

BILL ANALYSIS

Senate Research Center
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S.B. 27
By: Creighton
Education K-16
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

1. Duty Calendar

- Districts must provide teachers a duty calendar not later than 15 days before the first instructional day of the school year.
- Districts must provide to each classroom teacher, full-time counselor, and full-time librarian employed by the district a calendar that specifies the days each employee is expected to work for that school year, including the days on which the employee is expected to perform supplemental duties for more than 30 minutes outside of the instructional day, and except for days on which the employee may be required to spend time on an unanticipated duty outside of the instructional day to comply with a state or federal law.

2. Teacher Contract Abandonment Protections

- The State Board for Educator Certification cannot punish educators who abandon their contract due to:
 - Serious illness or health condition of the teacher or a close family member.
 - Relocation because the teacher's spouse or partner who resides with the teacher changes employers.

3. Rehire-Retired

- Reimbursement grants for hiring retired teachers for districts, charters, and Windham School District.

4. Teacher Quality Assistance

- Texas Education Agency (TEA) technical assistance to districts for:
 - strategic compensation, staffing, and scheduling efforts that improve professional growth, teacher leadership opportunities, and staff retention; and
 - programs that encourage high school students or other members of the community in the area served by the district to become teachers, including available teacher apprenticeship programs.

5. Teacher Time Study

- TEA technical assistance to districts for:
 - studying how the district's or school's staff and student schedules, required non-instructional duties for classroom teachers, and professional development requirements for educators are affecting the amount of time classroom teachers work each week; and

- refining the schedules for students or staff as necessary to ensure teachers have sufficient time during normal work hours to fulfill all job duties, including addressing the needs of students.

6. Teacher Position Information

- TEA shall collect data from districts to address teacher retention and recruitment, including the classifications, grade levels, subject areas, duration, and other relevant information regarding vacant teaching positions at districts and schools.

7. Discipline

- Allows a teacher to remove from class a student who is interfering with a teacher's ability to teach, who is abusive toward an adult or student, or who is bullying.
- The written consent of a teacher and a return to class plan is required before returning a student to a teacher's classroom, unless a placement review committee determines returning the student to the teacher's classroom is the best or only option for the student.
- Students can appeal their removals.

8. 37.002(e) Repealer

- (e) A student who is sent to the campus behavior coordinator or other administrator's office under Subsection (a) or removed from class under Subsection (b) is not considered to have been removed from the classroom for the purposes of reporting data through the Public Education Information Management System (PEIMS) or other similar reports required by state or federal law.

As proposed, S.B. 27 amends current law relating to the rights of public school educators and assistance provided to public schools by the Texas Education Agency related to public school educators.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.1513, Education Code, by adding Subsection (l), as follows:

(l) Requires that the employment policy for district personnel provide that:

- (1) before the beginning of each school year, the district is required to 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. Amends Subchapter D, Chapter 11, Education Code, by adding Section 11.15131, as follows:

Sec. 11.15131. DUTY CALENDAR FOR CERTAIN PROFESSIONAL STAFF. (a) Defines "supplemental duty."

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

SECTION 3. Amends Section 21.105, Education Code, by amending Subsection (c) and adding Subsection (g), as follows:

(c) Authorizes the State Board for Educator Certification (SBEC), subject to certain subsections, including Subsection (g), on written complaint by the employing district, to impose sanctions against a teacher employed under a probationary contract who resigns, fails without good cause to comply with certain provisions, and fails to perform the contract.

(g) Prohibits SBEC from imposing a sanction under Subsection (c) against a teacher who relinquishes a position under a probationary contract and leaves the employment of the district after the 45th day before the first day of instruction for the upcoming school year in violation of Subsection (a) (relating to authorizing a teacher employed under a probationary contract to leave the employment of the district without penalty) and without the consent of the board of trustees under Subsection (b) (relating to authorizing a teacher employed under a probationary contract to resign with the consent of the board of trustees) if the teacher's failure to comply with Subsection (a) was due to certain causes.

