By: Wooten H.B. No. 1187

A BILL TO BE ENTITLED

AN ACT

relating to the rights of public school educators and financial and other assistance provided to educators and 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 amending Subsections (d) and (e) and adding Subsection (l) to read as follows:

(d) The employment policy must provide that not later than the fifth [~~10th~~] school day before the date on which a district fills a vacant position for which a certificate or license is required as provided by Section 21.003, other than a position that affects the safety and security of students as determined by the board of trustees, the district must provide to each current district employee:

(1) notice of the position by posting the position on:

(A) a bulletin board at:

(i) a place convenient to the public in the district's central administrative office; and

(ii) the central administrative office of each campus in the district during any time the office is open; or

(B) the district's Internet website, if the district has a website; and

(2) a reasonable opportunity to apply for the

position.

(e) If, during the school year, the district must fill a vacant position held by a teacher, as defined by Section 21.201, in less than five [~~10~~] school days, the district:

(1) must provide notice of the position in the manner described by Subsection (d)(1) as soon as possible after the vacancy occurs;

(2) is not required to provide the notice for five [~~10~~] school days before filling the position; and

(3) is not required to comply with Subsection (d)(2).

(l) The employment policy must provide that 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.

SECTION 2. Subchapter B, Chapter 21, Education Code, is amended by adding Sections 21.0411 and 21.04893 to read as follows:

Sec. 21.0411. WAIVER OR PAYMENT OF CERTAIN EXAMINATION AND CERTIFICATION FEES. (a) Notwithstanding a rule adopted under Section 21.041(c), the board shall, for a person applying for a certification in special education, bilingual education, or another area specified by the General Appropriations Act, waive:

(1) a certification examination fee imposed by the board for the first administration of the examination to the person; and

(2) a fee associated with the application for

certification by the person.

(b) The board shall pay to a vendor that administers a certification examination described by Subsection (a) a fee assessed by that vendor for the examination of a person applying for a certification described by Subsection (a) for the first administration of the examination to the person.

Sec. 21.04893. BILINGUAL TARGET LANGUAGE PROFICIENCY TEST. The board shall propose rules to allow a person seeking certification under this subchapter who fails to perform satisfactorily on the Bilingual Target Language Proficiency Test to:

(1) retake only the sections of the test that include the domains on which the person failed to perform satisfactorily; and

(2) during a retake of the test described by Subdivision (1), demonstrate the person's language proficiency through the completion of fewer components, including eliminating a component that requires the preparation of a lesson plan for a person who fails to perform satisfactorily on a domain requiring completion of that component.

SECTION 3. Section 21.105, 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 employed under a probationary contract 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 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) 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 or location of employment;

(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 4. Section 21.160, 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 continuing 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 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 or location of employment;

(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 or location of employment;

(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 Sections 21.416 and 21.417 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.

(d) 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 may use money received under this section to make required payments under Section 825.4092, Government Code.

Sec. 21.417. ELECTION BY TEACHER TO USE UNPAID LEAVE. The board of trustees of a school district shall adopt a policy that provides a classroom teacher employed by the district the option to elect not to take the teacher's paid personal leave concurrently with unpaid leave the teacher is entitled to take under the Family and Medical Leave Act of 1993 (29 U.S.C. Section 2601 et seq.) for an absence due to pregnancy or the birth or adoption of a child.

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

Sec. 21.466. TEACHER QUALITY ASSISTANCE. (a) From money appropriated or otherwise available for the purpose, the agency

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

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;

(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; and

(3) studying how to reduce and streamline the tasks and duties a teacher is required to perform.

(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 26.011, Education Code, is amended by adding Subsection (c) to read as follows:

(c) A grievance procedure adopted under Subsection (a) must require that, for a complaint filed against a teacher or other employee, the school district provide:

(1) notice of the complaint to the teacher or employee against whom the complaint was filed; and

(2) sufficient opportunity for the teacher or employee against whom the complaint was filed to submit a written response to the complaint to be included in the record.

