

BILL ANALYSIS

Senate Research Center
89R14666 ANG-F

S.B. 26
By: Creighton
Education K-16
2/18/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Teacher compensation is an emergency item for the 89th Legislature, and the Texas Senate is committed to providing our most experienced Texas teachers an across-the-board pay raise.

As proposed, S.B. 26 amends current law relating to public education, including the rights and compensation of public school educators and funding for teacher compensation under the Foundation School Program.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 2 (Section 21.3522, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.3521, Education Code, by amending Subsections (a), (c), and (e) and adding Subsections (d-1) and (d-2), as follows:

(a) Authorizes a school district or open-enrollment charter school, subject to Subsection (b) (relating to requiring the commissioner of education (commissioner) to establish certain standards for each local optional teacher designation system), to designate a classroom teacher as a master, exemplary, recognized, or acknowledged teacher for a five-year period based on certain results. Makes a nonsubstantive change.

(c) Authorizes a classroom teacher that holds a National Board Certification issued by the National Board for Professional Teaching Standards, notwithstanding performance standards established under Subsection (b), to be designated as nationally board certified, rather than as recognized.

(d-1) Requires the commissioner, each school year, using criteria developed by the commissioner, to designate as enhanced teacher incentive allotment schools school districts and open-enrollment charter schools that implement comprehensive school evaluation and support systems. Requires that the criteria developed by the commissioner require a district or school to:

(1) for principals and assistant principals, implement a strategic evaluations system aligned with the district's or school's teacher designation system and a compensation system based on performance;

(2) ensure that under the district's or school's teacher designation system substantially all classroom teachers, regardless of the grade level or subject area to which the teacher is assigned, are eligible to earn a designation under Subsection (a);

(3) implement for all instructional staff a compensation plan based on performance that uses a salary schedule that differentiates among instructional staff based on staff appraisals and does not include across-the-board salary

increases for instructional staff except for periodic changes to the district's or school's salary schedule to adjust for significant inflation; and

(4) implement a locally designed plan to place highly effective teachers at high needs campuses and in accordance with Section 28.0062(a)(3) (relating to requiring certain education entities to certify to the Texas Education Agency (TEA) that certain requirements are met).

(d-2) Authorizes the commissioner to remove a school district's or open-enrollment charter school's designation under Subsection (d-1) if the commissioner determines the district or school no longer meets the criteria for the designation.

(e) Requires TEA to develop and provide technical assistance for school districts and open-enrollment charter schools that request assistance in implementing a local optional teacher designation system, including:

(1) creates this subdivision from existing text and makes a nonsubstantive change;

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

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

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

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

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

SECTION 2. Amends Subchapter H, Chapter 21, Education Code, by adding Section 21.3522, as follows:

Sec. 21.3522. LOCAL OPTIONAL TEACHER DESIGNATION SYSTEM GRANT PROGRAM. (a) Requires TEA, from funds appropriated or otherwise available for the purpose, to establish and administer a grant program to provide money and technical assistance to expand implementation of local optional teacher designation systems under Section 21.3521 (Local Optional Teacher Designation System) and increase the number of classroom teachers eligible for a designation under that section.

(b) Requires that a grant awarded under this section meet the needs of individual school districts and enable regional leadership capacity.

(c) Authorizes the commissioner to adopt rules as necessary to implement this section.

SECTION 3. Amends Subchapter I, Chapter 21, Education Code, by adding Section 21.417, as follows:

Sec. 21.417. RESOURCES, INCLUDING LIABILITY INSURANCE, FOR CLASSROOM TEACHERS. (a) Requires TEA, from funds appropriated or otherwise available for the purpose, to contract with a third party to provide the following services for a classroom teacher employed under a probationary, continuing, or term contract:

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

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

(b) Prohibits a school district from interfering with a classroom teacher's access to services provided under this section.

(c) Requires a contract entered into by TEA to provide services under Subsection (a) to prohibit the entity with which TEA contracts from using funds received under the contract to engage in conduct that a state agency using appropriated money is prohibited from engaging in under Chapter 556 (Political Activities by Certain Public Entities and Individuals), Government Code, and political activities or advocate for issues regarding public schools, including for boards of trustees of school districts or school districts.

(d) Prohibits this section from being interpreted to interfere with a classroom teacher's or other school district employee's exercise of a right protected by the First Amendment to the United States Constitution.

SECTION 4. Amends the heading to Section 22.001, Education Code, to read as follows:

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

SECTION 5. Amends Sections 22.001(a) and (b), Education Code, as follows:

(a) Entitles a school district employee to have an amount deducted from the employee's salary for membership fees or dues to a professional organization or an entity providing services to classroom teachers under Section 21.417. Requires the employee to:

(1) file with the district a signed written request identifying the organization or entity, rather than filing with the district a signed written request identifying the organization and specifying the number of pay periods per year the deductions are to be made; and

(2) makes a conforming change to this subdivision.

(b) Requires the district to deduct the total amount of the fees or dues for a year in equal amounts per pay period, rather than for a year in equal amounts per pay period for the number of periods specified by the employee. Requires the district to notify the employee not later than the 45th day after the district receives a request under Subsection (a) of the number of pay periods annually from which the district will deduct the fees or dues.

