

By: Creighton, et al.

S.B. No. 26

A BILL TO BE ENTITLED

1 AN ACT
2 relating to public education, including the rights and compensation
3 of public school educators and funding for teacher compensation
4 under the Foundation School Program.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 21.3521, Education Code, is amended by
7 amending Subsections (a), (c), and (e) and adding Subsections
8 (c-1), (c-2), (d-1), (d-2), and (d-3) to read as follows:

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

14 (c) Notwithstanding performance standards established
15 under Subsection (b) and except as provided by Subsection (c-1), a
16 classroom teacher that holds a National Board Certification issued
17 by the National Board for Professional Teaching Standards may be
18 designated as nationally board certified ~~[recognized]~~. A classroom
19 teacher's designation under this subsection is valid until the
20 earlier of:

21 (1) the date on which the designation expires; or

22 (2) September 1, 2028.

23 (c-1) A classroom teacher who has made substantial
24 progress, as determined by the commissioner, in obtaining a

1 National Board Certification issued by the National Board for
2 Professional Teaching Standards on September 1, 2025, may be
3 designated as nationally board certified under Subsection (c) on
4 issuance of the National Board Certification. A classroom teacher
5 who begins the process of or who has not made substantial progress
6 in obtaining a National Board Certification as of September 1,
7 2025, may not be designated as nationally board certified under
8 Subsection (c).

9 (c-2) Subsections (c) and (c-1) and this subsection expire
10 on September 1, 2028.

11 (d-1) Each school year, the commissioner shall, using
12 criteria developed by the commissioner, designate as enhanced
13 teacher incentive allotment schools school districts and
14 open-enrollment charter schools that implement comprehensive
15 school evaluation and support systems. The criteria developed by
16 the commissioner must require a district or school to:

17 (1) for principals and assistant principals,
18 implement:

19 (A) a strategic evaluations system aligned with
20 the district's or school's teacher designation system; and

21 (B) a compensation system based on performance;

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

27 (3) implement for all classroom teachers a

1 compensation plan based on performance that:

2 (A) uses a salary schedule that differentiates
3 among classroom teachers based on staff appraisals; and

4 (B) does not include across-the-board salary
5 increases for classroom teachers except for periodic changes to the
6 district's or school's salary schedule to adjust for significant
7 inflation; and

8 (4) implement a locally designed plan to place highly
9 effective teachers at high needs campuses and in accordance with
10 Section 28.0062(a)(3).

11 (d-2) The commissioner may designate a school district or
12 open-enrollment charter school as an enhanced teacher incentive
13 allotment school under Subsection (d-1) only if the district or
14 school has implemented a local optional teacher designation system
15 under this section.

16 (d-3) The commissioner may remove a school district's or
17 open-enrollment charter school's designation under Subsection
18 (d-1) if the commissioner determines the district or school no
19 longer meets the criteria for the designation.

20 (e) The agency shall develop and provide technical
21 assistance for school districts and open-enrollment charter
22 schools that request assistance in implementing a local optional
23 teacher designation system, including:

24 (1) providing assistance in prioritizing high needs
25 campuses;

26 (2) providing examples or models of local optional
27 teacher designation systems to reduce the time required for a

1 district or school to implement a teacher designation system;

2 (3) providing examples or models of local optional
3 teacher designation systems that implement a teacher designation
4 system for teachers of special populations, including special
5 education and bilingual education;

6 (4) establishing partnerships between districts and
7 schools that request assistance and districts and schools that have
8 implemented a teacher designation system;

9 (5) applying the performance and validity standards
10 established by the commissioner under Subsection (b);

11 (6) providing centralized support for the analysis of
12 the results of assessment instruments administered to district
13 students; and

14 (7) facilitating effective communication on and
15 promotion of local optional teacher designation systems.

16 SECTION 2. Subchapter H, Chapter 21, Education Code, is
17 amended by adding Section 21.3522 to read as follows:

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

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

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

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

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

2 (2) enable regional leadership capacity.

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

5 SECTION 3. Subchapter I, Chapter 21, Education Code, is
6 amended by adding Section 21.417 to read as follows:

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

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

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

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

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

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

26 (2) political activities or advocate for issues
27 regarding public schools, including for boards of trustees of

1 school districts or school districts.

