

By: Toth

H.B. No. 4146

A BILL TO BE ENTITLED

AN ACT

relating to the rights of public school educators and assistance provided to public schools by the Texas Education Agency related to public school educators.

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 expected to be performed during an instructional day and which may

1 be governed by an agreement, other than the employee's contract,
2 between the district and the employee.

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

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

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

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

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

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

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

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

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

12 (A) relocate; or

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

15 (4) the teacher's reasonable belief that the teacher
16 had written permission from the school district's administration to
17 resign.

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

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

26 (1) resigns;

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

(a) or (b); and

(3) fails to perform the contract.

(g) The State Board for Educator Certification may not impose 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) and without the consent of the board of trustees under Subsection (b) if the teacher's failure to comply with Subsection (a) was due to:

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

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

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

(A) relocate; or

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

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

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

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

Educator Certification may 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:

(1) resigns;

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

(3) fails to perform the contract.

(g) The State Board for Educator Certification may not impose 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) and without the consent of the board of trustees under Subsection (b) if the teacher's failure to comply with Subsection (a) was due to:

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

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

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

(A) relocate; or

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

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

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

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

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

(2) may include a proposal for granting relief.

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

(1) the teacher requests the dismissal;

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

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

SECTION 7. Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.416 to read as follows:

Sec. 21.416. EMPLOYED RETIREE TEACHER REIMBURSEMENT GRANT PROGRAM. (a) From money appropriated or otherwise available, the commissioner shall 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, or the Texas School for the Blind and Visually Impaired 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) In appropriating money for grants awarded under this section, the legislature may 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, the Texas School for the Deaf, or the Texas School for the Blind and Visually Impaired 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:

(A) who holds a certain certification;
(B) to teach a certain subject or grade;
(C) in a certain geographical area; or
(D) to provide instruction to certain students, including to students with disabilities.

(c) The commissioner shall proportionally reduce the amount of money awarded to school districts, open-enrollment charter schools, the Windham School District, the Texas School for the Deaf, and the Texas School for the Blind and Visually Impaired 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.

1 (d) A school district, an open-enrollment charter school,
2 the Windham School District, the Texas School for the Deaf, or the
3 Texas School for the Blind and Visually Impaired may use money
4 received under this section to make required payments under Section
5 825.4092, Government Code.

6 SECTION 8. Subchapter J, Chapter 21, Education Code, is
7 amended by adding Sections 21.466, 21.467, and 21.468 to read as
8 follows:

9 Sec. 21.466. TEACHER QUALITY ASSISTANCE. (a) From money
10 appropriated or otherwise available for the purpose, the agency
11 shall develop training for and provide technical assistance to
12 school districts and open-enrollment charter schools regarding:

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

16 (2) programs that encourage high school students or
17 other members of the community in the area served by the district to
18 become teachers, including available teacher apprenticeship
19 programs; and

20 (3) programs or strategies that school leaders may use
21 to establish clear and attainable behavior expectations while
22 proactively supporting students.

23 (b) From money appropriated or otherwise available, the
24 agency shall provide grants to school districts and open-enrollment
25 charter schools to implement initiatives developed under this
26 section.

27 Sec. 21.467. TEACHER TIME STUDY. (a) From money

appropriated or otherwise available for the purpose, the agency shall 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) The agency shall 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. The agency shall 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. The data may be collected through the Public Education Information Management System (PEIMS) or another electronic reporting mechanism specified by the agency.

SECTION 9. Section [37.002](#), Education Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections (b-2), (e-1), and (f) to read as follows:

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

(1) interferes [~~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; [~~or~~]

(2) demonstrates [~~whose~~] 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 [~~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~~].

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

(c) If a teacher removes a student from class under Subsection (b), the principal may place the student into another appropriate classroom, into in-school suspension, or into a disciplinary alternative education program as provided by Section 37.008. The principal may not return the student to that teacher's class without the teacher's written consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. The principal may not return the student to that teacher's class, regardless of the teacher's consent, until a return to class plan has been prepared

1 for that student. The principal may only designate an employee of
 2 the school whose primary duties do not include classroom
 3 instruction to create a return to class plan. The terms of the
 4 removal may prohibit the student from attending or participating in
 5 school-sponsored or school-related activity.

6 (d) A teacher shall remove from class and send to the
 7 principal for placement in a disciplinary alternative education
 8 program or for expulsion, as appropriate, a student who engages in
 9 conduct described under Section 37.006 or 37.007. The student may
 10 not be returned to that teacher's class without the teacher's
 11 written consent unless the committee established under Section
 12 37.003 determines that such placement is the best or only
 13 alternative available. If the teacher removed the student from
 14 class because the student has engaged in the elements of any offense
 15 listed in Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or
 16 (b)(2)(C) against the teacher, the student may not be returned to
 17 the teacher's class without the teacher's written consent. The
 18 teacher may not be coerced to consent.

19 (e-1) A student may appeal the student's removal from class
 20 under this section to:

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

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

26 (f) Section 37.004 applies to the removal or placement under
 27 this section of a student with a disability who receives special

1 education services.

2 SECTION 10. The following provisions are repealed:

3 (1) Section 37.002(e), Education Code; and

4 (2) Section 825.4092(f), Government Code.

5 SECTION 11. Section 21.257(f), Education Code, as added by
6 this Act, applies only to a hearing before a hearing examiner
7 commenced on or after the effective date of this Act.

8 SECTION 12. This Act takes effect immediately if it
9 receives a vote of two-thirds of all the members elected to each
10 house, as provided by Section 39, Article III, Texas Constitution.
11 If this Act does not receive the vote necessary for immediate
12 effect, this Act takes effect September 1, 2025.