

1-1 By: Creighton, et al. S.B. No. 9
 1-2 (In the Senate - Filed March 10, 2023; March 13, 2023, read
 1-3 first time and referred to Committee on Education; April 3, 2023,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 12, Nays 0; April 3, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7	X			
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20			X	

1-21 COMMITTEE SUBSTITUTE FOR S.B. No. 9 By: Bettencourt

1-22 A BILL TO BE ENTITLED
 1-23 AN ACT

1-24 relating to the rights, certification, and compensation of public
 1-25 school educators and assistance provided to public schools by the
 1-26 Texas Education Agency related to public school educators and to
 1-27 certain allotments under the Foundation School Program.

1-28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-29 SECTION 1. Section 11.1513, Education Code, is amended by
 1-30 adding Subsection (1) to read as follows:

1-31 (1) The employment policy must provide that:

1-32 (1) before the beginning of each school year, the
 1-33 district shall provide a duty calendar for certain professional
 1-34 staff as required by Section 11.15131; and

1-35 (2) for purposes of determining the amount of a
 1-36 reduction in the salary of a classroom teacher, full-time
 1-37 counselor, or full-time librarian for unpaid leave, the employee's
 1-38 daily rate of pay is computed by dividing the employee's annual
 1-39 salary by the number of days the employee is expected to work for
 1-40 that school year as provided by the district's duty calendar
 1-41 adopted under Section 11.15131.

1-42 SECTION 2. Subchapter D, Chapter 11, Education Code, is
 1-43 amended by adding Section 11.15131 to read as follows:

1-44 Sec. 11.15131. DUTY CALENDAR FOR CERTAIN PROFESSIONAL
 1-45 STAFF. (a) In this section, "supplemental duty" means a duty other
 1-46 than a duty assigned under an employee's contract that is generally
 1-47 expected to be performed during an instructional day and which may
 1-48 be governed by an agreement, other than the employee's contract,
 1-49 between the district and the employee.

1-50 (b) Not later than the 15th day before the first
 1-51 instructional day of each school year, the board of trustees of a
 1-52 school district shall adopt and provide to each classroom teacher,
 1-53 full-time counselor, and full-time librarian employed by the
 1-54 district a calendar that specifies the days each employee is
 1-55 expected to work for that school year, including the days on which
 1-56 the employee is expected to perform supplemental duties for more
 1-57 than 30 minutes outside of the instructional day.

1-58 SECTION 3. Section 21.054, Education Code, is amended by
 1-59 amending Subsections (a) and (i) and adding Subsection (i-1) to
 1-60 read as follows:

2-1 (a) The board shall propose rules establishing a process for
2-2 identifying continuing education courses and programs that fulfill
2-3 educators' continuing education requirements, including
2-4 opportunities for educators to receive micro-credentials, as
2-5 provided by Subsection (i), in:

- 2-6 (1) fields of study related to the educator's
2-7 certification class; or
2-8 (2) digital teaching [as provided by Subsection (i)].

2-9 (i) The board shall propose rules establishing a program to
2-10 issue micro-credentials in fields of study related to an educator's
2-11 certification class or in digital teaching. The agency shall
2-12 approve continuing education providers to offer micro-credential
2-13 courses. A micro-credential received by an educator shall be
2-14 recorded on the agency's Educator Certification Online System
2-15 (ECOS) and included as part of the educator's public certification
2-16 records.

2-17 (i-1) In proposing rules under Subsection (i) for
2-18 micro-credentials related to digital teaching, the board shall
2-19 engage relevant stakeholders.

2-20 SECTION 4. Section 21.105, Education Code, is amended by
2-21 amending Subsection (c) and adding Subsection (g) to read as
2-22 follows:

2-23 (c) Subject to Subsections (e), ~~and~~ (f), and (g), on
2-24 written complaint by the employing district, the State Board for
2-25 Educator Certification may impose sanctions against a teacher
2-26 employed under a probationary contract who:

- 2-27 (1) resigns;
2-28 (2) fails without good cause to comply with Subsection
2-29 (a) or (b); and
2-30 (3) fails to perform the contract.

2-31 (g) The State Board for Educator Certification may not
2-32 impose a sanction under Subsection (c) against a teacher who
2-33 relinquishes a position under a probationary contract and leaves
2-34 the employment of the district after the 45th day before the first
2-35 day of instruction for the upcoming school year in violation of
2-36 Subsection (a) and without the consent of the board of trustees
2-37 under Subsection (b) if the teacher's failure to comply with
2-38 Subsection (a) was due to:

- 2-39 (1) a serious illness or health condition of the
2-40 teacher or a close family member of the teacher;
2-41 (2) the teacher's relocation because the teacher's
2-42 spouse or a partner who resides with the teacher changes employers;
2-43 (3) a significant change in the needs of the teacher's
2-44 family in a manner that requires the teacher to:

- 2-45 (A) relocate; or
2-46 (B) forgo employment during a period of required
2-47 employment under the teacher's contract; or
2-48 (4) the teacher's reasonable belief that the teacher
2-49 had written permission from the school district's administration to
2-50 resign.