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

6 SECTION 4. The heading to Section 22.001, Education Code,
7 is amended to read as follows:

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

10 SECTION 5. Sections 22.001(a) and (b), Education Code, are
11 amended to read as follows:

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

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

19 (2) inform the district of the total amount of the fees
20 and dues for each year or have the organization or entity notify the
21 district of the amount.

22 (b) The district shall deduct the total amount of the fees
23 or dues for a year in equal amounts per pay period [~~for the number of~~
24 ~~periods specified by the employee~~]. The district shall notify the
25 employee not later than the 45th day after the district receives a
26 request under Subsection (a) of the number of pay periods annually
27 from which the district will deduct the fees or dues. The

1 deductions shall be made until the employee requests in writing
2 that the deductions be discontinued.

3 SECTION 6. Section 29.153(b), Education Code, is amended to
4 read as follows:

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

8 (1) is unable to speak and comprehend the English
9 language;

10 (2) is educationally disadvantaged;

11 (3) is homeless, regardless of the residence of the
12 child, of either parent of the child, or of the child's guardian or
13 other person having lawful control of the child;

14 (4) is the child of an active duty member of the armed
15 forces of the United States, including the state military forces or
16 a reserve component of the armed forces, who is ordered to active
17 duty by proper authority;

18 (5) is the child of a member of the armed forces of the
19 United States, including the state military forces or a reserve
20 component of the armed forces, who was injured or killed while
21 serving on active duty;

22 (6) is or ever has been in:

23 (A) the conservatorship of the Department of
24 Family and Protective Services following an adversary hearing held
25 as provided by Section 262.201, Family Code; or

26 (B) foster care in another state or territory, if
27 the child resides in this state; [~~or~~]

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

3 (A) a peace officer under Section 3106.002,
4 Government Code;

5 (B) a firefighter under Section 3106.003,
6 Government Code; or

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

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

12 SECTION 7. Section 48.112, Education Code, is amended by
13 amending Subsections (c), (d), and (i) and adding Subsections (d-1)
14 and (g-1) to read as follows:

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

20 (1) \$12,000, or an increased amount not to exceed
21 \$36,000 [~~\$32,000~~] as determined under Subsection (d), for each
22 master teacher;

23 (2) \$9,000 [~~\$6,000~~], or an increased amount not to
24 exceed \$25,000 [~~\$18,000~~] as determined under Subsection (d), for
25 each exemplary teacher; [~~and~~]

26 (3) \$5,000 [~~\$3,000~~], or an increased amount not to
27 exceed \$15,000 [~~\$9,000~~] as determined under Subsection (d), for

1 each recognized teacher; and

2 (4) \$3,000, or an increased amount not to exceed
3 \$9,000 as determined under Subsection (d), for each acknowledged
4 teacher.

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

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

10 (2) \$4,000 [~~\$3,000~~] for each exemplary teacher; [~~and~~]

11 (3) \$2,500 [~~\$1,500~~] for each recognized teacher; and

12 (4) \$1,500 for each acknowledged teacher.

13 (d-1) For each classroom teacher with a nationally board
14 certified designation under Section 21.3521 employed by a school
15 district, the district is entitled to an allotment equal to \$3,000,
16 increased by the high needs and rural factor amount determined for
17 an acknowledged teacher under Subsection (d)(4), not to exceed
18 \$9,000. This subsection expires September 1, 2028.

19 (g-1) For a district that is designated as an enhanced
20 teacher incentive allotment school under Section 21.3521(d-1), the
21 commissioner shall increase the amount to which the district is
22 entitled under this section by multiplying that amount by 1.1.

23 (i) A district shall annually certify that:

24 (1) funds received under this section were used as
25 follows:

26 (A) at least 90 percent of each allotment
27 received under Subsection (c) was used for the compensation of

1 teachers employed at the campus at which the teacher for whom the
2 district received the allotment is employed; [~~and~~]

3 (B) for a district whose allotment was increased
4 under Subsection (g-1), the amount by which the allotment was
5 increased under that subsection was used to meet the criteria to
6 maintain a designation as an enhanced teacher incentive allotment
7 school under Section 21.3521(d-1); and

8 (C) any other funds received under this section
9 were used for costs associated with implementing Section 21.3521,
10 including efforts to support teachers in obtaining designations;
11 and

12 (2) the district prioritized high needs campuses in
13 the district in using funds received under this section.