SECTION 4. Amends Section 21.160, Education code, by amending Subsection (c) and adding Subsection (g), as follows:

(c) Authorizes SBEC, subject to certain subsections, including Subsection (g), on written complaint by the employing district, to impose sanctions against a teacher who is employed under a continuing contract that obligates the district to employ the person for the following school year and who resigns, fails without good cause to comply with certain provisions, and fails to perform the contract.

(g) Prohibits SBEC from imposing a sanction under Subsection (c) against a teacher who relinquishes a position under a continuing contract and leaves the employment of the district after the 45th day before the first day of instruction of the upcoming school year in violation of Subsection (a) (relating to authorizing a teacher employed under a continuing contract to leave the employment of the district without penalty) and without the consent of the board of trustees under Subsection (b) (relating to authorizing a teacher employed under a term contract to resign with the consent of the board of trustees) if the teacher's failure to comply with Subsection (a) was due to certain causes.

SECTION 5. Amends Section 21.210, Education Code, by amending Subsection (c) and adding Subsection (g), as follows:

(c) Authorizes SBEC, subject to certain subsections, including Subsection (g), on written complaint by the employing district, to impose sanctions against a teacher who is employed under a term contract that obligates the district to employ the person for the following school year and who resigns, fails without good cause to comply with certain provisions, and fails to perform the contract.

(g) Prohibits SBEC from imposing a sanction under Subsection (c) against a teacher who relinquishes a position under a term contract and leaves the employment of the district after the 45th day before the first day of instruction of the upcoming school year in violation of Subsection (a) (relating to authorizing a teacher employed under a term

contract to leave the employment of the district without penalty) and without the consent of the board of trustees under Subsection (b) (relating to authorizing a teacher employed under a term contract to resign with the consent of the board of trustees) if the teacher's failure to comply with Subsection (a) was due to certain causes.

SECTION 6. Amends Section 21.257, Education Code, by amending Subsection (a) and adding Subsection (f), as follows:

(a) Creates an exception under Subsection (f).

(f) Authorizes the hearing examiner to dismiss a hearing before completing the hearing or making a written recommendation if the teacher requests the dismissal, the school district withdraws the proposed decision that is the basis of the hearing, or the teacher and the school district request the dismissal after reaching a settlement regarding the proposed decision that is the basis of the hearing.

SECTION 7. Amends Subchapter I, Chapter 21, Education Code, by adding Section 21.416, as follows:

Sec. 21.416. EMPLOYED RETIREE TEACHER REIMBURSEMENT GRANT PROGRAM. (a) Requires the commissioner of education (commissioner), from money appropriated or otherwise available, to establish and administer a grant program to award money to reimburse a school district, an open-enrollment charter school, the Windham School District, the Texas School for the Deaf (TSD), or the Texas School for the Blind and Visually Impaired (TSBVI) that hires a teacher who retired before September 1, 2024, for the increased contributions to the Teacher Retirement System associated with hiring the retired teacher.

(b) Authorizes the legislature, in appropriating money for grants awarded under this section, to provide for, modify, or limit amounts appropriated for that purpose in the General Appropriations Act, including by:

(1) providing, notwithstanding Subsection (a), a date or date range other than September 1, 2024, before which a teacher must have retired for a school district, an open-enrollment charter school, the Windham School District, TSD, or TSBVI that hires the teacher to be eligible; or

(2) limiting eligibility to a district or school described by Subdivision (1) that hires a retired teacher who holds a certain certification, to teach a certain subject or grade, in a certain geographical area, or to provide instruction to certain students, including to students with disabilities.

(c) Requires the commissioner to proportionally reduce the amount of money awarded to school districts, open-enrollment charter schools, the Windham School District, TSD, and TSBVI under this section if the number of grant applications by eligible districts or schools exceeds the number of grants the commissioner could award with the money appropriated or otherwise available for the purpose.

(d) Authorizes a school district, an open-enrollment charter school, the Windham School District, TSD, or TSBVI to use money received under this section to make required payments under Section 825.4092 (Employer Contributions for Employed Retirees), Government Code.