SECTION 10. Section 37.002, Education Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections

(b-2), (b-3), (c-1), (c-2), (e-1), (e-2), and (f) to read as follows:

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

(1) repeatedly 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.

(b-3) Subject to Sections 28.0022(a)(2) and (d), a teacher may remove a student from class under Subsection (b) of this section based on a single incident of behavior described by Subsection (b)(1), (2), or (3).

(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 and, not later than the third class day after the day on which the student was removed from class, a conference in which the teacher has been provided an opportunity to participate has been held in accordance with Section 37.009(a). The principal may not return the student to that teacher's class unless the teacher provides written consent for the student's return or a return to class plan has been prepared for that student. The principal may only designate an employee of the school whose primary duties do not include classroom instruction to create a return to class plan. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activity.

(c-1) A return to class plan required under Subsection (c) must be created before or at the conference described by that subsection. A plan created before the conference must be discussed at the conference.

(c-2) The commissioner shall adopt a model return to class plan for use by a school district in creating a return to class plan for a student under Subsection (c).

(d) A teacher shall remove from class and send to the principal for placement in a disciplinary alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007. The student may not be returned 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 and a conference in which the teacher has been provided an opportunity to participate has been held in accordance with Section 37.009(a). If the teacher removed the student from class because the student has engaged in the elements of any offense listed in Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or (b)(2)(C) against the teacher, the student may not be returned to the teacher's class without the teacher's written consent. The teacher may not be coerced to consent.

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

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

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

(e-2) The principal, campus behavior coordinator, or other appropriate administrator shall, at the conference required under Section 37.009(a), notify a student who has been removed from class under this section and the parent of or person standing in parental relation to the student of the student's right to appeal under Subsection (e-1).

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

SECTION 11. Section 37.115(c), Education Code, as amended

by Chapters 896 (H.B. 3) and 948 (S.B. 1720), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

(c) The board of trustees of each school district shall establish a threat assessment and safe and supportive school team to serve at each campus of the district and shall adopt policies and procedures for the teams. The team is responsible for developing and implementing the safe and supportive school program under Subsection (b) at the district campus served by the team. The policies and procedures adopted under this section must:

(1) be consistent with the model policies and procedures developed by the Texas School Safety Center;

(2) require each team to complete training provided by the Texas School Safety Center or a regional education service center regarding evidence-based threat assessment programs;

(3) require each team established under this section to report the information required under Subsection (k) regarding the team's activities to the agency; [~~and~~]

(4) provide for:

(A) a district employee who reports a potential threat to a team to elect for the employee's identity to be confidential and not subject to disclosure under Chapter 552, Government Code, except as necessary for the team, the district, or law enforcement to investigate the potential threat; and

(B) the district to maintain a record of the identity of a district employee who elects for the employee's identity to be confidential under Paragraph (A)__;__

(5) [~~(4)~~] require each district campus to establish a clear procedure for a student to report concerning behavior exhibited by another student for assessment by the team or other appropriate school employee; and

(6) require that, as soon as safe and practicable after an administrator or team for a district campus receives information regarding a threat made against that campus, including through social media, the administrator or team immediately provide to each member of the teaching staff, including teacher's aides, who may be directly affected by the threat notice that includes:

(A) a statement of the existence of the threat;

(B) the nature of the threat; and

(C) any other pertinent details to ensure student and staff safety.

SECTION 12. Section 825.4092(f), Government Code, is repealed.

SECTION 13. Section 21.257(f), Education Code, as added by this Act, applies only to a hearing before a hearing examiner commenced on or after the effective date of this Act.

SECTION 14. To the extent of any conflict, this Act prevails over another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 15. Sections 11.1513(d) and (e), Education Code, as amended by this Act, apply beginning with the 2025-2026 school year.

SECTION 16. Section 21.417, Education Code, as added by

this Act, applies beginning with the 2025-2026 school year.

SECTION 17. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.