21.042, Education Code;
- 22 (2) Subchapter Q, Chapter 21, Education Code;
- 23 (3) Section 37.002(e), Education Code;
- 24 (4) Section 48.114(b), Education Code; and
- 25 (5) Section 825.4092(f), Government Code, as added by
- 26 Chapter 546 (S.B. 202), Acts of the 87th Legislature, Regular
- 27 Session, 2021.

1 SECTION 21. (a) The legislature finds that:

2 (1) the Windfall Elimination Provision was enacted in  
3 1983 to equalize the earned social security benefits of workers who  
4 spend part of their careers in exempt public service and workers who  
5 spend their entire careers participating in social security;

6 (2) the Windfall Elimination Provision reduces the  
7 social security benefits of public servants who have received a  
8 pension that is not subject to social security taxes, including  
9 thousands of teachers in Texas as well as the spouses and children  
10 of these public servants;

11 (3) the flawed application of the Windfall Elimination  
12 Provision diminishes Texans' retirement security and fails to  
13 recognize their rightfully earned social security and public  
14 pension benefits;

15 (4) for years, the United States Congress has failed  
16 to act to remove this detriment to many citizens of Texas, including  
17 teachers; and

18 (5) the United States Congress should take swift  
19 action to replace the Windfall Elimination Provision with a more  
20 fair and just formula that accurately reflects the contributions of  
21 all American workers to the social security system.

22 (b) As soon as practicable after the effective date of this  
23 Act, the secretary of the Senate shall forward official copies of  
24 the legislative findings under Subsection (a) of this section to  
25 the president of the United States, to the president of the Senate  
26 and the speaker of the House of Representatives of the United States  
27 Congress, and to all the members of the Texas delegation to

1 Congress.

2 SECTION 22. Section 21.257(f), Education Code, as added by  
3 this Act, applies only to a hearing before a hearing examiner  
4 commenced on or after the effective date of this Act.

5 SECTION 23. Immediately following the effective date of  
6 this Act, a school district or open-enrollment charter school shall  
7 redesignate a teacher who holds a designation made under Section  
8 21.3521, Education Code, before the effective date of this Act, to  
9 reflect the teacher's designation under Section 21.3521, Education  
10 Code, as amended by this Act. Funding provided to a school district  
11 under Section 48.112, Education Code, for a teacher who held a  
12 designation made under Section 21.3521, Education Code, as that  
13 section existed immediately before the effective date of this Act,  
14 shall be increased to reflect the teacher's redesignation under  
15 Section 21.3521, Education Code, as amended by this Act.

16 SECTION 24. Notwithstanding Section 21.903, Education  
17 Code, as added by this Act, until the State Board for Educator  
18 Certification adopts rules specifying the requirements for  
19 approval of an educator preparation program as a qualified educator  
20 preparation program as required by that section, the commissioner  
21 of education may approve a program as a qualified educator  
22 preparation program for purposes of Subchapter R, Education Code,  
23 as added by this Act, if the commissioner determines that the  
24 program meets the requirements under Section 21.903, Education  
25 Code, as added by this Act. An educator preparation program's  
26 designation as a qualified educator preparation program by the  
27 commissioner under this section remains effective until the first

1 anniversary of the adoption of rules by the State Board for Educator  
2 Certification under Section 21.903, Education Code, as added by  
3 this Act.

4       SECTION 25. (a) Except as provided by Subsection (b) of  
5 this section, this Act takes effect immediately if this Act  
6 receives a vote of two-thirds of all the members elected to each  
7 house, as provided by Section 39, Article III, Texas Constitution.  
8 If this Act does not receive the vote necessary for immediate  
9 effect, the entirety of this Act takes effect September 1, 2023.

10       (b) Sections 48.112(c) and (d) and 48.114, Education Code,  
11 as amended by this Act, and Sections 48.157, 48.158, and 48.309,  
12 Education Code, as added by this Act, take effect September 1, 2023.