2-51 SECTION 5. Section 21.160, Education Code, is amended by
2-52 amending Subsection (c) and adding Subsection (g) to read as
2-53 follows:

2-54 (c) Subject to Subsections (e), ~~and~~ (f), and (g), on
2-55 written complaint by the employing district, the State Board for
2-56 Educator Certification may impose sanctions against a teacher who
2-57 is employed under a continuing contract that obligates the district
2-58 to employ the person for the following school year and who:

- 2-59 (1) resigns;
2-60 (2) fails without good cause to comply with Subsection
2-61 (a) or (b); and
2-62 (3) fails to perform the contract.

2-63 (g) The State Board for Educator Certification may not
2-64 impose a sanction under Subsection (c) against a teacher who
2-65 relinquishes a position under a continuing contract and leaves the
2-66 employment of the district after the 45th day before the first day
2-67 of instruction of the upcoming school year in violation of
2-68 Subsection (a) and without the consent of the board of trustees
2-69 under Subsection (b) if the teacher's failure to comply with

3-1 Subsection (a) was due to:
 3-2 (1) a serious illness or health condition of the
 3-3 teacher or a close family member of the teacher;
 3-4 (2) the teacher's relocation because the teacher's
 3-5 spouse or a partner who resides with the teacher changes employers;
 3-6 (3) a significant change in the needs of the teacher's
 3-7 family in a manner that requires the teacher to:
 3-8 (A) relocate; or
 3-9 (B) forgo employment during a period of required
 3-10 employment under the teacher's contract; or
 3-11 (4) the teacher's reasonable belief that the teacher
 3-12 had written permission from the school district's administration to
 3-13 resign.

3-14 SECTION 6. Section 21.210, Education Code, is amended by
 3-15 amending Subsection (c) and adding Subsection (g) to read as
 3-16 follows:

3-17 (c) Subject to Subsections (e), ~~and~~ (f), and (g), on
 3-18 written complaint by the employing district, the State Board for
 3-19 Educator Certification may impose sanctions against a teacher who
 3-20 is employed under a term contract that obligates the district to
 3-21 employ the person for the following school year and who:

3-22 (1) resigns;
 3-23 (2) fails without good cause to comply with Subsection
 3-24 (a) or (b); and
 3-25 (3) fails to perform the contract.

3-26 (g) The State Board for Educator Certification may not
 3-27 impose a sanction under Subsection (c) against a teacher who
 3-28 relinquishes a position under a term contract and leaves the
 3-29 employment of the district after the 45th day before the first day
 3-30 of instruction of the upcoming school year in violation of
 3-31 Subsection (a) and without the consent of the board of trustees
 3-32 under Subsection (b) if the teacher's failure to comply with
 3-33 Subsection (a) was due to:

3-34 (1) a serious illness or health condition of the
 3-35 teacher or a close family member of the teacher;
 3-36 (2) the teacher's relocation because the teacher's
 3-37 spouse or a partner who resides with the teacher changes employers;
 3-38 (3) a significant change in the needs of the teacher's
 3-39 family in a manner that requires the teacher to:
 3-40 (A) relocate; or
 3-41 (B) forgo employment during a period of required
 3-42 employment under the teacher's contract; or
 3-43 (4) the teacher's reasonable belief that the teacher
 3-44 had written permission from the school district's administration to
 3-45 resign.

3-46 SECTION 7. Section 21.257, Education Code, is amended by
 3-47 amending Subsection (a) and adding Subsection (f) to read as
 3-48 follows:

3-49 (a) Except as provided by Subsection (f), not ~~Not~~ later
 3-50 than the 60th day after the date on which the commissioner receives
 3-51 a teacher's written request for a hearing, the hearing examiner
 3-52 shall complete the hearing and make a written recommendation that:

3-53 (1) includes proposed findings of fact and conclusions
 3-54 of law; and
 3-55 (2) may include a proposal for granting relief.

3-56 (f) The hearing examiner may dismiss a hearing before
 3-57 completing the hearing or making a written recommendation if:

3-58 (1) the teacher requests the dismissal;
 3-59 (2) the school district withdraws the proposed
 3-60 decision that is the basis of the hearing; or
 3-61 (3) the teacher and school district request the
 3-62 dismissal after reaching a settlement regarding the proposed
 3-63 decision that is the basis of the hearing.

3-64 SECTION 8. Sections 21.3521(a), (c), and (e), Education
 3-65 Code, are amended to read as follows:

3-66 (a) Subject to Subsection (b), a school district or
 3-67 open-enrollment charter school may designate a classroom teacher as
 3-68 a master, exemplary, ~~or~~ recognized, or acknowledged teacher for a
 3-69 five-year period based on the results from single year or multiyear

4-1 appraisals that comply with Section 21.351 or 21.352.
4-2 (c) Notwithstanding performance standards established
4-3 under Subsection (b), a classroom teacher that holds a National
4-4 Board Certification issued by the National Board for Professional
4-5 Teaching Standards may be designated as nationally board certified
4-6 [~~recognized~~].