SECTION 8. Amends Subchapter J, Chapter 21, Education Code, by adding Sections 21.466, 21.467, and 21.468, as follows:

Sec. 21.466. TEACHER QUALITY ASSISTANCE. (a) Requires the Texas Education Agency (TEA), from money appropriated or otherwise available for the purpose, to

develop training for and provide technical assistance to school districts and open-enrollment charter schools regarding:

- (1) strategic compensation, staffing, and scheduling efforts that improve professional growth, teacher leadership opportunities, and staff retention;
- (2) programs that encourage high school students or other members of the community in the area served by the district to become teachers, including available teacher apprenticeship programs; and
- (3) programs or strategies that school leaders may use to establish clear and attainable behavior expectations while proactively supporting students.

(b) Requires TEA, from money appropriated or otherwise available, to provide grants to school districts and open-enrollment charter schools to implement initiatives developed under this section.

Sec. 21.467. TEACHER TIME STUDY. (a) Requires TEA, from money appropriated or otherwise available for the purpose, to develop and maintain a technical assistance program to support school districts and open-enrollment charter schools in:

- (1) studying how the district's or school's staff and student schedules, required noninstructional duties for classroom teachers, and professional development requirements for educators are affecting the amount of time classroom teachers work each week; and
- (2) refining the schedules for students or staff as necessary to ensure teachers have sufficient time during normal work hours to fulfill all job duties, including addressing the needs of students.

(b) Requires TEA to periodically make findings and recommendations for best practices publicly available using information from participating school districts and open-enrollment charter schools.

Sec. 21.468. TEACHER POSITION INFORMATION. Requires TEA to collect data from school districts and open-enrollment charter schools to address teacher retention and recruitment, including the classifications, grade levels, subject areas, duration, and other relevant information regarding vacant teaching positions at districts and schools. Authorizes the data to be collected through the Public Education Information Management System (PEIMS) or another electronic reporting mechanism specified by the agency.

SECTION 9. Amends Section 37.002, Education Code, by amending Subsections (b), (c), and (d) and adding Subsections (b-2), (e-1), and (f), as follows:

(b) Authorizes a teacher to remove from class a student who:

- (1) interferes, rather than who has been documented by the teacher to repeatedly interfere, with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn;
- (2) demonstrates behavior that is unruly, disruptive, or abusive toward the teacher, another adult, or another student; or
- (3) engages in conduct that constitutes bullying as defined by Section 37.0832 (Bullying Prevention Policies and Procedures).

Deletes existing text authorizing a teacher to remove from class a student whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with

the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. Makes nonsubstantive changes.

(b-2) Requires a teacher, campus behavior coordinator, or other appropriate administrator to notify a parent or person standing in parental relation to a student of the removal of a student under Section 37.002 (Removal by Teacher).

(c) Prohibits the principal from returning a student to a teacher's class without the teacher's written consent unless the committee established under Section 37.003 (Placement Review Committee) determines that such placement is the best or only alternative available. Prohibits the principal from returning the student to that teacher's class, regardless of the teacher's consent, until a return to class plan has been prepared for that student. Provides that the principal is authorized only to designate an employee of the school whose primary duties do not include classroom instruction to create a return to class plan.

(d) Makes conforming changes to this subsection.

(e-1) Authorizes a student to appeal the student's removal from class under this section to the school's placement review committee established under Section 37.003, or the safe and supportive school team established under Section 37.115 (Threat Assessment and Safe and Supportive School Program and Team), in accordance with a district policy providing for such an appeal to be made to the team.

(f) Provides that Section 37.004 (Placement of Students with Disabilities) applies to the removal or placement under this section of a student with a disability who receives special education services.

SECTION 10. Repealer: Section 37.002(e) (relating to providing that a student who is sent to the campus behavior coordinator's or other administrator's office or removed from class is not considered to have been removed for the purposes of PEIMS or other similar reports), Education Code.

Repealer: Section 825.4092(f) (relating to providing that a reporting employer is responsible for payment of the amounts required to be contributed), Government Code.

SECTION 11. Makes application of Section 21.257(f), Education Code, as added by this Act prospective.

SECTION 12. Effective date: upon passage or September 1, 2025.