14 SECTION 8. Subchapter D, Chapter 48, Education Code, is
15 amended by adding Section 48.158 to read as follows:

16 Sec. 48.158. TEACHER RETENTION ALLOTMENT. (a) In this
17 section, "classroom teacher" has the meaning assigned by Section
18 5.001, except that the term also includes a person who is not
19 required to hold a certificate issued under Subchapter B, Chapter
20 21, who otherwise meets the definition of a classroom teacher under
21 that section.

22 (b) A school district is entitled to an annual allotment for
23 each classroom teacher employed by the district for which the
24 allotment is provided as follows:

25 (1) if the district has 5,000 or fewer students
26 enrolled for the school year:

27 (A) \$5,000 for each classroom teacher who has at

1 least three but less than five years of teaching experience; and

2 (B) \$10,000 for each classroom teacher who has
3 five or more years of teaching experience; and

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

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

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

10 (b-1) Instead of the allotment under Subsection (b)(2), a
11 school district described by that subdivision is entitled to
12 funding under Subsection (b)(1) if the school district received an
13 allotment under Subsection (b)(1) in a previous school year.

14 (c) For the 2025-2026 school year, a school district shall
15 use money received under Subsection (b) to increase the salary
16 provided to each classroom teacher for which the district is
17 entitled to funding under Subsection (b) for that year over the
18 salary the teacher received or would have received if employed by
19 the district in the 2024-2025 school year by at least the amount
20 received per classroom teacher under Subsection (b).

21 (d) For the 2026-2027 and each subsequent school year, a
22 school district shall use money received under Subsection (b) to
23 maintain the salary increases for classroom teachers provided under
24 Subsection (c). Any additional funding generated for a school
25 district under this section may only be used for the compensation of
26 classroom teachers employed by the district who have three or more
27 years of experience.

1 (e) A school district that increases classroom teacher
2 compensation in the 2025-2026 school year to comply with Subsection
3 (c), as added by S.B. 26, 89th Legislature, Regular Session, 2025,
4 is providing compensation for services rendered independently of an
5 existing employment contract applicable to that school year and is
6 not in violation of Section 53, Article III, Texas Constitution.
7 This subsection expires September 1, 2027.

8 SECTION 9. Section 48.257, Education Code, is amended by
9 adding Subsection (b-1) to read as follows:

10 (b-1) If for any school year a school district receives an
11 adjustment under Subsection (b) and, after that adjustment, is no
12 longer subject to Subsection (a), the district is entitled to
13 additional state aid for that school year in an amount equal to the
14 lesser of:

15 (1) the difference, if the difference is greater than
16 zero, between:

17 (A) the amount to which the district is entitled
18 under Subchapters B, C, and D less the district's distribution from
19 the available school fund for that school year; and

20 (B) the district's tier one maintenance and
21 operations tax collections for that school year; or

22 (2) the district's allotment under Section 48.158 for
23 that school year.

24 SECTION 10. Sections 48.051(c), (c-1), (c-2), and (d),
25 Education Code, are repealed.

26 SECTION 11. Immediately following the effective date of
27 this Act, a school district or open-enrollment charter school shall

1 redesignate a teacher who holds a designation made under Section
2 [21.3521](#), Education Code, before the effective date of this Act, to
3 reflect the teacher's designation under Section [21.3521](#), Education
4 Code, as amended by this Act. Funding provided to a school district
5 under Section [48.112](#), Education Code, for a teacher who held a
6 designation made under Section [21.3521](#), Education Code, as that
7 section existed immediately before the effective date of this Act,
8 shall be increased to reflect the teacher's redesignation under
9 Section [21.3521](#), Education Code, as amended by this Act.

10 SECTION 12. (a) Except as provided by Subsection (b) of
11 this section, this Act takes effect immediately if this Act
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section [39](#), Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, the entirety of this Act takes effect September 1, 2025.

16 (b) Sections [48.112](#)(c) and (d), Education Code, as amended
17 by this Act, and Sections [48.158](#) and [48.257](#)(b-1), Education Code,
18 as added by this Act, take effect September 1, 2025.