4-7 (e) The agency shall develop and provide technical
4-8 assistance for school districts and open-enrollment charter
4-9 schools that request assistance in implementing a local optional
4-10 teacher designation system, including:

4-11 (1) providing assistance in prioritizing high needs
4-12 campuses;

4-13 (2) providing examples or models of local optional
4-14 teacher designation systems to reduce the time required for a
4-15 district or school to implement a teacher designation system;

4-16 (3) establishing partnerships between districts and
4-17 schools that request assistance and districts and schools that have
4-18 implemented a teacher designation system;

4-19 (4) applying the performance and validity standards
4-20 established by the commissioner under Subsection (b);

4-21 (5) providing centralized support for the analysis of
4-22 the results of assessment instruments administered to district
4-23 students; and

4-24 (6) facilitating effective communication on and
4-25 promotion of local optional teacher designation systems.

4-26 SECTION 9. Subchapter H, Chapter 21, Education Code, is
4-27 amended by adding Section 21.3522 to read as follows:

4-28 Sec. 21.3522. LOCAL OPTIONAL TEACHER DESIGNATION SYSTEM

4-29 GRANT PROGRAM. (a) From funds appropriated or otherwise
4-30 available for the purpose, the agency shall establish and
4-31 administer a grant program to provide money and technical
4-32 assistance to:

4-33 (1) expand implementation of local optional teacher
4-34 designation systems under Section 21.3521; and

4-35 (2) increase the number of classroom teachers eligible
4-36 for a designation under that section.

4-37 (b) A grant awarded under this section must:

4-38 (1) meet the needs of individual school districts; and

4-39 (2) enable regional leadership capacity.

4-40 (c) The commissioner may adopt rules as necessary to
4-41 implement this section.

4-42 SECTION 10. Subchapter I, Chapter 21, Education Code, is
4-43 amended by adding Sections 21.416 and 21.417 to read as follows:

4-44 Sec. 21.416. EMPLOYED RETIREE TEACHER REIMBURSEMENT GRANT

4-45 PROGRAM. (a) From funds appropriated or otherwise available, the
4-46 commissioner shall establish and administer a grant program to
4-47 award funds to reimburse a school district or open-enrollment
4-48 charter school that hires a teacher who retired before September 1,
4-49 2022, for the increased contributions to the Teacher Retirement
4-50 System associated with hiring the retired teacher.

4-51 (b) In appropriating money for grants awarded under this
4-52 section, the legislature may provide for, modify, or limit amounts
4-53 appropriated for that purpose in the General Appropriations Act,
4-54 including by:

4-55 (1) providing, notwithstanding Subsection (a), a date
4-56 or date range other than September 1, 2022, before which a teacher
4-57 must have retired for a school district or open-enrollment charter
4-58 school that hires the teacher to be eligible; or

4-59 (2) limiting eligibility to a school district or
4-60 open-enrollment charter school that hires a retired teacher:

4-61 (A) who holds a certain certification;

4-62 (B) to teach a certain subject or grade;

4-63 (C) in a certain geographical area; or

4-64 (D) to provide instruction to certain students,
4-65 including to students with disabilities.

4-66 (c) The commissioner shall proportionally reduce the amount
4-67 of funds awarded to school districts and open-enrollment charter
4-68 schools under this section if the number of grant applications by
4-69 eligible districts or schools exceeds the number of grants the

5-1 commissioner could award with the money appropriated or otherwise
5-2 available for the purpose.

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

5-6 Sec. 21.417. RESOURCES, INCLUDING LIABILITY INSURANCE, FOR
5-7 CLASSROOM TEACHERS. (a) From funds appropriated or otherwise
5-8 available for the purpose, the agency shall contract with a third
5-9 party to provide the following services for a classroom teacher
5-10 employed under a probationary, continuing, or term contract:

5-11 (1) assistance in understanding the teacher's rights,
5-12 duties, and benefits; and

5-13 (2) liability insurance to protect a teacher against
5-14 liability to a third party based on conduct that the teacher
5-15 allegedly engaged in during the course of the teacher's duties.

5-16 (b) A school district may not interfere with a classroom
5-17 teacher's access to services provided under this section.

5-18 (c) A contract entered into by the agency to provide
5-19 services under Subsection (a) must prohibit the entity with which
5-20 the agency contracts from using funds received under the contract
5-21 to engage in:

5-22 (1) conduct that a state agency using appropriated
5-23 money is prohibited from engaging in under Chapter 556, Government
5-24 Code; and

5-25 (2) political activities or advocate for issues
5-26 regarding public schools, including for boards of trustees of
5-27 school districts or school districts.