SECTION 6. Amends Section 29.153(b), Education Code, as follows:

(b) Provides that a child is eligible for enrollment in a prekindergarten class under Section 29.153 (Free Prekindergarten for Certain Children) if the child is at least three years of age and meets certain requirements, including being the child of a person employed as a classroom teacher at a public primary or secondary school in the school district that offers a prekindergarten class under this section. Makes a nonsubstantive change.

SECTION 7. Amends Section 48.112, Education Code, by amending Subsections (c), (d), and (i) and adding Subsection (g-1), as follows:

(c) Entitles a school district, for each classroom teacher with a teacher designation under Section 21.3521 employed by the school district, to an allotment equal to the following applicable base amount increased by the high needs and rural factor as determined under Subsection (d):

- (1) \$12,000, or an increased amount not to exceed \$36,000, rather than \$32,000, as determined under Subsection (d), for each master teacher;
- (2) \$9,000, rather than \$6,000, or an increased amount not to exceed \$25,000, rather than \$18,000, as determined under Subsection (d), for each exemplary teacher;
- (3) \$5,000, rather than \$3,000, or an increased amount not to exceed \$15,000, rather than \$9,000, as determined under Subsection (d), for each recognized teacher; and
- (4) \$3,000, or an increased amount not to exceed \$9,000 as determined under Subsection (d), for each acknowledged teacher or nationally board certified teacher.

Makes a nonsubstantive change.

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

- (1) \$6,000, rather than \$5,000, for each master teacher;
- (2) \$4,000, rather than \$3,000, for each exemplary teacher;
- (3) \$2,500, rather than \$1,500, for each recognized teacher; and
- (4) \$1,500 for each acknowledged teacher or nationally board certified teacher.

Makes a nonsubstantive change.

(g-1) Requires the commissioner, for a district that is designated as an enhanced teacher incentive allotment school under Section 21.3521(d-1), to increase the amount to which the district is entitled under Section 48.112 (Teacher Incentive Allotment) by multiplying that amount by 1.1.

(i) Requires a district to annually certify that funds received under this section were used for certain purposes, including for a district whose allotment was increased under Subsection (g-1), the amount by which the allotment was increased under that subsection was used to meet the criteria to maintain a designation as an enhanced teacher incentive allotment school under Section 21.3521(d-1). Makes nonsubstantive changes.

SECTION 8. Amends Subchapter D, Chapter 48, Education Code, by adding Section 48.158, as follows:

Sec. 48.158. TEACHER RETENTION ALLOTMENT. (a) Defines "classroom teacher."

(b) Entitles a school district to an annual allotment for each classroom teacher employed by the district in the school year for which the allotment is provided as follows:

- (1) if the district has 5,000 or fewer students enrolled for that school year:
 - (A) \$5,000 for each classroom teacher who has at least three but less than five years of teaching experience; and
 - (B) \$10,000 for each classroom teacher who has five or more years of teaching experience; and

(2) if the district has more than 5,000 students enrolled for that school year:

(A) \$2,500 for each classroom teacher who has at least three but less than five years of teaching experience; and

(B) \$5,500 for each classroom teacher who has five or more years of teaching experience.

(b-1) Entitles a school district described by Subsection (b)(2), in addition to the amount under that subsection, to an allotment in the amount equal to \$7,000 multiplied by the result of dividing 5,000 by 14.5 if the school district received an allotment in a previous school year under Subsection (b)(1).

(c) Requires a school district, for the 2025–2026 school year, to use money received under Subsection (b) to increase the salary provided to each classroom teacher in the district for that year over the salary the teacher received or would have received if employed by the district in the 2024-2025 school year by at least the amount received per classroom teacher under Subsection (b).

(d) Requires a school district, for the 2026–2027 and each subsequent school year, to use money received under Subsection (b) to maintain the salary increases for classroom teachers provided under Subsection (c). Provides that any additional funding generated for a school district under this section is authorized only to be used for the compensation of classroom teachers employed by the district.

(e) Requires the commissioner, notwithstanding any other law, to exclude the funding to which a school district is entitled under this section for purposes of determining the amount by which the district is required to reduce the district's tier one revenue level under Section 48.257 (Local Revenue in Excess of Entitlement) and calculating a school district's maintenance and operations revenue under Section 48.277(a) (relating to entitling certain education entities to a certain annual allotment for each student in average daily attendance).

SECTION 9. Repealers: Sections 48.051(c) (relating to requiring a school district to use a certain amount of its basic allotment for certain purposes) and (c-1) (relating to entitling a school district employee to a certain salary under certain conditions), Education Code.

Repealers: Sections 48.051 (c-2) (relating to providing that a reduction in the salary of a school district employee is subject to certain rights granted to the employee) and (d) (relating to defining "compensation"), Education Code.

SECTION 10. Requires a school district or open-enrollment charter school, immediately following the effective date of this Act, to redesignate a teacher who holds a designation made under Section 21.3521, Education Code, before the effective date of this Act, to reflect the teacher's designation under Section 21.3521, Education Code, as amended by this Act. Requires that funding provided to a school district under Section 48.112, Education Code, for a teacher who held a designation made under Section 21.3521, Education Code, as that section existed immediately before the effective date of this Act, be increased to reflect the teacher's redesignation under Section 21.3521, Education Code, as amended by this Act.

SECTION 11. (a) Effective date, except as provided by Subsection (b) of this section: upon passage or September 1, 2025.

(b) Effective date, Sections 48.112(c) and (d), Education Code, as amended by this Act, and Section 48.158, Education Code, as added by this Act: September 1, 2025.