

1-1 By: Creighton, Parker S.B. No. 26
1-2 (In the Senate - Filed February 18, 2025;
1-3 February 18, 2025, read first time and referred to Committee on
1-4 Education K-16; February 24, 2025, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 11,
1-6 Nays 0; February 24, 2025, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Creighton	X		
1-10	Campbell	X		
1-11	Bettencourt	X		
1-12	Hagenbuch	X		
1-13	Hinojosa of Nueces	X		
1-14	King	X		
1-15	Menéndez	X		
1-16	Middleton	X		
1-17	Parker	X		
1-18	Paxton	X		
1-19	West	X		

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 26 By: Middleton

1-21 A BILL TO BE ENTITLED
1-22 AN ACT

1-23 relating to public education, including the rights and compensation
1-24 of public school educators and funding for teacher compensation
1-25 under the Foundation School Program.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 21.3521, Education Code, is amended by
1-28 amending Subsections (a) and (e) and adding Subsections (d-1) and
1-29 (d-2) to read as follows:

1-30 (a) Subject to Subsection (b), a school district or
1-31 open-enrollment charter school may designate a classroom teacher as
1-32 a master, exemplary, ~~or~~ recognized, or acknowledged teacher for a
1-33 five-year period based on the results from single year or multiyear
1-34 appraisals that comply with Section 21.351 or 21.352.

1-35 (d-1) Each school year, the commissioner shall, using
1-36 criteria developed by the commissioner, designate as enhanced
1-37 teacher incentive allotment schools school districts and
1-38 open-enrollment charter schools that implement comprehensive
1-39 school evaluation and support systems. The criteria developed by
1-40 the commissioner must require a district or school to:

1-41 (1) for principals and assistant principals,

1-42 implement:

1-43 (A) a strategic evaluations system aligned with
1-44 the district's or school's teacher designation system; and

1-45 (B) a compensation system based on performance;

1-46 (2) ensure that under the district's or school's
1-47 teacher designation system substantially all classroom teachers,
1-48 regardless of the grade level or subject area to which the teacher
1-49 is assigned, are eligible to earn a designation under Subsection
1-50 (a);

1-51 (3) implement for all instructional staff a
1-52 compensation plan based on performance that:

1-53 (A) uses a salary schedule that differentiates
1-54 among instructional staff based on staff appraisals; and

1-55 (B) does not include across-the-board salary
1-56 increases for instructional staff except for periodic changes to
1-57 the district's or school's salary schedule to adjust for
1-58 significant inflation; and

1-59 (4) implement a locally designed plan to place highly
1-60 effective teachers at high needs campuses and in accordance with

Section 28.0062(a)(3).

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

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

(1) providing assistance in prioritizing high needs campuses;

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

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

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

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

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

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

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

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

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

(b) A grant awarded under this section must:

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

(2) enable regional leadership capacity.

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

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

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

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

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

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

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

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

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

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

SECTION 4. The heading to Section 22.001, Education Code,

3-1 is amended to read as follows:

3-2 Sec. 22.001. SALARY DEDUCTIONS FOR PROFESSIONAL OR OTHER
3-3 DUES.

3-4 SECTION 5. Sections 22.001(a) and (b), Education Code, are
3-5 amended to read as follows:

3-6 (a) A school district employee is entitled to have an amount
3-7 deducted from the employee's salary for membership fees or dues to a
3-8 professional organization or an entity providing services to
3-9 classroom teachers under Section 21.417. The employee must:

3-10 (1) file with the district a signed written request
3-11 identifying the organization or entity [~~and specifying the number~~
3-12 ~~of pay periods per year the deductions are to be made~~]; and

3-13 (2) inform the district of the total amount of the fees
3-14 and dues for each year or have the organization or entity notify the
3-15 district of the amount.

3-16 (b) The district shall deduct the total amount of the fees
3-17 or dues for a year in equal amounts per pay period [~~for the number of~~
3-18 ~~periods specified by the employee~~]. The district shall notify the
3-19 employee not later than the 45th day after the district receives a
3-20 request under Subsection (a) of the number of pay periods annually
3-21 from which the district will deduct the fees or dues. The
3-22 deductions shall be made until the employee requests in writing
3-23 that the deductions be discontinued.

3-24 SECTION 6. Section 29.153(b), Education Code, is amended to
3-25 read as follows:

3-26 (b) A child is eligible for enrollment in a prekindergarten
3-27 class under this section if the child is at least three years of age
3-28 and:

3-29 (1) is unable to speak and comprehend the English
3-30 language;

3-31 (2) is educationally disadvantaged;

3-32 (3) is homeless, regardless of the residence of the
3-33 child, of either parent of the child, or of the child's guardian or
3-34 other person having lawful control of the child;

3-35 (4) is the child of an active duty member of the armed
3-36 forces of the United States, including the state military forces or
3-37 a reserve component of the armed forces, who is ordered to active
3-38 duty by proper authority;

3-39 (5) is the child of a member of the armed forces of the
3-40 United States, including the state military forces or a reserve
3-41 component of the armed forces, who was injured or killed while
3-42 serving on active duty;

3-43 (6) is or ever has been in:

3-44 (A) the conservatorship of the Department of
3-45 Family and Protective Services following an adversary hearing held
3-46 as provided by Section 262.201, Family Code; or

3-47 (B) foster care in another state or territory, if
3-48 the child resides in this state; [~~or~~]

3-49 (7) is the child of a person eligible for the Star of
3-50 Texas Award as:

3-51 (A) a peace officer under Section 3106.002,
3-52 Government Code;

3-53 (B) a firefighter under Section 3106.003,
3-54 Government Code; or

3-55 (C) an emergency medical first responder under
3-56 Section 3106.004, Government Code; or

3-57 (8) is the child of a person employed as a classroom
3-58 teacher at a public primary or secondary school in the school
3-59 district that offers a prekindergarten class under this section.