5-28 (d) This section may not be interpreted to interfere with a
5-29 classroom teacher's or other school district employee's exercise of
5-30 a right protected by the First Amendment to the United States
5-31 Constitution.

5-32 SECTION 11. Subchapter J, Chapter 21, Education Code, is
5-33 amended by adding Sections 21.466, 21.467, and 21.468 to read as
5-34 follows:

5-35 Sec. 21.466. TEACHER QUALITY ASSISTANCE. (a) From funds
5-36 appropriated or otherwise available for the purpose, the agency
5-37 shall develop training for and provide technical assistance to
5-38 school districts and open-enrollment charter schools regarding:

5-39 (1) strategic compensation, staffing, and scheduling
5-40 efforts that improve professional growth, teacher leadership
5-41 opportunities, and staff retention;

5-42 (2) programs that encourage high school students or
5-43 other members of the community in the area served by the district to
5-44 become teachers, including available teacher apprenticeship
5-45 programs; and

5-46 (3) programs or strategies that school leaders may use
5-47 to establish clear and attainable behavior expectations while
5-48 proactively supporting students.

5-49 (b) From funds appropriated or otherwise available, the
5-50 agency shall provide grants to school districts and open-enrollment
5-51 charter schools to implement initiatives developed under this
5-52 section.

5-53 Sec. 21.467. TEACHER TIME STUDY. (a) From funds
5-54 appropriated or otherwise available for the purpose, the agency
5-55 shall develop and maintain a technical assistance program to
5-56 support school districts and open-enrollment charter schools in:

5-57 (1) studying how the district's or school's staff and
5-58 student schedules, required noninstructional duties for classroom
5-59 teachers, and professional development requirements for educators
5-60 are affecting the amount of time classroom teachers work each week;
5-61 and

5-62 (2) refining the schedules for students or staff as
5-63 necessary to ensure teachers have sufficient time during normal
5-64 work hours to fulfill all job duties, including addressing the
5-65 needs of students.

5-66 (b) The agency shall periodically make findings and
5-67 recommendations for best practices publicly available using
5-68 information from participating school districts and
5-69 open-enrollment charter schools.

6-1 Sec. 21.468. TEACHER POSITION INFORMATION. The agency
 6-2 shall collect data to address teacher retention and recruitment,
 6-3 including the classifications, grade levels, subject areas,
 6-4 duration, and other relevant data relating to vacancies in teaching
 6-5 positions. The data may be collected through the Public Education
 6-6 Information Management System (PEIMS) or another electronic
 6-7 reporting mechanism, as determined by the agency.

6-8 SECTION 12. Chapter 21, Education Code, is amended by
 6-9 adding Subchapter R to read as follows:

6-10 SUBCHAPTER R. TEXAS TEACHER RESIDENCY PARTNERSHIP PROGRAM

6-11 Sec. 21.901. DEFINITIONS. In this subchapter:

6-12 (1) "Board" means the State Board for Educator
 6-13 Certification.

6-14 (2) "Cooperating teacher" means a classroom teacher
 6-15 who:

6-16 (A) meets the qualifications for assignment as a
 6-17 mentor under Section 21.458; and

6-18 (B) is employed by a school district or
 6-19 open-enrollment charter school participating in a partnership
 6-20 program under this subchapter and paired with a partnership
 6-21 resident at the district or school.

6-22 (3) "Partnership program" means a Texas Teacher
 6-23 Residency Partnership Program established at a school district or
 6-24 open-enrollment charter school in accordance with this subchapter.

6-25 (4) "Partnership resident" means a person enrolled in
 6-26 a qualified educator preparation program participating in a
 6-27 partnership program as a candidate for educator certification.

6-28 (5) "Qualified educator preparation program" means an
 6-29 educator preparation program approved in accordance with rules
 6-30 proposed under Section 21.903.

6-31 Sec. 21.902. ESTABLISHMENT OF PARTNERSHIP PROGRAM. (a)
 6-32 The commissioner shall establish the Texas Teacher Residency
 6-33 Partnership Program to enable qualified educator preparation
 6-34 programs to form partnerships with school districts or
 6-35 open-enrollment charter schools to provide residency positions to
 6-36 partnership residents at the district or school.

6-37 (b) The partnership program must be designed to:

6-38 (1) allow partnership residents to receive
 6-39 field-based experience working with classroom teachers in
 6-40 prekindergarten through grade 12 classrooms; and

6-41 (2) gradually increase the amount of time a
 6-42 partnership resident spends engaging in instructional
 6-43 responsibilities, including observation, co-teaching, and
 6-44 lead-teaching responsibilities.

