

By: Creighton

S.B. No. 26

A BILL TO BE ENTITLED

AN ACT

relating to public education, including the rights and compensation of public school educators and funding for teacher compensation under the Foundation School Program.

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

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

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

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

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

1 (1) for principals and assistant principals,
2 implement:

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

5 (B) a compensation system based on performance;

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

11 (3) implement for all instructional staff a
12 compensation plan based on performance that:

13 (A) uses a salary schedule that differentiates
14 among instructional staff based on staff appraisals; and

15 (B) does not include across-the-board salary
16 increases for instructional staff except for periodic changes to
17 the district's or school's salary schedule to adjust for
18 significant inflation; and

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

22 (d-2) The commissioner may remove a school district's or
23 open-enrollment charter school's designation under Subsection
24 (d-1) if the commissioner determines the district or school no
25 longer meets the criteria for the designation.

26 (e) The agency shall develop and provide technical
27 assistance for school districts and open-enrollment charter

1 schools that request assistance in implementing a local optional
2 teacher designation system, including:

3 (1) providing assistance in prioritizing high needs
4 campuses;

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

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

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

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

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

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

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

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

27 (2) increase the number of classroom teachers eligible

1 for a designation under that section.

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

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

4 (2) enable regional leadership capacity.

5 (c) The commissioner may adopt rules as necessary to
6 implement this section.

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

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

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

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

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

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

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

1 (2) political activities or advocate for issues
2 regarding public schools, including for boards of trustees of
3 school districts or school districts.

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

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

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

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

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

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

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

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

1 request under Subsection (a) of the number of pay periods annually
2 from which the district will deduct the fees or dues. The
3 deductions shall be made until the employee requests in writing
4 that the deductions be discontinued.

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

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

10 (1) is unable to speak and comprehend the English
11 language;

12 (2) is educationally disadvantaged;

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

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

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

24 (6) is or ever has been in:

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

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

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

5 (A) a peace officer under Section 3106.002,
6 Government Code;

7 (B) a firefighter under Section 3106.003,
8 Government Code; or

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

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

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

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

22 (1) \$12,000, or an increased amount not to exceed
23 \$36,000 [~~\$32,000~~] as determined under Subsection (d), for each
24 master teacher;

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

1 (3) \$5,000 [~~\$3,000~~], or an increased amount not to
2 exceed \$15,000 [~~\$9,000~~] as determined under Subsection (d), for
3 each recognized teacher; and

4 (4) \$3,000, or an increased amount not to exceed
5 \$9,000 as determined under Subsection (d), for each:

6 (A) acknowledged teacher; or

7 (B) nationally board certified teacher.

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

12 (1) \$6,000 [~~\$5,000~~] for each master teacher;

13 (2) \$4,000 [~~\$3,000~~] for each exemplary teacher; [~~and~~]

14 (3) \$2,500 [~~\$1,500~~] for each recognized teacher; and

15 (4) \$1,500 for each:

16 (A) acknowledged teacher; or

17 (B) nationally board certified teacher.

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

22 (i) A district shall annually certify that:

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

25 (A) at least 90 percent of each allotment
26 received under Subsection (c) was used for the compensation of
27 teachers employed at the campus at which the teacher for whom the

1 district received the allotment is employed; [~~and~~]

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

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

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

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

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

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

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

26 (A) \$5,000 for each classroom teacher who has at
27 least three but less than five years of teaching experience; and

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

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

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

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

9 (b-1) In addition to the amount under Subsection (b)(2), a
10 school district described by that subdivision is entitled to an
11 allotment in the amount equal to \$7,000 multiplied by the result of
12 dividing 5,000 by 14.5 if the school district received an allotment
13 in a previous school year under Subsection (b)(1).

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 in the district for that year
17 over the salary the teacher received or would have received if
18 employed by the district in the 2024-2025 school year by at least
19 the amount received per classroom teacher under Subsection (b).

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

26 (e) Notwithstanding any other law, the commissioner shall
27 exclude the funding to which a school district is entitled under

1 this section for purposes of:

2 (1) determining the amount by which the district must
3 reduce the district's tier one revenue level under Section 48.257;
4 and

5 (2) calculating a school district's maintenance and
6 operations revenue under Section 48.277(a).

7 SECTION 9. Sections 48.051(c), (c-1), (c-2), and (d),
8 Education Code, are repealed.

9 SECTION 10. Immediately following the effective date of
10 this Act, a school district or open-enrollment charter school shall
11 redesignate a teacher who holds a designation made under Section
12 21.3521, Education Code, before the effective date of this Act, to
13 reflect the teacher's designation under Section 21.3521, Education
14 Code, as amended by this Act. Funding provided to a school district
15 under Section 48.112, Education Code, for a teacher who held a
16 designation made under Section 21.3521, Education Code, as that
17 section existed immediately before the effective date of this Act,
18 shall be increased to reflect the teacher's redesignation under
19 Section 21.3521, Education Code, as amended by this Act.

20 SECTION 11. (a) Except as provided by Subsection (b) of
21 this section, this Act takes effect immediately if this Act
22 receives a vote of two-thirds of all the members elected to each
23 house, as provided by Section 39, Article III, Texas Constitution.
24 If this Act does not receive the vote necessary for immediate
25 effect, the entirety of this Act takes effect September 1, 2025.

26 (b) Sections 48.112(c) and (d), Education Code, as amended
27 by this Act, and Section 48.158, Education Code, as added by this

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1 Act, take effect September 1, 2025.