3-60 SECTION 7. Section 48.112, Education Code, is amended by
3-61 amending Subsections (c), (d), and (i) and adding Subsection (g-1)
3-62 to read as follows:

3-63 (c) For each classroom teacher with a teacher designation
3-64 under Section 21.3521 employed by a school district, the school
3-65 district is entitled to an allotment equal to the following
3-66 applicable base amount increased by the high needs and rural factor
3-67 as determined under Subsection (d):

3-68 (1) \$12,000, or an increased amount not to exceed
3-69 \$36,000 [~~\$32,000~~] as determined under Subsection (d), for each

4-1 master teacher;

4-2 (2) \$9,000 [~~\$6,000~~], or an increased amount not to
 4-3 exceed \$25,000 [~~\$18,000~~] as determined under Subsection (d), for
 4-4 each exemplary teacher; ~~and~~

4-5 (3) \$5,000 [~~\$3,000~~], or an increased amount not to
 4-6 exceed \$15,000 [~~\$9,000~~] as determined under Subsection (d), for
 4-7 each recognized teacher; and

4-8 (4) \$3,000, or an increased amount not to exceed
 4-9 \$9,000 as determined under Subsection (d), for each acknowledged
 4-10 teacher.

4-11 (d) The high needs and rural factor is determined by
 4-12 multiplying the following applicable amounts by the average of the
 4-13 point value assigned to each student at a district campus under
 4-14 Subsection (e):

4-15 (1) \$6,000 [~~\$5,000~~] for each master teacher;

4-16 (2) \$4,000 [~~\$3,000~~] for each exemplary teacher; ~~and~~

4-17 (3) \$2,500 [~~\$1,500~~] for each recognized teacher; and

4-18 (4) \$1,500 for each acknowledged teacher.

4-19 (g-1) For a district that is designated as an enhanced
 4-20 teacher incentive allotment school under Section 21.3521(d-1), the
 4-21 commissioner shall increase the amount to which the district is
 4-22 entitled under this section by multiplying that amount by 1.1.

4-23 (i) A district shall annually certify that:

4-24 (1) funds received under this section were used as
 4-25 follows:

4-26 (A) at least 90 percent of each allotment
 4-27 received under Subsection (c) was used for the compensation of
 4-28 teachers employed at the campus at which the teacher for whom the
 4-29 district received the allotment is employed; ~~and~~

4-30 (B) for a district whose allotment was increased
 4-31 under Subsection (g-1), the amount by which the allotment was
 4-32 increased under that subsection was used to meet the criteria to
 4-33 maintain a designation as an enhanced teacher incentive allotment
 4-34 school under Section 21.3521(d-1); and

4-35 (C) any other funds received under this section
 4-36 were used for costs associated with implementing Section 21.3521,
 4-37 including efforts to support teachers in obtaining designations;
 4-38 and

4-39 (2) the district prioritized high needs campuses in
 4-40 the district in using funds received under this section.

4-41 SECTION 8. Subchapter D, Chapter 48, Education Code, is
 4-42 amended by adding Section 48.158 to read as follows:

4-43 Sec. 48.158. TEACHER RETENTION ALLOTMENT. (a) In this
 4-44 section, "classroom teacher" has the meaning assigned by Section
 4-45 5.001, except that the term also includes a person who is not
 4-46 required to hold a certificate issued under Subchapter B, Chapter
 4-47 21, who otherwise meets the definition of a classroom teacher under
 4-48 that section.

4-49 (b) A school district is entitled to an annual allotment for
 4-50 each classroom teacher employed by the district for which the
 4-51 allotment is provided as follows:

4-52 (1) if the district has 5,000 or fewer students
 4-53 enrolled for the school year:

4-54 (A) \$5,000 for each classroom teacher who has at
 4-55 least three but less than five years of teaching experience; and

4-56 (B) \$10,000 for each classroom teacher who has
 4-57 five or more years of teaching experience; and

4-58 (2) if the district has more than 5,000 students
 4-59 enrolled for the school year:

4-60 (A) \$2,500 for each classroom teacher who has at
 4-61 least three but less than five years of teaching experience; and

4-62 (B) \$5,500 for each classroom teacher who has
 4-63 five or more years of teaching experience.

4-64 (b-1) In addition to the amount under Subsection (b)(2), a
 4-65 school district described by that subdivision is entitled to an
 4-66 allotment in the amount equal to \$7,000 multiplied by the result of
 4-67 dividing 5,000 by 14.5 if the school district received an allotment
 4-68 in a previous school year under Subsection (b)(1).

4-69 (c) For the 2025-2026 school year, a school district shall

use money received under Subsection (b) to increase the salary provided to each classroom teacher for which the district is entitled to funding under Subsection (b) for that year over the salary the teacher received or would have received if employed by the district in the 2024-2025 school year by at least the amount received per classroom teacher under Subsection (b).

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

(e) Notwithstanding any other law, the commissioner shall exclude the funding to which a school district is entitled under this section for purposes of:

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

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

SECTION 9. Section 21.3521(c) and Sections 48.051(c), (c-1), (c-2), and (d), Education Code, are repealed.

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

SECTION 11. (a) Except as provided by Subsection (b) of this section, this Act takes effect immediately if this Act 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, the entirety of this Act takes effect September 1, 2025.

(b) Sections 48.112(c) and (d), Education Code, as amended by this Act, and Section 48.158, Education Code, as added by this Act, take effect September 1, 2025.

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