6-45 Sec. 21.903. QUALIFIED EDUCATOR PREPARATION PROGRAMS. The
 6-46 board shall propose rules specifying the requirements for board
 6-47 approval of an educator preparation program as a qualified educator
 6-48 preparation program for purposes of this subchapter. The rules
 6-49 must require an educator preparation program to:

6-50 (1) use research-based best practices for recruiting
 6-51 and admitting candidates into the educator preparation program to
 6-52 participate in the partnership program;

6-53 (2) integrate curriculum, classroom practice, and
 6-54 formal observation and feedback;

6-55 (3) use multiple assessments to measure a partnership
 6-56 resident's progress in the partnership program; and

6-57 (4) partner with a school district or open-enrollment
 6-58 charter school.

6-59 Sec. 21.904. REQUIREMENTS FOR PARTICIPATING DISTRICTS AND
 6-60 SCHOOLS. (a) A school district or open-enrollment charter school
 6-61 participating in the partnership program shall:

6-62 (1) enter into a written agreement with a qualified
 6-63 educator preparation program to:

6-64 (A) provide a partnership resident with at least
 6-65 one school year of clinical teaching in a residency position at the
 6-66 district or school in the subject area and grade level for which the
 6-67 resident seeks certification; and

6-68 (B) pair the partnership resident with a
 6-69 cooperating teacher;

7-1 (2) specify the amount of money the district receives
7-2 under Section 48.157 that the district will provide to the program;
7-3 (3) only use money received under Section 48.157 to:
7-4 (A) implement the partnership program; and
7-5 (B) provide compensation to:
7-6 (i) partnership residents in residency
7-7 positions at the district or school; and
7-8 (ii) cooperating teachers who are paired
7-9 with partnership residents at the district or school;
7-10 (4) pay at least 50 percent of the compensation paid to
7-11 partnership residents using money other than money received under
7-12 Section 48.157; and
7-13 (5) provide any information required by the agency
7-14 regarding the district's or school's implementation of the program.
7-15 (b) A school district or open-enrollment charter school may
7-16 only pair a partnership resident with a cooperating teacher who
7-17 agrees to participate in that role in a partnership program at the
7-18 district or school partnership program.
7-19 (c) A partnership resident may not serve as a teacher of
7-20 record, as that term is defined by Section 21.051.
7-21 Sec. 21.905. RESIDENCY EDUCATOR CERTIFICATE. The board
7-22 shall propose rules specifying the requirements for the issuance of
7-23 a residency educator certificate to a candidate who has
7-24 successfully completed a qualified educator preparation program
7-25 under Section 21.903.
7-26 Sec. 21.906. AGENCY SUPPORT. The agency shall provide
7-27 technical assistance, planning, and support to school districts,
7-28 open-enrollment charter schools, and qualified educator
7-29 preparation programs, which must include:
7-30 (1) providing model forms and agreements a district,
7-31 school, or educator preparation program may use to comply with the
7-32 requirements of this subchapter; and
7-33 (2) support for district and school strategic staffing
7-34 and compensation models to incentivize participation in a
7-35 partnership program.
7-36 Sec. 21.907. AUTHORITY TO ACCEPT CERTAIN FUNDS. The
7-37 commissioner may solicit and accept gifts, grants, and donations
7-38 from public and private entities to use for the purposes of this
7-39 subchapter.
7-40 Sec. 21.908. RULES. (a) The board shall propose rules
7-41 necessary to implement this subchapter, including rules under
7-42 Sections 21.903 and 21.905.
7-43 (b) The commissioner shall adopt rules as necessary to
7-44 implement this subchapter.
7-45 SECTION 13. The heading to Section 22.001, Education Code,
7-46 is amended to read as follows:
7-47 Sec. 22.001. SALARY DEDUCTIONS FOR PROFESSIONAL OR OTHER
7-48 DUES.
7-49 SECTION 14. Sections 22.001(a) and (b), Education Code, are
7-50 amended to read as follows:
7-51 (a) A school district employee is entitled to have an amount
7-52 deducted from the employee's salary for membership fees or dues to a
7-53 professional organization or an entity providing services to
7-54 classroom teachers under Section 21.417. The employee must:
7-55 (1) file with the district a signed written request
7-56 identifying the organization or entity [~~and specifying the number~~
7-57 ~~of pay periods per year the deductions are to be made~~]; and
7-58 (2) inform the district of the total amount of the fees
7-59 and dues for each year or have the organization or entity notify the
7-60 district of the amount.
7-61 (b) The district shall deduct the total amount of the fees
7-62 or dues for a year in equal amounts per pay period [~~for the number of~~
7-63 ~~periods specified by the employee~~]. The district shall notify the
7-64 employee not later than the 45th day after the district receives a
7-65 request under Subsection (a) of the number of pay periods annually
7-66 from which the district will deduct the fees or dues. The
7-67 deductions shall be made until the employee requests in writing
7-68 that the deductions be discontinued.
7-69 SECTION 15. Section 29.153(b), Education Code, is amended

8-1 to read as follows:

8-2 (b) A child is eligible for enrollment in a prekindergarten
8-3 class under this section if the child is at least three years of age
8-4 and:

8-5 (1) is unable to speak and comprehend the English
8-6 language;

8-7 (2) is educationally disadvantaged;

8-8 (3) is homeless, regardless of the residence of the
8-9 child, of either parent of the child, or of the child's guardian or
8-10 other person having lawful control of the child;

8-11 (4) is the child of an active duty member of the armed
8-12 forces of the United States, including the state military forces or
8-13 a reserve component of the armed forces, who is ordered to active
8-14 duty by proper authority;

8-15 (5) is the child of a member of the armed forces of the
8-16 United States, including the state military forces or a reserve
8-17 component of the armed forces, who was injured or killed while
8-18 serving on active duty;

8-19 (6) is or ever has been in:

8-20 (A) the conservatorship of the Department of
8-21 Family and Protective Services following an adversary hearing held
8-22 as provided by Section 262.201, Family Code; or

8-23 (B) foster care in another state or territory, if
8-24 the child resides in this state; ~~or~~

8-25 (7) is the child of a person eligible for the Star of
8-26 Texas Award as:

8-27 (A) a peace officer under Section 3106.002,
8-28 Government Code;

8-29 (B) a firefighter under Section 3106.003,
8-30 Government Code; or

8-31 (C) an emergency medical first responder under
8-32 Section 3106.004, Government Code; or

8-33 (8) is the child of a person employed as a classroom
8-34 teacher at a public primary or secondary school in the school
8-35 district that offers a prekindergarten class under this section.

8-36 SECTION 16. Sections 37.002(b), (c), and (d), Education
8-37 Code, are amended to read as follows:

8-38 (b) A teacher may remove from class a student who:

8-39 (1) interferes ~~[who has been documented by the teacher~~
8-40 ~~to repeatedly interfere]~~ with the teacher's ability to communicate
8-41 effectively with the students in the class or with the ability of
8-42 the student's classmates to learn; ~~or~~

8-43 (2) demonstrates ~~[whose]~~ behavior that is
8-44 disrespectful toward the teacher or another adult; or

8-45 (3) engages in conduct that constitutes bullying, as
8-46 defined by Section 37.0832 ~~[determines is so unruly, disruptive, or~~
8-47 ~~abusive that it seriously interferes with the teacher's ability to~~
8-48 ~~communicate effectively with the students in the class or with the~~
8-49 ~~ability of the student's classmates to learn].~~

8-50 (c) If a teacher removes a student from class under
8-51 Subsection (b), the principal may place the student into another
8-52 appropriate classroom, into in-school suspension, or into a
8-53 disciplinary alternative education program as provided by Section
8-54 37.008. The principal may not return the student to that teacher's
8-55 class without the teacher's written consent unless the committee
8-56 established under Section 37.003 determines that such placement is
8-57 the best or only alternative available. The principal may not
8-58 return the student to that teacher's class, regardless of the
8-59 teacher's consent, until a return to class plan has been prepared
8-60 for that student. The principal may only designate an employee of
8-61 the school whose primary duties do not include classroom
8-62 instruction to create a return to class plan. The terms of the
8-63 removal may prohibit the student from attending or participating in
8-64 school-sponsored or school-related activity.

8-65 (d) A teacher shall remove from class and send to the
8-66 principal for placement in a disciplinary alternative education
8-67 program or for expulsion, as appropriate, a student who engages in
8-68 conduct described under Section 37.006 or 37.007. The student may
8-69 not be returned to that teacher's class without the teacher's

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

9-9 SECTION 17. Section 48.105(b), Education Code, is amended
 9-10 to read as follows:

9-11 (b) At least 55 percent of the funds allocated under this
 9-12 section must be used in providing bilingual education or
 9-13 instruction in English as a second language [~~special language~~
 9-14 ~~programs~~] under Subchapter B, Chapter 29. A district's bilingual
 9-15 education or English as a second [~~special~~] language allocation may
 9-16 be used only for program and student evaluation, instructional
 9-17 materials and equipment, staff development, supplemental staff
 9-18 expenses, [~~salary supplements for teachers,~~] incremental costs
 9-19 associated with providing smaller class sizes, and other supplies
 9-20 required for quality instruction.

9-21 SECTION 18. Sections 48.112(c) and (d), Education Code, are
 9-22 amended to read as follows:

9-23 (c) For each classroom teacher with a teacher designation
 9-24 under Section 21.3521 employed by a school district, the school
 9-25 district is entitled to an allotment equal to the following
 9-26 applicable base amount increased by the high needs and rural factor
 9-27 as determined under Subsection (d):

9-28 (1) \$12,000, or an increased amount not to exceed
 9-29 \$36,000 [~~\$32,000~~] as determined under Subsection (d), for each
 9-30 master teacher;

9-31 (2) \$9,000 [~~\$6,000~~], or an increased amount not to
 9-32 exceed \$25,000 [~~\$18,000~~] as determined under Subsection (d), for
 9-33 each exemplary teacher; ~~and~~

9-34 (3) \$5,000 [~~\$3,000~~], or an increased amount not to
 9-35 exceed \$15,000 [~~\$9,000~~] as determined under Subsection (d), for
 9-36 each recognized teacher; ~~and~~

9-37 (4) \$3,000, or an increased amount not to exceed
 9-38 \$9,000 as determined under Subsection (d), for each:

9-39 (A) acknowledged teacher; or

9-40 (B) nationally board certified teacher.

9-41 (d) The high needs and rural factor is determined by
 9-42 multiplying the following applicable amounts by the average of the
 9-43 point value assigned to each student at a district campus under
 9-44 Subsection (e):

9-45 (1) \$6,000 [~~\$5,000~~] for each master teacher;

9-46 (2) \$4,000 [~~\$3,000~~] for each exemplary teacher; ~~and~~

9-47 (3) \$2,500 [~~\$1,500~~] for each recognized teacher; ~~and~~

9-48 (4) \$1,500 for each:

9-49 (A) acknowledged teacher; or

9-50 (B) nationally board certified teacher.

9-51 SECTION 19. Section 48.114, Education Code, is amended by
 9-52 amending Subsection (a) and adding Subsection (d) to read as
 9-53 follows:

9-54 (a) A school district [~~that has implemented a mentoring~~
 9-55 ~~program for classroom teachers who have less than two years of~~
 9-56 ~~teaching experience under Section 21.458~~] is entitled to an
 9-57 allotment [~~as determined under Subsection (b)~~] to fund a [the]
 9-58 mentoring program and to provide stipends for mentor teachers if:

9-59 (1) the district has implemented a mentoring program
 9-60 for classroom teachers under Section 21.458; and

9-61 (2) the mentor teachers assigned under that program
 9-62 complete a training program that is required or developed by the
 9-63 agency for mentor teachers.

9-64 (d) A school district is entitled to an allotment of \$2,000
 9-65 for each classroom teacher with less than two years of experience
 9-66 who participates in a mentoring program described by Subsection
 9-67 (a). A district may receive an allotment under this section for no
 9-68 more than 40 teachers during a school year unless an appropriation
 9-69 is made for the purposes of providing a greater number of allotments

10-1 per district.

10-2 SECTION 20. Subchapter D, Chapter 48, Education Code, is
10-3 amended by adding Sections 48.157, 48.158, and 48.159 to read as
10-4 follows:

10-5 Sec. 48.157. RESIDENCY PARTNERSHIP ALLOTMENT. (a) In this
10-6 section, "partnership program" and "partnership resident" have the
10-7 meanings assigned by Section 21.901.

10-8 (b) For each partnership resident employed at a district in
10-9 a residency position under Subchapter R, Chapter 21, the district
10-10 is entitled to an allotment equal to a base amount of \$22,000
10-11 increased by the high needs and rural factor, as determined under
10-12 Subsection (c), to an amount not to exceed \$42,000.

10-13 (c) The high needs and rural factor is determined by
10-14 multiplying \$5,000 by the lesser of:

10-15 (1) the average of the point value assigned to each
10-16 student at a district campus under Section 48.112(d); or

10-17 (2) 4.0.

10-18 (d) In addition to the funding under Subsection (b), a
10-19 district that qualifies for an allotment under this section is
10-20 entitled to an additional \$2,000 for each partnership resident
10-21 employed in a residency position at the district who is a candidate
10-22 for special education certification.

10-23 (e) The Texas School for the Deaf and the Texas School for
10-24 the Blind and Visually Impaired are entitled to an allotment under
10-25 this section. If the commissioner determines that assigning point
10-26 values under Subsection (c) to students enrolled in the Texas
10-27 School for the Deaf or the Texas School for the Blind and Visually
10-28 Impaired is impractical, the commissioner may use the average point
10-29 value assigned for those students' home districts for purposes of
10-30 calculating the high needs and rural factor.

10-31 Sec. 48.158. FUNDING FOR CERTAIN CERTIFICATIONS. (a) A
10-32 school district is entitled to the cost of certification
10-33 examination fees for each classroom teacher who received a
10-34 certification in special education or bilingual education in the
10-35 preceding school year. From money received under this section, the
10-36 district shall reimburse each teacher who received a certification
10-37 in special education or bilingual education during the preceding
10-38 school year the cost of certification examination fees associated
10-39 with that certification.

10-40 (b) Reimbursement received by a classroom teacher under
10-41 this section may not be considered when calculating the teacher's
10-42 salary for the purposes of Section 21.402.

10-43 Sec. 48.159. TEACHER RETENTION ALLOTMENT. (a) A school
10-44 district is entitled to an allotment for the 2023-2024 school year
10-45 for each classroom teacher employed by the district in that year as
10-46 follows:

10-47 (1) if the district has 20,000 or more students
10-48 enrolled in the 2022-2023 school year, \$2,000 per classroom
10-49 teacher; and

10-50 (2) if the district has fewer than 20,000 students
10-51 enrolled in the 2022-2023 school year, \$6,000 per classroom
10-52 teacher.

10-53 (b) A school district shall use money received under
10-54 Subsection (a) to increase the salary provided to each classroom
10-55 teacher in the district for the 2023-2024 school year over the
10-56 salary the teacher received or would have received if employed by
10-57 the district in the 2022-2023 school year by at least the amount
10-58 received per classroom teacher under Subsection (a).

10-59 (c) This section expires September 1, 2025.

10-60 SECTION 21. The following provisions are repealed:

10-61 (1) Section 21.042, Education Code;

10-62 (2) Subchapter Q, Chapter 21, Education Code;

10-63 (3) Section 37.002(e), Education Code;

10-64 (4) Section 48.114(b), Education Code; and

10-65 (5) Section 825.4092(f), Government Code, as added by
10-66 Chapter 546 (S.B. 202), Acts of the 87th Legislature, Regular
10-67 Session, 2021.

10-68 SECTION 22. (a) The legislature finds that:

10-69 (1) the Windfall Elimination Provision was enacted in

11-1 1983 to equalize the earned social security benefits of workers who
11-2 spend part of their careers in exempt public service and workers who
11-3 spend their entire careers participating in social security;

11-4 (2) the Windfall Elimination Provision reduces the
11-5 social security benefits of public servants who have received a
11-6 pension that is not subject to social security taxes, including
11-7 thousands of teachers in Texas as well as the spouses and children
11-8 of these public servants;

11-9 (3) the flawed application of the Windfall Elimination
11-10 Provision diminishes Texans' retirement security and fails to
11-11 recognize their rightfully earned social security and public
11-12 pension benefits;

11-13 (4) for years, the United States Congress has failed
11-14 to act to remove this detriment to many citizens of Texas, including
11-15 teachers; and

11-16 (5) the United States Congress should take swift
11-17 action to replace the Windfall Elimination Provision with a more
11-18 fair and just formula that accurately reflects the contributions of
11-19 all American workers to the social security system.

11-20 (b) As soon as practicable after the effective date of this
11-21 Act, the secretary of the Senate shall forward official copies of
11-22 the legislative findings under Subsection (a) of this section to
11-23 the president of the United States, to the president of the Senate
11-24 and the speaker of the House of Representatives of the United States
11-25 Congress, and to all the members of the Texas delegation to
11-26 Congress.

11-27 SECTION 23. Section 21.257(f), Education Code, as added by
11-28 this Act, applies only to a hearing before a hearing examiner
11-29 commenced on or after the effective date of this Act.

11-30 SECTION 24. Immediately following the effective date of
11-31 this Act, a school district or open-enrollment charter school shall
11-32 redesignate a teacher who holds a designation made under Section
11-33 21.3521, Education Code, before the effective date of this Act, to
11-34 reflect the teacher's designation under Section 21.3521, Education
11-35 Code, as amended by this Act. Funding provided to a school district
11-36 under Section 48.112, Education Code, for a teacher who held a
11-37 designation made under Section 21.3521, Education Code, as that
11-38 section existed immediately before the effective date of this Act,
11-39 shall be increased to reflect the teacher's redesignation under
11-40 Section 21.3521, Education Code, as amended by this Act.

11-41 SECTION 25. Notwithstanding Section 21.903, Education
11-42 Code, as added by this Act, until the State Board for Educator
11-43 Certification adopts rules specifying the requirements for
11-44 approval of an educator preparation program as a qualified educator
11-45 preparation program as required by that section, the commissioner
11-46 of education may approve a program as a qualified educator
11-47 preparation program for purposes of Subchapter R, Education Code,
11-48 as added by this Act, if the commissioner determines that the
11-49 program meets the requirements under Section 21.903, Education
11-50 Code, as added by this Act. An educator preparation program's
11-51 designation as a qualified educator preparation program by the
11-52 commissioner under this section remains effective until the first
11-53 anniversary of the adoption of rules by the State Board for Educator
11-54 Certification under Section 21.903, Education Code, as added by
11-55 this Act.

11-56 SECTION 26. (a) Except as provided by Subsection (b) of this
11-57 section, this Act takes effect immediately if this Act receives a
11-58 vote of two-thirds of all the members elected to each house, as
11-59 provided by Section 39, Article III, Texas Constitution. If this
11-60 Act does not receive the vote necessary for immediate effect, the
11-61 entirety of this Act takes effect September 1, 2023.

11-62 (b) Sections 48.105(b), 48.112(c) and (d), and 48.114,
11-63 Education Code, as amended by this Act, and Sections 48.157,
11-64 48.158, and 48.159, Education Code, as added by this Act, take
11-65 effect September 1, 2023.

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